PLANNING BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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STARLITE MIXED USE
629 COLUMBIA STREET

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on April 10, 2018 at 7:25 p.m. at The Public Operations Center, 347 Old Niskayuna Road, Latham, New York

BOARD MEMBERS:
PETER STUTO, CHAIRMAN
LOUIS MION
KATHLEEN DALTON
SUSAN MILSTEIN
BRIAN AUSTIN
STEVEN HEIDER

ALSO PRESENT:

Michael C. Magguilli, Esq., Town Attorney
Joseph LaCivita, Director, Planning and Economic Development
Michael Tengeler, Planning and Economic Development Department
Joseph Grasso, PE, CHA
Daniel Hershberg, PE, Hershberg & Hershberg
Mark Sargent, PE, Creighton Manning Engineering
Mark Nadolny, PE, Creighton Manning Engineering
Caroline Ahl
Lynn Romania
David Buicko
Tom Sorensen
Barbara Numrich
Paul Amedore
Kevin Bette, First Columbia
Susan Weber
Dean Devito, Prime Companies

Exhibit List

CHAIRMAN STUTO: I would like to tell the public that there are hand-outs over there on the table. If someone can help us distribute those, that would be helpful.

The project is the Starlite mixed-use presentation on traffic mitigation, 629 Columbia Street.

I'm going to ask Joe LaCivita to do the introduction.

MR. LACIVITA: The project before us this time is the Starlite mixed-use which is the presentation tonight on our traffic and our mitigation. The address is 629 Columbia Street.

We have a few presenters here. It's Dan Hershberg from Hershberg and Hershberg and there will be several members from Creighton Manning as well discussing our traffic.

Daniel?

MR. HERSHBERG: My introduction is I'm Dan Hershberg from Hershberg and Hershberg here tonight representing Starlite Associates, LLC. With me is Mark Sargent from Creighton Manning who is going to take over the presentation.

MR. SARGENT: Good evening, folks and members of the Board, Mr. Chairman. I'm Mark Sargent from

Creighton Manning.

What we have for you tonight is a summary of the Boght Road GEIS and how the proposed Ayco project fits into that and a summary of the Ayco traffic. I'll just run through it. It's fairly brief. Then, we will take some questions.

Just to orient people – you may have heard about the Boght Road Area GEIS. We are showing a map of the Town of Colonie.

CHAIRMAN STUTO: Can you say what those letters stand for?

MR. SARGENT: GEIS – Generic Environmental Impact Statement.

I'll get into that in just a minute as we move through this presentation.

You'll see a little bit of animation on this slide to orient you.

I87 is running north/south to the Town Route 9 and then coming in on the right you will see 9R (Indicating). This is the GEIS area. So, this is the area identified by the Town nearly 30 years ago that had the potential for development that the Town wanted to get its arms around and understand what that development would consist of and how it would impact the transportation and the system.

So, the basic premise of a GEIS is fair share. It's all about fair share. What it does fundamentally is it addresses the problem of the last one in. So, you are probably familiar with projects where there could be a traffic study done for a small project and there is no impact. There is another small project and no impact. Another small project and no impact. So, the cumulative effect of these small projects over time is lost, but at the end of the day there is a cumulative impact. So, the GEIS evaluates those cumulative effects of all of those developments versus the individual actions of a single development. It establishes the legal basis for efficient site development review. So, it also allows adoption of a mitigation cost program and ensures that the mitigation costs are equitable and that they are related to the impact created, so not one development is more burdened than their fair share.

So, in terms of background, this GEIS area and the Boght area in particular – this part of Town has been operating under a GEIS for nearly 30 years; since 1989. So, this is not new. It was updated in 2005 and again in 2011. It was adopted by the Town in 2013. So, as part of the 2011 and 2005 update, the Town took a comprehensive look at that GEIS area

again. It looked at developable land, what might happen over time and identified all the potential development in that area. It confirmed the short-term and long-term transportation improvements that would be needed to accommodate all that potential development in the area. They reached consensus with the different key stakeholders; Capital District Transportation Committee, New York State DOT and the Town and that was a lengthy process that lasted several years and a number of those meeting were held right here in this room. It's very similar to the Airport Area GEIS. Again, this is not new to the Town.

The western portion of the Town of Colonie has been operating under the Airport Area GEIS where there were over 240 mitigation reviews over a period of time with mitigation assessments of over $12 million dollars. New roads were built and in particular Wade Road Extension was built with money from the Airport Area GEIS under an example of exactly what we are proposing here, as part of the Ayco development and the connector road that you see on the site plan.

So, we are going to orient you again. We have zoomed in a little bit on the map and now we are focusing in on the northern part of Town. Again, this

is I87 coming in here (Indicating). This is Route 9 and 9R, Old Loudon Road and the GEIS area. So, if you had a chance to pick up a map when you walked in, as part of the 2011 update there was a focus on this portion of the GEIS area because this is where most of the traffic occurs. This is focused on the 9 and 9R intersection which really handles most of the traffic through the area.

This is that rectangular area and it summarizes the recommendations that came out of the GEIS. We're just going to reorient that for you again.

So, now north is pointed to the right, 87 is running across the top of the page, 9 and 9R is here and Old Loudon Road and here is the connector road (Indicating). What we are showing here is that the connector road is not specifically an idea brought up as part of the Ayco development. It's an improvement that's identified in the GEIS as part of the mitigation to accommodate the cumulative impact of all the developments in the GEIS area and not just Ayco.

CHAIRMAN STUTO: Excuse me. I think that you're graphics are excellent. Not everybody may know about the connector road or exactly what that references to. That's a non-existent road right now.

MR. SARGENT: That's right. So, let me explain

it a little more, if it wasn't clear.

The idea for this connector road is that it extends between Johnson Road and Auto Park Drive. It would alleviate traffic at that major intersection of 9 and 9R which is really the problem intersection. You can see that the Ayco site is situated adjacent to the connector road. As part of the GEIS there were no plans for specific development on this parcel. It was speculated that it could develop and we will get into that in a little bit about exactly how much development was contemplated there.

So, within the GEIS the connector road is not the only improvement that was identified. There were roughly 15 other capacity improvements that were identified, again, to mitigate the future development in the area and they are summarized here (Indicating).

If you look at the bottom of the slide, the total cost of all of those improvements in 2011 dollars was estimated at $14.5 million dollars.

At least one of those was built with mitigation funds. The roundabout at Boght, Johnson and St. Agnes. The second line from the top shows the connector road. Far and away the connector road is the largest and most significant improvement identified in the GEIS at $5.8 million dollars. If you just scan

down the list on the right, you'll see other improvements and they are generally under $1 million dollars. So, this is the most significant and sizable asset improvement in the GEIS area.

Time has passed and now we're in 2018 – seven years have passed so we are estimating now that the cost of that has increased to roughly $6.9 million dollars from the $5.8 that was estimated as part of the GEIS. All together the GEIS improvements will probably cost $17.5 million dollars, if they are all built today.

That summarizes the background on the GEIS.

Now just a little bit in terms of the traffic and what drove that recommendation for the connector road, because we know that there is some interest in that. The GEIS looked at, as I mentioned, the build-out of the land in the area. There are a number of vacant parcels and it was recognized that there was potential to develop those based on existing zoning and if all of that happened, there were some 35 developments to occur and they could generate thousands of peak hour trips. So, that is referred to under this scenario as the null condition.

What would happen if all of that development occurred and there were no transportation

improvements? Essentially, the conclusion was it would just throttle the network and there would be significant traffic delays. So, some level of transportation improvement is needed.

So, what the GEIS looked at was two basic alternatives. What could you do just by adding turn lanes and upgrading the existing street where possible? This was referred to as Alternative 1; capacity improvements without the connector road. What could you do with those same improvements with the connector road? A synopsis of the conclusion – we will just focus on this one key intersection here at 9 and 9R and how that played out.

This is an excerpt right out of the GEIS document. What is shows is that under existing conditions there are long delays at that intersection. If you travel through that intersection today, you wait a long time. If nothing is done and all that development is built -- that is the second column with no alternative. The red cells just show turn lanes and locations where people would wait a long time. We call that level of service F. If you're not familiar with level of service, A through F – F being very poor with very long delays. So, the conclusion was that if we do nothing and all this development occurs, this

intersection would break down and people would wait a long time. So, some improvements are needed.

If certain capacity improvements were implemented, then the third column shows the result of that scenario. It shows, again, that there would still be levels of service F, long delays, on a number of the approaches which is an unacceptable condition. Then, the final column shows with those same capacity improvements and the connector road that this intersection will operate at acceptable levels – level of service C, overall and there are no more red squares on the diagram. So, no more unacceptable levels of service conditions.

As I said, this is a table right out of the GEIS.

The conclusion from the GEIS was that alternative to intersection improvements with signal coordination and construction of the connector road was the preferred alternative. So, that's been rolled into the Town's mitigation plan since 2011 and 2013 when it was adopted.

This graphic here (Indicating) illustrates why there is a benefit to the connector road. For motorists who are traveling south on Route 9 and headed toward 9R, eastbound toward the City of Cohoes

or the neighborhoods down Johnson Road, they turn left at the 9R intersection. If they are coming out of the business park area and they are headed in that direction they have to make a left turn at the 9R intersection.

With the connector road, that same traffic will bypass the intersection and use the connector road to head to the east. So, what that does is it basically takes traffic away from the intersection, which is a critical intersection, which allows other movements to operate better. So, that's the fundamental reason why the connector road benefits the area.

CHAIRMAN STUTO: It works the other way as well, right? If you're coming from Cohoes and you're heading north?

MR. SARGENT: It does, but to a lesser degree because of Old Loudon Road.

So, the Ayco project, itself consists of two phases; 150,000 square feet in two phases with the first phase in the short term, I believe, constructed and occupied by 2020 with a couple of full-access drives on the connector road and a right-in/right-out driveway on 9R. You can see on the site plan and you can see on the other plan over here.

So, this is an important slide. At the top you can see the Parcel 28 scenario – that was a term that that this parcel was given in the GEIS because it wasn't called Starlite. It was just called Parcel 28.

Within the GEIS, Parcel 28 was assumed that it could develop with roughly 400,000 square feet of development. You can see that by looking at the top row of this table - roughly 400,000 square feet of development, based on existing zoning and an additional 50,000 square feet of mixed-use commercial generating roughly 650 to 700 peak hour trips. So, this is the assumption that was in the GEIS that contributed to those improvement recommendations.

The second line shows that there was a sensitivity analysis also within the GEIS, which accounted for additional more intense development that would generate up to 1,800 peak hour trips.

The third line shows the current Ayco proposal – the first two phases or as it's currently proposed – 300,000 square feet will generate roughly 500 trips. So, clearly by looking at this slide, you can see that the Ayco project is within or under the threshold or limits that were identified in the GEIS. So, it fits nicely within what was planned.

So, we've kind of walked you though a big

picture here.

The connector road is not a project that was dreamed up by the Ayco project. It's an improvement that was identified by the Town through this process to mitigate the cumulative effect of all the developments in the area and not one development. This particular development is located on the connector road and is committed to building it as part of their project. Their total traffic, between generated, is less than what was accounted for within the GEIS. So, it fits nicely within the parameters of the GEIS.

So, with that, we'd like to turn it over to the Board for any questions.

CHAIRMAN STUTO: I know that we talked about this before, but what percentage of the road's capacity is going to be used by Ayco and what percentage by the rest of the general public? Can you talk about that concept?

MR. SARGENT: Sure, Mr. Chairman.

So, roughly probably 10% to 15% of the road's capacity will be used up by the Ayco project. So, the road has basically a regional traffic benefit. It draws traffic away from the 9/9R intersection. It's not just a driveway to Ayco. It's for other motorists in the Town to use and there is plenty of capacity for

all of that other traffic. It's not just Ayco.

CHAIRMAN STUTO: Joe Grasso, I'm going to ask you what you suggest. Do you want to make your comment now, or do you want to hear from the public?

MR. GRASSO: I can at least comment about where we are in the process.

Just to go back a little bit, just to put tonight's presentation in better context – this project was submitted to the Planning Board in 2017. That's when our office had initiated review of it. We had issued a letter on the concept plans in early January. The project was before the Planning Board in late January and that's when the Planning Board granted concept site plan approval. You can recall at that meeting that there were a lot of questions regarding traffic and commitment to the Board to coming back with additional information regarding the traffic impacts and how this project fit within the GEIS that we were describing at that time.

You also might recall that we had some specific comments regarding the traffic study that was previously submitted. You may recall that the initial traffic projections from Phases I and II which is 300,000 square feet of development was 337 trips. Since our comment letter and since the concept plan

presentation, they have submitted a revised traffic study to our office which is the basis of tonight's presentation that was done in early March. We have reviewed that traffic study and are in agreement with those findings.

For example, the number of trips during the p.m. peak hour are higher than previously expected. The 337 trips has gone up to 492 trips. Within the context, as Mark said, it's still less than the trips that were expected from this project site when we did the GEIS back in 2011.

This project is in the middle between concept review and final site plan review. One of the things that the Planning Board needs to do is make a SEQR determination. So, our office has been reviewing the environmental documents that the applicant has submitted. What they are going for is final site plan approval for just Phase I of the Ayco building which is 150,000 square feet. Our recommendation and the recommendation of the Planning Board is that we have asked them to do the environmental assessment based on Phase I and Phase II which is full build-out of the Ayco site. So, that's 300,000 square feet. So, the traffic study and all the environmental assessment information is based on that full build-out. So, it's

everything on that one side of the proposed connector road.

As Mark said, the connector road and the improvements that this project is going to build for traffic is a total of $6.9 million dollars. That is in far excess of what the project's fair share mitigation fee will be.

Based on Phases I and II that is approximately $6 million dollars. This project is needing to build these features to accommodate the traffic not only from the project site but certainly within the context of the total improvements of the GEIS study area. So, we are expecting that the project will come back before the Planning Board for SEQR determination. We expect that will be within the next 30 days or so. The project has also submitted final site plans to our office which our office is actually going through. That's probably going to take us a couple of months to go through. After a SEQR determination, the project would then have to come back before the Planning Board for final site plan approval. So, that's where we are tonight.

I thought that Mark's office did a great job putting this presentation together. We are in agreement with the findings and believe that

everything that is being presented tonight is factual. We agree with the conclusion that by building these improvements, it's going to make the traffic situation out there better than it exists today.

CHAIRMAN STUTO: Thank you, very much, for a great summary.

Does the Board have comments or questions before we hear the public?

MS. DALTON: I just have one clarification question.

So, I think what I heard you say is that it take into account also the Auto Park development.

MR. GRASSO: It does. So, the traffic study that Mark presented basically takes into account the full build-out of the study area.

MS. DALTON: And that includes Auto Park, too.

MR. GRASSO: It includes Ayco, Phase II as well as additional development that could occur on the other side. But just to clarify that point, although that additional speculative development was taken into account from a traffic perspective, we're not doing a full environmental assessment review on that additional development because it's too speculative. The reason why we wanted them to look at that full build-out was to merely to make sure that no additional improvements were

going to be built in this immediate study area in the short-term. So, we wanted this applicant to build everything that is required right now, or expected to be in the near future within this focus area.

MS. DALTON: Thank you.

CHAIRMAN STUTO: Any other comments or questions from the Board before we hear from the public?

(There was no response.)

Caroline Ahl.

MS. AHL: My name is Caroline Ahl and I am a Town of Colonie resident. I've been a resident for almost 20 years. I have two children in the North Colonie School District; one is in high school.

What is important to me about this project is the potential for jobs – good jobs that hopefully my children will then come back to this area. That is certainly what Ayco provides. So, I certainly applaud the efforts of this Board and all the economic development that is going on. I think that it's a good investment for this are and this region. Thank you.

CHAIRMAN STUTO: Thank you.

Lynn Romania.

MS. ROMANIA: Hi. My name is Lynn Romania and I'm a life-long resident of the Town of Colonie. I have four daughters in the area; I have one in college, two

in high school and one in elementary. My husband and I own two duplexes in the area plus our primary residence.

I'm kind of in favor of the project because I think right now Colonie is very heavy in commercial retail and I think that bringing in some commercial office space would be a big plus to the area; not only to increase the tax base for the Town, but also bringing all these employees into the Town of Colonie would stimulate local retail business, which is a plus for the Town. Again, it is an increase of the tax base in the Town of Colonie, so I see it as a win/win overall.

I think that as was mentioned by one of the other speakers, having jobs in the area for my kids to come back to is a huge plus. Again, I don't see that much commercial office space in the Town of Colonie. I see all retail which is a lower paying industry for employees. So, that's about it.

CHAIRMAN STUTO: Thank you.

Tom Sorensen.

MR. SORENSEN: My name is Tom Sorensen and I live at 342 Old Loudon Road and I am not in favor of this project. My concern is the traffic problems that are going to be generated as a result of this. Old Loudon Road has enough traffic on it already.

I have a number of questions and my questions are based on the letter from Creighton Manning to Mr. LaCivita dated March 9, 2018.

Comment number 7: Wetlands adjacent to the Starlite site are unique to that specific site and should be considered as so requiring a site specific EIS.

Secondly, what is the traffic justification for the connector road other than the benefit to a signal private corporate group?

I have done my own traffic study and I've looked at my own numbers in this letter to Mr. LaCivita and I have a number of questions which I will bring up in a few minutes.

What is the system break-down number? At what point – at what traffic level does the system break down, regardless of how many connector roads you have?

CHAIRMAN STUTO: We're going to take all the questions and answer them all at once.

MR. SORENSEN: Okay, I have a lot of them.

What is the system number break-down for traffic? When does the system break down regardless of what you have done?

Comment 10.2: Placement of the traffic recorder at the Ayco site at 25 British American

Boulevard was at the site driveway. They're basing their number of trips from that recorder – they are using the number of trips as a basis for their estimates for the Starlite facility. Is there any parking area at British American Boulevard used by Ayco employees at that location that would be missed by the recorder? If not, how did the 266 employees who are not accounted for in the 284 trips get to work in the morning? How can the 324 employees – that is 550 minus 226 – get home in the evening? The point is: There are 550 employees and in the morning you only have 284 trips. How do the rest of the employees get to work? How do they get home at night? That's a mystery to me. I'd like to see that answered.

Are the same arrival and departure alternatives available at the Route 9 location as at the British American location?

On table one, Phase I shows 700 employees at the Starlite location making 387 total trips during peak hours a.m. and 308 total p.m. trips. Again, how do the excess of the employees, over the number of trips, get to work and get home from work?

CHAIRMAN STUTO: Which comment number is that?

MR. SORENSEN: That's table one. Half the employees – are they walking?

What is the size of the proposed parking space for the Starlite project? That is, how many parking spaces are there?

Comment 10.6: Creighton Manning prepared the GEIS and stated in the letter to Mr. LaCivita that it is agreed that the Starlite site development will be accommodated by the mitigation identified by the GEIS.

They are approving their own work. That's nice work, if you can get it.

CHAIRMAN STUTO: Okay, I'm going to stop you for one second and ask them to answer the questions so far.

MR. SARGENT: Sure. I wrote down a couple.

I'll start with the employee trips at British American and why those don't add up.

So, not all of the employees arrive in one hour. Employees arrive over several hours during business and not all of the employees at any business arrive every day. Some people could be out in the field and some people could be at other businesses.

So, the trip generation is accurate based on what you would expect at a typical office building. The ATR, the automatic traffic recorder was installed at a location that picked up all the trips in and out of the existing Ayco building and so we are confident

that we have captured the trip generation characteristics of the existing Ayco building and applied this to that site.

There isn't a one to one ratio. Because you have an X number of employees, doesn't mean that you have an X number of trips in the same hour.

CHAIRMAN STUTO: Can you relate that to the parking? Is there any difference in the availability of parking at the current location?

MR. SARGENT: Dan, you have a better head on the parking.

MR. HERSHBERG: The parking at the existing place was for 550 employees. Our proposal is to relocate a total of 750 employees here during Phase I and we originally proposed 900 parking spots total. We are down slightly to about 890. We propose to bank 44 of them. Any additional ones, in addition to the 750 employees, will qualify for other people who come to the site to work from other areas, as well as visitors to the site. So, we think that our parking on the new plan is consistent with Ayco's need in the future and their existing building has parking and there does not appear to be a direct relationship between the new parking and the parking count and what is provided there. It could be the fact that the other area has a different number

of employees working in the building versus the total employee count. There is a difference in there because not everybody is working in the building every day. A lot of people might be out for whatever reason.

So, we think that the difference is well-accommodated for on our parking analysis that we have provided for Ayco.

CHAIRMAN STUTO: Thank you.

MR. SARGENT: One other question that I would like to answer and that was with regard to reviewing our own work – we are not reviewing our own work. When we prepared the traffic portion of the GEIS, we were working at the discretion of the Town. It was under a high level of scrutiny by the Town's Engineer at the time and the Department of Transportation. We were providing a service to the Town. We are now comparing those results which were, as I said, under a high level of review and scrutiny to the effects of this specific project which is under a similar level of review and as Joe indicated, the Town Engineer concurs with the analysis as it's been presented so far. So, we are not reviewing our own work.

CHAIRMAN STUTO: Mr. Sorensen also asked who benefits from the traffic improvements? You may have addressed that a little bit in your presentation, but is

it more than just Ayco?

MR. SARGENT: It absolutely is. This is not a driveway to Ayco. The connector road draws traffic away from the most congested intersection in that part of Town and by freeing up that capacity everybody that travels through that intersection every day benefits from this connector road.

CHAIRMAN STUTO: Are there any of your questions that he didn't answer so far?

MR. GRASSO: Yes, there are a couple others I had written down.

CHAIRMAN STUTO: Okay.

MR. GRASSO: There was a question about the wetlands. And the wetlands is something that has been reviewed extensively.

Dan, if you could get up and talk about the wetland impact associated with the project?

CHAIRMAN STUTO: This is off of traffic, but that's fine.

MR. GRASSO: It is, but he did have a comment.

MR. HERSHBERG: This site is encumbered by a New York State freshwater wetland known as TN-11, a very large wetland. It is darkly colored green on this plan (Indicating). That makes up the use of the site. We have to avoid the wetlands to the maximum extent possible.

The roadway disturbs a little portion of it and the wetland buffer is impacted by the stormwater management facility with this roadway. Therefore, the site it limited to primarily the upland area.

If we took the same proportion of the site and the wetlands weren't there and it was fully developable, we would be subjected to a significantly higher development level that was even proposed in the GEIS. The wetland is a separate issue. We are taking it up with New York State DEC. We're going through a wetland permit process to impact both a little bit of the wetlands and some of the wetland buffer. I think that to the level that the wetlands would have impacted the traffic study, they were all considered in the GIS. It was considered as a factor in determining the maximum use of the site.

MR. GRASSO: Thanks, Dan.

There was a question about the system break-down number and is there a finite number. There really isn't a finite number of when the system would be classified as being broken down. As Mark said, you go by levels of service at the intersections and each of the turning movements, they are graded from A to F; F being the worst and A being the best. Once we get to levels of service F, we generally consider those

failures or unacceptable conditions. So, those are the things that we try to avoid and obviously the data that we have – we understand that. If we continue to allow development to occur in this area and don't do regional-wide traffic improvements, we are going to maintain and worsen the levels of service that we see up there now. So, there is no finite number.

I want to mention regarding why we look at the peak hour of traffic. This site generates let's say 1,000 trips throughout the course of the day including the a.m. peak hour and all the other mid-day hours and then the p.m. peak hour. We focus on the worst hour of traffic on the adjacent street and that's the p.m. peak hour. Although it's 1,000 trips during the day, we focus on how many trips are going to occur during that hour because that's the time that we want to fix. If we can fix the worst hour, we know that the conditions are going to be better throughout the other hours of the day.

I think that we are caught up.

MR. SORENSEN: So, you would expect the worst time to be greater than the average time for the peak hours.

MR. GRASSO: Correct. It's the p.m. peak hour that is the worst time,

MR. SORENSEN: I'll continue here.

Comment 10A – Westbound Old Loudon Road will provide a shared left turn through lane with the connector road, if it's built. Old Loudon Road, east of Route 9, has 125 vehicles per hour in the a.m. and 156 vehicles per hour in the p.m.

I have some information that I'd like to pass out. I have performed my own little traffic studies, but certainly not as extensive as what Creighton Manning did.

CHAIRMAN STUTO: Do you have more than one handout?

MR. SORENSEN: No, I have one for each of you.

CHAIRMAN STUTO: We're going to mark them for the record. That's why I'm asking.

Mike, can you identify that for the stenographer?

MR. SORENSEN: I performed these on –

MR. MAGGUILLI: We will mark this as Sorensen 1. We will identify it as traffic survey prepared by T. Sorensen and a date of 10 April, 2018. It consists of three pages.

(Sorensen Exhibit 1 was marked for identification.)

CHAIRMAN STUTO: Thank you.

MR. SORENSEN: I looked at some of the exhibits in this letter to Mr. LaCivita and I'm looking specifically at Figure 1. It says Starlite Development Town of Colonie 2018, existing traffic volumes p.m. peak hour.

If I'm reading this correctly, I show that there are 650 cars – vehicles – traveling west bound on Route 9R.

Is that accurate?

MR. MAGGUILLI: Can you identify the page, please?

CHAIRMAN STUTO: Did you say Table 1?

MR. SORENSEN: No. this is from the letter –

MR. MAGGUILLI: What he is referring to is a Creighton Manning drawing dated 3/20/18 and it is entitled 2018 Existing Traffic Volumes p.m. Peak Hour.

Does that help?

MR. SORENSEN: I look at this and then I look at the following drawing and it's the 2020 no-build traffic volumes p.m. peak hour and I show essentially the same numbers heading south on Old Loudon Road. The first one is 92-1074-102 and this one is 92-943-143. The 143 is going south on Old Loudon Road.

Then I go to the 2026 no build traffic peak volumes and I show again 92 going north on Old Loudon

Road and 150 going south on Old Loudon Road. Yet, part of the original GIS proposal was to put traffic lights at Cobee Road and put another traffic light at Latham Ridge Road. Now, with the traffic, according to these drawings staying constant through 2026, why would we need those traffic lights?

CHAIRMAN STUTO: I will let them answer that question. *Did you follow that question?

MR. SARGENT: Not entirely, but I will say that obviously counting traffic one day to the next there is going to be variations in traffic. Traffic is not constant so it changes day to day. I would expect somebody counting cars one day for it to be a little bit different the next day.

In terms of forecasts and why they might be close to stable over a period of time – we work with CDTC to develop the forecast. They run their regional travel demand model. If there is no significant development anticipated on one of the approaches, then it's reasonable to assume that volume would be relatively stable over the long-term. Traffic is dynamic. It moves around different roads. These are reasonable traffic forecasts based on approved and traffic engineering methodologies and process.

MR. SORENSEN: If the traffic is stable going

south on Old Loudon Road, why would we require two new traffic lights?

MR. GRASSO: There was a slide in Mark's presentation where he went through all of the different intersections that required improvements and those get continually evaluated by the Town every year as development continues to occur. So, I would think that those signals may still be needed at some point in the future, but that's something that will be constantly evaluated by the Town. It's not necessary to build those improvements as part of this project.

MR. SORENSEN: On page 6 of 14 I see a statement that 50% of right turn vehicles on Old Loudon Road and Auto Park Drive were removed from the signal warrant volumes to account for the percentage of the right turn on red vehicles.

I don't understand this. Will you please explain this criterion? Since a single car at the head of a line will prevent any right turns on red that are behind it, I don't understand that. Please explain that.

MR. SARGENT: It's actually more conservative to assume that some of the right turns will occur on red and then you're less likely to conclude that it meets a signal warrant. So, it's part of the process. Signals

are justified when motorists can't get out of the side street and it reaches a certain threshold. If that threshold accounts for all of the conflicting traffic on the mainline – if some of that traffic on the mainline is turning right or some of the traffic on the side street is turning right, they don't need the signal. They don't benefit from a signal. It just takes some small amount of traffic out of the equation when you're considering when you want to install a signal or not.

MR. SORENSEN: Well, when you mention that you've taken 50%, that's not a small amount.

MR. SARGENT: It's within the parameters of the normal traffic engineering practice. It is a routine level to take out.

So, the location that you are talking about – what is the conclusion? The signal is warranted. So, even with those cars being removed from the equation, the conclusion is that the signal is still needed. So, it didn't impact the conclusion.

MR. SORENSEN: Thank you.

Page 7 of 14 – would a traffic signal on Route 9/Auto Park Drive/Old Loudon Road be necessary if a connector road is not built?

MR. GRASSO: Yes, it would.

MR. NADOLNY: In our opinion, yes, it would.

With all the development potential on the other side of the road, yes.

MR. SORENSEN: Warrant 3, Graph 4c4 – the key point appears to fall below the line and not clearly above the line and is certainly marginally acceptable at best. In looking at that one little spot that you have the gray circle – that gray circle is touching the line. So, if the center of that circle is merely the dot, it's marginally above that line.

I have extended the graph out. It looks to me that it is straight right –

MR. NADOLNY: Is this the existing conditions?

MR. SORENSEN: Graph 4c4.

MR. NADOLNY: Right, there are two tables there; Table 2 and Table 3.

MR. SORENSEN: Graph.

MR. NADOLNY: That's what this is referring to, so yes. There is an existing graph and according to the warrant, you have that one dot above the line.

MR. GRASSO: Can you just come up to the mic and address the Board?

MR. NADOLNY: For the build condition, it actually meets more than one. So, for the existing conditions, it meets one. You have two above the line. One is barely and the other one is more.

MR. SORENSEN: If I extend it out, it is on the line – you're telling me that's completely above the line?

MR. NADOLNY: That's correct. Both of them are. We would check the numbers not visually on the line. We would check them with the criteria.

MR. SORENSEN: So, that's a visual anomaly for me.

Page 8 of 14 – the auxiliary share left turn lane through the intersection of Old Loudon Road and Johnson Road extension will be approximately 75 feet long. This provides space for approximately five vehicles maximum. The entrance to Johnson Road Extension is going to be controlled by a stop sign. How are vehicles traveling north on Old Loudon Road to make a left turn onto Johnson Road Extension when the auxiliary lane is full and vehicles are waiting in the queue on Johnson Road Extension in order to use the auxiliary lane? How are they going to make a left-hand turn?

MR. SARGENT: So, what he is referring to I believe is this intersection right here (Indicating). So, the end of Old Loudon Road is proposed to tie into the connector road as a one way connection. You can't turn in. There is a good amount of distance here

(Indicating). That road is set over 250 feet back from the intersection of Route 9. That turn lane only takes up a portion of that. He is commenting about the queueing in this area and how will a car be able to pull out here if this is all queued up. So, there are tables in the report that show on average – I believe it's average queue – there will be enough room in here for a car to be able to pull out. There may be instances where it could be backed up, but it will be freed more often than not, based on average queues.

MR. SORENSEN: You hope.

MR. SARGENT: We don't hope, we know.

CHAIRMAN STUTO: You project.

Mr. Sorensen, can you tell me what percentage through your questions you are?

MR. SORENSEN: I am almost through.

Table 5, page 9 of 14. The table shows queues of 25 feet for a left turn in Phase 1 and 175 to 300 feet for right turns. If the entry from Old Loudon Road to Johnson Road Extension is controlled by a stop sign -- again, that's the same question and you have answered it.

What are the assumptions under which the traffic simulation covering the traffic operations at the Johnson Road Extension/Old Loudon Road

intersection was run? It mentioned that a simulation was run in order to determine consequences of building this road at that intersection. Do we know what the assumptions were of that simulation?

MR. SARGENT: It's all in the service calculations in the back.

MR. NADOLNY: We have New York State DOT, we had the signal timing sheets from the signal. We went on to determine how wide the lanes are, how long the auxiliary lanes are. We did traffic counts at the intersection and all of that information was put into the traffic simulation. It is simulated and the level of service calculation is provided by the program. It also provides the simulation to see how traffic is operating and that it was consistent with existing conditions and that's why we are confident with the future build condition which show what would happen after the construction of the proposed project.

MR. SORENSEN: Attachment E: confirmed the numbers shown for right turns from 9R onto Old Loudon Road.

I looked at Attachment E. My concern is the intersection of 9R and Old Loudon Road. That's where the problems are. It is the right hand lane that goes down to 9 and you can't move.

MR. NADOLNY: We agree.

MR. SORENSEN: I see a grand total of through traffic. It's page 1 of the table. Exhibit E, Page 1 - I'm looking at the New York Route 9/Columbia Street Extension westbound. I show a grand total of 310 making a left-hand turn and I assume that's onto Old Loudon Road south. I see 501 through traffic and I see a 28 right-hand turn. That has to be onto Old Loudon Road north. Am I reading that correctly?

MR. NADOLNY: I need to see what you're looking at. That is the grand total. That's the total for one hour and a half.

MR. SORENSEN: My reading those numbers correctly, 310 turn left on South on Old Loudon Road -

MR. NADOLNY: Over an hour and a half we assess the peak hour. So, the numbers less than that are what we assessed per hour.

MR. SORENSEN: What really controls the number of cars that get down to Route 9 is not the left-hand turns on Old Loudon Road. It is the through traffic in the turns onto Old Loudon Road North. You show essentially 501 plus 28 is 529.

MR. NADOLNY: Over the hour there are 341 and 17. For the hour that we analyzed, it's less than the 501 because it's not an hour and a half.

MR. SORENSEN: I showed 2,000 cars on that Route 9; this morning and yesterday. In the morning I showed 2,000 cars on route 9R during the peak hours. I think your numbers are low. That's it I'm telling you.

MR. NADOLNY: I would have to look and see how you counted, how long you counted for and where you counted. The 2,000 cars – that's a different peak. That is an a.m. peak hour. This is a p.m. peak hour.

MR. SORENSEN: You have p.m. on there, also.

MR. NADOLNY: That is a two hour count.

MR. SARGENT: So, obviously we all understand directional traffic. In the morning you commute one way and in the evening you commute another way. There is higher traffic westbound on 9R in the morning. People are traveling from the City of Cohoes direction and toward the Northway. That's what he has counted in the morning. All together there is more traffic on the system during the p.m. peak hour when you consider both directions. You're pointing out a peak direction during a different hour and we agreed that it is higher in that direction in that hour. Collectively, p.m. peak hour is the critical overall time period.

MR. SORENSEN: Unless you're going to work in the morning. Even in the p.m. peak hour it was 1,478 cars.

MR. SARGENT: We would rather not dispute individual numbers.

What I would point out though that one of the advantages to this project is the traffic that is arriving here in the morning will be going contrary to peak commuting traffic. So, it takes advantage of some of the reserve capacity that exists in the opposite direction. So, it won't conflict with that peak direction that you're talking about. It will be flowing in the opposite direction. That is accounted for.

MR. SORENSEN: I'm showing approximately 60 to 75 cars making a right turn in the morning on Old Loudon Road north from 9R. Assuming that one third of those are local commercial traffic -- Latham Ford service opens at 7:00 a.m. There is a construction company behind it. There is a strip mall on the left. There is the Rite Aid mall.

After I finish my counts, I go over and count the cars in the Rite Aid mall and there are 50 cars on Monday and 39 cars the next day. Not all the cars are going down Route 9. If I've got 155 in the morning and 132 this morning and I take one-third of those out, that's how many cars are pulling out of 2,000 cars during that two-hour period. That's not a lot of

cars. So, how many of those cars are really going to be using that connector road? That's the point I'm asking. There will not be a lot.

MR. SARGENT: Mr. Chairman, how would you like to address some of these concerns about numbers?

CHAIRMAN STUTO: His numbers?

MR. SARGENT: Yes. We can continue this conversation. I'm not sure how productive it is.

MR. SORENSEN: Let me summarize it. I am just suggesting that your numbers are low.

MR. GRASSO: If I can just jump in?

It is important to understand that there are independent reviews of the traffic study.

We met with DOT and they have sent a letter to the Town dated April 4 agreeing with the findings and indicating their concept approval of the improvements and the mitigation necessary to support the project, as well as being consistent with what was done as part of the GIS.

Our office independently reviews the detailed traffic study and in terms of the trip diversions that occur through the system, that is something that is done by the Capital District Transportation Committee independently on behalf of the Town. So, there are multiple affirms or agencies that do review this

traffic data so that we do concur with the findings. I think it is important for the boards to have the reliance on the traffic experts to have confidence in the data.

CHAIRMAN STUTO: So, you are dealing with averages, assumptions and verifications from different agencies. Every day is not the same.

MR. SORENSEN: Mr. Sargent's study took place in January 29 to February 1 which has got to be the three coldest days of the year which means you going to have low traffic. Mine took place –

CHAIRMAN STUTO: Can you finish everything that you need to say and then we will do our best to address it.

MR. SORENSEN: Comment number 13 – Page 10 of 14 – if there is no eastbound left turn lane at the New York Route 9R site driveway intersection, what is the impact on eastbound traffic on 9R during the morning peak hour when the westbound traffic is flowing at 1,000 vehicles per hour.

CHAIRMAN STUTO: Is that your last question?

MR. SORENSEN: No, I have one more.

How are they going to make a left-hand turn essentially when you have 1,000 cars coming the opposite direction?

MR. GRASSO: Mr. Sorensen, can you just point on the map the intersection?

MR. SORENSEN: It's 9R and the site.

MR. GRASSO: The connector road?

MR. SORENSEN: Yes.

MR. GRASSO: So, you're not talking about the site driveway. You're talking about the connector road.

MR. SORENSEN: Yes, the connector road.

The last question – will stopping sight distances be impacted by continuing developments along Route 9R east of the site driveway by foliage or by signs? I read in the report that you are recommending that signs and foliage be set back at least 15 feet. If the Town doesn't cut down the elephant grass that grows, what happens?

CHAIRMAN STUTO: Is that your last question?

MR. SORENSEN: Yes.

CHAIRMAN STUTO: We will do our best to address it. Then, we are going to hear from the other folks who want to talk. If you still have follow-up, you can do it at that point.

Thank you for your questions.

MR. SARGENT: The question about traffic counts being done in January -- the analysis is not finding anything different than what was found in the GIS. In

other words, we know it's busy out here. We know that people wait a long time. The conclusions from the updated analysis in 2018 is consistent with the analysis from 2011. There is a lot of traffic on the road and you can wait a long time out here. Certain improvements are needed to minimize the impacts of all the development in the area. Individually, if you went back out another day traffic may be a little more or less, but we are comfortable with the updated data and knowing how traffic changes over time.

There was a comment about the eastbound left turn lane. With the eastbound left turn lane on 9R at Old Loudon Road, how will traffic arrive in the morning?

Traffic will also have the option of using Route 9 and making a right-hand turn and a left in. There will be some delay here at the signal in the morning, but traffic can arrive at the site in both directions. So, a right turn in is a very easy movement. There are two options for those motorists and not just that one left turn.

The site distance comment is regarding maintenance and visibility on sightlines. That is fairly routine and if there was ever a concern, I'm sure it could be addressed to mitigate any site

distance with grass growing.

CHAIRMAN STUTO: Thank you.

Barbara Numrich.

MS. NUMRICH: Again, my name is Barbara Numrich. I'm a resident of Old Loudon Road. I have been before you on this project before.

I wanted to say that first of all to the people that think they were going to be bringing lots of jobs in -- they are leaving now. They are combining their offices. In the first phase, they're just bringing all their employees to gather. So, the number of new jobs -- I just wanted to tell them and they have already left so it doesn't really matter -- the two people that said they're going to be bringing lots of jobs.

My concerns are if this road does go through -- Johnson Road and Columbia Street are two-lane roads. If you compare that to the British American site, Albany Shaker Road in that area is much wider and it is -- it is more of a highway. Columbia Street and Johnson Road are residential roads. They are two-lane roads and they shouldn't be handling this volume of traffic. There is going to be a volume of traffic regardless of the numbers that you are speaking.

I live on Old Loudon Road. I work on Johnson Road. I see the traffic at 5 o'clock. I can't get out on Columbia Street when I get out of work. I work at 5 Johnson Road. I cannot get out. We take the back alley behind Golden Crust to get out because we can't make a left-hand turn right now before you add 850 more employees and then eventually 1,200 employees.

A couple of other things on the GIS study - even if this goes through -- and to be perfectly honest, I feel like you are rubberstamping this. We are just getting up here to talk to you but this is like a done deal. Like, our comment has no effect anyway.

If this goes through -- I was looking at the GIS study and in that area and it was recommended that they do more recreational facilities as the Town progresses and we get more and more of a population. The GIS study - the original one from Clough Harbour and then in the update said they would be looking at more pocket parks. Before we develop this whole thing, I want to know if that was looked at. I want to know if safety issues have been looked at. Are there sidewalks involved? That is a residential area on the other side. Johnson Road and Columbia Street -- and even people just walking to the retail areas over

there – does this involve any type of sidewalks? Does it involve any type of recreation?

I think that Mr. Sorensen brought up the thing – Creighton Manning and Clough Harbour both worked on these GIS studies and I wonder why when we are asking questions – I believe Mr. Grasso still works for Creighton Manning, as our Town Designated Engineer.

CHAIRMAN STUTO: No, he works for CHA. That's totally independent from Creighton Manning.

MS. NUMRICH: In all honesty and being fair, it just seems that were here to tell you what we are concerned about and it doesn't really matter. That's what I'm ending with.

CHAIRMAN STUTO: Okay, do you want to start?

MR. GRASSO: I want to start with the ending. I hope that all of the residents can appreciate that the feedback that we got when this goes through a GIS is what helps us formulate the study. Your comments are not for naught and nothing is rubberstamped by the Town Board or the Planning Board. Your comments help us formulate these studies and provide recommendations so that your comments ultimately get addressed. This is where the comments really originate from. It doesn't originate from this Board, but it originates from the

public. We appreciate your comments and we hope that you never feel like your comments are not being heard, no matter where we are in the process. We hope that you will continue to make them.

In terms of the recreation and the walking trails and the sidewalks, there are pedestrian improvements being built into the project.

Dan, I am going to call on you again because you know the site plan better than I do. Can you just walk through what is being proposed?

MR. HERSHBERG: We are providing for pedestrian accessibility. We are building a new sidewalk the entire side of the new connector road all the way from Route 9, Old Loudon Road and all the way down to 9R. There will be a sidewalk down that entire side that will join in with the sidewalk in the front here (Indicating).

We are also providing a nature walking trail behind the building. The exact configuration is still under consideration. It is part of the DEC review because we are in a wetland buffer area. For the employees who will have recreation. We will have walking nature trail -- people go out and walk and that's a fairly good use of that space.

I think the GIS addresses the recreational needs primarily for residential development. The

recreational needs for this group of employees is not the same recreational need when you put in new housing and families. The need for a pocket park here is not necessary. Our site will not generate children on the site that will use a pocket park. Our main impact will be to provide a walking nature trail for the Ayco employees. If, in fact, they want to put stations on them – we might put some exercise stations on them. They quite often do that so that people will stop and do stretching exercises. All of that can be incorporated.

We do not intend to put any pocket park or recreational facility on the site. It is just not warranted.

MS. NUMRICH: If I could just add to that - in the GIS study though, this was before all the housing developments went up there. They were looking at that area really before it was developed and now there are so many developments up there – what areas are left for recreation?

MR. HERSHBERG: I don't know whether this site was ever proposed for a park location – number one – with the amount of wetlands in there. I don't know how much land would have been proposed for a park. I don't know whether or not the GIS made reference to this

particular site for a park. Again, there are parks located in the Town primarily upon recommendation of the Parks Department. If they want additional parks, I don't think this is the proper project to put them on.

MS. NUMRICH: My statement was to the Board to look at. So, much development is going up in there and it's like they forgot about that section in the GIS study.

MR. GRASSO: I will say that the original GIS was done in 1989 when it was updated in 2011 -- the 2011 update was focused only on traffic. So, the recreational component was not updated. What we did at that time back in 2011 was reevaluated the amount of development that occurred within the necessary area it was only about half of what had been projected back in 1989. So, that's why the Town felt like the types of projects within this focus area were changing and traffic outside the study area has increased dramatically. That's why the Town chose to focus on the traffic changes in this area.

CHAIRMAN STUTO: My voice is not working well, but there are major parks up there. There is the Town Park. There are the soccer fields. There are the baseball fields. There are internal sidewalks and hiking trails on this park. I'm not sure if we are collecting for park fees as well to help fund all of that.

Sometimes pocket parks work and sometimes they don't.

I see a Town Board Member nodding her head.

We will look into that before the next meeting and have a more thorough consideration of that.

She also asked about safety. I don't know if that was particularly addressed in the last response.

MR. SARGENT: I think it's related to the sidewalk connections that Dan talked about. That will include new pedestrian accommodations at both of the traffic signals to get people across safely.

CHAIRMAN STUTO: Tony Pettigrasso.

Is it directly related to what we are talking about?

MR. SORENSEN: Yes. Just one question.

You going to put traffic signals in at Auto Park Drive and Route 9 and you're going to put a traffic signal in at your proposed connector road at Johnson Road.

During my counts, I have seen people walking across the road. In fact, I have seen one person walk across the road and that man needs a cane. He doesn't use one, but he needs one. Are you going to have traffic signal delays to allow people to get across those roads for pedestrians?

MR. SARGENT: That will be worked out in the final design - signal time for pedestrians to get them across.

CHAIRMAN STUTO: Tony Pettigrasso. He's not here.

Paul Amedore.

MR. AMEDORE: My name is Paul Amedore. I don't live in the Town, but have investments in the Town – several that go back about 12 years or so. Our current project in the Town of Colonie is Canterbury Crossings. I'm sure the Town Board knows what that is. I'm not sure about the Town residents. *We have installed half of the project to date with condominiums. There are 210 condos altogether and 119 single-family homes.

I come out to support the Starlite project because the benefits that it brings to the Town and to a developer, such as myself, for the residential part of the project.

The current project that we purchased last year is the Auto Park project; 2, 4 and 6 Auto Park Drive. That is a commercial site. I see that the connector road that the applicant is proposing would be beneficial to that project and I had just come out to support this project. Thank you.

CHAIRMAN STUTO: Thank you.

Susan Weber.

MS. WEBER: Thank you. I want to commend Creighton Manning for the audiovisuals. They are wonderful and we can all see everything.

I have a comment and a suggestion. The comment is about the benefits to our community from a project such as this. I think most of us can appreciate the benefits to the developer from this project, especially when we know that in two weeks the developer will be seeking substantial tax breaks from the IDA. I am suggesting that perhaps we, as residents, can expect the Board to ask the developer to provide some benefits to the community that that will be suffering somewhat, at least, from the traffic, if not more.

I am suggesting that for example the trail system that Ayco will be developing or Starlite will be developing be opened and provided to the community for the community's use. This is not a strange concept. Other places require developers to provide substantial benefits to the neighborhood. My suggestion is - this traffic stuff is very, very esoteric and detailed. It's very tough for us to understand. All we know as neighbors and residents of the Town is that the place is rough now and it's only

going to get rougher.

Most of the traffic is going -- right now, the traffic is mostly going on and off the Northway and up and down Route 9. None of that is going to be affected all that much by this vaunted connector road. Be that as it may, I think it would be really helpful for us to understand this stuff. If you guys would post the documents that Joe Grasso mentioned coming from DOT and Albany County transportation - whatever -

MR. GRASSO: CDTC.

MS. WEBER: If those documents could be posted for everyone to see on the website the way the narrative and Creighton Manning's report was posted, that sort of thing would be really, really helpful for us. It takes a long time and it's very complex for your Town government to file a FOIL request. It takes a long time and it is troublesome. If you just post the stuff, it's easier for everyone. Thank you for your time.

CHAIRMAN STUTO: Okay, thank you.

That was the last member of the public. Anyone else?

MR. CARLOTTA: My name is Charles Carlotta and I am a Vice President and Chief of Staff at Siena College.

The college would like to go on record as

enthusiastically supporting this project. For the reasons that the two ladies and others have said, there will be a consolidation of high-end jobs in the Town. You add to that the turnover when those people retire and new people come in, we in the Town have a chance of landing them as residents. That is good for the people of the Town and it's great for the school system.

The other thing that you should now because we work with Ayco a lot is they are very generous with local charities. Companies like that and employees like that tend to be generous with charities near where they work. So, it would be a benefit to have that in the Town of Colonie.

Furthermore, we have a significant number of students at Siena who are children of the people of the Town of Colonie. Ayco is very generous with internships. They provide the largest number of local internships for our students to go and learn the ins and outs of grassroots business. This would of course, if they consolidate – that opportunity will increase in a significant number of those people are local children. Finally, we all want to get our children to settle near us – every one of us does. This is the kind of employer that attracts executives and children

who want to be executives to settle close to home. Thank you.

CHAIRMAN STUTO: Thank you.

MR. DEVITO: Hi. My name is Dean Devito and I am a principal with prime companies. We are a development company. We have several properties in the colony area one of which is 621 Columbia Street which is an office building which is right where the connector road is going to be coming out onto Columbia Street. We have the same traffic concerns that a lot of the folks here have.

We reached out to the developer and they had several meetings with us together with their engineer. They have really showed us that this traffic, in our opinion, after looking fairly deep into it, is going to be improved. It's a tough intersection right now. You've got a three-way stop. It is very awkward. It's not a good intersection.

They are looking to realign the road and make it a much much better intersection.

So, we respectfully disagree with a lot of people who think that there will be a traffic problem. I think it's going to be a big improvement.

Secondly, it's not often that you find a developer that has the ability and a client like Ayco

to be able to put in a road that will cost millions of dollars that this road is going to cost. The benefit that this is going to be to the Town and to the children that live here and property owners and investors who need growth. We either grow or we die. This is going to help make traffic better. It's going to allow this growth.

That has been sitting there vacant since Mike Tyson had his first fight. There is a reason. Not many people have the pockets to do what Ayco and the Galesi Group are doing. We come out as fellow developers in favor of the project. Thank you.

CHAIRMAN STUTO: Thank you.

Mr. Bette?

MR. BETTE: My name is Kevin Bette from First Columbia.

This is a great project. It is kind of complicated. Maybe I can help interpret because I used to do traffic engineering.

The situation that you have here, as Mark pointed out, is congestion that is really at the 9R/Route 9 interchange. That's where the Northway comes together. You have the Northway large traffic capacity, Route 9 large traffic capacity. Route 9 actually flows pretty well - wide traffic and well

spaced interchanges. The problem that you have on 9R is you have narrow traffic and close interchanges. That's really where the congestion comes in. So, all we want to do – Dean, Mr. Amedore and myself is make sure that we plan out the traffic properly so that it flows well.

I think Mark has a good start at it but we have the GIS from 2011. We have our traffic study that we just updated. None of the numbers are really matching.

Part of doing the traffic study is a lot of judgment that happens. We live there. We drive the road every day.

We would like to suggest having a traffic meeting with all of the GIS participants and maybe some of the public that can come and listen to all the traffic experts with the nuances of what you can and cannot do. We would be happy. That's what I suggested at the last meeting - to try to give our two cents of living there and also developing on the other side of Route 9 so that we can make sure that all the traffic flows properly.

CHAIRMAN STUTO: I would like to respond to that.

First, I think that's what we are doing here.

That's what we are attempting to do. We invited you to get together with them. I don't know if you reached out to them to have a meeting, or not.

MR. BETTE: We would love to have a meeting with them. If you want to go throw numbers and details in this meeting, it's hard to understand. We would get our traffic engineer to meet with them.

CHAIRMAN STUTO: But you have had plenty of time to do that. That is the point that I'm making.

MR. BETTE: Then, I will get into it.

CHAIRMAN STUTO: You can still do it before the next meeting.

MR. BETTE: The first part of traffic engineering is to use your best judgment. Then, you go to the IT manual.

We know who this customer is. The RFP had 1,800 parking spaces. It seems to be watered down every time they come in here with how much traffic they are generating. We know who they are. We know the current traffic distribution from that tenant - you can map where they are coming from.

Just for your knowledge, in our park 75% of our tenants would head for the Northway and make a right turn onto the Northway and 25% go north. Your distribution is a little bit different in your model.

The difference being that if you are wrong, Route 9R really does fail.

If you put in the numbers that we believe will be true for this customer, you need to take a look at some of the recommendations in the GIS to widen Route 9R. You need wider traffic capacity on 9R. You need more stacking. You need two through lanes getting onto the Northway. That's where the congestion happens.

If you alleviate the problem at the bottom of 9R to Route 9, it will free up more capacity and it won't divert capacity the wrong way. You said people come in the morning and make a left and then make a right is exactly what you don't want to have happen. You don't want people using other routes because it impacts traffic.

Just so the Board understands, the numbers behind the connector road – there are 137 left turns south on Route 9 turning up Route 9R and the peak hour. By putting the connector road in, it is thought that most people will make a left on the connector road and bypass that. So, there are still 21 left turns onto 9R from Route 9.

If you eliminate the left turns there, you would open up more capacity because you would have

more time for the other movements. I think that's what you should do is eliminate those left-hand turns coming up there for peak hour.

Likewise, right now Mark is showing zero left turns – left from the connector road onto Route 9 south. So, we are not anticipating people will do that. I think that is what is going to happen. That's what I said the last time. If Route 9R stacks up, people will head out the connector road and make a left. So, all you have done is push the problem to the other side. That impacts the capacity of the Auto Park interchange and the Route 9 interchange. So, you're just kind of moving the problem around.

I still think that if you look at the GEIS, the main thing that you have to consider is widening 9R and getting two through lanes out onto the Northway because that's where most of the traffic is going to seek from this customer. In all of the data that Mark has input into the GEIS – was estimated back in 2011. Now we know more of who is there.

Mr. Amedore is here now and it's not going to be Walmart. So, all that Walmart traffic is baked into those numbers. It is wrong. Walmart is not going there anymore, unless Mr. Amedore is going to build a Walmart. So, you have a different traffic pattern from

that large piece of property.

In front of that, Mr. Morelle is tearing down his hotel. The hotel is a very good user in that vicinity because it is not a peak hour generator. I don't know what Mr. Morelle is going to do with that site, but it is a large site that could be totally opposite what Mark's assumptions are in the original GEIS.

So, all I am saying is let's get it right. Let's sit down with everybody involved and get the right input into the GEIS and then overlay the new impacts from the Ayco development so you can see how that traffic is going to flow.

Mark, I wanted to ask – you said the utilization of Ayco of that connector road is 15%. Is that daily, or is that peak hour? The peak hour impact is all we are studying here.

MR. SARGENT: Peak hour.

MR. BETTE: You think there is only going to be 15% traffic -

CHAIRMAN STUTO: Total capacity. That's what I understood it to be. They are only going to use up that percentage.

MR. BETTE: How much of the traffic that is on there - when you run your impact fees, it is going to be

generated basically on what their use of that road is.

MR. GRASSO: That's right.

MR. BETTE: I would think that my judgment as a traffic guy would be that it's going to be 85% in that 15%.

CHAIRMAN STUTO: My understanding of what they have said – and I have asked this question before -- the number that I was given was 10% of capacity. That is not to say that on the first day that they open it's going to be that. It's also planning for future development so that they have enough capacity for the future.

Am I correct on that, Joe?

MR. GRASSO: Yes. That percentage is derived from CDTC when they were in the model.

MR. BETTE: I don't agree with that. Right now, northbound peak hour – there are 1,600 vehicles going northbound. There are 137 left's that are going southbound left on 9R. So, you would think there would be only 137 people making a left-hand turn at the new connector road. That's very low volume. This whole connector road to alleviate 100 left turns is not a big deal from a traffic standpoint. It would be great if you got rid of all of the left turns, but you still have a few. So, you still have a cycle time for some of those lefts.

What he is planning is 100 people making a left in the peak hour onto the connector road from the general public. The capacity is well in excess of that and Ayco's own numbers – if you take the full buildout – is 800 traffic movements and all of them have to go onto the connector road. I don't do the math, but how do you get 10% out of that? It's like 80%.

CHAIRMAN STUTO: We will think about that.

MR. BETTE: We can do this for hours. There are a lot of discrepancies between what I have done previously in our traffic reports.

We have hired Greenman Pedersen to use a different traffic engineer – we use Mark all the time, but we used Greenman Pedersen for the application that we currently have before you. We were doing counts at the same time they were doing counts.

Did you guys use cameras? The numbers don't match. We wanted to compare numbers. It seems like the numbers that are in this report which I believe is what you just submitted, we have a lot of discrepancies between our numbers and here are projected numbers that were in the 2011 GEIS we don't think are all correct in here. We think there are some different properties within the GEIS that you should just put the proper numbers in before you overlay the

Ayco development on it. We think you should use your judgment for this customer and not the ITE manual. You do that when you do a spec building. Now, you know who these guys are and you know where they are trying to get to. I'm just saying that there should be enough capacity out there. We just have to plan it properly. We just have to make sure that we are not pushing the problem from one side to the other.

If Mark is wrong, all of us have to live with it because you're not going to undo it. I just want to make sure that we get it right at this point.

CHAIRMAN STUTO: Thank you.

Joe, can you respond in a general way?

MR. GRASSO: Yes. So, a couple of things. I think Mr. Bette brings up a lot of good points and I think those things have been taken into consideration when the GEIS was updated in 2011. I think as new information or more specific information gets known as projects come in, we reevaluate the assumptions that were made when the study was done.

We have Ayco which is a known project and we are going through that level of detail. I would expect as additional development occurs on auto Park Drive – the same thing. Once definitive project plans are known, a similar level of detail will be provided.

Kevin mentioned the need for additional improvements at the 9/9R intersection. There is an additional improvement on the westbound through lane which is identified as a required improvement. This project is not triggering the need for that, but it is something that is going to be needed. We would expect as additional development occurs in that area of like on auto part drive – that improvement is probably going to be proposed.

That's it.

CHAIRMAN STUTO: Is there anything else you would like to respond to?

MR. SARGENT: I guess that I would agree. Mr. Bette, you're absolutely right. As Joe pointed out, this additional improvement here will be needed and part of that assessment will be summarized in the PowerPoint presentation. So, we agreed that's an important improvement to pursue down the road. This project is already committed to the most costly improvement and we can't really layer this one on top of it all at the same time. The Town should plan for that.

MR. GRASSO: I just want to mention the Kevin spoke about the capacity of the connector road and what this project will utilize. I don't have the data in front of me, but my recollection is that it was 10% to

15%. It was like 300 trips being generated on the connector road by the Ayco project. The reserve capacity of that road is about 3,000 trips. That's where we are coming up with that 10% to 15%.

CHAIRMAN STUTO: My recollection was you were at nine point something percent.

MR. GRASSO: Yes, it was roughly 10%

CHAIRMAN STUTO: I don't know where the 15% came from.

MR. GRASSO: I would say that the reserve capacity not only addresses full buildout of the study area, but other background growth.

If you recall, we mentioned the public/private share. The private share is 73% of the capacity of all of the improvements. The public share is the 27%. So, all the developments all told is going to take up 73% of that capacity of all of these improvements.

CHAIRMAN STUTO: Mr. Bette, I would suggest that the time period is still open. We have not closed the book on this. So, if you have something specific and want to get your traffic engineers -- reach out to the developer and do that. If you want to submit something in writing to the Planning Board, please do it and we will make sure everything in there is addressed. The

sooner, the better.

MR. BETTE: So, if we could get Joe and the TDE and everybody together, that would be great. That's all I'm saying. If you want me to organize it, I will organize it. I will send an email.

CHAIRMAN STUTO: I think you can contact their traffic engineer.

Paul Rosano?

MR. ROSANO: I have a problem with this, Peter. We have to rely on this. If Kevin comes back with all the other different numbers, where do we stand? Why did we go through all this before going to change it?

MR. GRASSO: I think the distinction here is that Kevin is a developer in the study area. He is looking at relatively large-scale development, similar in scale to what we are looking at tonight, just like Mr. Amedore. I think there is a benefit to having the developers in the traffic engineers in the same room and talk about their plans and make sure the numbers -- I have total confidence in the numbers regarding the Ayco project and how it fits into the original GEIS. Developers' plans are changing every day. If Mr. Bette is willing to have a meeting with all of us together and talk about what his plans are to make sure things that we are building in now work for the future, I think it's

a great suggestion.

CHAIRMAN STUTO: As soon as possible.

MR. GRASSO: Yes, as is possible.

Again, for the Board, Ayco has a project before us and I am confident with the data. I am confident with this project going forward. I agree that having the meeting as soon as possible is just going to result in better planning down the road for the Town.

CHAIRMAN STUTO: Yes.

MR. BUICKO: I will be brief.

My name is David Buicko. I'm the president and CEO of the Galesi Group. We are owners of the Starlite which has been vacant since 1988 or so. We have developed all over the country; Austin, Dallas, Atlanta, Tampa etcetera. I have learned a lot about traffic. I've spent more on traffic here that I have in all of those cities combined. It is amazing, isn't it? Actually, there is more traffic in all of those cities, by the way. Try driving down I39 in Austin.

I appreciate the effort of everybody here to focus on a piece of property and development that is zoned properly – that the GEIS was done way before we ever got involved in the property or dealt with Kevin. I have dealt with Amedore. I have dealt with Prime.

They are all the right developers.

From our standpoint, this is a piece of property that sat vacant forever. We can add to the tax base. We follow the rules and we have done everything right.

I commend the Planning Board. It has been a very interactive process. It is something that you guys have really been patient and listened to. I have learned traffic is more of an art than science. From that standpoint, everybody's going to have their opinion. We have all been in it.

The fact is, we are keeping a company, Goldman Sachs - that's the credit on this thing - on a piece of property that Gene Weiss bought after it was closed down from the Colosseum. It is zoned properly. It is a great piece of real estate and it's going to benefit the Town in terms of increasing tax base. Hopefully, they will extended into the second phase because those are jobs for the Town of Colonie to land a corporate headquarters for a division of Goldman Sachs is nothing other than commendable. The Town's staff - the Planning Board, the Town Board -- we are thankful for the process and thank full for the public. It is a great interaction. We want to make sure that it works because we are spending a lot of

money and there aren't a lot of developers that I know that will front the money for the road. Think about that. You don't see that very often. This road was not necessary for the first phase. We are stepping up to the plate on the gamble that the rest of the development in the Town of Colonie and the Boght Road area will be developed. So, from that standpoint, we are putting our money where our mouths are. So, thank you, very much.

CHAIRMAN STUTO: Any comments or questions from the Board before we wrap it up?

(There was no response.)

I'm saying to have the meeting, but I don't think it necessarily effects our timeline at all. I don't think we can turn away new information.

Thank you everybody. We will see a next time.

(Whereas the above entitled matter was concluded at 9:10 p.m.)

CERTIFICATION

I, NANCY L. STRANG, 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.

Dated:_____ _____

NANCY L. STRANG

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