

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

PLANNING BOARD COUNTY OF ALBANY  
TOWN OF COLONIE

\*\*\*\*\*  
AN UPDATE TO THE BOGHT GEIS TRAFFIC STUDY  
\*\*\*\*\*

THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on June 8, 2010 at 8:42 p.m. at  
the Public Operations Center  
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, CHAIRPERSON  
ELENA VAIDA  
MICHAEL SULLIVAN  
THOMAS NARDACCI  
PAUL ROSANO  
TIMOTHY LANE  
PETER STUTO, Jr. Esq., Attorney for the Planning  
Board

Also present:

Joseph LaCivita, Director, Planning and Economic  
Development  
Joe Grasso, Clough Harbour and Associates  
Victor Caponera, Esq.  
Thomas Baird, Barton and Loguidice  
Jack Fahey  
Mary Alice Morgan

1                   CHAIRMAN O'ROURKE: Last on the agenda  
2 this evening we have Mr. Joe Grasso with a  
3 Boght GEIS update. I believe that we are going  
4 to review some draft findings that he may have  
5 for the board.

6                   MR. GRASSO: I'm going to apologize for  
7 not getting the information out for all of you  
8 to take a look at ahead of time. I had every  
9 intention to do so. I didn't meet the schedule  
10 that I had set. I also apologize that it was  
11 not available for public review, but the point  
12 of tonight is to bring the board up to speed  
13 as to the work that we've been doing on  
14 preparing the draft statement of findings, and  
15 then get the information in your hands for a  
16 more detailed review. It's just to kind of  
17 explain the information that we have put  
18 together since our last meeting so it's a  
19 little bit easier to understand.

20                   As you know we have been working with  
21 Creighton Manning who is the traffic  
22 consultants for the Boght GEIS update and they  
23 have provided a lot of information that we've  
24 got in front of us tonight, or at least the  
25 traffic data portion. They are working on

1 finalizing the actual traffic study which is a  
2 large bound document which is not yet  
3 completed. It will be over the next couple of  
4 weeks.

5 What I wanted to do is go through a  
6 number of agenda items. Then go through some  
7 of the data that we believe is the most  
8 important data that the board needs to focus  
9 on in order to make an educated decision  
10 regarding moving an amended statement of  
11 findings forward for the Boght GEIS.

12 The first page on the packet is really  
13 just the discussion items that we'll review.  
14 Then I'm going to be referring to a number of  
15 documents that are included in the packet.

16 I'm going to refer to this map as well.  
17 The 17 color map that I provided is the  
18 connector road that extends from Auto Park  
19 Drive at the intersection of Route 9 down to  
20 the intersection of Route 9R and Johnson Road.

21 The first item is the previously shown  
22 roundabout that we had at the intersection of  
23 Route 9R and the connector road and  
24 Johnson Road is now proposed as a signalized  
25 intersection instead of a roundabout. That's

1 really due to looking at a more detailed view  
2 of the access considerations necessary for the  
3 adjacent properties. That was something that  
4 we had alluded to the last time when we  
5 initially proposed the connector road concept.  
6 After looking at it in more detail, we are  
7 recommending a traffic signal which is more of  
8 a dimensional approval to traffic control at  
9 the intersection. The cost for a signal along  
10 with the necessary turn lanes are included in  
11 the cost estimate. We'll get into a little bit  
12 of detail on that. That's something that we  
13 wanted to bring to the board's attention.

14 The second item is the right of way cost  
15 for the connector road which is not included  
16 in the construction cost estimates. They need  
17 to be acquired and that's something that we  
18 think that the town could require as part of  
19 the development of Parcel 28. It could also be  
20 a separate agreement that would need to be  
21 worked out between the town, any other agency,  
22 or party that would look to move forward with  
23 the connector road. As of right now, the cost  
24 for the right of way to accommodate the  
25 connector road is not included in the cost

1 estimate, but they would be required to allow  
2 the connector road to move forward.

3 We can come back to these items as the  
4 board member so chooses.

5 The third item is no improvements are  
6 recommended at the Route 9R/Old Loudon Road  
7 intersection. This was a question that was  
8 posed to us by one of the Planning Board  
9 members the last time that we were in front of  
10 the board. At the request of the Planning  
11 Board we did a sensitivity analysis to  
12 determine the impacts of Parcel 28 being  
13 developed with 500,000 square feet of  
14 development as opposed to the 100,000 square  
15 feet of development, which is in our current  
16 analysis.

17 That sensitivity analysis showed that  
18 northbound and southbound left turn lanes  
19 could be required if Parcel 28 was developed  
20 with approximately 500,000 square feet.

21 That said, those improvements may not be  
22 required depending on how access to Parcel 28  
23 is effectuated. You can see that Parcel 28  
24 abuts Old Loudon Road. Obviously, if there's  
25 an access connection to Old Loudon Road that

1 is used by development on the west side of the  
2 connector road, then that could increase the  
3 likelihood for improvements to be required at  
4 the Old Loudon Road and Route 9R intersection.  
5 It's somewhat of a moot point because we feel  
6 through our analysis that if any improvements  
7 are required at that intersection of  
8 Old Loudon Road and Route 9R that it would be  
9 a direct result of the development of  
10 Parcel 28 and not serve any benefit to the  
11 overall corridor. Therefore, that would be a  
12 project specific requirement.

13 Those improvements, even though they are  
14 unknown at the current time and if they would  
15 be required, are not included and are capital  
16 improvements of the cost estimates.

17 MR. NARDACCI: Joe, could you just tell  
18 us on the map where Parcel 28 is?

19 MR. GRASSO: Sure. Parcel 28 lies on both  
20 sides of the connector road. There are a  
21 couple of smaller triangles on the west side  
22 of the connector road. Parcel 28 has frontage  
23 out to Old Loudon Road and this triangle has  
24 got frontage out to Route 9R in this corner  
25 (Indicating). The commercial property at the

1 intersection of the connector road and  
2 Route 9R is the Caldwell Banker offices. Then  
3 Parcel 28 also has frontage just to the east  
4 of the Caldwell Banker parcel. Their property  
5 extends significantly to the north and it  
6 abuts the Canterbury Crossing development.

7 MR. NARDACCI: And the current zoning in  
8 that area?

9 MR. GRASSO: It's currently COR. It's  
10 likely that it would be developed with a  
11 combination of uses, which I would presume  
12 would include commercial uses.

13 MR. NARDACCI: Before you go into other  
14 points, have there been any discussions with  
15 the current land owner of Parcel 28 about this  
16 potential connector road?

17 MR. GRASSO: We have not had any meeting  
18 with them.

19 MR. NARDACCI: Is it one property owner  
20 that owns the whole thing?

21 MR. GRASSO: Yes. Parcel 28 is just one  
22 property owner, but the connector road would  
23 impact two properties. It would impact  
24 Parcel 28 as well as the Caldwell Banker  
25 office building parcel. It would not affect

1           their parking lot, but it would affect their  
2           greenspace on their lot.

3           The next bulleted item that I want to  
4           mention is the Dunsbach Ferry Road  
5           intersection. There were comments made by one  
6           of the Planning Board members regarding the  
7           need for improvements at the Dunsbach Ferry  
8           Road/Route 9 intersection. The current capital  
9           improvement plan includes realignment of the  
10          intersection of Dunsbach Ferry and Route 9 and  
11          either a separate right turn and left turning  
12          lanes, or restricting the left turn movements  
13          from Dunsbach Ferry onto Route 9. That is  
14          based on the findings of future traffic  
15          monitoring. Additionally, the realignment and  
16          then either the separate right turn lane and  
17          left turn lane are restricting turning  
18          movements and that's included in the capital  
19          improvements as well as the costs associated  
20          with that work is also included. We can get to  
21          that in more detail later.

22          The next bulleted item is that the  
23          capital improvement plan excludes a town road  
24          requirement from Auto Park Drive to  
25          Century Hill Drive as was discussed during

1 earlier presentations to the Planning Board.  
2 However, two-way access connections through  
3 adjacent properties along Auto Park Drive and  
4 over to Century Hill Drive are still required.  
5 Those are important access management  
6 connections that we feel are important for  
7 traffic mitigation. We know that those  
8 internal connections are important to CDTC and  
9 DOT so they are required. The requirement for  
10 a town road is not part of the capital  
11 improvement plan and as such there is no cost  
12 associated with that.

13 What I'm going to do is refer to some of  
14 the documents that I provided behind the  
15 agenda page.

16 The first one is a review of Table 7,  
17 which is the next page. You'll see Table  
18 seven, short-term and long-term improvements  
19 at the top. This table represents the  
20 currently proposed list of recommended  
21 improvements, including the improvements to be  
22 constructed in the short-term. The short-term  
23 horizon now is 2015, as well as the  
24 improvements to be constructed in the  
25 long-term. Long-term is now considered to be

1 2020. We had previously talked about those  
2 different short-term and long-term horizons.  
3 I'm not going to go through the list of all  
4 the improvements, but we can come back to that  
5 if necessary.

6 The next item in the packet is Table 3,  
7 which is the next page in the packet behind  
8 Table 7, which is the level of service  
9 summary. This table represents the anticipated  
10 levels of service at all the analyzed  
11 intersections. Like I said before, this  
12 assumes the development of Parcel 28 with  
13 100,000 square feet of development.

14 One of the things that a Planning Board  
15 member had asked for in the past was to look  
16 at it as if the connector road was not built  
17 as well as, which is the no alternative. For  
18 example, you have the 2010 existing conditions  
19 under the no alternative. That would be  
20 looking at the traffic that would be generated  
21 by new development, assuming that the  
22 connector road was not built as well as all  
23 the other improvements that are analyzed.  
24 That's what's represented under that no  
25 column. You can see the degradation and levels

1 of service for both the short-term and the  
2 long-term scenario.

3 The alternative one column represents the  
4 conditions that we would expect without the  
5 construction of the connector road, but with  
6 all the other improvements in. That was  
7 something that a Planning Board member had  
8 asked us to look at to really validate the  
9 benefits of the connector road and help us  
10 make decisions regarding the recommending  
11 timing of the connector road as well. That  
12 data is there.

13 The last column is alternative two, which  
14 includes all the improvements of the capital  
15 improvements that are included in our list, as  
16 well as including the connector road. Based on  
17 our analysis of the data, our recommendation  
18 or our preferred alternative is alternative  
19 two, that all the improvements be included and  
20 supported by the Planning Board. That is in  
21 addition to continuing to support the need for  
22 the connector road based on the mitigation to  
23 the levels of service that it will provide  
24 throughout the corridor. The Table 3, levels  
25 of service summary is included on two pages.

1           The next table is Table 4 which is the  
2           levels of service summary with Parcel 28  
3           developed with 500,000 square feet. So we went  
4           through all the analysis and wanted to show  
5           the board what would happen to the levels of  
6           service if Parcel 28 is developed with  
7           500,000 square feet for all of those three  
8           same scenarios; the no alternative,  
9           alternative one, and alternative two. Those  
10          scenarios again are without any of the  
11          improvements, alternative one with all the  
12          improvements without the connector road, and  
13          alternative two is all the improvements with  
14          the connector road. So we have something to  
15          fall back on if Parcel 28 does come in with  
16          more development than we currently anticipate.

17          We went through that analysis and the  
18          results of this sensitively analysis further  
19          recommend that all the improvements are  
20          required including the connector road to  
21          address build-out of all these parcels.

22          The last item in the packet is actually a  
23          draft resolution. That is the draft statement  
24          of findings for consideration by the Planning  
25          Board. I think that this is something that the

1 Planning Board had seen last summer when our  
2 scope of improvements was different. It's been  
3 modified based on the current proposed list of  
4 improvements.

5 What I'd like to do is go to page five.  
6 There is a table there which we pull out of  
7 the traffic study which is a GEIS improvement  
8 comparison with costs. This lists all the  
9 improvements that were identified in the 1989  
10 DGEIS and provides the cost for each of those  
11 line items. Those costs were escalated from a  
12 1989 construction cost to a 2010 construction  
13 cost using means of constructing costs  
14 escalation indexes. All that data is there.

15 Along side of that we have added -- it  
16 says 2004 DGIS update and the 2010 Boght  
17 Update. Both of those two things together  
18 constitute the current proposed update to the  
19 traffic portion of the DGIS. We have included  
20 a cost for those items.

21 Tom, I think that this was a comment that  
22 you had previously made. You wanted to see a  
23 comparison between what was originally  
24 proposed and what was currently proposed. By  
25 looking at this table, you can see what items

1 drop off the table, and what items are new and  
2 what items were changed and you can kind of  
3 see the delta in the costs.

4 One highlight, while we're on the topic  
5 of costs and when you look at all the  
6 improvements recommended in the 1989 GIS, the  
7 total cost of those improvements was  
8 \$21,400,000.

9 When we look at the cost of all the  
10 short-term and long-term improvements in the  
11 current traffic update, the current cost of  
12 those improvements is approximately  
13 \$15,300,000. There is actually a modest  
14 decrease in the total capital construction  
15 costs.

16 I can't say for certain that the town is  
17 currently assessing traffic mitigation fees  
18 that would currently collect \$21.4 million  
19 dollars because I don't know when the last  
20 updates to the fees were. If they have been  
21 updated by the town based on typical  
22 escalation factors, the town would be working  
23 toward the collection of \$21,400,000. Now, I  
24 will say that when we talk about these numbers  
25 that there always has to be a public/private

1 split regarding these mitigation fees. So when  
2 we look at the \$21,400,000 that was identified  
3 in the 1989 GEIS, 80% of those funds were to  
4 be paid by private development, and 20% was to  
5 be paid for through public funding sources.  
6 The reason is that is what makes the payment  
7 of all of these mitigation fees fair. There  
8 always has to be some ratio of public to  
9 private. That's because you have background  
10 growth that occurs that is not assessed in the  
11 development and then there is a general  
12 increase in traffic caused by existing  
13 development already within the study area that  
14 is also not assessed against new development.  
15 So when we talk about the 21.4 million dollars  
16 having been needed before to fund all the  
17 improvements and the current cost is  
18 15.3 million dollars, the actual assessment  
19 against new development would be 80% of that.  
20 We see no reason that the 80/20 split that was  
21 previously assessed would need to change.

22 CHAIRMAN O'ROURKE: Did you break that  
23 down into square footage?

24 MR. GRASSO: We did not. I will say that  
25 the 1989 calculation of traffic mitigation was

1 based on square footage of development plans.  
2 The model that we're using now and with the  
3 2010 update is CDTC's model. That is the same  
4 one that we just heard about for the last  
5 project. That's the same model that we use for  
6 the airport area GIS where it's a percent of  
7 reserve capacity through each of these  
8 identified improvements areas. We feel that is  
9 the most accurate way to assess mitigation  
10 fees and the best way to make sure that at the  
11 end of the day, the town is collecting enough  
12 money to actually fund these improvements. It  
13 requires when new applications are brought  
14 before the Planning Board - they provide their  
15 trip generation data to the town and to CDTC.  
16 It would get reviewed by both the town, the  
17 TDE and CDTC. CDTC would then take that trip  
18 generation data and put it in their model and  
19 calculate what that mitigation cost is for  
20 that development and provide that to the town  
21 before the town makes any kind of formal  
22 approval for that application. So, similar to  
23 what we've seen, if the project is in the  
24 airport area it would be that same model that  
25 would be used for the Boght traffic update

1 moving forward.

2 MS. VAIDA: Is that done with a computer?

3 MR. GRASSO: It is. They have a traffic  
4 model that is set up and they have these nodes  
5 that all have costs assigned to each of these  
6 nodes.

7 Say that it's a particular intersection  
8 or say that for example it's the connector  
9 road and a project like the Wal-Mart comes in  
10 and they provide their trip generation, which  
11 I know has already been done. The town and  
12 CDTC validate the trip generation data and  
13 affirm that the number of trips being  
14 generated is accurate. They give that data to  
15 CDTC and they actually distribute those trips  
16 through the roadway network. Say the volume of  
17 those trips take up 25% of the capacity of the  
18 connector road, then that development would be  
19 assigned 25% of the private share for that  
20 connector. It's using the percent of reserve  
21 capacity model which is routinely used for  
22 these types of traffic assessments nowadays.  
23 It wasn't done back in 1989.

24 In 1989 when the GEIS was first becoming  
25 popular, it was a square foot basis. The

1 problem with the square foot basis is that  
2 somebody can come in and say, well, I've got a  
3 retail use that generates far less traffic  
4 than another kind of retail use.

5 Say for example they come in with a car  
6 dealership, which is still a retail use.  
7 Obviously there is much less trip generation  
8 then say a super center or home improvement  
9 store or Wal-Mart. This avoids that type of  
10 discrepancy with the square foot. We take the  
11 actual trip generation from that specific use,  
12 we look at ITE data, the comparative store  
13 data, our historical records and we can  
14 validate or invalidate that specific trip  
15 generation. Then, we route it through the  
16 model. That's the method that we've currently  
17 included in this traffic update.

18 CHAIRMAN O'ROURKE: So if the board were  
19 to move forward and maybe nobody wanted the  
20 connector road - that five million dollars -

21 MR. GRASSO: There are a couple of  
22 things.

23 One, if we felt like the data that was  
24 presented shows a connector road not being  
25 built - if the board was comfortable with

1           those levels of service and said, well, we  
2           don't think that the connector road is  
3           required, then we could revise the cost  
4           estimate to not include anything and not  
5           collect funds for the connector road. I think  
6           that the cost of the connector road is 5.423  
7           million dollars. We could just take that out.  
8           So, instead of collecting 15 million, we  
9           collect 10 million.

10                   Or if the board says we do think that the  
11           connector road provides appropriate mitigation  
12           for all the traffic. However, how the costs  
13           get split or maybe there are ways to change  
14           and design the connector road or something  
15           else, we could still allocate the cost for it  
16           and collect for it and we've got that  
17           flexibility, as long as the money that is  
18           collected goes to addressing traffic impacts  
19           within the corridor.

20                   It's known that at this point all the  
21           details of these improvements haven't been  
22           worked out and certain things are subject to  
23           refinement as we move forward. This provides a  
24           solid basis for the collection of mitigation  
25           fees knowing that we have a plan - assuming

1           that development continues to occur in the  
2           corridor and in order to address the traffic  
3           impacts to this level, we're going to need  
4           money collected from these sources to build  
5           those improvements.

6                   CHAIRMAN O'ROURKE: I noticed that the  
7           ROW of the connector road isn't included in  
8           that cost.

9                   MR. GRASSO: It's not included. We could  
10          allocate a cost if the board felt like well,  
11          we should assume based on current market rates  
12          for development and include a cost for the  
13          right of way and collect the fees so that  
14          everybody pays their fair share. The reason  
15          that we didn't is just because of what the  
16          connector road can do to increase the  
17          developability of Parcel 28. We felt like that  
18          was appropriate mitigation and they would  
19          provide that right of way on top of their  
20          mitigation fees.

21                   The connector road is an identified  
22          short-term improvement. It's not a long-term  
23          improvement. It's a short-term improvement and  
24          there haven't been any applications brought  
25          before the town for Parcel 28.

1                    Say the Wal-Mart came in and the  
2 connector road was deemed required to support  
3 the Wal-Mart. They would need to work with  
4 that land owner and acquire the right of way  
5 for the connector road to allow that  
6 improvement to be in.

7                    MR. STUTO: That presents a potential  
8 problem.

9                    MR. GRASSO: It can, yes.

10                   CHAIRMAN O'ROURKE: Especially if you're  
11 collecting fees against -- you know what I  
12 mean?

13                   For instance Canterbury - that's a big  
14 project that's going to have impacts on this.

15                   MR. GRASSO: That's a decision for the  
16 board. I can try to answer more questions  
17 regarding the application of right of way  
18 costs.

19                   MS. VAIDA: When you're saying right of  
20 way costs, you're talking about proposed road  
21 impacts just for Parcel 28; so it's just the  
22 one owner.

23                   MR. GRASSO: No, actually it's Parcel 28  
24 as well as the parcel that occupies the  
25 Caldwell Banker office building.

1                   So, let's say it's four acres of  
2                   property. That would need to be acquired  
3                   through some method. Either an agreement  
4                   between the town and the land owner as  
5                   mitigation for any -- the development on  
6                   Parcel 28, a private agreement between another  
7                   applicant and the owner of Parcel 28 and the  
8                   Caldwell Banker parcel. It could be by the  
9                   town through an eminent domain action.

10                  MS. VAIDA: This would be a town road,  
11                  right?

12                  MR. GRASSO: It would need to be a town  
13                  road; right.

14                  MS. VAIDA: It would also be a benefit to  
15                  the landowners to have that road there. They  
16                  would probably be inclined to be cooperative.

17                  MR. NARDACCI: I just wanted to make a  
18                  couple of comments and ask a couple of quick  
19                  questions.

20                  First, I think that what you're  
21                  presenting here tonight is really good. It's a  
22                  lot of time spent to help us fully understand  
23                  the situation. I think that to go back in  
24                  history and pull all the old numbers and put  
25                  them side by side really helps me see the

1 difference. It's so much information and so  
2 much data to take it all in. I've spent a lot  
3 of time really trying to understand it. I  
4 think that it's a really good job in order for  
5 us to make an informed decision about the  
6 future of this area. We've talked about this a  
7 lot. This is our chance to be stewards and to  
8 really set up what the future is going to look  
9 like.

10 I'm glad that you included the  
11 500,000 square feet. In just looking at the  
12 parcel and the acreage, I don't know that all  
13 the elevations are there, but that's really  
14 flat area and there is really some developable  
15 areas. So I think that increasing that from a  
16 potential of 100,000 to 500,000 was important  
17 to do and to include in the analysis.

18 I think including the level of service  
19 entries with and without the connector road is  
20 important to help us make a decision whether  
21 we think that this connector road is  
22 worthwhile. I mean what does it mean if this  
23 connector road is not built? I think that part  
24 of this is that we're going to have to sell  
25 this to the public and make them understand

1 why we are building this new road.

2 I'm conflicted because in a sense I look  
3 at this and say, you're going to build this  
4 road and make this parcel more developable  
5 which means more development and more traffic.  
6 On the other end I look at it and I say we  
7 just went through this process where we  
8 quickly approved what Bette is doing and Anjio  
9 Dynamics. Now we have another parcel of land  
10 to attract high quality companies in between  
11 that corridor; between Luther Forest and  
12 Albany. There are opportunities here, too.

13 I'd hate to see this parcel become where  
14 another big mega retailer is going to go. I  
15 don't think that would be so great. The zoning  
16 dictates what's going to be proposed. So  
17 ideally, you'd like to see more commercial  
18 development, good taxes, and new jobs in the  
19 town. I think that part of our job has to be  
20 if this road goes forward and as it gets  
21 built, trying to work with the landowners and  
22 figure out what's the master plan for that  
23 build-out. I think that those are discussions  
24 that have to happen and to try to guide what  
25 we want to do there.

1 I know that we have more discussion to go  
2 forward and I don't want to take up a ton of  
3 time.

4 Directly addressing Dunsbach Ferry is  
5 important. I've talked about this since day  
6 one. We have to directly address that and I  
7 think that here you do. Certainly there are  
8 things you just don't know until you fully  
9 study the impacts. It's down the road a bit,  
10 but it's long-term. It would be fair to the  
11 folks that live down there to let them know  
12 and give them long enough warning that these  
13 are the improvements that are being discussed.  
14 I think that's important.

15 That said, as we move forward into the  
16 public hearing portion of this, I think that  
17 we have to go overboard to include the public.  
18 Tonight is an update for the Planning Board.  
19 When we move into the public hearing phase, as  
20 hard as it is sometimes for us to be here and  
21 to have hundreds of residents, I think that  
22 it's going to be critically important to make  
23 sure that the residents that live in this area  
24 fully are in a forum.

25 CHAIRMAN O'ROURKE: Just so you know,

1 this is a public hearing. I did notice it.

2 MR. NARDACCI: So going forward and  
3 making sure that we can inform the neighbors  
4 so that if they have made comments, we need to  
5 ensure that everyone has a sense of what we're  
6 doing.

7 In addition to the charts of the side by  
8 side that include the connector road, I think  
9 that it would be helpful for us and for the  
10 public that if we had a separate kind of  
11 pull-out document. It could even be a  
12 PowerPoint that helps to make a case for this  
13 road. I'd have to take some time to look at  
14 the table and understand it with and without.  
15 I think that the conversation with Mark  
16 Sargent at the last meeting was understanding  
17 what the traffic flows are going to be. I  
18 think that if there is a way to put that into  
19 a summary to say this is what we expect the  
20 traffic to be -- you know, we don't expect  
21 Wal-Mart traffic to cross over down this road,  
22 down 9R, and down Johnson Road. What he had  
23 said is really more so to assist those  
24 residents. Traffic is going north and south  
25 and on the highway. It's not going down

1 through the neighborhoods. The reason that we  
2 didn't want Old Loudon Road is it's a way to  
3 push traffic down Old Loudon Road past those  
4 neighborhoods which are already overloaded.  
5 When you look and see a new road, my immediate  
6 concern was, here is a release valve. What are  
7 really the traffic patterns? Are people going  
8 to Cohoes or aren't they? What would those  
9 impacts be?

10 I just think that the way that this  
11 presentation was made is very good. It's a lot  
12 of information. We need to take some time to  
13 look at it. I think that we should have some  
14 sort of separate document that says this is  
15 why.

16 The one single biggest component of this  
17 mitigation, the 5 million out of 20 million is  
18 this road. I think that it's important to take  
19 that extra time to really make the case, so  
20 when people look at it they're not going to  
21 have a hard time.

22 Also, what do we think could happen on  
23 either side of that road? Either side of that  
24 road is going to be developed. We had one of  
25 the best known developers in the area tell us

1           that if this road gets built, it will become  
2           the most valuable property in the town - or  
3           most desirable. I think that we have to be  
4           honest about what could go there. I think that  
5           going from 100,000 to 500,000 was the first  
6           step in that. It's long winded, but this is a  
7           lot of information to digest and I just want  
8           to say that I appreciate the work on this.

9                   CHAIRMAN O'ROURKE: Paul?

10                   MR. ROSANO: Nothing.

11                   CHAIRMAN O'ROURKE: Elena?

12                   MS. VAIDA: You did factor in Parcel 28  
13           in one of these tables?

14                   MR. GRASSO: Parcel 28 is always included  
15           as being developed with 100,000 square feet.  
16           However, Table 4 looks at what happens when  
17           Parcel 28 is developed with 500,000 square  
18           feet. It looks at it under three scenarios  
19           when Parcel 28 is developed with  
20           500,000 square feet and all of the other  
21           currently proposed development within the  
22           corridor takes place and there are no  
23           improvements. Alternative one is when all the  
24           improvements get built but without the  
25           connector road. Alternative two is all the

1 improvements get built along with the  
2 connector road. All the previous tables always  
3 evaluate 100,000 square feet of development on  
4 Parcel 28. Then we went along and did this  
5 Table 4 to show what would happen if it was  
6 more than that.

7 MR. NARDACCI: Because realistically,  
8 Parcel 28 that abuts 9R - you could fit  
9 100,000 square feet in that square right  
10 there, right?

11 MS. VAIDA: My concern is what if this  
12 gets fully developed?

13 MR. GRASSO: We had meetings with the  
14 planning staff and we looked at the wetland  
15 constraints that we know exist on the  
16 property, the configuration of the parcels,  
17 the need for stormwater management and other  
18 greenspace areas on the site. We still feel  
19 confident that it's going to be someplace  
20 between 100,000 and 500,000 square feet. We  
21 don't know how much and we also don't know  
22 when.

23 When you do a GIS, it's not to say that  
24 development can't come in that isn't  
25 consistent with what the assumptions are. All

1           it says is that this study is based on a  
2           certain assumption and if they come in with  
3           something different, the Planning Board has  
4           the right as the lead agent to require a site  
5           specific traffic study. If the development  
6           comes in consistent with what was assumed, the  
7           Planning Board has the right to not require a  
8           traffic study and say you're consistent with  
9           what we already analyzed. You don't need to  
10          spend the money and the time doing a traffic  
11          study where you're going to be able to say  
12          that there is no significant impact. So it  
13          just gives the Planning Board some additional  
14          tools. The Planning Board has every right to  
15          come in and ask for additional traffic  
16          studies. If anything is inconsistent with our  
17          findings or if any condition changed, you've  
18          got the right to do that.

19                   CHAIRMAN O'ROURKE:   Tim?

20                   MR. LANE:    I'm just very impressed with  
21                   the comprehensiveness and I really appreciate  
22                   it. It's a lot to absorb.

23                   MR. GRASSO:  And I apologize for not  
24                   getting it to you earlier.

25                   MR. LANE:    That's okay.

1                   CHAIRMAN O'ROURKE:   Mike?

2                   MR. SULLIVAN:   It kind of goes back to  
3 what Tom was saying. I'd like to see an  
4 explanation of basically pros and cons of  
5 alternative one versus alternative two.

6                   Taking a quick look at Table 3, it looks  
7 like alternative one would fail with the left  
8 turn movements. The delay there would nearly  
9 double for Route 9 northbound and Route 9  
10 southbound. In the short-term, those would  
11 nearly double and in the long-term if nothing  
12 was done, the overall level of service would  
13 degrade to level of service E. That is as  
14 compared to now - the 2010 existing. You get  
15 another 25 seconds delay there.

16                  MR. GRASSO:   You're on Table 3?

17                  MR. SULLIVAN:   Yes, the Route 9 and  
18 9R - the main intersection. It looks like  
19 currently we have a level of service E with  
20 60 seconds of delay for the northbound left  
21 turn movements. That would go to 128 seconds  
22 with a level of service F even with the  
23 improvements listed in alternative one. Both  
24 of those left turn movements would nearly  
25 double in delay.

1                   MR. GRASSO: And that's without the  
2 connector.

3                   MR. SULLIVAN: Right, and that's only  
4 100,000 for development. Then in Table 4 even  
5 if assuming that the 500,000 square feet of  
6 development with alternative two and the  
7 connector road was put in, you would basically  
8 be better or equal to what we currently have  
9 without any development. That's as far as  
10 delay at that intersection. That would be a  
11 way of looking at it to show that the  
12 connector road - even if you had the 500,000  
13 square feet of development on this Parcel 28,  
14 you'd still be better or equal to what we  
15 currently have without anything. I think that  
16 would show the merit of alternative two  
17 compared to alternative one. As we can see,  
18 that delay will increase.

19                   CHAIRMAN O'ROURKE: Just so that  
20 everybody understands, some people on the  
21 board might think that because the property  
22 owner of Parcel 28 is benefiting the most,  
23 that those fees should apply to his  
24 development.

25                   MR. SULLIVAN: Definitely. I think that

1           also going forward with the connector road  
2           that all applicants would be required to  
3           contribute for mitigation and should be aware  
4           of that.

5                       CHAIRMAN O'ROURKE:   And that's one of the  
6           difficulties that we have with Canterbury next  
7           week. They are directly affected. That's a  
8           huge project with a huge amount of mitigating  
9           fees. All I'm saying is that the board is  
10          going to have to really look at the five  
11          million dollar cost benefit to the developers  
12          in the area. Is it better off being undertaken  
13          in a private manner, or is it better in a  
14          public forum? Those are just issues that I  
15          think that the board is going to have to look  
16          at and decide.

17                      Again, Joe, I know how much work went  
18           into this. I really appreciate it.  
19           Unfortunately, we did get it tonight so I  
20           would like to poll the board. Again, with  
21           these projects coming up quickly, I think that  
22           it's very important that a developer knows  
23           what the costs are going to be. I think that  
24           it's very imperative that this GEIS gets  
25           finalized so that people, as they develop

1           their property, understand what the costs are  
2           going to be as they look at their  
3           developments.

4                     In terms of polling the board, what do we  
5           have Joe? What is our schedule? We have a  
6           special meeting next week.

7                     Is two weeks enough time to pour through  
8           this information?

9                     MR. NARDACCI: Joe, if I have questions,  
10          I can give you a call?

11                    MR. GRASSO: Absolutely.

12                    If the board decides tonight to move  
13          forward, we are recommending that we come back  
14          in front of the Planning Board and have a  
15          meeting that is appropriately noticed to the  
16          public again, and anybody else that the  
17          Planning Board thinks should be here. We'd  
18          like another opportunity to review the model  
19          that Mark had run last time. Some of the board  
20          members might not have been here. It was the  
21          meeting that the simulation model was run and  
22          that wasn't noticed to the public. We think  
23          that is valuable and it shows a clear picture  
24          of how traffic is going to operate. At the  
25          same time, we still need to go back to the

1 technical review committee which includes DOT  
2 and CDTC to make sure that they are also  
3 comfortable that the scope of the improvements  
4 is consistent with what they want to see and  
5 that they are acceptable to the mitigation  
6 that is proposed.

7 CHAIRMAN O'ROURKE: So we're looking at  
8 July.

9 MR. GRASSO: We can come back before the  
10 board. Two weeks is fine for us. All I'm  
11 saying is that if we're going to go ahead and  
12 schedule the meeting, assuming that the board  
13 feels comfortable with this, we're going to  
14 schedule the meeting with the technical review  
15 committee and try to get that done within the  
16 next three or four weeks. At the same time, we  
17 can come back before the Planning Board, have  
18 another open public meeting, run the model and  
19 provide this additional information that  
20 you're asking. At that time, hopefully, the  
21 Planning Board will make a decision on the  
22 amended statement of findings. The next  
23 procedural step after it gets approved by the  
24 Planning Board is that it has to go to the  
25 Town Board for approval of the statement of

1 findings as well. Then the mitigation fees can  
2 get plotted.

3 CHAIRMAN O'ROURKE: Joe, is that  
4 something that we could do in two weeks?  
5 Probably not.

6 MR. LACIVITA: Two weeks is June 22<sup>nd</sup>. You  
7 have a full agenda that night with Canterbury  
8 Crossings with a possible final. I don't know  
9 what that means. That's a large PDD.

10 You have Meadowdale Estates with a sketch  
11 plan review coming in again. You have the  
12 Hoffman Senior complex coming in again, and  
13 you have Bergman that just got moved. I don't  
14 see that being a viable date.

15 On July 13<sup>th</sup> we have Wal-Mart for  
16 potential concept, if everything is in. There  
17 is a possibly of Canterbury - Brad and I put a  
18 possible placeholder there.

19 CHAIRMAN O'ROURKE: Is everyone around  
20 for the 6<sup>th</sup>?

21 MR. LACIVITA: The 6<sup>th</sup> is the Fourth of  
22 July weekend. The 27<sup>th</sup> is empty at this point.

23 CHAIRMAN O'ROURKE: I just think that  
24 we're going to need an overflow, don't you?

25 MR. GRASSO: Based on our schedule, I'm

1           sure that we could accommodate a special night  
2           too.

3           MR. LACIVITA: If that would be the case,  
4           then there is the possibility of the 20th of  
5           July.

6           CHAIRMAN O'ROURKE: I guess it doesn't  
7           have to be on a Tuesday, right? We could do  
8           Wednesday at 7:00. The further out that we  
9           move it, we'll come back and the whole summer  
10          is going to be gone.

11          MR. NARDACCI: Joe, what was the date  
12          that you said that Wal-Mart might come back  
13          for a concept?

14          CHAIRMAN O'ROURKE: That was the 13<sup>th</sup>.

15          MR. NARDACCI: So it doesn't make sense  
16          for us to have another concept before we have  
17          an understanding -

18          CHAIRMAN O'ROURKE: No, because Wal-Mart  
19          is going to be a different animal, anyway.  
20          There are certain improvements if that project  
21          goes forward that would have to be done before  
22          they could even get concept. The way that was  
23          planning to be worked was that they were going  
24          to pay up front and as we collected mitigating  
25          funds, the town was going to pay that back.

1           Either that, or Mr. Caponera is going to  
2           pay.

3           MR. NARDACCI: As long as that is the  
4           plan. I didn't want to have them come in and  
5           say, look, thanks for coming but -

6           CHAIRMAN O'ROURKE: If the Wal-Mart  
7           project were to go forward, there are things  
8           that due to the roadway and the state, things  
9           have to be done before they can even do  
10          anything.

11          MS. VAIDA: What about June 29<sup>th</sup>? We could  
12          come in and have that be the only thing? We  
13          could address just this.

14          MR. NARDACCI: Joe, could I ask that you  
15          also send a note to the neighborhood groups so  
16          that we can assure that they have notice?

17          CHAIRMAN O'ROURKE: I'll actually call a  
18          public hearing next Tuesday for it because  
19          that will be two weeks. So, you could put it  
20          in the paper, Joe. It would still be two  
21          weeks.

22          MR. ROSANO: That's going to be the only  
23          thing on the agenda that evening?

24          CHAIRMAN O'ROURKE: The only thing, right  
25          now.

1 MR. NARDACCI: If there is a way to get  
2 with the technical committee, it seems like  
3 you might be able to pull that off. That might  
4 enable you to get back to us and tell us what  
5 they think.

6 MR. GRASSO: Right.

7 CHAIRMAN O'ROURKE: In the meantime, if  
8 people do have questions as you pour through  
9 this - Joe, does everyone have your e-mail?

10 MR. GRASSO: They do.

11 CHAIRMAN O'ROURKE: Make sure that Joe is  
12 contacted so that meeting on the 29<sup>th</sup> - if we  
13 can get the questions pointed out, I think  
14 that it would be expeditious.

15 Anybody in the audience have anything?

16 Yes, ma'am.

17 MS. MORGAN: I'm a little bit confused.  
18 It sounds as though you want to move ahead and  
19 possibly approve some part or possibly all of  
20 this GEIS report. The public isn't going to  
21 have a chance to see it until -

22 CHAIRMAN O'ROURKE: No, Joe is going to  
23 post this.

24 MR. GRASSO: Yes. We will make sure that  
25 the information is to the town a week in

1 advance of the meeting.

2 CHAIRMAN O'ROURKE: The board just  
3 received these tonight.

4 Joe LaCivita, you'll ensure that this  
5 hits the website?

6 MR. LACIVITA: Sure.

7 MS. MORGAN: The question that I have is  
8 all of this assumption -- I take it that the  
9 assumption of the CDTC has been all along that  
10 traffic is going to continue to grow and grow  
11 in Colonie. Colonie will basically be a town  
12 for transportation. If we're seeing a reality  
13 here - if you take a look at the price of oil,  
14 I think that it's going to go up and not down.  
15 I'm just wondering if anyone factored in  
16 public transportation and would it benefit any  
17 of these possible sites like Cohoes -

18 CHAIRMAN O'ROURKE: I agree with you  
19 wholeheartedly.

20 MS. MORGAN: I'm thinking that this town  
21 has been built that we're going to grow, and  
22 grow, and grow. We've seen a lot of growth in  
23 this town and I want to see what happens to  
24 that new parcel when Wal-Mart moves out and  
25 Sam's Club moves out and Wal-Mart gets

1 approved for Route 9. Where are you going to  
2 get the tenants for the empty space all over  
3 the town? I'm wondering if this whole thing is  
4 predicated on that road and will this keep  
5 growing and whether the plans, 10 years down  
6 the road -- what about the transportation  
7 costs? This isn't a dream world. You're not  
8 going to be paying \$3 for gas, it will be five  
9 or 10 dollars and that will make a big  
10 difference with the town roads.

11 Does the study have any provisions for  
12 pedestrians and maybe not the automobile being  
13 the only source of transportation?

14 MR. GRASSO: It does. The study doesn't  
15 try to anticipate indefinite growth. It's  
16 based on certain years of study. We went out  
17 to 2015 and 2020 and those growth scenarios do  
18 look at changing demographics and vehicles  
19 that are added by new development. It's not  
20 just saying that we're going to be totally  
21 auto dependant. The traffic study does talk  
22 about the need for transit foundations for the  
23 corridor that are not currently there. CDTA is  
24 one of the committee members that provided  
25 comments on the plan over the past - since

1           2004 when the update was first originated.  
2           There are some capital improvement cost items  
3           that are specifically related to transit  
4           improvements and those costs are factored into  
5           the plan.

6                     We know that if development occurs as we  
7           predict today in this study, that there is  
8           going to be additional cars on the road going  
9           through these roads and through these  
10          intersections that will impact the other cars  
11          that are on the road, too.

12                    MS. MORGAN: I think currently though,  
13          not enough thought has been given to the parts  
14          of the town that had a completely unserved  
15          plan in public transportation and that the  
16          kind of town that we have - there are a lot of  
17          nice neighborhoods in town, but we can't get  
18          anywhere without a car. We can't walk along  
19          the roads because it's too dangerous.

20                    I would be willing to walk more often,  
21          but there is no sidewalk on my side of the  
22          road. I can't get across on foot. I'm not that  
23          good at running to go between cars.

24                    I'm just saying that I wonder if  
25          something like this is a very heavy duty thing

1           that they are committing to. They're  
2           committing cost for future developers and for  
3           the taxpayers. I think that it's going to  
4           affect the whole town and who pays taxes.  
5           There should be a serious discussion about  
6           cost to us if we can't even use or get out to  
7           those places. That's something that occurred  
8           to me.

9                   CHAIRMAN O'ROURKE: Just so you know, the  
10           GEIS is actually set up more on the  
11           development end. In terms of that '89 - what  
12           were the dollars that were actually spent,  
13           Joe?

14                   MR. GRASSO: I don't know that.

15                   CHAIRMAN O'ROURKE: Certainly less than  
16           half.

17                   MR. GRASSO: Yes, I'm sure.

18                   MS. MORGAN: I just want to be able to  
19           have input in something like this.

20                   CHAIRMAN O'ROURKE: Oh absolutely. We  
21           want to have the input, but you have to  
22           understand that because we collect fees as a  
23           town for these improvements, it doesn't mean  
24           that one of them is going to get built. It's a  
25           hard concept to think about, but it's the

1 truth. We have to have a mechanism in place so  
2 that as Wal-Mart comes in or Mr. Bette who's  
3 laughing in the back because he pays a lot of  
4 these fees, we have to have a way to charge  
5 them so that it's not all on the taxpayers'  
6 back and to do it legally so that the town  
7 doesn't get sued by some of these companies.

8 MS. MORGAN: If you do this without the  
9 connector road, there is still stuff in there  
10 that justifies the mitigation fees.

11 CHAIRMAN O'ROURKE: Absolutely. Just like  
12 Joe said, if that road never gets built, it's  
13 still legal for us to collect fees from  
14 developers in hopes to build that road. It's a  
15 legal thing. It doesn't mean that we're going  
16 to collect these fees and then everything  
17 that's in this GEIS -- as long as it's done in  
18 good faith.

19 MR. GRASSO: Or to use on other  
20 improvements.

21 CHAIRMAN O'ROURKE: Right, as the time  
22 changes.

23 MS. MORGAN: So that can also be used for  
24 other improvements.

25 CHAIRMAN O'ROURKE: Within that study

1 area; that's correct.

2 MR. GRASSO: It could be transit or  
3 pedestrian oriented.

4 MS. MORGAN: I'm just thinking that this  
5 is an area of town that I'm not familiar with  
6 to drive through.

7 CHAIRMAN O'ROURKE: You just have to stay  
8 out of there from like 4:00 to 6:15.

9 MS. MORGAN: Thank you for answering my  
10 questions.

11 CHAIRMAN O'ROURKE: It's a difficult  
12 concept to understand. Like Joe had said, it  
13 can be for other modes of transportation as  
14 well as any transportation improvement within  
15 the corridor. This is just the traffic  
16 portion.

17 Joe, by weeks end can we get this up on  
18 the website?

19 MR. LACIVITA: Yes.

20 MR. GRASSO: What we're currently looking  
21 at is an update to the original GEIS that was  
22 done in 1989, which has a lot of great  
23 information regarding the basis for mitigation  
24 fees and the need for the improvements. It may  
25 be very helpful information to take a look at.

1           The Planning Department can make that  
2           available immediately and that can lay the  
3           framework. All we're trying to do is an update  
4           to the original study and tweak the  
5           improvements based on things that the Planning  
6           Board has seen over the past half dozen years  
7           or so.

8           CHAIRMAN O'ROURKE:   Anyone else?

9           Yes, sir.

10          MR. FAHEY:   In looking at the aerial view  
11          of the parcel, I'm having a hard time wrapping  
12          my head around what 500,000 square feet would  
13          be.

14          CHAIRMAN O'ROURKE:   That's really  
15          multiple buildings. I think in '89 they did a  
16          million.

17          MR. FAHEY:   Because if you look at a four  
18          story building -

19          CHAIRMAN O'ROURKE:   But a four-story  
20          building is like 50,000 square feet.

21          MR. FAHEY:   A four-story building could  
22          be humongous. Let's say it's a Lowe's.

23          CHAIRMAN O'ROURKE:   No. Structurally, you  
24          can't build something like that.

25          MR. FAHEY:   Structurally, you could put

1 four stories on that footprint. Then you'd  
2 have to have parking.

3 CHAIRMAN O'ROURKE: Well, we're not going  
4 to put the Meadowlands on there.

5 MR. FAHEY: I'm not saying that, but I  
6 just don't want you to underestimate what it  
7 could be.

8 CHAIRMAN O'ROURKE: A building like Anjio  
9 Dynamics - it's 50,000 square feet. So you  
10 have ten of those. So, an office park.

11 MS. MORGAN: What about Wal-Mart and  
12 Sam's?

13 MR. GRASSO: That's 190,000 square feet  
14 or so.

15 MR. STUTO: She's talking about the  
16 current one in Latham Farms.

17 MR. CAPONERA: It's maybe 125,000.

18 CHAIRMAN O'ROURKE: That's just the  
19 Wal-Mart.

20 MS. MORGAN: What about the whole Latham  
21 Farms?

22 CHAIRMAN O'ROURKE: Latham Farms probably  
23 has three-quarters of a million square feet.

24 MR. FAHEY: Didn't that parcel originally  
25 have 90 acres?

1 MR. CAPONERA: It was 75 acres.

2 MR. NARDACCI: What's Canterbury?

3 CHAIRMAN O'ROURKE: That's 300-something.

4 MR. GRASSO: One thing that we could talk  
5 to CDTC about is that when they provide the  
6 mitigation cost assessment, they also provide  
7 some kind of analysis to their actual trip  
8 distribution to see where those trips are  
9 going. That would be so the board could make a  
10 smarter decision about the timing of those.  
11 Rather than just say this development is going  
12 to owe us a million dollars, let's look at  
13 where those trips are going so the board can  
14 say okay, you're going to owe us a million  
15 dollars. We think that half a million of it  
16 needs to go build this series of improvements  
17 because that's where all your trips are going  
18 to go. That's something that we currently  
19 don't get from CDTC, but that's something that  
20 we could probably get in the future.

21 CHAIRMAN O'ROURKE: The other thing is  
22 that ROWs are not included at the other  
23 intersections either, is it?

24 MR. GRASSO: I believe that they are.  
25 This little sliver will accommodate a turn

1 lane, I think that right of way is included.

2 CHAIRMAN O'ROURKE: Can you clarify that  
3 Tom? Did you get final ROWs at 9R?

4 MR. BAIRD: No. It's pretty wide though.  
5 It's wide enough.

6 CHAIRMAN O'ROURKE: Is it 10 feet or  
7 eight feet?

8 MR. BAIRD: Outside is about 40 or 50  
9 feet.

10 CHAIRMAN O'ROURKE: Is it that much?

11 MR. BAIRD: On the north side it's about  
12 20 feet. It gets wider as you get to Route 9.

13 CHAIRMAN O'ROURKE: Anybody else on the  
14 board?

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

16 CHAIRMAN O'ROURKE: Okay, thank you Joe.  
17 That was a great job.

18 Anyone in the audience before we close?

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

20 CHAIRMAN O'ROURKE: Do I have a motion?

21 MR. ROSANO: Motion.

22 CHAIRMAN O'ROURKE: Second?

23 MS. VAIDA: Second.

24 CHAIRMAN O'ROURKE: All those in favor?

25 ***(Ayes were recited.)***

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*(Whereas the proceeding concerning the  
above entitled matter was concluded  
at 9:51 p.m.)*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CERTIFICATION**

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

-----

**NANCY STRANG-VANDEBOGART**

*Dated July 8, 2010*