

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3
4 *****
5 THE BOGHT GEIS TRAFFIC STUDY
6 REVIEW AND APPROVAL OF AMENDED FINDINGS
7 *****

8 THE TAPED AND TRANSCRIBED MINUTES of the above
9 entitled proceeding BY NANCY STRANG-VANDEBOGART
10 commencing on June 29, 2010 at 7:54 p.m. at
11 the Public Operations Center
12 347 Old Niskayuna Road, Latham, New York 12110

13 BOARD MEMBERS:

- 14 CHARLES J. O'ROURKE, CHAIRPERSON
- 15 LOUIS MION
- 16 MICHAEL SULLIVAN
- 17 THOMAS NARDACCI
- 18 PAUL ROSANO
- 19 PETER GANNON
- 20 TIMOTHY LANE
- 21 ELENA VAIDA, Esq., Attorney for the Planning Board

22 Also present:

- 23 Joseph LaCivita, Director, Planning and Economic
24 Development
- 25 Mark Sargent, Creighton Manning Engineering
- Mark Nadolny, Creighton Manning Engineering
- Joe Grasso, Clough Harbour & Associates
- Victor Caponera, Esq.
- John Fahey

1 CHAIRMAN O'ROURKE: Last on the agenda
2 this evening is the Boght GEIS. This is the
3 review and findings with Creighton Manning and
4 Clough Harbour.

5 Joe, do you want to do a brief overview?

6 MR. GRASSO: Sure, I'll do a brief
7 overview.

8 MR. LACIVITA: I'm sorry, C.J., before
9 that is the public hearing notice.

10 CHAIRMAN O'ROURKE: I'm sorry.

11 MS. VAIDA: This is the public hearing
12 notice by the Town Planning Board, Town of
13 Colonie, Albany County, New York.

14 Notice is hereby given that the pursuant
15 to Section 276 of the Town Law, the Town
16 Planning Board of the Town of Colonie, Albany
17 County, New York, will meet and conduct a
18 public hearing at the Public Operations
19 Center, 347 Old Niskayuna Road, in said Town
20 of Colonie, Albany County, Albany, New York,
21 on the 29th day of June 2010, at 7:05 p.m. for
22 the purpose of hearing all persons upon the
23 approval, modification, or disapproval of the
24 proposed amended findings to the GEIS for the
25 Boght area traffic improvements in the Town of

1 Colonie, County of Albany. Dated
2 June 17, 2010, Latham, New York, Town of
3 Colonie Planning Board, C.J. O'Rourke,
4 Chairman.

5 CHAIRMAN O'ROURKE: Joe, that's dated the
6 17th. It should be the 29th.

7 MS. VAIDA: That's the date of
8 submission.

9 CHAIRMAN O'ROURKE: I apologize.

10 MR. GRASSO: Okay, thanks for having us.
11 With me are Mark Sargent and Mark Nadolny from
12 Creighton Manning, the traffic engineers that
13 assisted the town and CHA for putting before
14 the board tonight an amended statement of
15 findings for the Boght Road GEIS.

16 This was originally done back in 1989. It
17 was a study that looked at a number of issues
18 that the town was going to deal with as growth
19 occurred in the northeast quadrant of the Town
20 of Colonie. That study looked at projected
21 development over a 20-year planning period,
22 which would take it to 2009.

23 One of the primary components of that
24 1989 study was to look at traffic impacts that
25 would occur throughout the planning period.

1 The finds of that study included a number of
2 transportation improvements that would need to
3 be built either by the town or applicants as
4 part of their projects to address traffic
5 impacts, and to maintain what the Planning
6 Board back in 1989 considered acceptable
7 levels of service.

8 I'll take you from 1989 to 2005. The town
9 decided to have reviewed the amount of
10 development that had occurred over the past
11 15 years. They embarked on an updated traffic
12 study and commissioned with Creighton Manning
13 to do that study. The findings of that study
14 showed that the amount of development that had
15 occurred over that 15-year period was
16 dramatically less than projected in 1989.
17 Therefore, a number of those improvements
18 didn't need to be constructed. The town, at
19 that time, never felt that they needed to
20 accept or bring to resolution any new findings
21 back in 2005.

22 Since 2005, the town has received a
23 number of development applications for new
24 developments within the Boght Road study area
25 and a number of those projects are materially

1 different than what was envisioned back in
2 1989.

3 The town, again, commissioned Creighton
4 Manning to do another update to the 2005
5 traffic study, which has been an ongoing
6 process in the past couple of years. We have
7 worked with the town including the Planning
8 Board on a proposed set of transportation
9 improvements.

10 We've also worked with agencies that are
11 directly involved in the planning of
12 transportation improvements in the town. That
13 includes the New York State Department of
14 Transportation, who owns a number of roads
15 within the corridor, CDTC which is the
16 regional transportation planning agency for
17 the Capital District, as well as the CDTA.

18 What we have before us tonight is what we
19 consider the proposed traffic improvement plan
20 that will amend the proposed traffic
21 improvements that were previously approved
22 back in 1989. We do that by amending the
23 findings statement for the GEIS. What we have
24 before us tonight is a draft resolution for
25 consideration by the Planning Board that would

1 formally amend those finding statements. The
2 Planning Board was the lead SEQRA agent. This
3 is a SEQRA procedure that we're going through
4 to amend the GIS. The Planning Board was the
5 lead agent back in 1989. The Planning Board
6 continues to be the lead agent.

7 If the Planning Board chooses to adopt
8 the amended findings statement, this findings
9 statement would then go to the other involved
10 agencies which include the Town Board. The
11 Town Board is the administrator of the funds
12 and controls the amount of public monies that
13 could be brought into the process. It also
14 goes to the New York State Department of
15 Transportation for their review and adoption.
16 It will also go to the Capital District
17 Transportation Commission, the CDTC, because
18 they play a role in the implementation of the
19 improvements and the assessment of mitigation
20 fees that would be assessed for new
21 development. It also goes to for adoption to
22 CDTA as an interested agency, because there is
23 a transit component of the project.

24 We've been before the board a number of
25 times presenting on various parts of the

1 traffic improvement plan. What we've asked
2 Creighton Manning to do is kind of step back
3 and give the public, as well as the board, an
4 overall update as to the evolution of the plan
5 and the various components of it and actually
6 drill into some details of the various
7 improvements within the plan.

8 With that, I'm going to turn it over to
9 Mark Sargent and then we would like to open it
10 up to comments that we would like to try our
11 best to address tonight. If there are comments
12 and questions that we can't address, we would
13 like the opportunity to come back before the
14 board and provide more comprehensive answers.

15 With that, I'll turn it over to Mark
16 Sargent of Creighton Manning.

17 MR. GANNON: C.J., before Mark starts,
18 can I say something? Regarding the
19 presentation we're about to see, I think that
20 at least for me personally it would be helpful
21 to understand -- have you guys given time to
22 give any consideration to the reports that we
23 received last week, or if you would even see
24 that as applicable going forward with the
25 information?

1 MR. SARGENT: This report here
2 (Indicating)?

3 MR. GANNON: The Bergmann study.

4 MR. GRASSO: He's referring to the
5 Wal-Mart study.

6 Just to kind of put things in
7 context, we've been working on this study for
8 two years. Wal-Mart has been at their own
9 traffic analysis to try to address the impacts
10 of their project.

11 This report and these findings are trying
12 to address the traffic impacts associated with
13 the Wal-Mart because that's a known
14 development as well as a multitude of other
15 projects within the whole corridor. It also
16 tries to address background growth and looks
17 at traffic, not only after Wal-Mart gets built
18 which could be three or four years, but also
19 tries to look at traffic out to 2015. This is
20 a short-term scenario - as well as out to
21 2020. So it takes us 10 years into the future.

22 That said, we've had to coordinate the
23 efforts between the town's traffic engineers
24 and Wal-Mart's traffic engineers. We wanted to
25 make sure that this report was based on the

1 same trip generation estimates that had been
2 agreed to by Wal-Mart's engineers and the
3 town's TDE that reviewed that data. That was
4 Barton and Loguidice. So the data is there.

5 There are improvements here that will
6 help mitigate Wal-Mart's traffic impacts.
7 Wal-Mart which was just submitted a few weeks
8 ago, proposes a different set of improvements
9 to address their traffic impacts. Some of
10 those improvements align exactly with what
11 you'll see here. Some of them are materially
12 different. What's important to note is that
13 the Wal-Mart would still need to comply with
14 the findings statement and pay mitigation fees
15 for these improvements unless they were
16 building the same improvements that were
17 proposed here. Therefore, if they built those
18 improvements on their own, they would be
19 entitled to a credit against those mitigation
20 fees. But there is no way for us to go through
21 and look at every project on its own and
22 develop a transportation plan specific to
23 that. That's on the backs of the applicants.

24 Assuming that this gets adopted and
25 Wal-Mart is still going through their approval

1 process, they would need to prove to the town
2 what improvements they need to do that are
3 within the confines of this study, and what
4 improvements are outside the confines of this
5 study. They need to prove to the town that
6 when they open, they've adequately addressed
7 their traffic impacts by the construction of
8 those improvements.

9 Our first growth scenario is looking at
10 improvements that would be required in 2015.
11 There could be a project such as a Wal-Mart
12 that would require some of these improvements
13 to go in the ground.

14 One of our implements is the connector
15 road that extends from Route 9 over to
16 Route 9R across from Johnson Road. The
17 connector road is a short-term improvement so
18 when we looked at all of the developments that
19 we expect to hit the books by 2015, that
20 connector road would need to be built. It's
21 not to say that when individual applications
22 come in, the burden of proof is on them to
23 prove that the connector road would in fact
24 not need to be built. There are other
25 improvements that could be built to address

1 their traffic impacts. That's something that
2 they could be asked to do as they go through
3 their approval process.

4 When we talk about these improvements,
5 we're projecting improvements that would be
6 required to be built based on 2015 as a design
7 year, and then 2020. It's not to say that the
8 implementation of the plan can't be refined as
9 we move forward.

10 Say there could be movements that we
11 thought would be done in 2015. Well, there may
12 not be enough development or funds available
13 to build that improvements in 2015. It may get
14 deferred and we could determine that it
15 doesn't need to get built until later, or tie
16 it to a specific project based on that
17 project's time frame. There is that time
18 flexibility in that plan.

19 It's tough because you're trying to
20 create the exact plan and you would be hoping
21 to be able to live by the exact plan. It never
22 happens that way. This is a very regional
23 study. It's very far reaching. It's based on a
24 lot of assumptions and estimates -

25 CHAIRMAN O'ROURKE: Right, you're making

1 assumptions right now on the record.

2 Mr. Caponera is smiling. He thinks that
3 Wal-Mart is going in. He's on the phone
4 getting bulldozers.

5 MR. GRASSO: I'd like the board to
6 understand that we're trying to take a 1989
7 study and just bring it up to 2010,
8 understanding that there could be future
9 refinements as the plan gets implemented.
10 That's similar to what we have done in the
11 airport area GIS, which has been extremely
12 successful.

13 CHAIRMAN O'ROURKE: In Peter's
14 defense - Pete, you've actually hit on some
15 things that I'll hit on, but there is some
16 logic behind what you're saying in terms of
17 the traffic impact study that was presented to
18 this board last week, versus what you may see
19 tonight.

20 MR. GRASSO: That's right. With that,
21 I'll turn it over to Mark.

22 MR. SARGENT: Thank you, Joe, and board
23 members.

24 The purpose of our presentation really is
25 to summarize what's in the report. We issued

1 the draft report of the GEIS just last week.
2 We've been working on developing the
3 recommendations and reports over the last
4 couple of years. We'll provide a summary of
5 the recommendations in the report, as well as
6 a couple of the key steps that we went through
7 in the process. It will look familiar to many
8 of you because you've been working with us the
9 last couple of years.

10 Just for a show of hands, I'm curious to
11 know if this information is new. Who in the
12 audience hasn't heard about the study?

13 ***(There was a show of hands.)***

14 MR. GRASSO: So this is familiar to many
15 who have attended the previous meeting.

16 We have the overall GEIS area. The areas
17 that we have been focusing on the last couple
18 of years, subject to all the detail work, are
19 the improvements in the Route 9 area. This map
20 summarizes all the recommendations in the
21 Route 9 area. As you can see, there are a
22 number of them.

23 This map is on display in the hallway and
24 hopefully you had a chance to look at these
25 and get familiar with some of these

1 recommendations.

2 Just to orient you, Route 9 is extending
3 through the study area east and west, 9R
4 coming out to the south there (Indicating).
5 One of the improvement recommendations is this
6 connector road between Route 9 and 9R, shown
7 conceptually here as a dotted line.

8 This is just zooming in on the connector
9 road. Keeping the north arrow to the right,
10 here is Route 9 to the north of this drawing
11 (Indicating). We're just showing an alignment
12 through here tying in opposite Johnson Road.

13 It could take a different alignment
14 through here, possibly (Indicating). The idea
15 is to connect a two-way roadway through here
16 as one of the mitigation measures for the
17 development of the land in the Boght area.

18 As part of the study we had several
19 meetings. We had one with the town planners on
20 some of the land development. Some things
21 should be considered as part of the traffic
22 forecasting that was included in the update.
23 This map just shows that we looked at over 35
24 pending and speculative developments.

25 There are a number of notable

1 developments that were included in the
2 short-term. Those are shown here. Canterbury
3 Crossings, Century Hill, Shelter Cove,
4 Wal-Mart and the Mohawk Riverfront. The
5 assumption is that all of those, or just a
6 portion of those would be completed by the
7 year 2015.

8 This table summarizes the traffic
9 forecast. I'm just going to spend a minute on
10 this because I think that it's got some
11 important information.

12 Joe mentioned that the purpose of this
13 whole effort really is to update the Boght
14 area GEIS. We can see here that it documents
15 the amount of trips that were forecasted as
16 part of the Boght area GEIS.

17 Twenty years ago the town asked how much
18 of this land is going to develop? Or, if it
19 does all develop, what will it look like from
20 a traffic standpoint? How many new trips will
21 be on the road?

22 The town estimated that there would be
23 approximately 90,000 new trips occurring or
24 generated in the Boght Road area. Some of
25 those actually have occurred, but not all the

1 development might be completed at the rate
2 that was anticipated.

3 As part of our new update here, you can
4 see through to the next 10 years, we're only
5 predicting like 3,500 additional trips. You
6 can see that we believe that this is a much
7 more reasonable forecast. This line chart
8 shows the comparison in two forecasts. If you
9 look here, 20 years ago in 1989 on this
10 section of Route 9 just north of Dunsbach
11 Ferry Road, there was a daily traffic volume
12 of about 23,000 vehicles per day. As part of
13 the Boght GEIS and the build-out of the land
14 in the area, there were 9,000 trips being
15 generated. The Boght study estimated or
16 forecasted that volume from that same section
17 of roads would increase up to about 36,000
18 vehicles per day.

19 If you look at what has actually happened
20 today, 20 years later. DTV's or daily traffic
21 volumes are actually closer to 27,000 or
22 28,000 vehicles today; far short of what was
23 predicted. So we haven't seen the development
24 at the rate that was predicted.

25 This is our new forecast. You can see

1 that if we see the Wal-Mart and Chris Bette's
2 400,000 square foot development project and
3 some of the land uses that are in the current
4 update -- if we see those all happen in the
5 next 10 years, then volumes will increase to
6 about 35,000 or 36,000 vehicle per day.

7 What this tells me is that the forecasts
8 that are in our current GEIS are probably
9 optimistic. Again, if we looked at the
10 Canterbury Crossings, Wal-Mart, the build-out
11 of the Century Hill Development Park and some
12 of these other sites all together - and you
13 look back in terms of history and how much has
14 really occurred, I feel like we're being
15 conservative. So, keep that in mind as we talk
16 about the improvements that are recommended in
17 the GEIS area.

18 We have identified a number of
19 improvements, signals, turn lanes and new
20 roads. They many not actually all be needed
21 within the time frame of the study in the next
22 20 years. Some of them may not be needed until
23 further out beyond 2020, but they will be
24 needed if all of that land development occurs
25 eventually.

1 One of the issues that we did look at is
2 that part of this new connector road that was
3 recommended and how much new traffic would
4 travel on that new connector road. We worked
5 with CDTC, they ran their regional traffic
6 forecasting model and they estimated that only
7 145 vehicles trips would actually move over
8 onto that new road if it were built today.
9 They did say that it would not attract any
10 through trips from outside the area to that
11 new road. All of the new movements and the
12 existing trips traveling to Route 9R, Route 9
13 northbound, or the other direction would move
14 some of the existing trips that are already in
15 the area onto the new road. It's a relatively
16 small number by traffic engineering standards.
17 By 2020, once the additional land development
18 takes place in the area, we have estimated
19 that those will increase up to about 440 trips
20 per hour.

21 One of the measures that we look at as
22 part of the GIS is included in the document in
23 a detailed table to be summarized here
24 graphically. It's really the essence of the
25 traffic study and why we have come up with

1 these recommendations to consider this study
2 area and intersection. This graph simply
3 summarizes the levels of service under the
4 no-build condition, if we do nothing. We have
5 these 3,500 additional peak hour trips and
6 with all this land built with no changes to
7 the transportation system, we will see levels
8 of services at most of the intersections not
9 deteriorate too badly.

10 There is one critical intersection here.
11 Route 9 and 9R would degrade to level of
12 service F with two minutes of delay. That's
13 really the critical area of the study area as
14 you can clearly see.

15 From a network standpoint, traffic on
16 Route 9 - this chart shows measures of
17 effectiveness. Again, in build-out the area, I
18 think that this is also pretty compelling. The
19 first row shows total delay for cars traveling
20 on Route 9 today. Traveling northbound, there
21 are 38 vehicle hours of delay. If we don't do
22 anything to the transportation system, by the
23 year 2020 delays will essentially grow by a
24 factor of four. It goes from 38 to 173
25 vehicles hours of delay. So cars traveling on

1 Route 9 northbound and southbound will
2 experience dramatic increase in delay if we
3 don't do anything. That's the Department of
4 Transportation's biggest concern. If we don't
5 do any of these other improvements and we
6 don't build a connector road, then you'll see
7 an increase in delay by a factor or four, if
8 you're traveling on Route 9.

9 Similarly, travel speeds on Route 9 will
10 decrease substantially. We go from an average
11 operating speed of 32 miles an hour down to
12 18 miles an hour. So it's almost cutting
13 travel speed in half. That speed includes stop
14 delay. So that's the amount of time that you
15 spend in the overall delay. I think that's
16 pretty dramatic.

17 However, if the town supports the GEIS
18 and all the recommendations of the GEIS and
19 all the improvements, then delays will
20 decrease on Route 9. They will still be raised
21 somewhat over existing conditions in comparing
22 the 38 with the 85. So delays will degrade
23 over existing, but there will be a vast
24 improvement over the do nothing alternative.

25 Similarly, travel speeds will degrade

1 somewhat over existing because we're adding
2 traffic, but there will be a vast improvement
3 over the do nothing alternative.

4 There are a number of advantages to
5 pursuing recommendations in the study, and in
6 particular the connector road. The connector
7 road helps improvement service at all the
8 study area's intersections and at the critical
9 Route 9/9R intersection. It improves travel on
10 Route 9, and as you just saw in terms of
11 travel times, speeds and delays.

12 There are associated environmental
13 benefits, fewer emissions, less fuel
14 consumption and things of that nature. It
15 allows that by pursuing these recommendations,
16 the proposed development takes place in the
17 area that is already based like Wal-Mart and
18 some of the others that have already been
19 considered. It's also favorable in terms of
20 incident management. It preserves as much of
21 the capacity of Route 9 as possible. It
22 improves pedestrian connectivity in the area.

23 The recommendations in the area also
24 address DOT and CDTC concerns, which have been
25 a collaborative process of the town and other

1 agencies and their recommendations. So there
2 is an occurrence on the recommendations in the
3 GEIS currently.

4 CHAIRMAN O'ROURKE: I need to interrupt,
5 but going back to the addresses of the New
6 York State DOT and CDTC concerns, in terms of
7 what?

8 MR. SARGENT: In particular, and to
9 answer Mr. Gannon's question about the
10 Wal-Mart -

11 CHAIRMAN O'ROURKE: Forget that. That
12 assumes.

13 MR. SARGENT: One of the DOT concerns was
14 that there would be such deterioration in
15 operations on Route 9 and the signal at
16 Auto Park Drive that they wouldn't allow it
17 without an additional public access on the
18 other side of the road, such as a connector
19 road. That's in the GEIS currently.

20 CHAIRMAN O'ROURKE: Actually, they're on
21 record on a couple of different occasions not
22 wanting a light there.

23 MR. SARGENT: That's exactly what I'm
24 saying. In order for DOT to approve a light
25 there, they are requiring -

1 CHAIRMAN O'ROURKE: Additional
2 mitigating -- but it doesn't say that. It says
3 additional, but it doesn't say road across the
4 street.

5 MR. GRASSO: No, it doesn't get that
6 specific. What DOT said is that they would
7 consider a signal at Auto Park Drive in the
8 context of on overall transportation corridor
9 improvement.

10 CHAIRMAN O'ROURKE: Right. I just want to
11 be factual that DOT is not on record saying
12 that the lights won't go in unless there is a
13 connector road.

14 MR. GRASSO: That's right. That's true.

15 CHAIRMAN O'ROURKE: They said that they
16 wouldn't even consider it without it. Let's
17 just be factual.

18 I apologize. Go ahead.

19 MR. SARGENT: I'm hesitating. I don't
20 dispute that on public record.

21 MR. NARDACCI: That's the only letter
22 that I've actually seen. There is a letter
23 from DOT.

24 MR. GRASSO: The board is referring to a
25 letter that was provided from a traffic study

1 submitted by an applicant years ago that said
2 that they did not approve of a traffic signal
3 at Auto Park Drive at that time. We have had
4 many meetings with DOT that have expressed the
5 issue that Mark said. They would only consider
6 a traffic signal at Auto Park Drive if it was
7 in the context of an overall corridor
8 improvement plan.

9 At the same time they said that they do
10 not support the improvements that were
11 approved back in 1989, which included building
12 our way out. Just building Route 9 into an
13 arterial highway - basically, a seven-lane
14 highway with three lanes both ways which
15 wasn't a previously approved plan. They said
16 that they would look at another alternative
17 transportation improvement plan included in
18 that signal there as long as the study was
19 still regional and still proposed a series of
20 improvements that would still maintain traffic
21 flow, north/south on Route 9. Route 9 is a
22 critical DOT highway.

23 MR. SARGENT: Right. I agree with that.

24 I do want to get back to this final point
25 here that is consistent with best practices

1 because I think that it works well.

2 We know that there are generally
3 perceived impacts with building new roads, or
4 making connections, or not extending roads
5 that might formally have been cul-de-sacs that
6 are clearly perceived impacts to the
7 neighbors. There is, however, a significant
8 transportation benefit to having additional
9 roads put in. It allows you choices.

10 In terms of disadvantages, there are some
11 right of way impacts associated with the
12 connector road and other recommendations.
13 There are costs that have to be incurred.
14 There will be new signal delay on Route 9
15 associated with the new traffic signal. There
16 are some wetland impacts, as well as other
17 perceived impacts.

18 Bear with me for a minute as I work
19 thought this. We have spent some time with you
20 concentrating on the recommendations in the
21 Route 9 sub area of the Boght Road study.
22 Collectively however, outside of that area
23 there are a number of other intersections that
24 we haven't talked about in great detail. I'm
25 going to summarize all of them for you because

1 they are part of the entire GEIS area. They
2 are presented here very schematically simply
3 with dots on a line diagram.

4 All together, the total overall cost of
5 all of these improvements is just over
6 15 million dollars.

7 The first recommendation is for a
8 southbound right turn lane on Route 9 at
9 Century Hill Drive at a cost of \$228,000.
10 There is a little animation here, and you'll
11 see the orange dot move around the screen.

12 The second one involves the possibility
13 of widening Dunsbach Ferry Road at Route 9
14 through a side by side turn lane. The left
15 turn lane and a right turn lane.

16 There are other alternatives including
17 the possibility of restricting left turns out
18 and also the do nothing alternative. The do
19 nothing alternative at that intersection is
20 still a valid alterative.

21 The current study talks about monitoring
22 that intersection, and seeing which one of
23 these makes sense for the future. The GEIS
24 clearly shows that within the time period of
25 this study, that intersection will operate

1 fine and it will begin to approach level of
2 service E, or F - borderline condition.

3 It's also the recommendation for the
4 connector road that costs just over five
5 million dollars. There are recommendations for
6 turn lanes at old Loudon road and Route 9R
7 that cost 1.5 million dollars. There is a
8 recommendation for a roundabout possibly at 9R
9 and Baker Avenue and Boght Road for \$937,000.
10 There is a possibility for a roundabout or a
11 signal at 9R and Columbia Street and
12 Baker Avenue at 1.473 million dollars. There
13 is a recommendation for turn lanes at Haswell
14 and Swatling for \$143,000. The recommendation
15 at Old Loudon Road/Cobbee Road is a traffic
16 signal at \$306,000. Old Loudon Road and
17 Latham Ridge Road includes the installation of
18 a signal, as well as a turn lane for \$867,000.
19 The improvements to the Route 9/9R that we
20 have talked about in great detail include the
21 condition of a westbound through lane for
22 \$510,000. The Route 9/Boght Road/9R northerly
23 intersection includes turn lanes westbound and
24 eastbound turn lanes. In the short-term plus
25 the north bound right turn lane for

1 \$1,031,000. In the long-term there is an issue
2 of a northbound right turn lane recommended
3 for \$237,000. It's also additional pedestrian
4 striping and signal modifications recommended
5 at Century Hill Drive here for \$102,000. The
6 roundabout has already been constructed at
7 Johnson and St. Agnes. This is a current cost
8 of what was actually constructed, but less
9 than this \$927,000. The Boght/Haswell/Elm
10 Street intersection was recommended for a
11 signal when built out of \$117,000. Johnson and
12 Miller intersection also includes a signal of
13 \$306,000. Baker and Vliet Boulevard includes a
14 signal at \$357,000 potentially. There are also
15 some transit recommendations including the
16 possibility with transit waiting areas and
17 supplement to some of the intersections
18 including those four operations for \$250,000.

19 To summarize, these are the
20 recommendations of the current Boght update as
21 well as previous 2005 update and that
22 concludes our presentation.

23 I'll be happy to take your comments.

24 MR. GRASSO: I'd like to add just as a
25 follow-up to what Mark went through in terms

1 of the cost of the improvements. In the
2 statement of findings, we actually created a
3 table that showed all the improvements that
4 were previously proposed back in 1989. We took
5 the cost of each of those improvements from a
6 1989 construction cost to a 2010 construction
7 cost by applying an inflationary index. Along
8 side of that table we listed all of the
9 currently proposed improvements along with the
10 estimated cost of those improvements so that
11 you can get a side by side comparison
12 regarding what was contemplated in 1989 and
13 the cost thereof, as well as what is currently
14 proposed.

15 Just in terms of the overall capital
16 improvement plan of all the improvements in
17 the 1989, it's important to note that they
18 totaled \$21.4 million dollars, approximately
19 in 2010 construction dollars. Like Mark said,
20 if you look at all of the improvements
21 currently on the table it's a little bit over
22 15.5 million dollars. So, the plan is
23 generally consistent from a construction cost.

24 The method of mitigation fees assessed on
25 the project is a little bit different. The

1 current system of assessing mitigation fees is
2 based on a per square foot basis based on
3 commercial, or industrial uses, or per unit
4 basis for residential uses. A system that we
5 will use with the assessment of mitigation
6 fees is by looking at the actual trip
7 generation of each development as it comes in
8 and goes through the Planning Board review
9 process. It assesses the amount of reserve
10 capacity that each development uses out of
11 each of these identified improvement areas.
12 Whether it be a road, or a turn lane, or a
13 traffic signal, the amount of reserve capacity
14 used up by that project gets calculated into
15 the percentage of fee that will be charged for
16 that improvement. That's the same system that
17 the town has used successfully in the airport
18 area GEIS, and that calculation is done by
19 CDTC. So it's done by an independent agency
20 that operates the traffic model. So I just
21 wanted to make the board aware of that as
22 well.

23 CHAIRMAN O'ROURKE: Thank you, Joe.

24 Thank you Mark.

25 I'm actually very concerned that there is

1 not more people here listening to this
2 tonight. Again, this is very important in
3 terms of the taxpayers and I'm a little
4 concerned that more people did not come out
5 tonight to have questions.

6 Joe, can you tell me what the percentage
7 of the public funding is?

8 MR. GRASSO: Back in 1989 the estimate
9 was 80% private funding and 20% public. So the
10 80% would be funded by development that takes
11 place within the corridor. The other 20% would
12 be - the value of the impacts caused by
13 background growth or an increase in ownership
14 of vehicles, or whatever within that study
15 area.

16 As of right now, we are expecting a
17 similar 80/20 split. So 80% private and 20%
18 public. That's what we've included in the
19 statement of findings. The agency that
20 validates that number for us is CDTC. Again,
21 when they look at their model and they look at
22 the cost of the improvements and the impacts
23 for the need for those improvements based on
24 development within the study area, they will
25 validate that number. It could be 75/25 or it

1 could be 70/30. Whatever it is, that could
2 change over time. But we generally expect
3 things to be in that 80/20 range.

4 CHAIRMAN O'ROURKE: Do you know or maybe
5 Joe LaCivita knows. Do you know what the
6 balance of the fund is right now?

7 MR. LACIVITA: I don't know.

8 MR. GRASSO: I don't know. We don't get
9 those records from the town.

10 CHAIRMAN O'ROURKE: Joe, could you find
11 out for the board what the balance in the
12 Boght GEIS fund is?

13 MR. LACIVITA: Okay.

14 CHAIRMAN O'ROURKE: I would appreciate
15 it.

16 MR. SARGENT: Mr. Chairman, I just want
17 to address your other comment about DOT's
18 position on the signal. You were absolutely
19 right. I want to read what's in the study.

20 CHAIRMAN O'ROURKE: That happens every
21 now and again.

22 MR. SARGENT: It says several meetings
23 were attended by representatives of DOT, CDTC
24 and CDTA. During the course of these meetings,
25 DOT indicated that the installation of the

1 traffic signal at the Route 9/Latham Auto
2 Park/Old Loudon Road intersection would only
3 be considered if it presented an overall
4 benefit to network operations in the study
5 area and not recommended for the exclusive
6 improvement of access to commercial and office
7 land uses On Latham Auto Park Drive.

8 CHAIRMAN O'ROURKE: That's what I thought
9 it to be.

10 Now this assumes that Auto Park is a town
11 road, correct?

12 MR. GRASSO: It doesn't really hinge on
13 whether or not Auto Park Drive is a public
14 road. It does assume that all the adjoining
15 properties along Auto Park Drive would be able
16 to use Auto Park Drive to access Route 9 at
17 the signal. So the traffic study assumed that
18 those adjoining properties would feed traffic
19 on Auto Park Drive and hit Route 9 at the
20 traffic signal. It needs that level of
21 control. If for some reason Auto Park Drive
22 wasn't a public road and access to Route 9 was
23 blocked at the proposed signal location, that
24 would in effect require a different set of
25 improvements to address. That's if the same

1 amount of traffic still came out of the
2 developments that we anticipated.

3 CHAIRMAN O'ROURKE: So Auto Park Drive
4 right now - there is a standing offer of
5 dedication on that road. If the town were to
6 take that, is that part of this overall study?
7 Are funds going to be applied to that road?

8 MR. GRASSO: Funds are not being applied
9 to the road as it exists today.

10 CHAIRMAN O'ROURKE: It is not?

11 MR. GRASSO: It is not.

12 I think that there is a turn lane on Auto
13 Park Drive, and the signal, and then some turn
14 lanes on Route 9.

15 CHAIRMAN O'ROURKE: And that's not split
16 out.

17 MR. GRASSO: Mark, do you understand the
18 question that's being asked?

19 MR. NADOLNY: I believe that the
20 improvements - the number of 5.4 million
21 included the turn lane -

22 MR. GRASSO: What he wanted to know is if
23 there are separate costs for those
24 improvements, versus the connector road. The
25 turn lanes on Route 9, the turn lane on

1 Auto Park Drive - is that broken out
2 separately from the connector road? I believe
3 that it is.

4 MR. NADOLNY: I believe that it is
5 itemized, but it's not in the report itemized.
6 It's probably in the appendix itemized.

7 CHAIRMAN O'ROURKE: Now as part of this
8 study Shelter Cove and Mohawk are both outside
9 the GEIS.

10 MR. NADOLNY: That's correct.

11 MR. GRASSO: Anything north of the bike
12 path is outside the GEIS study area. You bring
13 up a good point. The traffic from those
14 projects are included in the analysis. The
15 assessment of the fees are not. Typically, if
16 a project is outside the GIS study area,
17 generally the Planning Board doesn't require
18 them to pay mitigation fees. It's not to say
19 that based on our experience working with
20 other municipalities, sometimes when projects
21 are outside they do contribute a portion of
22 mitigation fees. That's as long as you can
23 build a nexus between that project and their
24 fair share of contribution. That's kind of a
25 separate thing that you look at on a project

1 by project basis as it comes before the board.
2 But the traffic from those projects has been
3 included.

4 CHAIRMAN O'ROURKE: Before I get into
5 some linkage things, this GIS is actually
6 assuming, which again, as part of the
7 findings -- I see Wal-Mart included in there.
8 So it's assuming that Wal-Mart is being built.

9 MR. GRASSO: It's assuming that the
10 amount of traffic -- I mean we've used the
11 name Wal-Mart in there. Whether or not it's a
12 Wal-Mart or some other use, we're assuming a
13 certain amount of trips coming out of 4 and
14 6 Auto Park Drive. It could be a Wal-Mart. It
15 could be some other retail use.

16 CHAIRMAN O'ROURKE: And I'm just talking
17 about for posterity.

18 MR. GRASSO: Right, and what we try to do
19 is base it on the best information that's been
20 provided to the town in terms of applications.
21 There are other specific projects -

22 CHAIRMAN O'ROURKE: I've sat in many of
23 these meetings that we had initially with Mark
24 Kennedy, Dave Jukins. Everybody was at a few
25 of these meetings. One thing that no one has

1 ever been able to answer me in terms of my
2 reasonableness is that I think that everyone
3 would concur that the traffic issue in this
4 corridor is a north/south issue. I look at the
5 pros and cons of the connector road. There is
6 no way that an eastbound solution -- because
7 there is no westbound on the connector road or
8 very limited westbound -- that the solution to
9 the north/south problem is eastbound or a
10 little bit of westbound obviously to get back
11 to 9 and Johnson. So nobody has ever been able
12 to answer that.

13 MR. GRASSO: If you give us an
14 opportunity, we'll try to answer it. You want
15 to describe what the connector road does in
16 term of trying to address -- because he's
17 right about the north/south movement of
18 Route 9 and the delays experienced at those
19 intersections.

20 MR. SARGENT: At a previous meeting we
21 did bring the traffic simulation models that
22 illustrated the changes in operation clearly
23 showing a benefit of the connector road. The
24 primary benefit has to do with the conflict
25 here. We talked about the p.m. peak hour and

1 that northbound traffic on Route 9 is a
2 primary flow pattern, as well as the traffic
3 coming off this ramp and making a left and
4 heading north. So that's the primary traffic
5 flow pattern that you're talking about. It's a
6 northbound movement.

7 However, there are south bound left turns
8 that are in conflict with that. Those impeded
9 the northbound traffic. If you could pull out
10 those left turns and have them occur up here
11 (Indicating), that relieves capacity here, and
12 that builds in more green time for northbound
13 traffic to flow. So, by moving your east/west
14 traffic to another point, it's no longer in
15 conflict with your primary northbound flow.
16 Then, you've given the northbound an
17 opportunity -

18 CHAIRMAN O'ROURKE: But that could be
19 accomplished, as we saw last week, without a
20 connector road. Unfortunately I don't own
21 Parcel 28. If I did, at an 80/20 split at
22 5.4 million, the taxpayers of this town are
23 writing that property owner a check for
24 1.2 million dollars payable to property owner
25 Parcel 28.

1 MR. SARGENT: I don't know if the board
2 saw last week, but I understand that there is
3 an additional right turn lane recommended here
4 (Indicating).

5 CHAIRMAN O'ROURKE: There is actually an
6 additional through - an additional right.
7 Southbound, it's extending by 100 feet.

8 MR. SARGENT: The length won't do much in
9 terms of capacity.

10 CHAIRMAN O'ROURKE: But what those
11 additional improvements did is allow the
12 signal timing to be such that it alleviated
13 the north/south issue. Again, this is just a
14 piece of the corridor. My only contention is
15 that before I spend 1.2 million dollars of the
16 taxpayers' money, I want to ensure that is the
17 best alternative. In my opinion, and again,
18 I'm one of eight, that east/west connector
19 road - what it does is mitigate the wetland of
20 a property owner and pays him 1.2 million
21 dollars from the taxpayers.

22 MR. SARGENT: I have two thoughts. One is
23 that the Wal-Mart study - there may be a
24 scenario where a turn lane could mitigate
25 Wal-Mart's traffic. I won't dispute that but

1 there are 35 other developments that were
2 looked at as part of the GIS area. This
3 connector road isn't for Wal-Mart. It's for
4 all the development in the Boght Road area.

5 The second thing is a right turn lane
6 here provides very little benefit because
7 right turns can already occur here
8 (Indicating). I would venture to say that by
9 building a right turn lane here - there is a
10 potential that you could actually add traffic
11 to that intersection because people that are
12 taking a right, unsignalized today - they
13 might actually move -

14 CHAIRMAN O'ROURKE: Making a right where?

15 MR. SARGENT: Heading north out onto
16 Route 9.

17 CHAIRMAN O'ROURKE: From Old Loudon.

18 MR. SARGENT: Onto 9, northbound.

19 There is already an opportunity for them
20 to make a right turn. That movement isn't in
21 as much conflict at this intersection. That
22 right turn lane that's being added is not one
23 of the conflicting movements of the primary
24 northbound movement with that intersection.
25 It's a southbound left. That's the primary

1 conflict. This connector road benefits the
2 southbound left.

3 CHAIRMAN O'ROURKE: See, I respectfully
4 disagree with what you're trying to sell me.

5 MR. SARGENT: It's not a sell.

6 MR. ROSANO: Mark, southbound on Route 9
7 from Century Hill down to 9R - is it fair to
8 say that most of that traffic is going to get
9 on the Northway? Coming out of Century Hill
10 and coming out of those projects? I would
11 think that most of that traffic is either
12 going to keep going south or get on the
13 Northway.

14 CHAIRMAN O'ROURKE: It depends on what
15 time of day.

16 MR. GRASSO: You're right. Most of it
17 will either go south -

18 MR. ROSANO: Because I don't see the
19 benefit of going south - going east/west on
20 the connector road at that point. I know that
21 we're talking years out.

22 CHAIRMAN O'ROURKE: No, this is part of
23 short-term.

24 MR. GRASSO: You could even look at
25 existing conditions. The percentage of

1 vehicles making a left when it gets down to
2 Route 9 is low. It will always be low. That's
3 not the point. The point is that if you can
4 take those few trips, the 100 trips or
5 whatever out of that intersection, you can
6 briefly increase the green time that you can
7 give other movements.

8 CHAIRMAN O'ROURKE: I respectfully
9 disagree, because if you've lived in this area
10 and you make the mistake to want to go to
11 Cohoes at 4:00 in the afternoon, then you
12 ought to wait six minutes. I just don't think
13 that there is a benefit to the connector road,
14 in my opinion.

15 To get into something else, in terms of
16 the linkage improvements, one other thing that
17 you stated is the improved pedestrian
18 connectivity. I don't understand how that
19 improves pedestrian connectivity. There are
20 not even sidewalks in this area.

21 MR. GRASSO: But those improvements are
22 included to increase pedestrian
23 accommodations. That's again, one of the
24 things that agencies like DOT, CDTC and CDTA
25 require as part of this plan. They don't just

1 want us building for a vehicle, or building
2 ourselves out of development. That's what
3 typically occurs. They want a comprehensive
4 solution that looks at multimodal modes of
5 transportation including people on bikes,
6 people walking, and transit.

7 CHAIRMAN O'ROURKE: Again, they are on
8 the record with what's already happened and
9 occurred in this area. There are no sidewalks.

10 MR. GRASSO: I understand.

11 CHAIRMAN O'ROURKE: So they can't tell us
12 one thing and then for 15 years have done
13 something else and then tell us as a town and
14 taxpayers of this town that oh, well, we
15 changed our mind. What is it? I just look at
16 it and I don't see pedestrian connectivity
17 improvement unless we're going to go to
18 whoever owns Hess and tell them that we're
19 going to take some of their property, right?

20 MR. SARGENT: There are accommodations
21 for improved pedestrian crossings, as they do
22 not exist today. There are also
23 recommendations for pedestrian linkages so
24 that people can walk from a bus stop to some
25 of the other uses, or from some of the offices

1 to some of the other uses in the area. So
2 there are recommendations in the plan to begin
3 to create some of these pedestrian
4 improvements.

5 CHAIRMAN O'ROURKE: Before I open it up
6 to the rest of the board, the linkage
7 improvements, again, I have difficulty with
8 linkage improvements that aren't on our roads.
9 I'm not sure and Mr. Nemith is not here. I'm
10 not sure if Mr. Caponera can speak for him,
11 but to provide two way accesses on Auto Park
12 Drive - it's Mr. Nemith's property. I'm not
13 sure that we should be including privately
14 held roads.

15 MR. SARGENT: Some of those are required
16 as part of previous improvements - previous
17 site plan approvals require keeping some
18 connections on a number of these properties.

19 CHAIRMAN O'ROURKE: Some.

20 MR. SARGENT: These other ones are
21 consistent with the idea of making more
22 connections, giving people choices so that
23 they don't need to travel out onto Route 9 to
24 go to the signal to travel back down Latham
25 Auto Park Drive.

1 CHAIRMAN O'ROURKE: Part of the findings
2 that the board is being asked to adopt
3 involves -- on one project we just granted
4 open development. That means he owns the
5 private infrastructure. It talks about
6 constructing a connector road from Latham Auto
7 Park to Century Hill. That road has been
8 built, but it's been built privately.

9 MR. GRASSO: And that's okay. This plan
10 talks about that the connection be there. It
11 doesn't have to be a public road. We're not
12 collecting fees for it, but the connection
13 should be there. If the development takes
14 place as it's envisioned on Auto Park
15 Drive - you already have Century Hill Drive
16 and Auto Park Drive. That connection should be
17 there.

18 CHAIRMAN O'ROURKE: I'm trying to protect
19 Mr. Nemith in terms of his right to own his
20 road. I'm not sure that the town ever wants
21 Auto Park.

22 MR. GRASSO: All we're saying is that if
23 the development takes place - if Auto Park
24 Drive never develops, then there may not be
25 any reason to add -

1 CHAIRMAN O'ROURKE: It's been there a
2 long time and I'm not sure that the town wants
3 it.

4 MR. GRASSO: We're trying to base our
5 findings on a certain set of development
6 assumptions. That includes the development of
7 the Bette's property at 3 Auto Park Drive and
8 it includes development on 4 and 6 Auto Park
9 Drive. It looks at that. Those are things that
10 the town assumes are going to take place.

11 CHAIRMAN O'ROURKE: Right, and maybe I'm
12 just not understanding the entirety of the
13 GEIS.

14 MR. GRASSO: I'll give you an example
15 because I guess this borders on infringing on
16 property rights.

17 If 4 and 6 Auto Park Drive get developed,
18 for this board to deem that it's consistent
19 with the statement of findings, they will need
20 to provide rights of access through those
21 lots. The lot at 950 Route 9 - there is a
22 cross connection shown so that vehicles at
23 950 Route 9 would be able to access Auto Park
24 Drive by going through 4 and 6 Auto Park Drive
25 to the Wal-Mart parcel. That's one of the

1 findings here.

2 Just like this plan shows rights of
3 access going through 3 Auto Park Drive. There
4 is a subdivision plan on file for 3 Auto Park
5 Drive that shows an ingress/egress easement
6 through that property.

7 CHAIRMAN O'ROURKE: There is also an
8 amended subdivision plot, right?

9 MR. GRASSO: Right.

10 CHAIRMAN O'ROURKE: So this is touchy in
11 terms of property rights. I don't want to take
12 any of Mr. Nemith's property rights. I think
13 that it's important that this board protect
14 him.

15 MR. GRASSO: And if the board wants to
16 take out a certain set of improvements off of
17 this plan, then the board has the right as the
18 lead agency and should let us know and we can
19 take it off the plan. If it doesn't get
20 supported by the other agencies, then we'll
21 come back and say the other agencies didn't
22 support the plan because they have these
23 issues with it.

24 We know from meeting with CDTC and DOT
25 that these cross connections between

1 properties is extremely important to these
2 agencies. They feel that it's needed in terms
3 of access management of the Route 9 corridor
4 and they want controlled access to Route 9
5 from the adjoining properties. This plan tries
6 to build in some of those features.

7 CHAIRMAN O'ROURKE: In my opinion, I'll
8 be more than happy to entertain anything that
9 the owner of Parcel 28 comes before this board
10 with instead of us mitigating his wetlands by
11 putting a road through and giving him three
12 buildable lots at the taxpayer's expense. It
13 just doesn't make sense to me. When he wants
14 to develop it, then the road goes in, in my
15 opinion. Right now, I just don't see the need
16 for the connector road. I don't think that it
17 solves any problems. It's a north/south
18 problem in my estimation, and I just
19 respectfully disagree with the findings that
20 are being submitted to us.

21 A lot of work went into the Bergmann
22 study and I worked very closely with people at
23 Barton and Loguidice in terms of does it
24 mitigate the traffic that this development
25 puts in? It certainly does. Wal-Mart has been

1 given the go ahead to move forward with
2 conceptual plans now that the traffic has been
3 mitigated. That's certainly in terms of this
4 area, in particular, this part of the corridor
5 that certainly is over almost 1,000 trips;
6 give or take. That's Wal-Mart at the p.m.
7 peak. If that were to happen, what this in
8 effect says is that Wal-Mart has spent money
9 on the Bergmann study and if Wal-Mart were to
10 go in and they can prove that they're not
11 going to use the connector road, they don't
12 have to pay mitigating fees. So the only
13 people paying mitigating fees are the
14 taxpayers. They just spent a lot of money, am
15 I right? They just proved that they don't need
16 the connector road last week. They don't need
17 the connector road to put Wal-Mart in.

18 MR. SARGENT: I think that any one of the
19 35 developments make a case for not needing a
20 certain improvement. That's not unusual. Any
21 single development can usually get under the
22 radar. It's the accumulation of all
23 developments because there is a need for all
24 the improvements. So that is one of the
25 problems with the traffic process. There are

1 small increases in delay.

2 MR. GRASSO: I think that with the
3 Wal-Mart, their traffic improvement plan
4 included a traffic signal at Route 9.

5 CHAIRMAN O'ROURKE: That's correct. Well,
6 signal and half signal.

7 MR. GRASSO: I'll stick with the signal
8 for right now. So Wal-Mart proposed a traffic
9 signal. I don't know that DOT can approve a
10 traffic signal at Auto Park Drive - if that
11 can support a Wal-Mart application without
12 another traffic improvement plan that looked
13 at the bigger picture corridor management
14 along Route 9.

15 That's what we have before you.

16 CHAIRMAN O'ROURKE: Joe, I agree. I'm
17 just playing devil's advocate. Mr. Caponera is
18 a very smart guy. He's going to come back with
19 Wal-Mart and say hey, we spent money on the
20 traffic study and we don't need the connector
21 road so why are you going to jam up Wal-Mart
22 with the cost of the connector road?
23 Obviously, it's going to be difficult for this
24 board not to say that 80% of the trips coming
25 across from Cohoes are going to be attributed

1 to that building. So, it just becomes
2 contentious in my opinion.

3 MR. GRASSO: I would assume that based on
4 CDTC's model, a certain number of the Wal-Mart
5 trips would use the connector road and they
6 would be assessed a fee to pay a portion of
7 that.

8 CHAIRMAN O'ROURKE: Okay, I've taken up
9 much too much time.

10 Tom?

11 MR. NARDACCI: First of all, I just want
12 to say that I do appreciate all the effort
13 that has gone into this study and all the time
14 that we spent talking about this over the last
15 two and a half years. I mean, it's the one
16 thing that we spent the most time on. I know
17 that we still have a lot of catching up to do
18 and a lot of self education, listening, and
19 trying to really understand the traffic issues
20 in this area. I think that I've spent a lot of
21 time really trying to come to grips with the
22 situation.

23 I also think that there are some things
24 that I've said pretty consistently throughout
25 these meetings where I talk about issues with

1 the connector road.

2 The intersection of Dunsbach Ferry - I
3 don't agree that doing nothing is acceptable.
4 If we come to a meeting and say we may down
5 the line say no left hand turn, then I think
6 that we have a responsibility to ensure that
7 we prioritize the impacts and mitigating those
8 impacts. I know that there were some suggested
9 plans that were part of this and I'd like to
10 see that moved up closer. It's not a long-term
11 study. It's something that we should address
12 directly and prioritize.

13 There are a lot of folks that live in
14 that neighborhood and with the schools there I
15 think that we have the responsibility to
16 ensure that we make improvements that don't
17 hinder their daily lives. It's just a comment
18 and I've made it three or four times. I don't
19 know if it's getting trough.

20 MR. GRASSO: It is and we heard you. Mark
21 said that no improvement is necessary. It is a
22 long-term improvement that we would realign
23 Dunsbach Ferry Road and monitor traffic
24 operations. Then there are a couple of other
25 options that we could include. We could

1 restrict left turns and developing separate
2 right turn lanes. We do include the cost of
3 that improvement in our traffic improvement
4 plan. We just don't think that based on 2015
5 that those improvements would be required. It
6 is included in the long-term plan.

7 MR. NARDACCI: My response would be that
8 I think that it's something that we should
9 look at and open it up. I hate to have the
10 folks that live there one day be hit with not
11 being able to get out. I think that it's
12 something that we should look to address. It's
13 consistent with what this board has done with
14 all projects that are impacting specifically
15 residential areas.

16 The connector road - I really have tried
17 to review all the information and try to fully
18 understand the case for the connector road.
19 I'm just going to tell you straight. I don't
20 agree with it and I'll go a step further. If
21 it's included in the improvements, I can't
22 support it. I just want to be absolutely clear
23 on my opinion on that. I'll tell you why. It's
24 not realistic, first. You even said it tonight
25 that there are many improvements that were

1 recommended in the 1989 EIS that were never
2 built. That said, the connector road is an
3 improvement that looks good on paper that will
4 never be built. The town's cost alone, if it's
5 20%, is over a million dollars. Where will the
6 Town of Colonie get a million dollars to build
7 this connector road?

8 MR. GRASSO: Typically, the town does not
9 incur that full public share. I mean I could
10 provide some data -

11 MR. NARDACCI: Well, there are some other
12 transportation funds. Whatever the state and
13 federal resources are, but that's money.

14 MR. GRASSO: It's public money. I'm not
15 going to lie.

16 MR. NARDACCI: And money that's taken
17 from other transportation needs from the town
18 that they would have to allocate for that
19 project.

20 That said, that's first. I think that
21 it's something that we'll put on paper that
22 we'll try to explain away. I understand the
23 plan. Try to find ways to divert traffic.
24 You've shown tables that show that there are
25 diversions and this helps certain

1 intersections. It looks good on the plan.

2 To be clear, I don't think that it's
3 reality. I think that when we sit here and
4 don't view in reality, then we're doing a
5 disservice 10 years from now. We have a
6 responsibly to be the students. Ten years from
7 now, I'm not going to be sitting here, but I'm
8 going to be driving up and down this section
9 of town and so are my neighbors.

10 In addition, you're dealing with private
11 land owners. Right away there are so very many
12 variables in addition to just the costs alone.
13 Who knows? The developer or owner of the
14 parcel may not want it. Where the right of way
15 needs are, it many not happen. There are just
16 so many variables.

17 MR. GRASSO: Can I just step into this?

18 MR. NARDACCI: Let me just make two more
19 points and you can rebut everything I said.

20 On paper, this plan provides DOT with a
21 backdrop to say, here is the overall plan that
22 creates a four-way intersection. This is
23 something that we talked about since day one;
24 the two-way old Loudon Road. Now, there is
25 this one. You know what? An applicant can come

1 in and they have the signal and they have a
2 study that proves it and they're submitting
3 that study to DOT. Let DOT make a decision on
4 their study. Why should we provide an overall
5 view that planning wise is good but it's
6 unrealistic? It gives DOT the backdrop to say,
7 okay, Colonie has a long-term plan to build
8 this connector road which creates that
9 four-way intersection.

10 Specifically with Wal-Mart, they have a
11 traffic study that says they don't need it.
12 Let DOT decide. We just reviewed it last week
13 and it was very in depth, based on Barton and
14 Loguidice comments. Now the next step is to go
15 to the state and let that conversation happen.
16 It's just last week so obviously they haven't
17 heard back on that. I think that it's
18 premature for us to say, here's the plan.

19 Let's be realistic. This connector
20 road - it's about 35 parcels, but it's about
21 Wal-Mart. That's the number one major
22 development in this area. We're trying to
23 mitigate some of those traffic concerns. If we
24 have a study - another well known and well
25 respected engineering firm that says these are

1 the mitigating things that we can do, then I'd
2 like to hear back from DOT.

3 Now conversations with DOT - there was
4 one letter from DOT that's half a year old. We
5 haven't seen anything else from them. Meetings
6 are fine, but I'd like to see it in writing.

7 The other thing is in our own estimation;
8 we say that the connector road is a short-term
9 improvement. So what that means by short-term
10 improvement is that this connector road has to
11 be built in the short-term. The fact is that
12 we're all sitting here saying that this is a
13 short-term improvement, but we're all saying
14 that it's likely not to be built in the
15 short-term. I think that's short sighted.
16 Because if we're saying that this is
17 short-term improvement, we shouldn't then say
18 well each applicant is going to come in and
19 make the case that they don't need that road
20 or they can get around it. At what point do we
21 say well, it's necessary? The 35th developer?
22 The 35th parcel? So if we're saying it's a
23 short-term improvement, we need to mean that
24 and make sure that it's short-term. I think
25 that by saying that it's short-term and then

1 saying well, it's probably not going to be for
2 a long time now is not realistic. I don't
3 think that it's fair.

4 Those are really my three points. I don't
5 know how much clearer I can be. I've been
6 involved from the get go with this. I've been
7 in many meetings and not just here. Joe, I sat
8 down a long time ago trying to get my arms
9 around this whole issue. I mean, that's really
10 where I stand on it. I think that we have to
11 keep trying.

12 MR. GRASSO: I'm just going to jump in
13 here for a minute. I appreciate your comments
14 and I think that both you and C.J. have
15 articulated your concerns very well.

16 I'll start with the connector road. We
17 have identified it as a short-term improvement
18 because we think that if the development that
19 we expect by 2015 occurs, we want to see the
20 type of improvement to the system. We've shown
21 in terms of improvement of levels of service
22 that we think that the connector road is an
23 important part of that.

24 In terms of the scope of the connector
25 road. Yes, it bifurcates Parcel 28. It may

1 increase the development value and it may well
2 have impacts associated with it that need to
3 get mitigated. I think that we have a five
4 million dollar cost. It's a long road and it's
5 going through undeveloped area. It's not out
6 of context with what the town has done in
7 other areas.

8 If you looked at the realignment of
9 Albany-Shaker Road and Watervliet-Shaker Road,
10 that's over a 40 million dollar improvement
11 project which cut up dozens of properties and
12 took right of way. It was a very difficult
13 plan to implement, but the town was very
14 successful on it. It required a large
15 contribution of public funds through other
16 state and federal funding sources. Some town
17 funds, albeit minimal, but it involved a very
18 large project that involved many, many private
19 land owners and required right of way.

20 If you look at the extension of Wade Road
21 from Route 7 to Sparrowbush Road -

22 MR. NARDACCI: Do we really want to go
23 there?

24 MR. GRASSO: All I want to do is talk
25 about some facts. There were some improvements

1 that were identified in the airport area GIS.
2 It affected primary two property owners for
3 development.

4 CHAIRMAN O'ROURKE: It will take 10 years
5 for the town to recover from Phil Pearson.

6 MR. GRASSO: You're talking having
7 improvement valued at two or three million
8 dollars.

9 MR. NARDACCI: I reviewed a lot of
10 paperwork in regards to that. It was very
11 interesting.

12 CHAIRMAN O'ROURKE: Very interesting.

13 MR. GRASSO: I'm just saying that these
14 types of improvements have been part of
15 previous GIS' before the town.

16 MR. NARDACCI: Thanks. I wanted you guys
17 to be clear on where my head is and I don't
18 belittle your work. I think that it's a
19 tremendous amount of detail and you've
20 listened. When we express concerns about
21 Parcel 28, just at that point, the pencil is
22 down for me and I just have to say this is
23 where I'm at.

24 CHAIRMAN O'ROURKE: Paul?

25 MR. ROSANO: Joe, let me just give you a

1 scenario.

2 I'm the owner of parcel 28. You propose
3 to build a road through and it's going to make
4 me pretty rich eventually. I don't want to pay
5 any money for the next 10 years. What if I
6 just sit there and don't develop the property?
7 Who is going to pay for the road in its
8 entirety? What people are going to end up
9 paying for that? With the 80/20, who is the
10 80%?

11 MR. GRASSO: The developments that take
12 place within the corridor would be assessed a
13 corresponding fee for a part of the road.

14 MR. ROSANO: But he's not paying any
15 money. Is he part of that 80%?

16 MR. GRASSO: He is part of that 80%.

17 MR. ROSANO: If he does not develop at
18 all - this is if he doesn't do a thing.

19 MR. GRASSO: That's right. So you're
20 saying if only 75%, or whatever, of the
21 development takes place that was going to fund
22 it, the town could say another project has to
23 build that connector road, or other funding
24 sources could be brought in to cover that
25 shortfall. That happens all the time. All the

1 development that you expect to occur, doesn't
2 occur, but the improvements are still required
3 to move forward.

4 The Planning Board could say Wal-Mart,
5 for your project to move forward, you need to
6 be consistent with the statement of findings.
7 Your traffic is going to require that
8 connector road to be built. It's got to be
9 built by your project.

10 CHAIRMAN O'ROURKE: And then they're
11 going to sue us.

12 MR. ROSANO: Did Victor just fall off his
13 chair? I don't want to look out. Is he still
14 sitting there?

15 MR. CAPONERA: I'm still sitting here.

16 MR. GRASSO: It's happened. That scenario
17 has happened.

18 CHAIRMAN O'ROURKE: Thanks, Paul.
19 Lou?

20 MR. MION: Nothing at this time.

21 CHAIRMAN O'ROURKE: Tim?

22 MR. LANE: I was kind of sitting on the
23 fence on this and I think that we have to
24 spend some more time looking at this. I'm not
25 ready to accept these full findings.

1 As C.J. said and I think Tom has said, it
2 looks good on paper, but when you put it in
3 that context -- you just said it. We're going
4 to approve something that's going to put this
5 on other people's shoulders and I don't know
6 how comfortable that I am with that, myself.

7 All the other improvements I see need to
8 be done will have to be done. I mean, the
9 development that's coming in here is enormous.
10 But I see my other colleagues have well
11 thought out arguments about why this
12 particular item may not serve and actually
13 causes for some concern down the road. That
14 said, we may need to basically work on this
15 one.

16 I don't have any questions. Like I said,
17 I was sitting on the fence. I was up and down
18 looking at this and really not fully grasping
19 it. As Tom said, this is a lot to quantify.

20 MR. GRASSO: This is very complex.

21 CHAIRMAN O'ROURKE: And it's real money
22 and it's developers. Out of 15 million
23 dollars, we lower it to 10 million. We're
24 going to ensure that the development of the
25 parcels within this GEIS are probably done.

1 MR. GRASSO: I will say that back in
2 1989, seven members approved a plan. The
3 21 million dollar plan. The Planning Board was
4 lead agency. The town has a responsibility to
5 implement that plan. There is a plan on the
6 books - a 21 million dollar plan that is the
7 responsibility of the town to administer.

8 MR. NARDACCI: Or update. We're in the
9 process of updating it. I support updating it,
10 but I think that we need to make some changes.
11 We're continuing the process.

12 CHAIRMAN O'ROURKE: I think that most of
13 the work in this document is very good. There
14 are still two board members, but I plan to
15 make amendments to this to move the connector
16 road out as well as the private parcels, in
17 terms of the inner-connectivity. Those would
18 be Auto Park and Plaza Drive out of the
19 implementation of this document because again,
20 as I look at it from 1989 Auto Park wasn't
21 part of it. It wasn't part of the 2005 update.
22 How can we ask the board today to take
23 Mr. Nemith's property even though that there
24 is a standing offer of dedication to the town?
25 I'm not sure that the town wants the property.

1 I'm not out to take Mr. Nemith's property. I'm
2 sure that the Bette's wouldn't be appreciative
3 if we were to include their personal property
4 in the document as well. Those were the two
5 amendments that I plan to make, in terms of
6 this document.

7 I'm sorry for interrupting.

8 Mike?

9 MR. SULLIVAN: I just had questions on
10 Parcel 28 for the measures of effectiveness.
11 Was development on Parcel 28 included for
12 20/20 and what level would that have been?
13 Would that have been 100,000 square feet or
14 500,000 square feet?

15 MR. SARGENT: Both. We looked at it with
16 the 100,000 in the MOE.

17 MR. GRASSO: We did a sensitivity
18 analysis that looked at 500,000 but I'm not
19 sure if the MOE -

20 MR. SARGENT: It did not include it.

21 MR. GRASSO: Okay, it did not include it
22 and we didn't include that in the sensitivity
23 analysis.

24 MR. NADOLNY: In the 500,000 there was a
25 level of service analysis for 500,000 at the

1 corridor wide level. We did it at 500,000.

2 MR. SARGENT: What that sensitivity
3 analysis showed is the potential for greater
4 influence here for turn lanes here. We didn't
5 specifically look at the MOEs here.

6 MR. SULLIVAN: But the main benefit of
7 the connector road is the improvement to level
8 of service at the 9 and 9R intersection,
9 correct?

10 MR. SARGENT: Yes.

11 MR. SULLIVAN: And I think the other
12 proposal before us - that level of service
13 actually degrades. It may already be an F or
14 it becomes a longer delay F.

15 I believe that Tom Baird had a
16 presentation and I don't know if you were
17 here. It was last week and his comment was
18 that his approach would suffer. I believe that
19 in this case it would be the northbound 9
20 approach at EMP so that does concern me.

21 The other thing is that I am waiting to
22 see if DOT would approve the half-signal
23 proposal at Latham Auto Park Drive and 9R
24 because there are other concerns there such as
25 the safety of that configuration and there is

1 no barrier between northbound or southbound
2 traffic. So, I'm anxious to see what DOT's
3 opinion of that configuration is.

4 For the record, I do appreciate the
5 engineering of the connector road. I do see
6 the benefit that it has of the level of
7 service and I thank you both for all your
8 work.

9 CHAIRMAN O'ROURKE: There is one thing
10 that I would like to add in terms of the
11 connector road, which I clarified last week as
12 well. Although we talked about pedestrian
13 accommodations, they are not included in the
14 levels of service with the signal timings,
15 correct? That's a correct statement, right?

16 MR. SARGENT: We will have to look into
17 it. I know that we spoke about this at a
18 previous meeting.

19 CHAIRMAN O'ROURKE: Okay.

20 Peter?

21 MR. GANNON: I just have a few comments
22 and questions.

23 First, it looks like a great PowerPoint
24 presentation. I'd love to see it and be able
25 to review it at my own leisure. If I could get

1 a copy of it, that would be great.

2 On one of the earlier slides you show the
3 increase in trips on the connector road, if it
4 was suddenly built today, versus what it looks
5 like in 20/20. It's an increase in over
6 300 trips. Can you give me an idea of where
7 those trips come from? Is it people getting
8 familiar with the connector road who come off
9 of Route 9? Is it increased traffic to the
10 area, based on the developments? Is it a
11 combination of both? More specifically, what
12 impacts do those have on Old Loudon Road and
13 that treacherous left turn from Miller out to
14 Johnson? Maybe you can't get to that level of
15 specificity off the top of your head, but give
16 it your best shot.

17 MR. SARGENT: I'm going to use this map
18 to answer part of your question.

19 The connector road is in this area here
20 (Indicating). This red zone shown here is the
21 proposed Wal-Mart and the Century Hill
22 development here. So collectively, this is
23 commercial development. The plan also includes
24 future residential development in here
25 (Indicating). So with those two land

1 developments building out, you can see a
2 natural tendency to want to travel in that
3 area. Some of that traffic would wind up on
4 the connector. There would be some of the
5 existing traffic that is on 9R today. That
6 would wind up on the new connector. Also,
7 this is Parcel 28 here (Indicating), the
8 orange triangular shaped parcel. That traffic
9 would wind up on it. I don't believe that
10 those volumes include the build-out of this
11 parcel.

12 To your point about an intersection - I
13 didn't catch all of that.

14 MR. GANNON: It's Miller and Johnson
15 where the sight line is coming off of Miller.
16 That left hand turn onto Johnson is horrible.
17 People fly. There is a stop sign there now.
18 How does it choke that up? I think that I know
19 the answer to my own question. If there is
20 going to be an increase of people using that
21 left turn, you suggest that there is potential
22 for possibly a traffic signal some day. So my
23 assumption is correct that we're going to see
24 an increase of flow through that area.

25 MR. SARGENT: Not as a result of the

1 connector road. It's not the connector road
2 that creates traffic. It's the 35 developments
3 that are creating the traffic. That all is on
4 the existing streets with longer delays.

5 MR. GANNON: I think that's part of the
6 trouble that I have in knowing the
7 neighborhood as well as I do. I think that
8 C.J. sort of touched on this. I know that you
9 guys are all local guys so you're probably
10 somewhat familiar with it, too.

11 It's just that when I think of Saturday
12 in December and how people are going to try to
13 avoid the backup that occurs on Route 9 from
14 new retail establishment potentially being
15 there, I think of the creative ways that
16 people try to get around it. I can picture
17 people using Cobbee Road where there was
18 another accident today involving three cars. I
19 can picture Saturday mass emptying out of
20 St. Ambrose at 5:30 pm, as people are trying
21 to round up Christmas shopping and I just know
22 that there is no traffic study that could ever
23 address that issue. I just see a situation
24 where that portion of the town is just
25 impassable. If nothing else, dangerous. I

1 would love to know if there is a way to try
2 and address some of those concerns, but I
3 think that I already know the answer to that
4 question as well. I can just picture it
5 happening. Anybody else that is familiar with
6 the area would have a hard time disagreeing
7 with me.

8 Overall, I think that it makes sense to
9 see - the Bergmann study covers a lot of the
10 same area and a lot of the same issues. I
11 think that it makes sense. Somebody along the
12 line here made the comment that it makes sense
13 to hear what the New York State Department of
14 Transportation has to say about Bergmann's and
15 about the traffic signal. I've said it several
16 times in these proceedings both related to
17 Wal-Mart and related to general traffic in the
18 area.

19 I don't know why we haven't at least
20 taken the time to look at access off of 87 to
21 the Bette projects, to Century Hill, to
22 Wal-Mart, potentially. I don't know if anybody
23 else feels that it's worth taking a look at. I
24 know that it's a much more expensive solution,
25 but in my mind it's the only way that we can

1 attempt to alleviate some of my concerns that
2 come with the seasonal crush of action.

3 MR. GRASSO: We've talked to CDTC and DOT
4 about an 87 access. It doesn't appear that
5 there is any available land to accommodate
6 that kind of access. They would have concerns
7 regarding the existing interchange that is
8 already on 87, and then obviously there is the
9 funding of it.

10 MR. GANNON: Sure, and to me that's the
11 biggest obstacle. I think that it's a project
12 in the hundreds of millions of dollars that
13 we're talking about. Still, I'm curious to see
14 what the thoughts would be on it. Everybody
15 has said all the reasons why it could never
16 happen, but no one has ever said maybe it
17 could happen.

18 MR. GRASSO: I don't know how much into
19 the study that we were, but over a year ago
20 similar concerns or comments were raised by
21 members of the public. We did provide data
22 regarding those options being considered and
23 why they were dismissed.

24 MR. GANNON: I did see a reference to it,
25 now that you mention it, in that thick

1 Wal-Mart binder that Jean Donovan handed off
2 to me on the first of January.

3 I can't emphasize enough Tom Nardacci's
4 comments about the bill of goods that is
5 potentially out there for those residents who
6 would use Dunsbach Ferry to access the
7 resident's side. Personally, I know a lot of
8 folks that live in there and I can't speak for
9 any of them. I know how I would feel if it was
10 the way that I got to work and the way that I
11 got my kids to baseball practice and stuff
12 every day. I think that needs to be addressed
13 in the near-term as opposed to down the road
14 when the solution is something where there is
15 only one option. That's all I had.

16 I share Tim Lane's concerns about that
17 it's a lot of information to absorb. I'd feel
18 more comfortable waiting to see what we get
19 back from DOT, feedback on the Bergmann study
20 and how it would effect your thoughts about
21 what you submitted to the board this week.

22 CHAIRMAN O'ROURKE: Thanks, Peter.

23 Just to follow up, I do think that you
24 guys have done a very difficult job and a very
25 good job at attempting to update the GEIS area

1 and certainly I think that from listening to
2 folks on the board, nobody thinks that the
3 connector road is the be all that you guys
4 think that it is.

5 MR. SULLIVAN: Actually, C.J., I'm in
6 favor of it.

7 CHAIRMAN O'ROURKE: Okay, most members of
8 the board. Again, with the costs involved, I'm
9 of the opinion that the connector should be
10 footed by the person that develops that
11 property. It should not be borne on the back
12 of the taxpayers and the developers in the
13 corridor when we know for a fact that Wal-Mart
14 has mitigated traffic successfully last week
15 in the Bergmann study.

16 Certainly, I don't have the knowledge
17 that Mike has in terms of the engineering, but
18 certainly I've been in this area long enough
19 to know that the north/south problem isn't
20 solved by an east/west connector.

21 With that being said, I would like to
22 amend the findings that are before us tonight
23 to remove the connector road, anything
24 associate with the connector road in terms of
25 both the monetary and the linkage, and to also

1 amend the linkage improvements in terms of the
2 construction of connector roads between
3 Century Hill and Latham Auto Park which is
4 already done and is privately held.

5 People on the board will vote on it in a
6 minute. I would like to make these amendments
7 and also eliminate the linkage improvements
8 that tie Mr. Nemith on Auto Park because
9 again, that's a privately held road. I'm not
10 sure that the town has any intension of
11 accepting the offer of dedication on that.

12 MR. NARDACCI: C.J., before you move
13 forward on the resolution, is there a reason
14 why we have to move forward on this tonight? I
15 personally would rather wait to see if we can
16 get a response back from DOT and then come
17 back here.

18 CHAIRMAN O'ROURKE: The only way that DOT
19 is going to look at it is if we move on it. If
20 we don't move on the resolution -

21 MR. NARDACCI: I think that we're talking
22 about two different things. The Bergmann
23 study - I'm talking about submitting that to
24 DOT. It's not requiring us to adopt anything
25 in order to consider that. I'd like to get

1 DOT's feedback first on that study. That's a
2 major component of this whole area. We haven't
3 had a letter from DOT in a long time. We have
4 to wait and see what their reaction is on that
5 before we move on findings. That's just my
6 personal opinion. I don't know how the rest of
7 the board feels.

8 CHAIRMAN O'ROURKE: I don't think that
9 DOT - that they're independent. One is the
10 overall GEIS and one is just a segment
11 therein.

12 MR. NARDACCI: My opinion is, let's here
13 what they have to say. That's something that
14 we just looked at last week. We just reviewed
15 it.

16 CHAIRMAN O'ROURKE: I don't dispute that
17 but the difficulty that I have with DOT is
18 that they want to try to regulate the Town of
19 Colonie and our roadway.

20 MR. NARDACCI: Excuse me. I'm not talking
21 about them regulating. I'm talking
22 about -- let's get the response. Let's review
23 what they say as a component of this overall
24 plan and then let's come back with our
25 engineers that have done a lot of work and

1 figure out if there are other things that we
2 should be doing.

3 CHAIRMAN O'ROURKE: So, if Wolford
4 Associates decides not to go forward and not
5 submit it to DOT, we're going to say well,
6 then what do we do?

7 MR. NARDACCI: Let's not just accept all
8 the improvements besides these few things. Are
9 there other options? Are there are other
10 things that we could talk about? I'm sure that
11 there are. I think that we're pretty clear
12 that where we are is that the majority of the
13 board doesn't want the connector road. I don't
14 think that we should say we don't want the
15 connector road, but let's go with everything
16 else. Let's scope and see if there are other
17 things that we can do.

18 MS. VAIDA: I personally think that as
19 the board's new attorney that we should at
20 least vote on this resolution as it's been
21 presented. If it doesn't pass, it doesn't mean
22 that we can't consider a different resolution
23 with different alternatives.

24 CHAIRMAN O'ROURKE: At what point do we
25 as a board accept the document, or some form

1 of a document to start collecting mitigating
2 fees in terms of the development that's
3 current?

4 MR. NARDACCCI: I think when it's final.
5 I think the plan that is before us right now
6 is not final. That's my opinion.

7 CHAIRMAN O'ROURKE: Right, but if you
8 were to take out the connector road and the
9 linkage improvements, does it become a more
10 final document?

11 MR. NARDACCI: The question that I have
12 is: Are there other improvements? Take out the
13 connector road and are there are other ideas
14 from the engineers that we could take a look
15 at?

16 MR. GRASSO: The 1989 study did include
17 an east/west connector through the Canterbury
18 Crossing project. Again, that plan is alive
19 and as Joe said, the town is collecting fees.

20 MR. SARGENT: The 1989 and the 2005
21 update also included conditional through lanes
22 on Route 9.

23 CHAIRMAN O'ROURKE: Right, and DOT said
24 no way.

25 MR. GRASSO: For years they had said that

1 they don't support that plan moving forward.

2 CHAIRMAN O'ROURKE: That's my difficulty
3 Joe. DOT says that and then turns around and
4 gives access and two curb cuts to a Hess
5 station with a 9% grade with no sidewalk.

6 So, the way to fix DOT in my opinion is
7 if they want to use the Town of Colonie as a
8 thoroughfare, put our police out there and
9 stop the vehicles at 5:00 and then see if Mark
10 Kennedy will listen to reason. I, as part of
11 this board, will not be held hostage by the
12 State of New York and that's the way that I
13 feel about it.

14 This is a corridor study for the
15 development of our town to benefit the
16 taxpayers of this town and it's our
17 responsibly as the Planning Board for the town
18 and the taxpayers of the Town of Colonie to
19 institute reasonable traffic mitigating
20 features. I think that this document does a
21 great job at that, with the exception of the
22 two things that I'd like to see amended. Other
23 than that, I think that the document is
24 outstanding. I would like to take some of what
25 Barton and Loguidice did with the 9R

1 intersection and incorporate it, but I think
2 that's something that can be done - we have
3 finalized ROWs and things like that. If the
4 Wal-Mart does go through, they're going to
5 have to put in anyway. I think that the
6 institution of that project with the TIS,
7 versus the overall GEIS are two totally
8 separate studies, in my opinion, and should be
9 handled as such by this board. That's my
10 opinion.

11 MR. GRASSO: Tom, the other option that
12 was brought before the board for consideration
13 was the conversion of Old Loudon Road to two
14 way again. That was not supported by the board
15 and the town asked us to look at other
16 options.

17 MR. SARGENT: I do think that there is an
18 opportunity to go back to the Technical
19 Committee on a few of these alternatives such
20 as keeping additional through lanes on
21 Route 9. It's in the 1989 study. What else can
22 get done? Can we go back and revisit that
23 decision?

24 CHAIRMAN O'ROURKE: I specifically asked
25 that question of Mark Kennedy and he laughed

1 at me. The way to fix the problem, and you
2 know it, is to add three lanes. That's in my
3 opinion. You've allowed the curb cuts. It's
4 not like there are two lanes going north.
5 Somebody is turning into Rite Aid, or somebody
6 is turning into Hess. Those things aren't
7 taken into account, in my opinion, in this
8 traffic study.

9 MR. NARDACCI: I've never been someone to
10 delay things and kick the can down the road. I
11 figure, let's deal with it. We've been talking
12 about this Ad nauseum, but I think that we've
13 come so far and we're pretty clear on where we
14 stand on these major issues. At least in terms
15 of of going back to the Technical Committee,
16 and what's clear with the board. This is what
17 the board has clearly said and seen. If that's
18 a potential solution, let's ask.

19 CHAIRMAN O'ROURKE: What's the potential
20 timeframe? We, as a board, have also promised
21 people who are developing in the area - people
22 shelling out a lot of money. Canterbury is
23 ready to go. Don't you think that it's fair
24 that they know what their costs are going to
25 be? If you were building, I'd want to know. If

1 I'm building Wal-Mart and I'm coming in next
2 week, I want to know what my portion is.

3 MR. LANE: I don't think that Tom is
4 suggesting that we're going to go months with
5 this.

6 CHAIRMAN O'ROURKE: No, but I'm just
7 saying.

8 Joe, what was our goal? June at the
9 latest, right?

10 MR. GRASSO: Yes, when we started - the
11 deadline has been pushed significantly, but
12 when we looked at this set of improvements, we
13 were like in January or February of this year.
14 It takes four or five months to get the
15 analysis done so that you can package
16 something.

17 CHAIRMAN O'ROURKE: Am I wrong in saying
18 that the developers want to see something in
19 place? Again, I'm not saying that I totally
20 disagree, Tom, to put it off and not vote
21 tonight. I mean, this has got to be done in
22 like two weeks. There is no fooling around
23 anymore.

24 MR. LACIVITA: I don't know if you'll get
25 an answer from DOT that quick.

1 CHAIRMAN O'ROURKE: In my opinion, I
2 don't think that I care what DOT says. This
3 is for the taxpayers of the Town of Colonie.

4 MR. GRASSO: There are a couple of
5 things. Like Tom said, let's break it down
6 into manageable pieces.

7 This study has not been put forth to the
8 Technical Review Committee in the form of
9 review. We want to do that but I know that
10 from past dealings with DOT and CDTC, they'd
11 like to see a level of concurrence from the
12 Planning Board, the lead agent, before they
13 spend too much time going through all the
14 details. If the lead agent doesn't support the
15 plan, why is the plan being submitted to DOT
16 and CDTC for review? So I would hesitate to
17 submit this to them for review when the
18 Planning Board has no intension of ever
19 approving the plan. They look at things
20 comprehensively. They don't want to see
21 something like - here's a plan, but we're
22 going to take XYZ out of the plan. Tell us the
23 plan that the town supports and then we'll
24 look at it and determine whether or not we
25 agree that it's a plan that they support.

1 MR. NARDACCI: I'm not saying that I
2 support the other improvements, but I think
3 that is a piecemeal approach by saying, let's
4 just take those items out and approve
5 everything else. I think that we have been
6 working on this for so long, at least give it
7 another shot to come up with another - whether
8 it's another through lane, or some
9 incorporating comments that we have had over
10 the years. To me, I understand that timing is
11 important. I'm someone who has been known to
12 be available all the time - all day to come
13 meet and have extra meetings. I don't want to
14 delay things. I think that we all agree that
15 this is very important.

16 MR. SARGENT: I think that it makes sense
17 to go back to the Technical Committee. I think
18 that there are possibilities that are on the
19 table. Linkages are out of the question. The
20 plan shows already that two other ones were
21 considered and rejected. We could have put an
22 additional one on Old Loudon Road. We can put
23 another one on this one; considered but
24 rejected. We've taken off the public
25 connection between Wal-Mart and Century Hill

1 because there is a private road there. So
2 there are a number of linkages that are off
3 the table. What else can be done? Grade
4 separations, multiple lanes on Route 9; who
5 knows? I think that there are ways to solve it
6 and we should go back to the Technical
7 Committee and have a work meeting. We clearly
8 know where the Planning Board stands. Let's
9 see what comes out of it. Right now I think
10 that we're at a bit of an impasse.

11 Honestly, from what I understand with
12 DOT, it's highly unlikely that they are going
13 to improve a signal for the Wal-Mart project
14 if Latham Auto Park Drive remains a private
15 roadway. It's clearly being installed for the
16 benefit of a retail. For public benefit,
17 public access, or the possibility of a public
18 connection on the other side of the road, then
19 they would consider a signal on Route 9. A
20 signal on Route 9 for a Wal-Mart would cause
21 significant deteriorations for arterial
22 management, for instance. The increase in
23 delay would be formidable over existing
24 conditions - all of that. I just can't see a
25 scenario where DOT would approve the

1 recommendations. I think that we should go
2 back to the Technical Committee and continue
3 to hammer it out.

4 MR. NARDACCI: What is the time frame,
5 just so that we have a sense? It takes awhile,
6 obviously, for you folks to put things
7 together. What would you expect?

8 MR. SARGENT: We could pull together a
9 meeting in two or three weeks. I would like to
10 mention that this is a public hearing and I
11 don't know if you're going to take any
12 comments from the public.

13 CHAIRMAN O'ROURKE: Oh, we are.

14 MR. SARGENT: Okay.

15 MR. GRASSO: Mark brings up some good
16 points. We can have that meeting with the
17 Technical Review Committee and talk to them
18 about what was included in the draft finding
19 statements and all the concerns -

20 CHAIRMAN O'ROURKE: With Mark Kennedy,
21 Dave Jukins - just like the last one?

22 MR. GRASSO: Yes. And bring up the
23 concerns expressed by the Planning Board and
24 have a green light session, and come back to
25 the Planning Board if there are options that

1 we think are worthy of considerations. If
2 there aren't options worthy of consideration,
3 we'll come back and tell the board that. Then
4 we would need direction from the town if they
5 want us to try to package up another update to
6 the study.

7 We can also at the same time ask DOT and
8 CDTC if they would consider an update to the
9 study that really just takes a look at the
10 improvements that were proposed in 1989
11 including three lanes on Route 9.

12 CHAIRMAN O'ROURKE: I brought that up at
13 the last meeting. That's the thing. I don't
14 want to waste time.

15 Joe, you were at that meeting and Mark
16 Kennedy said absolutely no way. You were
17 there. We sat right up in this room at the end
18 of the hall on the second floor.

19 MR. SARGENT: I saw some opportunities at
20 that meeting for things like that from other
21 voices at the table.

22 CHAIRMAN O'ROURKE: I don't dispute that.
23 I agree that there were people that when I
24 brought those topics up, you're right - I
25 think that some people agreed that the

1 difficulty is the curb cuts that are on
2 existing on Route 9 from Price Chopper to
3 Boght. But adding three lanes - the state has
4 no money. They didn't have the money to do
5 this year's stuff.

6 MR. SARGENT: But they're doing some big
7 projects. Fuller Road and Washington
8 Avenue - that's a big project.

9 MR. NARDACCI: I feel that if you go
10 back, it's very clear what the message is that
11 you're bringing back.

12 CHAIRMAN O'ROURKE: Who is the one that
13 brought up the road over Route 9? What did he
14 say? Where are you going to get the money?

15 MR. SARGENT: What I heard was that we're
16 doing that at Washington Avenue and Fuller
17 road, why can't we do that here? Right, where
18 are we going to get the money? They're all
19 saying that. But I do think that it's
20 something that the board felt strongly that
21 was the solution here, if you could get the
22 agencies behind it. It might not be done in
23 the short-term, it might not be funded with
24 GEIS funding, or it could be a larger public
25 project.

1 CHAIRMAN O'ROURKE: I'm not adverse to
2 it. I've sat in the meetings. One of the board
3 members asked to go to the meeting. Maybe I
4 will open it to more of the people on the
5 board and include them. At some point when I
6 keep running into the brick wall, my head
7 starts to hurt.

8 MR. GRASSO: One point of clarification,
9 seeing as we're looking at other options or we
10 are considering options -

11 CHAIRMAN O'ROURKE: Again, that might not
12 be possible. There is an open meetings law
13 that I would probably be breaking by allowing
14 other board members to attend, unless we did
15 it in an open forum. I'm not sure that's
16 smart. We'll talk about it.

17 MR. GRASSO: Should we consider options
18 that would require a substantial increase in
19 the percentage of public funding? Say it was
20 going to be a 20% private share and an 80%
21 public share, should we consider those types
22 of improvements when we sit down with DOT?

23 CHAIRMAN O'ROURKE: It depends on what
24 you consider public.

25 MR. GRASSO: Other than being paid for by

1 private development within that corridor.
2 There is a certain defined amount of
3 development that we're looking at and I'm just
4 trying to get a feel for -- because I heard
5 concerns before about the 20% ratio of public
6 funding. I need to know when we look at these
7 things, should we look at improvements that
8 would include a 20% private share and an 80%
9 public or a 95% public? It does open up other
10 opportunities that we have dismissed.

11 MR. NARDACCI: It has to be a realistic
12 project. If it's a realistic project and maybe
13 makes sense for a larger public works
14 commitment. There is an interest for federal
15 and state reasons, without knowing all the
16 details. I don't sit on the Town Board to see
17 the purse strings. Just having a sense of the
18 town's finances, it seems like it would depend
19 on the type of project. It's hard to say
20 80% - it's just hard to say. As long as it's a
21 reasonable and like you said, if it's a public
22 funded project that is going to bring other
23 entities to the table- perhaps the state or
24 federal government. They have needs and there
25 could be a situation where it does make sense.

1 CHAIRMAN O'ROURKE: See, I would go the
2 other way. I think that this should be
3 development paid for; 90/10. We should be
4 cutting people's taxes and not asking them to
5 pay for infrastructure that's going to be
6 utilized and to the best degree, paid for by
7 developers. We have the property, we have the
8 demographic.

9 There is a reason that PF Chang's comes
10 to Colonie. There is a reason that LL Bean
11 comes to Colonie. We have the demographic and
12 to put additional things on the backs of the
13 taxpayers, I think, would be wrong.

14 That's just one person's opinion. My kids
15 are going to be paying for the stimulus
16 package that was passed last year.

17 MR. NARDACCI: I'm in favor of the
18 stimulus. I think that there are a lot of good
19 projects that are coming out of it.

20 MR. SARGENT: One possible alternative is
21 the land use alternative. You can find
22 transportation solutions. You can't add the
23 necessary capacity that we need to accommodate
24 all these additional trips. Then we have to
25 make a decision about land use. How much land

1 use are you going to allow in the area? Or how
2 much delay are you going to tolerate? There
3 are other ways to approach it.

4 MR. LANE: Are you suggesting that we
5 start turning down development?

6 MR. SARGENT: I'm saying that's a natural
7 conflict.

8 MR. GRASSO: One of the recommendations
9 in our findings is that moving forward, the
10 town should look at the regional land use
11 plans and the amount of development and
12 density to see if as areas continue to develop
13 past the next ten years, if it's consistent
14 with what the town is willing to live with in
15 terms of level of service.

16 CHAIRMAN O'ROURKE: But that's the
17 Planning Board's job to ensure smart planning
18 is done in the town. To not be able to develop
19 property within the town is absolute suicide.
20 When people start taking individual property
21 rights and saying, we should start to not
22 allow that. That's a very slippery slope.

23 MR. GRASSO: I think that what we're
24 trying to say is looking past 10 years, the
25 town should look at their land use forecasting

1 and the zoning that's in place and the
2 build-out that could occur out past 10 years
3 and see if there is adjustments that need to
4 be made to the plans moving forward? These
5 plans have to be dealt with.

6 CHAIRMAN O'ROURKE: Does anybody in the
7 public have any comments?

8 Mr. Fahey?

9 MR. FAHEY: John Fahey.

10 I'm going to start off with something
11 anecdotal. I had a conversation today with
12 three mature professionals that live in
13 Clifton Park. I'm talking about that
14 intersection right there (Indicating).

15 They said, coming off of Route 7 onto
16 Route 9, that light is too long. I asked them
17 why would you be going that way? They said,
18 well, when the light turns green, they take a
19 U-Turn to go back onto the Northway on the
20 shorter ramp, when Alternate 7 us backed up.
21 I'm going to go over there tomorrow and watch.

22 That whole intersection - I haven't heard
23 anyone refer to that one about the safety
24 issues on that intersection. I know of one
25 fatal and one near fatal accident because the

1 driver went across 9R and got on the wrong
2 ramp and went the wrong way.

3 CHAIRMAN O'ROURKE: That was actually
4 another question that I had.

5 The crash rates are all - the entire
6 corridor is above the state average.

7 MR. FAHEY: One accident involved a
8 County Legislator. The other one - the guy
9 went to prison because he was DWI.

10 I agree with C.J., that is a north/south
11 problem.

12 You were talking about the improvements
13 in delays. You went from 38 vehicle hours in
14 delays today and if you didn't do any
15 improvements in 10 years it would go to 144.
16 That's a lot; I agree. When you do the
17 improvements in 10 years, it's still going to
18 be 85, which is more than double. How do you
19 call what you're doing an improvement? It's a
20 two-year improvement and it's going to age out
21 and you have to tolerate it for eight more
22 years. Or are we going to plan an 20 year
23 improvement to get those numbers down? If you
24 told me that it was going to be a 12-hour
25 delay, I'd say that's going to be an

1 improvement. You just deteriorated this road
2 again. It's to a lesser degree. What is worse?
3 A 10% tax increase or a 5% tax increase? I
4 want it to be zero. I want that to be better
5 and that road is terrible. It functions as a
6 valve.

7 As people go north on Route 9, they don't
8 hit another bottleneck until they hit 146. If
9 that was a five-lane road, the bottle necks
10 would be up at the Crescent Bridge at the
11 superstore. I don't know how you're going to
12 solve the problem without moving people out.
13 They should have put 787 where it was supposed
14 to be up through Melrose and onto Clifton
15 Park, they screwed up all along there. I don't
16 see how any of the improvements are going to
17 help any future development.

18 For an editorial, C.J., regarding the
19 connector road: The City of Albany never did a
20 lousy pavement job like that. Century Hill
21 Drive looks like downtown Beirut. It's an
22 embarrassment to anybody who has clients
23 coming in there. People have been using it on
24 a regular basis to access down there, it's
25 going to be gone.

1 CHAIRMAN O'ROURKE: It's private. He paid
2 for it, himself.

3 MR. FAHEY: But the development is
4 depending on that road being -

5 CHAIRMAN O'ROURKE: It's private. It's a
6 private road.

7 MR. FAHEY: The cost of the connector
8 road was how much?

9 CHAIRMAN O'ROURKE: 5.4 million.

10 MR. FAHEY: If I remember correctly, two
11 weeks ago or whenever it was, they said that
12 it did not include the cost of acquiring the
13 land.

14 MR. GRASSO: That's right.

15 MR. FAHEY: Or the cost of litigation, or
16 the eminent domain. You're talking about
17 considerably more than that. Construction
18 costs are one thing. If this goes to public
19 hearing at the Town Board, you're going to
20 have a packed room there, probably.

21 CHAIRMAN O'ROURKE: I was expecting one
22 tonight.

23 MR. FAHEY: I was surprised, too.

24 There are solutions, but I don't see the
25 different flavors of solution. That connector

1 appeared when?

2 CHAIRMAN O'ROURKE: In January.

3 MR. FAHEY: All the sudden that popped up
4 and I heard Tom Nardacci's blood pressure go
5 up 30 points that night. You can throw all the
6 ideas out there, but I don't think that you're
7 ever going to solve that problem.

8 MR. SARGENT: If the area continued to
9 grow and we continue to approve development,
10 there will be deterioration in operations.
11 Some of the improvements will help mitigate
12 that. There will be increased time of delay.
13 Without some of the improvements, the time
14 will increase significantly.

15 MR. FAHEY: It just doesn't seem to make
16 sense to me.

17 The last thing - with regard to the
18 connector road, acting on this will you accept
19 possession of the paper street?

20 CHAIRMAN O'ROURKE: If we accept it as
21 part of the findings, it doesn't even ensure
22 that it would ever be built, and it doesn't
23 take property from anyone.

24 Anyone else?

25 Yes, Mr. Caponera.

1 MR. CAPONERA: Mr. Chairman, just for the
2 record I can tell you that when the WOLFORD
3 property was developed, Auto Park Drive was
4 developed obviously for the purposes to be
5 developed as a public road. It was built that
6 way. I actually think that Clough Harbor
7 designed that to the town standards. As part
8 of that, it's always been that it's going to
9 be dedicated to the town once development
10 started in that subdivision.

11 I do agree with the interconnections that
12 Mark referred to with the dotted lines - that
13 those are part of the requirements that were
14 attached to the subdivision approval. Am I
15 accurate with that?

16 MR. SARGENT: Yes.

17 MR. CAPONERA: I appreciate your comments
18 about that road being private property, but I
19 do need to state that the interconnection be
20 retained between Acura, the tennis facility
21 that is behind 950, and the Ramada Inn - just
22 to get it out to Auto Park Drive for the
23 purpose of ingress and egress.

24 So my understanding is that it was always
25 meant to be dedicated to the town, once the

1 development was started. Obviously we're at
2 that point now.

3 I appreciate everyone's concern relative
4 to my client's property. It's late and it
5 still looks like everyone is ready for two
6 more hours. It's good stuff.

7 CHAIRMAN O'ROURKE: Thank you,
8 Mr. Caponera.

9 With that said, do we have to vote on
10 this resolution?

11 MS. VAIDA: You don't have to vote on it.

12 CHAIRMAN O'ROURKE: So we can adjourn the
13 public hearing?

14 MR. LACIVITA: Yes, we leave it open and
15 postpone it. We table it to another day.

16 The only question that I was going to ask
17 is if we are looking at a two to three week
18 turnaround time, that puts us to July 20th
19 without giving Creighton Manning or Clough
20 Harbour the ability to put that into a
21 narrative form.

22 CHAIRMAN O'ROURKE: It's going to be
23 longer.

24 MR. LACIVITA: That's what I'm saying.
25 We're looking into August now.

1 CHAIRMAN O'ROURKE: I'm realistic. the
2 chances of even getting people on vacation, to
3 get Mark Kennedy, and to get all the players
4 in one room over the next three weeks will be
5 a task in and of itself. Then to compile
6 stuff, I think that it's going to be very
7 involved.

8 MR. LACIVITA: I know that we discussed
9 earlier today that Wal-Mart asked that it be
10 postpone to the 24th in order for them to get
11 their project together. I don't know if you're
12 looking to do that same time frame or putting
13 it on a separate night.

14 CHAIRMAN O'ROURKE: No.

15 MR. LACIVITA: To plan ahead, you're
16 looking at the 31st. A special meeting on the
17 31st of August perhaps.

18 CHAIRMAN O'ROURKE: Let's not speculate.
19 Let's get the meeting done and see where we
20 can put people together, and then we'll go
21 from there.

22 MR. LACIVITA: So we're just going to put
23 for the record that we're tabling it without a
24 date.

25 MR. GRASSO: I would recommend that we

1 just come back as an informational discussion
2 item to report back to the board, our
3 discussions with the Technical Review
4 Committee and anything else that might come up
5 between now and then. As soon as we can get
6 back in front of the board, whether it be
7 three weeks or three months, as soon as we
8 have information that we think is worthy to
9 share, we'll come back before the board. It
10 will be an informal discussion. I can
11 guarantee that we won't have new traffic
12 studies, new maps, or new analyses. We're not
13 there yet. We can spend a lot of the town's
14 money very quickly doing a lot of things and I
15 don't think that would be prudent.

16 CHAIRMAN O'ROURKE: Well, the town isn't
17 paying. The developers pay.

18 MR. GRASSO: Right now our contract is
19 with the town. Will the town be reimbursed?
20 Yes. What I'm saying is that right now our
21 charge is to go meet with the Technical Review
22 Committee, talk about the work that we have
23 done since we met with them last, which was
24 about six months ago and talk about the
25 concerns expressed by the board tonight. Then

1 come back to the board with what that
2 discussion included and any thoughts that came
3 out of it in terms of moving forward.

4 MS. VAIDA: And present some other
5 options.

6 MR. GRASSO: If we can come up with other
7 options. I know that we've been working on
8 other options for over two years.

9 CHAIRMAN O'ROURKE: That's my only point.
10 It's great to say other options, but we talked
11 at one meeting about roads over Route 9, under
12 Route 9, and all the craziest stuff. We can go
13 back and give it to the Technical Committee,
14 but this is the last time that I'm letting
15 them do that. We're going to demand a vote the
16 next time it comes back. I rightfully should
17 do it tonight.

18 MR. GRASSO: We do apply a professional
19 judgment and try to talk about things that we
20 think are achievable, and we don't want to
21 waste anybody's else time talking about things
22 that we don't think, based on our professional
23 option, would never be achievable for a
24 project this big.

25 MR. NARDACCI: I think that it would be

1 imprudent to not have one more meeting. If you
2 come back with nothing else, then we know what
3 you have for us is final. I think to make a
4 move tonight doesn't make sense.

5 MR. GRASSO: Understood.

6 CHAIRMAN O'ROURKE: I do just want to
7 poll the board on the connector road so that
8 it's in there record.

9 MR. GRASSO: Could we do them separately?

10 CHAIRMAN O'ROURKE: Yes.

11 MS. VAIDA: Just so you know what you
12 have to work with.

13 CHAIRMAN O'ROURKE: In terms of the
14 connector road, this is only a poll of the
15 board. All those in favor of the connector
16 road?

17 MR. SULLIVAN: Aye.

18 CHAIRMAN O'ROURKE: All those opposed?
19 Aye.

20 MR. ROSANO: Aye.

21 MR. NARDACCI: Aye.

22 MR. GANNON: All those undecided and
23 waiting for more information?

24 Aye.

25 MR. MION: Aye.

1 MR. LANE: Aye.

2 CHAIRMAN O'ROURKE: Just so we're clear,
3 what further information, what more
4 information are we looking for on the
5 connector road?

6 MR. GANNON: I think that it makes sense
7 for us to wait and see what the reaction is
8 from DOT to Bergmann. We have it in good faith
9 that they're going to submit that to the DOT
10 for review.

11 CHAIRMAN O'ROURKE: But that doesn't have
12 anything to do with the connector rod.

13 MR. GANNON: It has a lot to do with the
14 connector road.

15 CHAIRMAN O'ROURKE: It has absolutely
16 nothing to do with it.

17 MR. GANNON: I disagree with you.

18 CHAIRMAN O'ROURKE: Bergmann is not even
19 going to mention the connector road.

20 MR. GANNON: I'd still like to see DOT's
21 input and that's all I'm going to say about
22 it, C.J.

23 CHAIRMAN O'ROURKE: I just want to make
24 sure that everybody on the board knows what
25 the facts are and what's going to happen with

1 the Bergmann study. The Bergmann study, as it
2 was presented, if Wolford chooses it -- we
3 don't even know because now they were supposed
4 to be on for concept. We don't even know that
5 they are going to take the Bergmann study that
6 Barton and Loguidice did for DOT. We don't
7 even know that for a fact. I just want
8 everybody to know that.

9 The second point is the interconnections
10 and polling the board. All those in favor of
11 the interconnections?

12 MR. SULLIVAN: As a necessary part of the
13 project?

14 CHAIRMAN O'ROURKE: Yes, as a necessary
15 part of the GEIS.

16 MR. GRASSO: Of the GEIS findings.

17 MR. SULLIVAN: That they were part of the
18 subdivision approval, right?

19 MR. CAPONERA: I was not representing
20 Wolford at the time and didn't do the 89 -

21 CHAIRMAN O'ROURKE: And the update in
22 2005?

23 MR. CAPONERA: Nor did I do that. All I'm
24 saying is that I've discussed this with
25 Mr. Nemith and he understands and he told me

1 that there is this requirement.

2 CHAIRMAN O'ROURKE: The
3 interconnectivity?

4 MR. CAPONERA: Yes. And he understands
5 that the way that -

6 CHAIRMAN O'ROURKE: Well, he didn't
7 understand it because he attempted to sue
8 First Columbia over egress across his private
9 road for people when they were having a grand
10 opening. He took concrete barriers and placed
11 them in the center of the road. So, your
12 understanding of Mr. Nemith and mine are
13 totally different because I watched them take
14 a crane and put a jersey barrier in the middle
15 of his private road.

16 So, again, I appreciate what you're
17 saying but what he told you and what he did
18 are two different things. That standing offer
19 of dedication to the town, it's still on
20 record, right?

21 MR. CAPONERA: Right, but now there is an
22 amendment to that. There is an amendment to
23 merge lots 2, 4 and 6 -

24 CHAIRMAN O'ROURKE: I know.

25 MR. CAPONERA: The other issue of the

1 connection road - is it going to be public? Or
2 is it going to be private?

3 CHAIRMAN O'ROURKE: But Mr. Caponera, I
4 have you on record speaking on page 47 of a
5 transcript telling this board that your
6 applicant, Wal-Mart, was going to put that
7 road in. That's not what happened. First
8 Columbia built that road.

9 MR. CAPONERA: That was all based on the
10 timing of it.

11 CHAIRMAN O'ROURKE: I understand that.
12 All I'm saying is that there is still
13 litigation in terms of that private road. So
14 this board can only consider that it is a
15 private road.

16 MR. CAPONERA: Right now.

17 CHAIRMAN O'ROURKE: Right now.

18 So, in terms of that, Mike, I don't know
19 if that helped you.

20 MR. SULLIVAN: Not really. Are we voting
21 on the concept of interconnectivity?

22 CHAIRMAN O'ROURKE: Right, of the
23 interconnectivity.

24 MR. GRASSO: Can I clarify that the
25 motion be consistent with what we have already

1 documented in the findings? I can say that
2 public roads need to be created between he
3 properties. It means that rights of access,
4 though, need to be granted between Auto Park
5 Drive and Century Hill Drive and then there
6 are properties that front on Route 9 including
7 the Holiday Inn, the office building at 950
8 and I think the Sycamore Motel. There are some
9 interconnections that give access to those
10 properties; through 4 and 6 Auto Park Drive to
11 Auto Park Drive itself.

12 MR. SULLIVAN: Did your modeling account
13 for that in the counts at the intersection?

14 MR. GRASSO: I think that we covered this
15 and yes, I think that he told me that it did.
16 There is not that many trips, but it's
17 accommodated for in the modeling.

18 MR. SULLIVAN: Thank you.

19 CHAIRMAN O'ROURKE: From my
20 understanding, it was not.

21 MR. GRASSO: Remember, if the model takes
22 any trips that could be on Auto Park over to
23 Century Hill or visa versa?

24 MR. NADOLNY: Yes, the connection between
25 Latham Auto Park and Century Hill.

1 CHAIRMAN O'ROURKE: Between Auto Park and
2 across Plaza Drive?

3 MR. NADOLNY: Yes.

4 CHAIRMAN O'ROURKE: No, he's talking
5 about the other properties; the hotel and -

6 MR. NADOLNY: Are you talking about those
7 little ones?

8 MR. SARGENT: Those are incidental.

9 CHAIRMAN O'ROURKE: At this point they're
10 incidental, until Mr. Nemith puts something
11 else on them, right? They are incidental as we
12 sit here just like Mr. Nemith's road is a
13 private road as we sit here. But it's not
14 zoned that way and I think that if you look at
15 it, those properties certainly should have
16 some trips attributed to that site, in my
17 opinion.

18 MS. VAIDA: I don't think that helps to
19 clarify.

20 MR. GRASSO: Well, then I'll clarify.
21 There is likely a distribution of some trips
22 between Auto Park Drive and Century Hill
23 Drive. The model doesn't assume any trips from
24 the other property south on Route 9 through 4
25 and 6 up to Auto Park Drive.

1 MR. GANNON: Right, but that's with the
2 Sycamore Hotel. What happens when that's TGI
3 Friday's?

4 MR. GRASSO: These findings are based on
5 a certain development.

6 MR. GANNON: But you also have to
7 understand that with a little bit of reality.

8 MR. GRASSO: Right, but findings didn't
9 anticipate that. So therefore, the model
10 doesn't add traffic to other existing devoted
11 properties. Not to say that it couldn't occur,
12 it's just that I'm trying to quantify his
13 answer. Does this model include trips taking
14 that circuit? I'm saying no. This model does
15 not. So, cast your vote based on those facts.

16 MR. LANE: This is a poll.

17 CHAIRMAN O'ROURKE: I'm polling the board
18 so that they can have the information to go to
19 the Technical Committee. I think that it's
20 only right.

21 All those in favor of the
22 interconnectivity?

23 MR. SULLIVAN: Aye.

24 MR. LANE: Aye.

25 MR. MION: Aye.

1 MR. GANNON: Aye.

2 CHAIRMAN O'ROURKE: Opposed?

3 MR. NARDACCI: Aye.

4 MR. ROSANO: Aye.

5 CHAIRMAN O'ROURKE: Aye.

6 MR. LACIVITA: Four yes, and three

7 against.

8 MR. GRASSO: On the connector road we had
9 one vote for and three undecided and three no.

10 CHAIRMAN O'ROURKE: I think we should
11 redo it.

12 MR. LACIVITA: Undecided by show of
13 hands.

14 MR. GRASSO: Right, this is what I said.

15 MR. LACIVITA: Anything else to be
16 removed from the resolution?

17 CHAIRMAN O'ROURKE: No, I'm just looking
18 for a motion to adjourn the public hearing.

19 MR. LANE: Motion to adjourn the public
20 hearing to a later date.

21 MR. SULLIVAN: I'll second it.

22 CHAIRMAN O'ROURKE: All those in favor?

23 ***(Ayes were recited.)***

24 CHAIRMAN O'ROURKE: All those opposed?

25 ***(None were opposed.)***

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CHAIRMAN O'ROURKE: Thank you.

*(Whereas the proceeding concerning the above
entitled matter was adjourned at
9:59 p.m.)*

CERTIFICATION

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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 noted**
8 **in the heading hereof is a true and accurate**
9 **transcript of same, to the best of my ability**
10 **and belief.**

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15 **NANCY STRANG-VANDEBOGART**

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18 **Dated July 16, 2010**