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PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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BOGHT ROAD/COLUMBIA STREET AREA FINAL GEIS

REVIEW AND RECOMMENDATION OF FINDINGS STATEMENT

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THE STENOGRAPHIC MINUTES of the above  
entitled matter by NANCY STRANG-VANDEBOGART, a  
Shorthand Reporter, commencing on December 18,  
2012 at 7:15 p.m. at The Public Operations Center,  
347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:  
PETER STUTO, CHAIRMAN  
TIMOTHY LANE  
LOU MION  
BRIAN AUSTIN  
KAREN GOMEZ  
MICHAEL SULLIVAN

ALSO PRESENT:  
Elena Vaida, Esq., Counsel to the Planning Board  
Joe Grasso, Clough Harbour and Associates  
Mark Nadolny, PE, Creighton Manning Engineering  
Allegra Edelman, Esq., Town Attorney's Office

1                   CHAIRMAN STUTO: Next on the agenda is the Boght  
2                   Road/Columbia Street Area Final GEIS. This is a review  
3                   and recommendation of findings statement. This is  
4                   presented by CHA, our Town Designated Engineer, Joe  
5                   Grasso, and also Town Attorney Allegra Edelman.

6                   Joe, I'll give you the intro and you and  
7                   Allegra can split it up however you want.

8                   MR. GRASSO: Thanks. Also with us tonight is  
9                   another important partner in the preparation of the  
10                  study is Mark Nadolny from Creighton Manning. He may  
11                  speak a couple of minutes about one important part of  
12                  the study.

13                  CHAIRMAN STUTO: We've been through extensive  
14                  hearings and studies and reports on this.

15                  MR. GRASSO: Just so that everybody understands,  
16                  we're nearing the completion of an extremely lengthy  
17                  traffic study process that has been going on by the  
18                  Town for almost eight years now.

19                  Back in the late 80's the Town commissioned  
20                  what we would refer to a Generic Enviromental  
21                  Impact Statement. That study looked at the  
22                  impacts of new development in the northeast  
23                  quadrant of the Town. It looked at various  
24                  infrastructure facilities within the Town such as  
25                  water systems and sewer systems, open space,

1 recreation, schools and things like that. One of  
2 the most significant issues evaluated in that 1989  
3 study was the look at how new development was  
4 going to impact traffic in the study area, and  
5 also identify potential mitigation measures and  
6 improvements that might be necessary in order to  
7 accommodate that traffic. That study was done in  
8 the late 1980's.

9 Back in 2005, 15 years after the original  
10 study was done, the Town commissioned Creighton  
11 Manning, a local engineering firm, to do an update  
12 to the study as it relates to traffic. Basically,  
13 it was to try to evaluate how development had  
14 taken place as it was originally anticipated in  
15 1989. Was it the type of development anticipated?  
16 It looked at the amount of the development and  
17 have things taken place that were not accurately  
18 considered back in the late 80's. The findings of  
19 that study were in fact that the amount of traffic  
20 that was originally anticipated to occur, did not  
21 occur because of a lack of development. There was  
22 obviously certain development within the study  
23 areas of certain areas, but the whole magnitude  
24 development and the need for all those  
25 transportation was not required. After 2005, we

1 started to get a couple of very large development  
2 projects within the study area. These projects  
3 were very different than what had been evaluated  
4 in the original GIS done in the late 80's. So,  
5 the Town decided that because the changes were  
6 significant enough that they decided to go through  
7 the SEQRA process that evaluates the impacts of  
8 these new projects and see how they fit within the  
9 original assumptions. Then, if necessary, look at  
10 a new list of mitigation measures that would  
11 address the impacts of this new development. That  
12 process has been going on for the past few years  
13 now.

14 The SEQRA process basically starts by doing a  
15 Draft Enviromental Impact Statement and that was  
16 completed in the spring of 2012. It was accepted  
17 by the Planning Board and then a public hearing  
18 was conducted in the spring where we made the  
19 document available to the public and we got  
20 comments from the Planning Board, as well as the  
21 public. The response to all of those comments is  
22 what makes up the final Supplemental Generic  
23 Enviromental Impact Statement. So, the document  
24 that's before you tonight for consideration is  
25 basically an item by item response to all of those

1 comments that were provided on that draft study.

2 I'm going to turn it over to Allegra for a  
3 couple of minutes just so that she can talk about  
4 the process moving forward after tonight, and what  
5 is required from a procedural standpoint. Then,  
6 I'll take it back over and talk a little bit about  
7 some of the things that have been addressed in the  
8 final GIS.

9 MS. EDELMAN: Thank you, Joe.

10 We start with the Resolution that's before  
11 the Board tonight and that's a Resolution to  
12 accept and determined to be complete the final  
13 Supplemental Generic Environmental Impact Statement  
14 which I'm going to refer to as the GEIS for the  
15 Boght Road/Columbia Street GIS Route 9  
16 Transportation Update.

17 The Planning Board accepts the final  
18 Supplemental GEIS and notice of completion will be  
19 filed and sent with a copy of the final  
20 Supplemental GEIS to the involved agencies, and  
21 interested parties, and anybody that requests a  
22 copy.

23 As soon as the Town's web site is back up,  
24 we'll also have a copy on there. In the meantime,  
25 if anybody would like a copy, you can e-mail

1 PEDD@colonie.org and request a copy. Once that is  
2 done, a notice will also be published in the  
3 environmental news bulletin. For this process, no  
4 public hearing or comment period is required.

5 Ten days after the final supplemental GEIS  
6 and notice of completion are filed and the notice  
7 of completion is published in the environmental news  
8 bulletin, the Planning Board made up a finding  
9 statement. A positive findings statements means  
10 that the project to which the findings statement  
11 pertains may be approved with certain conditions  
12 and limitations and decisions about such projects  
13 will incorporate mitigation measures that minimize  
14 environmental impacts.

15 All of the involved agencies must adopt their  
16 own finding statements or if an involved agency  
17 concurs with the findings of this Board, which is  
18 lead agency, the other involved agency may adopt  
19 this Board's findings statements.

20 If this Board issues a positive findings  
21 statement, but other involved agencies issue  
22 negative findings, then the action cannot go  
23 forward unless the conflict is resolved.

24 That's what the process going forward will  
25 look like. I'll turn this back over to Joe.

1                   CHAIRMAN STUTO: Who are the other involved  
2 agencies?

3                   MS. EDELMAN: Other involved agencies include DOT  
4 and CDTC.

5                   MR. GRASSO: And the Town Board.

6                   CHAIRMAN STUTO: Thank you.

7                   MR. GRASSO: I'm just going to spend a couple of  
8 minutes talking about the study itself. One of the  
9 important considerations of the study is to identify  
10 mitigation measures that would address traffic impacts.

11                   When the original study was done back in  
12 1989, there was a list of improvements that was  
13 determined would be needed to address the impacts  
14 of traffic and those improvements were spread  
15 throughout the study area and had a total price  
16 tag of today's dollars in the amount of \$21  
17 million dollars.

18                   A few minutes ago I said that development  
19 didn't occur as quickly as was originally  
20 anticipated, but some development obviously did  
21 occur in the study area. Projects that were  
22 approved and built during the past 20 years, pay  
23 their fair share of those transportation  
24 improvements through the assessment of mitigation  
25 fees. That's something that is typically done

1 through the SEQRA process that allows projects to  
2 mitigate your own impacts and contributing their  
3 fair share of contribution such that cumulative  
4 impacts of development can be addressed by the  
5 construction of large scale transportation  
6 improvement projects.

7 One of the questions that came out through  
8 the review of the study was how were the  
9 mitigation fees going to be changed through the  
10 process. Like I said, there is a new list of  
11 development that's assumed to occur over the next  
12 10 years in the study area. Basically, there is a  
13 new list of improvements that are going to be  
14 required to be built in order to address those  
15 traffic impacts. Along with that, there are new  
16 cost estimates for this new list of improvements.

17 One of the questions was: What happens to  
18 the mitigation fees that were paid by other  
19 projects? So far over the past 20 years there has  
20 been about \$2.7 million dollars in mitigation fees  
21 collected from development that has occurred  
22 within the study area. That money has been held  
23 by the Town. There has been some interest on the  
24 amount of money that also has been added to the  
25 total fund balance. There has also been a certain

1 series of improvements that have been done within  
2 the study area as the need for those improvements  
3 have come up. The value of those improvements  
4 have been \$1.8 million dollars. So, there has  
5 been some substantial work down within the study  
6 area. So, when you do the math, that leaves a  
7 current fund balance of \$1.3 million dollars  
8 currently sitting in the Town's dedicated account  
9 to go towards transportation improvements. The  
10 new list of improvements that are identified in  
11 the study total approximately \$15 million dollars  
12 worth. When we look at everybody's fair share of  
13 contribution, we will be taking into consideration  
14 that existing \$1.3 million dollar fund balance  
15 which would therefore reduce the required  
16 contribution that new development would have to  
17 make.

18 There were some questions regarding how  
19 mitigation fees are actually assessed to the  
20 projects. The best way for me to explain this is  
21 that you take a new project and the traffic that  
22 project is going to generate and you route it  
23 through the study area -- through the roadway  
24 network. That traffic goes through required  
25 improvements -- whatever percent capacity of that

1 improvement that traffic is going to use up is  
2 that same percentage of the mitigation fee that  
3 gets assessed.

4 For example, if there is an intersection  
5 upgrade, that's going to cost a million dollars,  
6 and the traffic from one project is going to use  
7 up 10 percent of the capacity of that improvement,  
8 then 10 percent of that million dollars would be  
9 assessed to the project or \$400,000. So, that's  
10 basically the methodology to assess the mitigation  
11 fees.

12 There has been questions regarding who does  
13 this distribution of the traffic and the  
14 calculation of the mitigation fees. The model  
15 that is going to be used is similar to the model  
16 that the Town uses for the Airport Area GEIS where  
17 CDTC and the Capital District Transportation  
18 Committee have a system wide traffic model.

19 So, when a project comes into the Planning  
20 Department, the Planning Department gives that  
21 traffic information to CDTC and they do the  
22 analysis to determine how much of that reserve  
23 capacity is going to be used up by the project and  
24 they determine what the appropriate mitigation fee  
25 is going to be. As the Planning Board reviews the

1 project, when you're going through the evaluation  
2 of the project's impacts, that information  
3 regarding that fair share contribution will be  
4 made available to the Planning Board and that's  
5 something that's presented to the applicant. The  
6 application basically has to commit to agreeing to  
7 pay that fair share of contribution in order for  
8 the project to be consistent with this traffic  
9 study. If it's not, then it's up to the applicant  
10 to figure out how that project otherwise would go  
11 about addressing its own traffic impacts.

12 In terms of the document -- what's actually  
13 in this final GIS, it includes the draft document  
14 that I mentioned that was distributed this past  
15 spring. It includes the Powerpoint presentation  
16 that was presented as part of the public hearing  
17 presentation to the public. Like I said, it  
18 includes all of the written comments that were  
19 provided to the Town as part of the required  
20 comment period. It also includes the transcript  
21 of the public hearing. Most importantly, it  
22 includes the responses that we created, item by  
23 item, to all the comments that were created  
24 through the review of the draft document.

25 Before I open it up for questions, there is

1 one important identified transportation  
2 improvement within the study area. That's a  
3 connector road. We refer to it in the study as a  
4 connector road which extends from Route 9R. I  
5 just wanted Mark Nadolny from Creighton Manning to  
6 just spend a couple of minutes to talk about what  
7 the connector road is and why it's such an  
8 integral part of addressing traffic impacts in the  
9 area. This is something that as projects come in  
10 the study area, the Planning Board will have to  
11 look at the connector road and establish the  
12 timing of when this should be implements.

13 Mark, could you just speak to that?

14 MR. NADOLNY: Thanks, Joe.

15 As Joe said, when we did this study back in  
16 2005, we had identified some improvements  
17 throughout the Boght Road area. One of the most  
18 major improvement that we had identified was  
19 actually widening Route 9 to add an additional  
20 northbound/southbound through lane, based on  
21 meetings with both New York State DOT and CDTC.  
22 They indicated that was no longer in their long  
23 range vision for the Route 9 corridor. So, now  
24 that major mitigation that we had identified back  
25 in 2005 is no longer viable. We investigated

1 other opportunities to relieve that congestion on  
2 Route 9. We had investigated several  
3 alternatives. We looked at connections between  
4 Century Hill and Dunsbach and Century Hill and  
5 Pollock. Some of those were rejected by the Town  
6 due to some perceived neighborhood impacts. We  
7 also reviewed converting Old Loudon Road back to a  
8 two-way operations again. That was dismissed due  
9 to some perceived neighborhood impacts. The whole  
10 point of the exercise was to relieve congestion on  
11 Route 9 and to mitigate the pressure that future  
12 traffic will apply to the corridor.

13 We all know that the Route 9/9R intersection  
14 is the pinch point in this area. So, what we  
15 tried to do is come up with a viable way to pull  
16 traffic out of this intersection.

17 One of those ways was the improvement of  
18 putting a connector road from the Autopark Drive  
19 intersection coming down to Johnston Road. What  
20 this does is it takes traffic that would typically  
21 coming down Route 9, making a left turn onto Route  
22 9R and taking that out of this intersection and  
23 putting it into this intersection here  
24 (Indicating). This allows us to reallocate green  
25 time to other movements that this intersection,

1           thereby relieving the congestion at this  
2           intersection and pretty much moving it to an  
3           intersection to the north as additional capacity  
4           at this point here (Indicating).

5           The reason why we had identified this as an  
6           improvement - we looked at three alternatives  
7           within our study. One was the do nothing  
8           alternative. What happens if we just let it go?  
9           Obviously Route 9 will continue to degrade in  
10          operations.

11          The next alternative was to spot intersection  
12          improvements at many of these study area  
13          intersections and the third alternative was those  
14          same spot intersections improvements including the  
15          connector road. Through those three alternatives,  
16          we were able to identify that through the  
17          corridor, the most beneficial improvement  
18          alternative did include the connector road and  
19          that's what we had recommended to the Town. I  
20          believe that there were 18 meetings with the Town  
21          and many of those meetings were attended by DOT  
22          and CDTC. They were on board with this  
23          recommendation and that's what we had progressed  
24          as our preferred alternative - to relieve that  
25          sort of congestion pressure.

1           MR. GRASSO: Just to put it in context, I had  
2 mentioned before that the total scope of all the  
3 increments - which there is a listing of a couple of  
4 dozen various improvements that total about 15 million  
5 dollars worth - the cost for this one improvement alone  
6 is 5.8 million dollars. So, it's a significant  
7 improvement. Obviously, how it gets implemented -  
8 there may not be one project that is going to have a  
9 mitigation fee and it might not be that large so there  
10 may be a partnering of multiple projects or working  
11 with the Town or seeking other funding sources in order  
12 to get this important improvement in the ground as  
13 projects get approved by the Planning Board.

14           With that, I'll open it up for questions from  
15 the Planning Board.

16           CHAIRMAN STUTO: I'll just say that we've been  
17 through a lot of these meetings so a lot of us may not  
18 have any questions. I don't have any, myself, but that  
19 doesn't mean that other Board Members might not have  
20 questions.

21           MR. GRASSO: There is a Resolution that has been  
22 provided and before the Planning Board acts on the  
23 document, I would like Allegra to read the Resolution  
24 into the record.

25           MS. EDELMAN: Thank you. There is a lot of legal

1 language in here. I'll try to go quickly. A lot of  
2 the whereas clauses summarize what Joe has already  
3 talked about in the history of this GIS.

4 "Resolution of the Town of Colonie Planning  
5 Board accepting the final Supplemental Generic  
6 Environmental Impact Statement for the Boght  
7 Road/Columbia Street GEIS/Route 9 Transportation  
8 Update.

9 Whereas, in 1989, the Planning Board of the  
10 Town of Colonie ("Planning Board") adopted a  
11 General Environmental Impact Statement ("1989  
12 GEIS") and issued a Findings Statement with  
13 respect to the Boght Road - Columbia Street Area;  
14 and

15 Whereas, the 1989 GEIS and Findings Statement  
16 identified the anticipated impacts of projected  
17 development over a twenty year period and  
18 established measures to mitigate the anticipated  
19 impacts; and

20 Whereas, due to significant changes in land  
21 use, travel patterns and infrastructure, the  
22 Planning Board sought to update the transportation  
23 analysis and recommendations set forth in the 1989  
24 GEIS; and

25 Whereas, in 2005, the "DGEIS Land Use and

1           Transportation Update, Boght Road-Columbia Street"  
2           ("2005 Study") was prepared by Creighton Manning  
3           Engineering, LLP to determine whether growth in  
4           the study area was consistent with the original  
5           1989 projections and identify transportation  
6           system changes and improvements to accommodate  
7           anticipated development; and

8                       Whereas, in 2011, the "Final Technical  
9           Memorandum Boght Road GELS - Route 9 Update ("2011  
10          Update") was prepared by Creighton Manning  
11          Engineering, LLP to identify reasonable  
12          improvements in the Route 9 sub area, which is  
13          generally limited to Route 9 from Route 9R to  
14          Dunsbach Ferry Road, Old Loudon Road and Route 9R  
15          between Johnson Road and Route 9; and

16                      Whereas, CHA Companies, Incorporated and  
17          Creighton Manning Engineering, LLP prepared a  
18          Draft Supplemental Generic Environmental Impact  
19          Statement ("Draft SGEIS") incorporating the 2011  
20          Update and 2005 Study; and

21                      Whereas, the Planning Board issued a Notice  
22          of Completion for the Draft SGEIS on March 13,  
23          2012, conducted a public hearing on the Draft  
24          SGEIS on April 4, 2012, and accepted written  
25          public comments on the Draft SGEIS until April 20,

1           2012; and

2           Whereas, in response to the public comments,  
3           a Final Supplemental Generic Environmental Impact  
4           Statement ("Final SGEIS") was prepared by CHA  
5           Companies, Incorporated and Creighton Manning,  
6           LLP; and

7           Whereas, the Final SGEIS was provided to and  
8           has been reviewed by the Planning Board of the  
9           Town of Colonie;

10          Now, therefore, be it resolved that the  
11          Planning Board of the Town of Colonie, as lead  
12          agency, hereby determines that the Final SGEIS  
13          prepared by CHA Companies, Incorporated and  
14          Creighton Manning Engineering, LLP is complete  
15          with respect to its scope and content for the  
16          purpose of filing pursuant to 6 NYCRR 617 12(b)  
17          and is accepted;

18          Be it further resolved that the notice of  
19          completion of the Final SGEIS and a copy of the  
20          Final SGEIS shall be filed and distributed to the.

21                 1. Commissioner, NYS Department of  
22                 Environmental Conservation;

23                 2. Regional Office of the NYS Department of  
24                 Environmental Conservation;

25                 3. Persons requesting the Final SGEIS;

1                   5. Other involved or interested agencies.

2                   Be it further resolved that the notice of  
3 completion shall be published in the DEC  
4 Environmental Notice Bulletin pursuant to 6 NYCRR  
5 617.12(c)(1); and

6                   Be it further resolved that a complete copy  
7 of the Draft SGEIS and Final SGEIS shall be posted  
8 on the Town's web site at [www.colonie.org](http://www.colonie.org) and  
9 copies of the Draft SGEIS, and a Final SGEIS shall  
10 be made available for inspection at the Town  
11 Clerk's Office in Memorial Town Hall, 534 Loudon  
12 Road, Newtonville, NY, the Planning and Economic  
13 Development Development at 347 Old Niskayuna Road,  
14 Latham, NY and the William K. Sanford Town  
15 Library, 629 Albany-Shaker Road, Loudonville, NY;  
16 and

17                   Be it further resolved that the Planning and  
18 Economic Development Department shall make  
19 suitable arrangements for the printing of hard  
20 copies of these documents for those who request a  
21 hard copy of the same, with the reasonable cost of  
22 copying charged to the individual, agency or other  
23 entity requesting copies of the same.

24                   Be it further resolved that this resolution  
25 shall take effect immediately."

1 Is there a motion?

2 MR. LANE: I'll make the motion, and yield my  
3 second to Mike.

4 MR. SULLIVAN: I'll second it.

5 CHAIRMAN STUTO: Any discussion?

6 (There was no response.)

7 CHAIRMAN STUTO: I would just like to thank the  
8 professionals, Creighton Manning and CHA. I know that  
9 they have worked very hard personally on this,  
10 counsel's office - the Town Attorney's office was very  
11 helpful and the Town Board Members were very helpful.  
12 I see Linda Murphy and Paul Rosano. Our Town  
13 Supervisor attended many meetings, participated in many  
14 meetings and they all deserve a lot of credit. The  
15 prior Planning Board had started out with this in 2000.  
16 I'm not sure exactly. It might have been 2005 or 2007.  
17 They all deserve a lot of credit. Those are my  
18 comments.

19 All those in favor?

20 (Ayes were recited.)

21 CHAIRMAN STUTO: All those opposed?

22 (There was no response.)

23 CHAIRMAN STUTO: They ayes have it.

24 (Whereas the proceedings were concluded at  
25 7:38 p.m.)

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CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand Reporter and Notary Public in and for the State of New York, hereby CERTIFY that the record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

\_\_\_\_\_  
NANCY STRANG-VANDEBOGART

Dated January 3, 2013

