

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

3 \*\*\*\*\*  
4 BOGHT ROAD/COLUMBIA STREET GENERIC ENVIRONMENTAL  
5 IMPACT STATEMENT PUBLIC HEARING  
6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 proceeding BY NANCY STRANG-VANDEBOGART,  
9 a Shorthand Reporter, commencing on  
10 April 3, 2012 at 7:01 p.m. at the Public Operations  
11 Center 347 Old Niskayuna Road,  
12 Latham, New York 12110

13 BOARD MEMBERS:

- 14 PETER STUTO, CHAIRMAN
- 15 TIM LANE
- 16 MICHAEL SULLIVAN
- 17 KATHY DALTON
- 18 LOUIS MION
- 19 BRIAN AUSTIN
- 20 BRIAN HAAK
- 21 ELENA VAIDA, Esq., Counsel to the Planning Board

22 Also present:

- 23 Joseph LaCivita, Director, Planning and Economic  
24 Development
- 25 Joe Grasso, PE, Clough Harbour and Associates
- Mark Sargent, Creighton Manning Engineering
- Mark Nadolny, Creighton Manning Engineering
- John Fahey
- Andy Brick, Esq.
- Barbara Numrick
- Chris Bette

25

1                   CHAIRMAN STUTO: Thank you everybody.  
2                   Welcome. The clock says 7:00, so we'll call  
3                   the meeting to order. The meeting is the Boght  
4                   GEIS public hearing.

5                   Elena, this was a noticed meeting? Can  
6                   you read the public notice for the record?

7                   MS. VAIDA: The Town Planning Board in  
8                   the Town of Colonie, Albany County, New York.  
9                   Notice is hereby given that pursuant to  
10                  Part 617 of the implementing regulations  
11                  Article 8, State Environmental Quality Review  
12                  Act of the Environmental Conservation Law, a  
13                  Draft Environmental Impact Statement has been  
14                  completed and accepted for the proposed  
15                  action. Comments are requested and will be  
16                  accepted by the contact person until April 20,  
17                  2012 at 4:30 p.m. A public hearing on the  
18                  Draft EIS will be held on April 3, 2012 at  
19                  7:00 p.m. The Town Planning Board in the Town  
20                  of Colonie will conduct the public hearing at  
21                  the Public Operations Center, 347 Old  
22                  Niskayuna Road, Latham in said Town of  
23                  Colonie, County of Albany, New York. It's  
24                  dated March 13, 2012. It's signed Town of  
25                  Colonie Planning Board, Peter Stuto, Chairman.

1 CHAIRMAN STUTO: Thank you, Elena.

2 Before I do any introduction, Brian  
3 Austin, do you have an introduction?

4 MR. AUSTIN: Yes, we have some members of  
5 the audience of HVCC - the Civil Engineer  
6 Technology class here; Michael Riozzi, Michael  
7 Weisiczko and Haroon Sheikh. I would like to  
8 thank you guys for coming tonight. Hope you  
9 enjoy your assignment here.

10 CHAIRMAN STUTO: Before we start actually  
11 taking comments from the public on the  
12 hearing, I want to let everybody in the room  
13 know who the main actors are here.

14 Obviously, we have seven Board Members  
15 that are on the Planning Board here. Our  
16 Counsel is Elena Vaida. She's the woman in the  
17 gray suit on the end, and she's an attorney;  
18 Joe LaCivita, our Director of Planning;  
19 Allegra Edelman from the Town Attorney's  
20 office and our professional consultants that  
21 we've hired here - they are engineering types.  
22 We have Joe Grasso who is with CHA. He is  
23 acting in a coordinating fashion for the  
24 hearing tonight and for the Generic  
25 Environmental Impact Statement Draft and

1 Supplement. Then we have two representatives  
2 from our traffic engineers, Creighton Manning,  
3 and also known as CME. We have Mark Sargent  
4 and Mark Nadolny.

5 What we have here tonight is a public  
6 hearing. We have been examining this issue,  
7 which is the updating the Generic  
8 Environmental Impact Statement with respect to  
9 the traffic component for two or three years  
10 prior to today. We've had a number of public  
11 meetings. We've had a number of iterations on  
12 the traffic study and tonight is the formal  
13 public hearing with respect to the Draft  
14 Supplemental Generic Environmental Impact  
15 Statement. We're going to take all comments.  
16 We will stay here all night, if we need to in  
17 order to accommodate all the comments.

18 In order to be fair, I think that we're  
19 going to have to limit the time for the  
20 comments, initially, to allow the second,  
21 third, fourth and fifth person to give their  
22 comments, and then they'll have to go to the  
23 back of the line. If you're the last person  
24 standing, we want to listen to everything that  
25 you have to say for the record.

1           With respect to where we are procedurally  
2 with this, I'd like to turn this over to  
3 Allegra Edelman from the Town Attorney's  
4 office and she'll talk about where we are in  
5 the environmental review process with this.

6           Thank you, Allegra.

7           MS. EDELMAN: Thank you. Actually, I'd  
8 like to start a brief introduction of the  
9 GEIS. The original that was read was the draft  
10 version. This is the correct version of it.

11           "Notice of completion of Draft  
12 Supplemental GEIS Public Hearing, Town  
13 Planning Board, Town of Colonie, Albany  
14 County, New York.

15           Notice is hereby given that pursuant to  
16 Part 617 of the implementing regulations to  
17 Article 8, State Environmental Quality Review  
18 Act, of the Environmental Conservation Law, a  
19 Draft Supplemental Generic Environmental  
20 Impact Statement, GEIS, has been completed and  
21 accepted for a proposed action involving the  
22 following: Between 2005 and 2011, a number of  
23 proposed projects in the Boght Road/Columbia  
24 Street Area, particularly within the sub-area  
25 of Route 9 from Route 9R to Dunsbach Ferry

1 Road, Old Loudon Road, and Route 9R between  
2 Johnson Road and Route 9, were substantially  
3 different than the projected development  
4 evaluated in the 1989 Boght Road/Columbia  
5 Street Area GEIS. The Draft Supplemental GEIS  
6 evaluates new traffic conditions and potential  
7 impacts and identifies short-term and  
8 long-term transportation infrastructure  
9 improvements, linkages and transit/pedestrian  
10 related improvements. A copy of the Draft  
11 Supplemental GEIS may be obtained from Joe  
12 LaCivita, Director, Planning and Economic  
13 Development Department at 518-783-2741 or  
14 [www.colonie.org](http://www.colonie.org).

15 Comments are requested and will be  
16 accepted by Joe LaCivita, Director, Planning  
17 and Economic Development Department, 347 Old  
18 Niskayuna Road, Latham, New York, 12110 until  
19 April 20, 2012 at 4:30 p.m. The Town Planning  
20 Board of the Town of Colonie, Albany County,  
21 New York will meet and conduct a public  
22 hearing on the Draft Supplemental GEIS on  
23 April 3, 2012 at 7:00 p.m. at the Public  
24 Operations Center, 347 Old Niskayuna Road,  
25 Latham, in said Town of Colonie, County of

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1 Albany, New York. Dated March 14, 2012, Latham  
2 New York, Town of Colonie Planning Board,  
3 Peter Stuto, Chairman.”

4 Just to let you know where we are in the  
5 process, on March 13<sup>th</sup>, the Planning Board met  
6 and adopted a positive declaration in  
7 connection with the traffic study and also  
8 accepted a Draft Supplemental GEIS. Tonight,  
9 as you know, is the public hearing where we  
10 will be accepting public comments on the Draft  
11 Supplemental GEIS. Written comments will be  
12 accepted until April 20, 2012. So, if you go  
13 home and think of something else that you  
14 wanted to say, but didn't, you may still  
15 address that in writing, addressed to Joe  
16 LaCivita, Director of Planning and Economic  
17 Development.

18 After April 20<sup>th</sup>, once we have received  
19 all the written comments that were submitted  
20 on the project, the Planning Department and  
21 the engineers will prepare a Final  
22 Supplemental GEIS. The Supplemental GEIS  
23 final, will be the responses to substantive  
24 questions and summarized comments and will  
25 include any changes requested by the Planning

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1 Board. At that point, that will be put before  
2 the Planning Board, accepted and upon  
3 acceptance, there will be a notice of the  
4 final GEIS. It will also be posted on the Town  
5 website and will be publically available as a  
6 Draft Supplemental GEIS at the Town Clerk's  
7 office, Planning Department and Library.

8 Once the final Supplemental GEIS is  
9 filed, then the Planning Board will have an  
10 opportunity to issue a findings statement. A  
11 findings statement is where the Planning Board  
12 can adopt the recommendations from the  
13 supplemental GEIS. At that point, other  
14 involved agencies may also adopt the Planning  
15 Board's finding statement.

16 I'll now turn this over to Joe Grasso.

17 CHAIRMAN STUTO: I'll make just one more  
18 comment and then we'll turn it over to Joe.  
19 That is, about the comments that we're going  
20 to be receiving tonight. We're not going to be  
21 answering questions tonight. That's going to  
22 be a more formal process. It's going to be  
23 written responses, as Allegra has said, to the  
24 comments that are made. That is going to be  
25 subsequent to the written comment period. All



1 the comments and questions will be answered  
2 and addressed. That's not why you're here  
3 tonight - not to have a back and forth.

4 Now, I'm going to turn it over to Joe  
5 Grasso from Clough Harbour, CHA, who has been  
6 the coordinating engineer on this project.

7 MR. GRASSO: Thanks, Pete. I'm just going  
8 to provide some background information to kind  
9 of put things in context about the traffic  
10 studies that we're going to be hearing a lot  
11 about tonight. After I'm done, we'll turn it  
12 over to Mark Sargent to go through a power  
13 point presentation.

14 Going back in time - back in 1989 the  
15 Town of Colonie Planning Board completed the  
16 Generic Environmental Impact Statement that  
17 looked at existing development and projected  
18 new growth within the northern section of the  
19 Town of Colonie and looked at the various  
20 impacts that development would have on various  
21 community services such as water supply, sewer  
22 service, solid waste, recreation,  
23 transportation systems - which is the focus of  
24 our study tonight - open space resources and  
25 various other environmental resources. That

1 study, done in 1989, looked at two 10-year  
2 planning period.

3 Back in 2005, the Town asked Creighton  
4 Manning Engineering to do an update to the  
5 land use and transportation systems in the  
6 Boght Road/Columbia Street area. This is what  
7 we refer to as the 2005 update. This was  
8 trying to evaluate significant land  
9 development changes that occurred since the  
10 completion of the original 1989 study. With  
11 this study, it established a new baseline for  
12 the assessment of land development projects,  
13 as well as traffic improvements and any  
14 calculation of transportation mitigation costs  
15 that would be attributable to the study.  
16 Within this study it documented a need for  
17 major widening of Route 9 and other involved  
18 agencies that also reviewed development  
19 projects in the study area; including CDTA,  
20 New York State DOT, and CDTC. These agencies  
21 did not support things identified in that 2005  
22 update. They determined that these  
23 improvements would not be cost effective and  
24 were not consistent with the CDTC new vision  
25 plan that was adopted in August of 2007. So

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1 the SEQRA process for the 2005 update was  
2 never completed and as a result, the process  
3 was put on hold.

4 Between 2005 and 2011, there were a  
5 number of projects within a study area  
6 proposed for approval for the Town of Colonie  
7 Planning Department. Upon review of the  
8 original 1989 study, it became apparent that  
9 the projects were substantially different than  
10 the projected development that was evaluated  
11 back in 1989. In order to adequately evaluate  
12 the traffic impacts resulting from what we'll  
13 call new projects, it was determined that a  
14 new Draft Supplemental GEIS would be prepared  
15 and an amended statement of findings would be  
16 created.

17 So, the CDTA and CDTC, DOT and the Town  
18 of Colonie all recognized that identifying  
19 reasonable and cost effective transportation  
20 infrastructure improvements is fundamental to  
21 successful public and private development  
22 programs as well as implementation of the  
23 original 1989 GEIS. As a result, what we call  
24 2011 traffic update was initiated.

25 Mark Sargent has created a Power Point

1           that basically summarizes the investigation  
2           and results of the 2011 traffic update. I'll  
3           turn it over to Mark now.

4           MR. SARGENT: Thanks, Joe.

5           This should look familiar to some of you  
6           and for those of you who are new to this  
7           information, I'll just highlight it briefly  
8           here. This is the study area for the original  
9           Boght Road/GEIS the Town did in 1989.

10          This is I87 on the left hand side of the  
11          figure. You can see the proposed rail  
12          corridor. This is Route 2 is at the bottom of  
13          the screen and here is Watervliet. This is the  
14          Boght area GEIS study area.

15          In the last several years with the update  
16          work, we had been focusing in on this area.  
17          This was where a number of developments have  
18          been proposed that were substantially  
19          different then they were in the original  
20          study. The most recent GEIS update work has  
21          focused on this part of the study area.

22          If you arrived earlier enough, you had a  
23          chance to look at these overall  
24          recommendations. This summarizes the  
25          recommendations in that Route 9 focus area.

1 CHAIRMAN STUTO: And where was 87?

2 MR. SARGENT: Yes, 87 is along the top of  
3 this page. Route 9 is to the middle of it and  
4 9R extends off lower here (Indicating).

5 One of the things that I would point out  
6 is that you can see that there are a number of  
7 text boxes here with a light blue header  
8 (Indicating). These are improvements that have  
9 been identified through the different analysis  
10 that was done that was not part of the GEIS,  
11 but they are things such as linkages with  
12 other parcels. Future connections with parcels  
13 and some pedestrian improvements are also  
14 identified as desirable improvements, but they  
15 are not part of the GEIS itself. GEIS  
16 recommendations are shown with a different  
17 color header here (Indicating). The orange and  
18 green color. I'll get into those in a little  
19 more detail in a moment.

20 One of the significant improvements or  
21 recommendations in the GEIS was the  
22 recommendation for a connector road here  
23 between Route 9 and 9R (Indicating). This is  
24 the same connector road, just oriented  
25 differently and zoomed in a little bit so that

1 Route 9 is on the left and 9R is here  
2 (Indicating). Johnson Road is in the lower  
3 right hand corner and you can see the  
4 connector road and where it goes through this  
5 parcel (Indicating). The idea here is that the  
6 connector road would alleviate traffic  
7 congestion.

8 Just to back up for a moment, the GEIS  
9 involved a fair amount of land use work as to  
10 the traffic forecasting. There were several  
11 meeting with the Town and it looked at all the  
12 pending and speculative and proposed  
13 developments in the entire GEIS area and the  
14 two developments outside of the area. There  
15 were a total of 35 pending speculative  
16 developments and potential developments that  
17 were identified through that effort. There  
18 were a number of notable short-term  
19 developments of a more significant nature,  
20 larger in size, shown here (Indicating). The  
21 five of them are Canterbury Crossings, Century  
22 Hill, Shelter Cove, a large retail development  
23 which was the focus recently and then the  
24 development here (Indcating).

25 Joe mentioned the original GEIS in 1989

1 had looked at the trip generated potential of  
2 all the developments in the area. In other  
3 words, what is going to happen when the second  
4 plan is developed over time. It's going to  
5 generate potential additional traffic. At that  
6 time, it was nearly 9,000 additional p.m. peak  
7 hour trips that were projected on the system.  
8 A number of those did come online in the last  
9 20 years and we've seen a lot of those on the  
10 network and that's what you're experiencing  
11 today. The recent forecasts show that we can  
12 see an additional 3,500 p.m. peak hour trips  
13 as a result of those 35 developments. So, this  
14 is really driving the need for the additional  
15 improvements that are recommended in the DGIS  
16 currently. It's the fact that we are being  
17 faced with the potential for an additional  
18 3,500 trips in a single area in this area.

19 The DGEIS that is in front of you and is  
20 open for public hearing tonight, as Joe said,  
21 is a combination of two efforts. The 2005  
22 effort looked at the entire GEIS area and the  
23 more mobile effort. This drawing just  
24 summarizes the traffic analysis in the  
25 mobilized area. Really what's important to

1 point out is this critical intersection, once  
2 again of Route 9 and 9R. It's the most  
3 congested intersection in the study area. If  
4 no improvements are made, the null condition,  
5 you'll see all that additional traffic on the  
6 network - that intersection would fail. The F  
7 indicates that there would be 95 seconds of  
8 delay on average for all the vehicles  
9 traveling through the area. With the connector  
10 road and some of the other improvements in the  
11 area, it would cut delays significantly to a  
12 level of service C.

13 MR. GRASSO: Could you just explain the  
14 different levels of services?

15 MR. SARGENT: Sure. This drawing shows  
16 different symbology here. You see C,E and D.  
17 That's representing levels of services. Level  
18 of service is the quality of traffic flow.  
19 It's basically how long do you wait? It goes  
20 from A to F. A is a very short delay and F  
21 being a long delay; 80 seconds or longer.

22 The previous slide just focused in on two  
23 of the intersections. What this one does is  
24 puts in some overall measures of effectiveness  
25 in the Route 9 Corridor itself. Again, this



1 summarizes kind of a larger corridor picture.  
2 Today, there are 39 vehicle hours of delay on  
3 the corridor in the calculations. If we do not  
4 pursue any of the improvements in the DGEIS,  
5 delays would quadruple. It would increase from  
6 38 to 121 vehicle hours. So, this is how the  
7 system would operate without any improvements.

8 This is how the system would operate with  
9 all the improvements identified in the DGEIS  
10 including the connector road. There will still  
11 be some increased delay. We'll see some  
12 deterioration in operations overall. However,  
13 it will be significantly better than the null  
14 condition or the do nothing alternative. This  
15 is really what's driving the recommendation.  
16 So, an increase from 40 vehicle hours of delay  
17 to 60 is about a 50 percent increase of delay  
18 in the network, which is a lot better than the  
19 300 percent.

20 There are a number of advantages to the  
21 connector road. Some of them are shown here  
22 and there are also some disadvantages and  
23 operational improvements on Route 9 and in the  
24 GEIS area. Some environmental benefits are  
25 reduced emissions, fewer stops, fewer delays,

1 allowing proposed development to take place  
2 because if these improvements are not in  
3 place, it will constrain the amount of  
4 development potential in the area. It's also  
5 an advantage for a detour when there are  
6 incidents on I87. It did improve pedestrian  
7 connectivity and as Joe mentioned, it also  
8 addresses concerns from some of the involved  
9 agencies; New York State DOT and the Capital  
10 District Transportation Committee.

11 Some of the drawbacks - a number of  
12 improvements and the connector road involve  
13 right of way acquisitions. The costs are high,  
14 overall, but less than they were in 1989. You  
15 can see some of the other disadvantages here.  
16 Additional signal delay, wetland impacts and  
17 also perceived impacts.

18 The transition now is just listing all of  
19 the improvements that are currently in the  
20 DGEIS.

21 The total cost of all the improvements is  
22 14.5 million dollars. All of the intersections  
23 highlighted in red here have been identified  
24 as needing some type of improvement  
25 (Indicating). The study recommends short-term

1 improvements with a total of 9.5 million  
2 dollars. That's long term improvements on the  
3 order of five million dollars.

4 MR. GRASSO: Just to qualify the  
5 short-term versus long-term, when we look at  
6 short-term we're looking at the expected  
7 projects that would hit the system by the year  
8 2015. Long term is the projects that would be  
9 projected to hit the system by 2020.

10 MR. SARGENT: So, the first improvement  
11 is a right turn lane on Route 9 at Century  
12 Hill. Here is a picture of what that looks  
13 like (Indicating). This is Route 9 and north  
14 is to the right. Here would be the southbound  
15 right turn lane in this area, turning into  
16 Century Hill.

17 The second improvement - you can see that  
18 this is an index map here (Indicating);  
19 Route 9 and Dunsbach. There are additional  
20 turn lanes at that location. It would look  
21 something like this side by side (Indicating).  
22 The left and right turn lanes are on the side  
23 street.

24 The next improvement is the connector  
25 road itself on the order of \$5.5 to \$6 million

1           dollars. It's broken up into three segments.  
2           This piece here - about three million dollars  
3           and then about \$1.5 million to reconstruct the  
4           intersection on either end.

5                     The next improvement - pedestrian  
6           accommodations on Old Loudon Road to connect  
7           with development of this parcel to the signal,  
8           and the existing transit and neighborhoods  
9           down Old Loudon Road. The sidewalk is shown  
10          here (Indicating).

11                    The next improvement is the possibility  
12          of a roundabout at 9R, Baker and Boght. This  
13          is a picture of what that could look like  
14          (Indicating).

15                    The next location is another roundabout  
16          at Columbia Street/Baker and Baker and 9R  
17          leading into Cohoes. This is another image of  
18          what that could look like (Indicating). Also  
19          that includes a road segment implement.

20                    In the area of Haswell Road and Swatling  
21          Road intersection turn lane  
22          improvement - there is similar side street  
23          widening and left and right turn lanes.  
24          Installing a traffic signal on Old Loudon Road  
25          at Cobbee Road. There is a representation of

1           that here (Indicating).

2                     Here is installing a signal just south of  
3           that at Latham Ridge Road and also including  
4           the widening of Old Loudon Road in that area.

5           Here is the previous signal (Indicating).

6           There would also be a signal here at Latham  
7           Ridge winding in between of the left turn lane  
8           in each direction.

9                     The addition of a westbound through lane  
10          on Route 9. North is to the right. Here is 9R  
11          approaching the Northway. So, adding a through  
12          lane in this area.

13                    At the Route 9 and 9R intersection, a  
14          number of turn lanes, short term and long  
15          term. Short-term would allow widening side  
16          streets to provide left and right turn lanes  
17          westbound and a left turn lane eastbound and  
18          then long-term those would be in place and the  
19          improvement would include an addition of a  
20          northbound right turn lane.

21                    The existing roundabout that was  
22          previously constructed at Boght Road and  
23          Johnson Road and St. Agnes Highway is also one  
24          of the improvements.

25                    Then, three additional traffic signals

1           and those are just shown here (Indicating);  
2           one at Boght Road, Haswell Road and Elm  
3           Street, one at Johnson Road and Miller Road  
4           and one at Baker Ave here (Indicating).

5           I would point out that these are cost  
6           estimates - that's not the cost to install the  
7           signal. The cost to install the signal could  
8           be roughly half of that or less. That cost  
9           also includes some installation, some  
10          contingency if there were engineering and it  
11          includes construction inspection. It includes  
12          administration and permitting, legal fees. It  
13          includes a host of fees that could be the  
14          ultimate full cost of a movement like that.  
15          The GEIS also includes funding for transit  
16          accommodations such as transit shelter plus  
17          stop improvements or short pedestrian  
18          improvements in the vicinity of the bus stop  
19          to include pedestrian linkages.

20          That summarizes all of the  
21          recommendations from the current work as well  
22          as the 2005 GEIS.

23          I'll turn it back to Joe Grasso.

24          MR. GRASSO: Before we open it up for  
25          public comment, I just wanted to mention about

1 the mitigation fees. The 1989 study did  
2 identify a series of transportation  
3 improvements and in order to fund those,  
4 mitigation fees have been assigned to do  
5 projects within the study area and those fees  
6 have been assigned to projects as they come  
7 before the Planning Board as a way to address  
8 their fair share of traffic impacts on the  
9 local transportation system. As part of this  
10 study, we are recommending mitigation fees be  
11 reassigned based on the current improvements  
12 and the associated costs. So, as new projects  
13 came before the Planning Board, as mitigation  
14 of their traffic impacts, they would be  
15 assigned mitigation costs.

16 The way that those costs are assigned  
17 currently is going to be changed under this  
18 new study. Back in 1989, the way that  
19 mitigation fees were assigned was based on a  
20 square foot basis for commercial development,  
21 or per residential dwelling unit. It didn't  
22 matter where the development was within the  
23 study area. It was a flat mitigation fee based  
24 on per square foot or per unit.

25 Under the proposed plan, mitigation fees

1 would be assigned based on the amount of  
2 capacity that project would use for each of  
3 these transportation improvements. So, when a  
4 project came before the planning board, the  
5 traffic from that project would be assigned to  
6 this roadway network and that would be done by  
7 CDTC with their traffic simulation model.  
8 Depending on where those trips were projected,  
9 you go through these various improvements - a  
10 mitigation fee would be calculated based on  
11 CDTC and therefore brought to the Planning  
12 Board and used in a review of the project. It  
13 would be the payment of that mitigation fee  
14 then would be the project's mitigation for the  
15 traffic impact. It's a little different from  
16 the way that the system is now but that would  
17 be included in the study.

18 That's all we have.

19 CHAIRMAN STUTO: Does the Board have any  
20 questions before we open it up to public  
21 comment?

22 MR. LANE: Would it also reassign the  
23 1989 figures?

24 MR. GRASSO: Yes. The mitigation fees, as  
25 they existed in 1989 - as they are related to



1 traffic -

2 MR. LANE: No, the other ones - would  
3 they be recalculated?

4 MR. GRASSO: If a project went through  
5 the Planning Board review process and had a  
6 SEQRA determination based on the mitigation  
7 fees that were in place at the time, those  
8 mitigation fees would not be changed. You have  
9 to understand that mitigation fees are  
10 assigned as part of the SEQRA review of a  
11 project. Only until this process is complete  
12 would it be reviewed in the context of these  
13 new fees.

14 CHAIRMAN STUTO: Any other questions?

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

16 CHAIRMAN STUTO: Okay, we're going to  
17 open it up to public comment. If someone wants  
18 to speak, I would ask that you sign in on that  
19 sheet. We're going to start out with a five  
20 minute time limit and we'll see how that  
21 works. We'll work our way around to the end  
22 and we'll make sure that everybody has a  
23 chance.

24 As I said before, we're not necessarily  
25 going to answer questions tonight. They will

1 be addressed formally in written answers as we  
2 prepare the GEIS.

3 John Fahey.

4 MR. FAHEY: The only question that I have  
5 is about the DOT announcement today in the  
6 papers. With regard to those operating numbers  
7 and intersections - do they agree with the  
8 ones in the study? Are there any major  
9 differences between your figures and the  
10 state's figures?

11 CHAIRMAN STUTO: We're not going to  
12 formally answer that now. If you grab one of  
13 these fellows after the meeting, I'm sure they  
14 can talk to you.

15 MR. FAHEY: Okay, I just wanted to bring  
16 it up.

17 CHAIRMAN STUTO: Andy Brick.

18 MR. BRICK: Good evening, Mr. Chair. I  
19 just signed in when I came in. I didn't have  
20 anything to speak to.

21 CHAIRMAN STUTO: Barbara Numrick.

22 MS. NUMRICK: Same thing.

23 CHAIRMAN STUTO: Chris Bette.

24 I think that we have a letter from you on  
25 the record.

1           We have a letter dated April 2<sup>nd</sup> on First  
2 Columbia letterhead signed by Christopher J.  
3 Bette, PE.

4           MR. BETTE: Thank you, Mr. Chairman. I'm  
5 Christopher Bette, First Columbia and owners  
6 of the land on Century Hill Plaza. I  
7 appreciate the opportunity to speak. I hope  
8 that everybody gets a chance to read my  
9 comment letter.

10           The crux of my comments are related  
11 to - we've been involved with the whole  
12 process since 2005. Over those years many  
13 questions have come up and a lot of these  
14 things haven't been answered in our mind. I  
15 think that it's fair to say that the Board has  
16 requested information and because the Board  
17 hasn't received it, the public hasn't received  
18 it.

19           A couple of years ago the connector road  
20 showed up for the first time. The Board said  
21 that for 140 diversions, a \$5.5 million dollar  
22 improvement seemed outrageous. People wanted  
23 to see a cost benefit analysis associated with  
24 that. It hasn't been provided. First Columbia  
25 has paid over \$700,000 in mitigation fees for

1           what we have done at Century Hill. We haven't  
2           seen any improvements related to those  
3           dollars.

4           I just heard tonight that because the  
5           improvements are going down in the new study,  
6           we're not going to get refunded all the money  
7           that we spent, based on the \$21 million dollar  
8           1989 study. That was surprising to hear. We  
9           think that we've paid in and not seen  
10          improvements, much less haven't seen the  
11          accounting that the Board had asked for in  
12          prior meetings. Also, on where the GEIS money  
13          stood, how much, if it was used and where it  
14          was used. None of that has been provided.

15          Board Member Nardacci said that  
16          information is good for this Board to make  
17          good smarter decisions and in my letter you'll  
18          see that I used the term smarter. That was  
19          Board Member Nardacci's statement saying that  
20          the Board needs the information in order to  
21          make smarter decisions. Again, that  
22          information hasn't been provided and a lot of  
23          other information hasn't been provided that  
24          was actually requested.

25          The Walmart project studied their traffic

1 and they demonstrated that the connector road  
2 wasn't needed. They were able to do  
3 improvements at the 9 and 9R intersection that  
4 I'm not sure mitigated the traffic for the  
5 area, or just their project or what have you.  
6 The Board was told that study was submitted to  
7 DOT. DOT was reviewing it. DOT would then get  
8 back with the consultants, CDTC, DOT and would  
9 all talk about it and the Board would be  
10 informed of it.

11 The GEIS process calls for alternatives  
12 to be analyzed. I think that's a viable  
13 alternative. We need to know what the cost of  
14 those improvements are versus the cost of the  
15 connector road. The connector road on the  
16 slides tonight was \$5.8 million. I think in  
17 the technical memorandum the line item - there  
18 was questions about the right of way. Is that  
19 in the acquisition in the cost, out of the  
20 cost? Is the developer of Parcel 28 going to  
21 donate it, or will he get credit against his  
22 mitigation. So, there has been a lot of  
23 questions asked about the connector road, yet  
24 we really haven't been told how all that is  
25 going to work. The CDTC model - it's been told

1 to us that can be used today to demonstrate  
2 who is contributing and how much the connector  
3 road.

4 Canterbury Crossing - I can't imagine  
5 them using the connector road. They have their  
6 own connector road. Are they contributing to  
7 the connector road costs? Where are those  
8 costs going to be allocated? Does Parcel 28  
9 pay the lion's share, or does everybody else  
10 pay to improve Parcel 28? As you can see the  
11 connector road goes right through the  
12 starlight theater. Who is paying for the  
13 demolition costs? Is that us, the Boght Road  
14 area residents, or is that the Parcel 28  
15 developer? Where are those costs? I think that  
16 we need to know who is paying for what, how  
17 it's being paid and the CDTC model would show  
18 us all how the program works. The new  
19 mechanism for determining mitigation rates.  
20 The CDTC model would spit that out. I think  
21 that it would help us all. We'd be able to see  
22 where trips originate and where they go and  
23 what dollar amounts associated with those  
24 trips. I'm very concerned that projects  
25 planned today are bigger than what they're

1 going to be built at. What happens then? Do we  
2 find out that there is a shortfall in the  
3 funding because Parcel 28 doesn't build  
4 100,000 square feet and they only build  
5 50,000? What happens? Do these figures get  
6 rejiggered as they did in the airport area  
7 GEIS? The airport area GEIS was a problem. We  
8 developed in that area as well and the  
9 mitigation for the right of way wasn't  
10 included in the estimate. Later projects,  
11 because that right of way was then paid to the  
12 landowner - later projects paid increased  
13 mitigation fees just to cover those costs.  
14 It's important that we include everything that  
15 needs to be included in the estimate so that  
16 the projects today pay in their fair share for  
17 the future. Rejiggering the numbers to the  
18 projects that developed later on, isn't fear.  
19 We talked about the fairness that needs to be  
20 done through this process.

21 Our concerns, just that everything is  
22 done fair and everything is done open. We've  
23 seen requests for information. I haven't seen  
24 them and I've been at most of the meetings. I  
25 think that it's fair to say that the Board

1 would benefit tremendously from having the  
2 CDTC model. It would show you who is paying  
3 for what. If we can envision when those  
4 projects would come online then we can make a  
5 better estimate of what is short-term and what  
6 is long-term. We can't, from the stuff that  
7 we've seen determine who is funding the short  
8 term improvements and is there enough money  
9 for them from the projects that we anticipate  
10 in the next five years? I think that it's  
11 important and I think that you can find that  
12 out. I think that the CDTC model can show us  
13 all that.

14 Basically, I just feel that we've been in  
15 the process since 2005, we took a hiatus for a  
16 little while. In 2008 we restarted. In 2010,  
17 we almost got to the findings statement again.  
18 In 2011 or somewhere in there, the connector  
19 road shows up and we stopped. In January of  
20 2011 was really the last public meeting and  
21 now we're without really talking about it  
22 other than tonight, I don't know what happened  
23 on the 13<sup>th</sup>. I just assumed that you moved the  
24 stuff to have the public hearing. We're not  
25 moving towards, let's get this done and I'm



1 saying, wait, we asked a lot of questions. The  
2 Board asked a lot of good questions. I'm all  
3 for getting it done. It's held me up a few  
4 items during the approvals that I've tried to  
5 get. So, we want to get this done as much as  
6 everybody else, but we want to make sure that  
7 everybody understands the cost implications of  
8 what we're doing. We have to understand that  
9 the Town - call it what you want, public  
10 shares, Town money, somebody's money - the  
11 town is going to contribute 20 percent to  
12 these improvements. So, we need to make sure  
13 that the costs are realistic and that we're  
14 not spending the Town's money foolishly. I  
15 really want us to pay attention to what these  
16 pedestrian accommodations are because it  
17 concerns me.

18 The Hess proposal has received comments  
19 twice that they are in a sidewalk improvement  
20 area. The reality is that there are four  
21 people a week walking on Route 9. Who are we  
22 building these sidewalks for? I didn't see  
23 them in the sides tonight, but that has been  
24 said that Hess has two applications and that  
25 you should build sidewalks in front of your

1 sewer. Both times they contested it and said,  
2 what for? More importantly is the maintenance  
3 dollars. I don't know who maintains the  
4 sidewalks on Route 7 out front here. Is that a  
5 Town cost or a state cost? Who is maintaining  
6 those things? If it's the Town, we really  
7 should know that there are considerable  
8 maintenance dollars that have to be allocated  
9 for sidewalk maintenance. I'm not sure that's  
10 been discussed. We talk about pedestrian  
11 improvements, but I don't know what that  
12 means. Is First Columbia funding sidewalks  
13 along 9R? Who walking on them and who is  
14 plowing them, basically? I think that we need  
15 to take a little bit of a step back, gather  
16 some more information. There are 30 projects  
17 that are identified. I think that they can  
18 model that and show us where these trips are  
19 coming and make sure that the connector road  
20 costs are viable, reasonable and if it's not,  
21 then we should be looking at other  
22 alternatives. Again, that's something that the  
23 EIS process tells you that you should be  
24 doing.

25 I'll end by saying that I think that

1 we're rushing. I think that we have time  
2 to - and I want to get it done, but I think  
3 that we need to just get a few more pieces of  
4 information in front of everybody so that we  
5 can all make smarter decisions. Thanks.

6 CHAIRMAN STUTO: Thank you.

7 Is there anybody else from the public  
8 that would like to make a comment?

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

10 CHAIRMAN STUTO: Does the Board have any  
11 questions?

12 MS. DALTON: Do we know who owns parcel  
13 28?

14 CHAIRMAN STUTO: Joe, can you help us  
15 with that one?

16 MR. LACIVITA: Actually, there is a  
17 couple of them right now. I think that Mr.  
18 Weiss has partial ownership of it and I  
19 believe there is an option on it with  
20 Mr. Weiss. I believe that there are  
21 negotiations going on.

22 CHAIRMAN STUTO: And you have talked to  
23 them, right?

24 MR. LACIVITA: Yes.

25 MS. DALTON: Have you heard from them at

1 all?

2 MR. LACIVITA: In what sense? They were  
3 before us with a sketch plan review regarding  
4 this project with the redevelopment. They  
5 called it Parcel 28.

6 MS. DALTON: When was that?

7 MR. LACIVITA: I don't know the exact  
8 date, but I know that it was before the Board.

9 CHAIRMAN STUTO: Who remembers that? I  
10 remember that.

11 MS. DALTON: I have been here for a year  
12 and I haven't seen it. But I have missed a  
13 couple of meetings.

14 I think that it's particularly  
15 interesting that they are looking for new  
16 development over at the Starlite Music Theater  
17 is the parcel that runs right through the  
18 whole thing.

19 CHAIRMAN STUTO: I have a question on the  
20 public/private share. Have we addressed that?

21 MR. GRASSO: In the traffic study?

22 CHAIRMAN STUTO: Yes, the traffic study  
23 identifies public/private share split of 27  
24 percent public and 73 percent private. The 73  
25 percent private represents the projected

1 development as evaluated in the traffic study.  
2 Everything that we're looking at for a  
3 short-term is long-term traffic is that  
4 private share.

5 CHAIRMAN STUTO: The old was 20/80. So  
6 this is an increased public -

7 MR. GRASSO: That's because the various  
8 improvements have a different amount of extra  
9 capacity built into that. It's unfair to make  
10 the current private development pay for that  
11 extra capacity. So, it's assigned to either  
12 future development that occurs that's not  
13 currently evaluated. It could be assigned to  
14 traffic impacts that are occurring outside of  
15 the study area. It could also be covered by  
16 when we say public funding sources like local,  
17 state or federal funding sources.

18 CHAIRMAN STUTO: I'm going to say this  
19 for the record and I know that it's something  
20 that we discussed. With respect to the public  
21 share, if the Town doesn't have the money,  
22 there is no federal or state money here. It's  
23 been suggested that the developer could build  
24 the improvement and take a credit against  
25 future tax payments for the approved property.

1 We spoke to the IDA counsel on that and that  
2 would be done through a pilot agreement in  
3 lieu of taxes agreement so that the approved  
4 project would get taxed. They put money up  
5 front to make the traffic improvements. The  
6 Town or another governmental entity does not.  
7 They will get a credit for future tax payments  
8 for the improvements that they have made.  
9 They've discussed that with the Town of  
10 Colonie IDA counsel and they said that was  
11 legally viable. That's a potential measure for  
12 coming up with the public share. I just wanted  
13 to say that for the record.

14 Now, with respect to the CDTC model, is  
15 that contemplated in the traffic study to the  
16 extent that various projects assumed -  
17 development might be assumed and it shows  
18 which improvements they impact? Is that in the  
19 traffic study now?

20 MR. SARGENT: The traffic analysis has  
21 used the CDTC model. When the GEIS was  
22 actually being administered, the applicant can  
23 request an assignment from CDTC to get  
24 specific grooming and trips.

25 CHAIRMAN STUTO: Is there an

1           approximation on that - the current traffic  
2           study?

3           MR. GRASSO: There is no approximation.  
4           It would need to be done on a project by  
5           project basis; looking at detailed data  
6           regarding the type of development, the make up  
7           of it and the distribution of those trips on  
8           the map.

9           CHAIRMAN STUTO: The traffic study is  
10          available on line.

11          Am I correct about that?

12          MR. LACIVITA: That's correct.

13          CHAIRMAN STUTO: And it's also available  
14          at the library?

15          MS. EDELMAN: The Planning Department and  
16          the Town Clerk's office.

17          CHAIRMAN STUTO: Anything else?

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

19          CHAIRMAN STUTO: Anybody else from the  
20          public want to speak?

21          MR. SORENSON: My name is Tom Sorenson  
22          and I live at 342 Old Loudon Road.

23                           I just want to comment on some of the  
24          things that I heard here today. I think that I  
25          heard the engineers tell us that the connector

1 - the delay at 9 and 9R is almost going to  
2 double; 61 vehicle hour delay from the current  
3 whatever it is. We're going to spend  
4 \$5,800,000 to double the delay at that  
5 particular intersection? That doesn't sound  
6 like the smart idea to me. It sounds like  
7 there has to be a better way to deal with  
8 that.

9 The connector road - it appears to me  
10 that the connector road is simply going to  
11 divert traffic to Old Loudon Road that goes  
12 north because that's where they go at that red  
13 light. It's just going to divert that traffic  
14 away. The real problem is the short distance  
15 between the two lights at Old Loudon Road and  
16 9R. That's the problem. There is only one lane  
17 that goes straight across the Northway. That's  
18 the problem. This isn't going to deal with  
19 that. This is going to double the delay there,  
20 as planned.

21 The engineers mentioned the traffic  
22 signal on Old Loudon Road at Cobbee Road and  
23 or at Latham Ridge Road. I got a letter at  
24 home from the Police Department telling me  
25 that they did a traffic study last year when



1 Walmart was trying to put their store behind  
2 Nemith and that was not a viable alternative  
3 because there wasn't enough traffic on that  
4 road. We had a commitment or at least a verbal  
5 comment from the Town that they were not going  
6 to make old Loudon Road an alternative traffic  
7 shunt for the new Walmart, should it go behind  
8 Nemith. It sounds to me like that plan is out  
9 the window now and the plan is to change the  
10 entire character of that residential  
11 neighborhood by putting those traffic lights  
12 in there which are going to be needed because  
13 they plan to use Old Loudon Road as a main  
14 traffic artery. It isn't right now, to  
15 accommodate this new development. I'm not  
16 happy with that.

17 I think that the gentleman who spoke  
18 first whose comments sounded intelligent to  
19 me, mentioned that we're going to be about 140  
20 cars shunted north on the new connector road?  
21 At 5.8 million dollars, that's about 41,000 or  
22 42,000 per car. That's a lot of money to  
23 channel 140 cars on that road.

24 Thank you.

25 CHAIRMAN STUTO: We're not going to

1 address those tonight, but they will be  
2 addressed in writing when the final report  
3 comes out.

4 Any more questions from the public?

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

6 CHAIRMAN STUTO: Any form the board?

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

8 CHAIRMAN STUTO: Who wants to tell us  
9 what the next step is? Joe? Allegra?

10 MR. GRASSO: The public comment period  
11 will remain open until April 20<sup>th</sup> at 4:30 p.m.  
12 and then the public comment period will close  
13 and then working with the Planning Board, we  
14 will prepare any final Supplemental Generic  
15 Environmental Impact Statement that addresses  
16 comments received during the public comment  
17 period and any other questions or revisions  
18 tat the Planning Board would like to see in  
19 the document. That will then be presented to  
20 the Planning Board and if you so choose, you  
21 can approve that final GEIS and then recommend  
22 a preparation of an amended findings  
23 statement.

24 CHAIRMAN STUTO: Okay, thank you.

25 Motion to close the hearing?

1 MR. MION: I'll make a motion to close.

2 MR. AUSTIN: I'll second.

3 CHAIRMAN STUTO: All those in favor?

4 ***(Ayes were recited.)***

5 CHAIRMAN STUTO: All those opposed?

6 ***(There were none opposed.)***

7 CHAIRMAN STUTO: The ayes have it.

8

9 ***(Whereas the proceeding concerning the above***

10 ***entitled matter was concluded at***

11 ***7:57 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.*

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**NANCY STRANG-VANDEBOGART**

**Dated April 15, 2012**