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PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

AN UPDATE REGARDING THE PROPOSED WALMART SUPERCENTER
LOCATED AT 2, 4, AND 6 AUTOPARK DRIVE

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
June 23, 2009 at 7:33 p.m. at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, Chairman
MICHAEL SULLIVAN
ELENA VAIDA
GEORGE B. HOLLAND, JR.
CHARLES J. O'ROURKE
TIMOTHY LANE
PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

Joseph LaCivita, Director, Planning and Economic Development
Bob Sweeney, Esq.
Peter Giovenco, Bergman & Associates
Victor Caponera, Esq.
Frank Dolan, Bergman & Associates
Joe Grasso, Clough Harbour & Associates

1 CHAIRPERSON DONOVAN: When the new board first
2 came together at the beginning to 2008 - and there are
3 some new board members that have come on since
4 then - Wal-Mart had an application on properties at 2,
5 4 and 6 Autopark Drive. For the new members that are
6 here and for some people who hadn't been part of that
7 public hearing, we had asked Wal-Mart to come back to
8 give us an update.

9 I just would like to let everyone know that the
10 area in question is in a GEIS area, which is one of the
11 areas in the town where we collect mitigation fees to
12 off-set traffic problems. That's one of the many things
13 that we do.

14 The last adopted traffic study for this GEIS area
15 was back in 1989. So this board had requested the town
16 traffic engineers to go through and to give us another
17 traffic analysis of the conditions on Route 9 and
18 possibly some mitigation that the GEIS could address.
19 We're still in the process of doing that. It has not
20 been an easy road. We're working with New York State
21 DOT, we're working with CDTA, we're working with the
22 Capital District Transportation Committee and of course
23 our main objective is to meet the needs of the citizens
24 and the residents of the town.

25 So, we're here tonight to get an update on

1 Wal-Mart. The board is not here to take action tonight
2 and the board will not take public input this evening.
3 This is simply an update for the residents and for the
4 board on this project.

5 Mr. Caponera, how are you sir?

6 MR. CAPONERA: Madam Chairman, I'm very well,
7 thank you. Good evening, members of the board.

8 It was four score and twenty months ago that I
9 appeared in front of this board.

10 CHAIRPERSON DONOVAN: Not seven years like some
11 of our projects, though.

12 MR. CAPONEARA: Indeed. You put one on a few
13 minutes ago that has been there a long time.

14 The last time that we were here was in March of
15 '08 and three of the members were on the board are no
16 longer on the board.

17 Tonight with the assistance of Mr. Giovenco, we
18 are going to walk through this project again in a much
19 quicker fashion. Last time it took a little longer so
20 we're going to do an expedited application presentation
21 for the board. Let me just start for those new members
22 of the board that are here now.

23 The project that we're talking about is Autopark
24 Drive. It's 2, 4 and 6 Autopark Drive. That has been
25 previously approved as a subdivision and our proposal

1 is to merge these three lots into one larger lot that
2 would measure 22.53 acres of land.

3 For those board members that don't know, since
4 1957 this project has been zoned business E, which is a
5 commercial zone which allows for this type of use. Of
6 course as everyone knows, on January 4, 2007, the town
7 enacted its new land use law and the business E zone
8 was changed to a substantially same zoning district
9 which was called HCOR; highway commercial officer
10 residential, That also allows for this.

11 This site is a reuse of a preexisting used site.
12 There used to be a site where there was an open theater
13 here, an outdoor theater. George, you probably went
14 there. I haven't. Anyway it's a reuse of an existing
15 site and we're proposing to construct a retail building
16 which is Wal-Mart which is going to be approximately
17 184 square feet.

18 Peter, if you could just go through a couple of
19 the slides. As I said, it's formally a drive-in
20 theater. The property was purchased by Wolford
21 Associates, which is the Nemith family, back in 1965
22 and in 1998 is when this Autopark Drive was approved.

23 In fact, Jean, you could remember when I came in
24 front of the Zoning Board and got approvals for what
25 was to be several large General Motors dealerships

1 where Otto was going to move in and there was going to
2 be multiple General Motors vehicles there.

3 Regardless, since that time some terrible things
4 have happened in the automobile industry, as we all
5 know, and anyway we're moving forward now because that
6 property has now been purchased by Columbia Development
7 and they already have received conditional final
8 approval for one of several buildings that they're
9 going to build there which is - one is approximately
10 55,000 square feet.

11 For those of you who don't recall or know where
12 this is, this is an aerial view of where the property
13 is. You can obviously see that it's basically fronting
14 along 87, which is the Northway. You can see that it
15 comes out onto Route 9 and it's the entranceway to the
16 Northway coming off Alternate Route 7. To the north of
17 the property is again, the northerly most part of the
18 Autopark Drive subdivision and to the north of that is
19 the Century Hill Drive property.

20 This is just a closer view of what the property
21 looks like. You can see that to the south of it is the
22 tennis club that's owned by Mr. Clemente and it borders
23 around the entranceway to the Northway coming off of
24 Alternate Route 7. You can see the Ramada Inn is to the
25 east and 950 Loudon Road, which is an office building.

1 This is the existing Wal-Mart that is over at
2 Latham Farms. There were several questions asked the
3 last time that we were here regarding why we can't stay
4 here and just expand. There was some misconceptions and
5 miscommunication. I don't know where it came from, but
6 the bottom line is that this is the existing Wal-Mart.
7 On the other side is the existing Sam's. Sam's is not
8 going anywhere. Someone thought that it was closing.
9 That is incorrect and inaccurate. There were ideas
10 thrown out about well, why doesn't this Wal-Mart switch
11 over to Sam's and take the additional property? The
12 problem is that in these malls there are restrictions
13 and guidelines and this mall happens to have a
14 Hannaford grocery market. Our proposal calls for the
15 Wal-Mart to have a grocery market in it. There are
16 limitations to that. That's one of the reasons and
17 there are many other reasons why this proposal can't go
18 in this mall. Anyway, this is the existing one in
19 Latham Farms.

20 So, you can see that the distance between the
21 existing, which I believe is right here (Indicating)
22 and the proposed, which is the one that is colored in
23 purple, is about a mile from there.

24 I indicated the reasons why we can't expand it
25 are existing locations. We do have site constraints.

1 Obviously the supercenter concept will better serve our
2 customers.

3 You can see the vision center, pharmacy, bakery,
4 and deli. We feel that this is smart planning and it's
5 a reuse of a predeveloped site.

6 The property is and has been for the last 42
7 years zoned for this. The infrastructure that is there
8 supports this development and there are minimal
9 environmental impacts. We're talking about new jobs
10 being brought into the community of 150.

11 We have three goals. This is pretty new in this
12 Wal-Mart's development of this process. It's 100% by
13 renewable energy, creates zero waste and I think Peter,
14 we talked about this earlier - that Wal-Mart is almost
15 at that point now, is that correct?

16 MR. GIOVENCO: That's correct.

17 MR. CAPONERA: And looking to sell products to
18 sustain our resources and our environment. This is
19 quite an accomplishment, especially the zero waste and
20 the 100% renewable energy. That's by using sunlight.

21 MR. GIOVENCO: We have a couple of slides that
22 show the use of the skylights.

23 MR. CAPONERA: The white roofs, rather than the
24 black roofs, reflects the light rather than draws it
25 in. It's a use of these skylights. It's called daylight

1 harvesting. Then there are the LED cases. They are
2 motion detectors. When you're not there, they go out.
3 When you're there, they light up automatically so that
4 you're not wasting electricity.

5 Low flow fixtures in the bathroom that don't use
6 much water.

7 This is the proposed site plan. As you can see,
8 the layout is along Autopark Drive. Parking faces the
9 Northway and the front of the building will face the
10 Northway.

11 One of the comments made by one of the other
12 board members when we were here was that we certainly
13 didn't want to have this look like what other strip
14 malls look like when you're going up and down the
15 Northway. They pointed out the Latham retail center. As
16 you are going up and down the Northway now, you don't
17 really see much other than the back of the buildings.

18 This design and the location of this took almost
19 two years to put together to get to this point, which
20 we think when you see the virtual drive through that
21 we've done - I think is a very beautiful project.

22 This is just another view of it.

23 This shows a white roof that we were just talking
24 about.

25 The lighting of course are flat lens fixtures. I

1 would always refer to them as a shoebox. It meets all
2 the requirements so as not to create any spillover onto
3 any other properties.

4 This just talks about how we are going to take
5 care of the utilities. Most of it is there, so there is
6 just the hookup.

7 This talks about stormwater management. I'm not
8 going to go into details here. Very quickly, we've
9 already had our engineer, John Broder, meet with
10 Mr. Dzialo and gone over the review relative to the
11 stormwater. He is very, very satisfied with what our
12 proposal is. Wal-Mart has prided themselves on going
13 beyond the requirements for SWPP and Mr. Dzialo has
14 confirmed that.

15 This is the existing project site. This is just a
16 close up which is just an open space which is the
17 22-23 acre parcel. We did a draft traffic impact. It
18 was presented back in 2008 in March and we revised it
19 and it was presented by me to Mr. Grasso from Clough
20 Harbor and to Joe. Back in February this board heard
21 from Clough Harbour and Creighton Manning relative to
22 the ongoing amended GEIS traffic.

23 Direct access is provided obviously off of
24 Autopark Drive which is currently unsignalized and
25 connects to Route 9 and then as you can see about

1 1,600 feet north of the I87 access and 1,500 feet south
2 of Century Hill Drive - that does have a light.

3 When we went to the DCC meeting there was a
4 requirement and suggesting that we do a connector road
5 between Century Hill Drive and Autopark Drive and we
6 went through that in some detail. I think that we were
7 here in March and apparently there was a fire on
8 Century Hill Drive some years ago. There was a real
9 problem with getting traffic in and out and it created
10 a public health safety issue. When we met with
11 Mr. Lattanzio, who apparently was here in front of the
12 board here tonight, he thought that this was a very,
13 very important aspect to this development. That has
14 already been worked on and preliminarily discussed at
15 great length with Mr. Mitchell from the town. We've
16 worked hand in hand with adjacent owners, Columbia
17 Development, relative to the construction of this piece
18 of land.

19 These show the various access points. The blue is
20 the direct access into the site. The green is the truck
21 access. The yellows are the indirect access. You'll see
22 all of Century Hill Drive. The connector road is not
23 yet built going through the Columbia Development
24 property and on the south you can also see there is a
25 supplemental entrance way that would come off of next

1 to the 950 property.

2 This again talks about the traffic impact study
3 that we have presented in February. We talked about the
4 various intersections that this board is well aware of
5 and has looked at this on many occasions by various
6 experts that have given testimony to the board
7 including the Honorable Joe Grasso who might still be
8 here. Indeed, he's still in the back, as well as
9 Mr. Sargent with Creighton Manning. It's within the
10 Boght GEIS, as you Madam Chairman, mentioned a few
11 minutes ago. Our traffic study basically conforms and
12 complies with what the traffic studies that were done
13 by Creighton Manning and verified by Clough Harbour.
14 Basically, this works and it's not going to create any
15 traffic problem with this proposal.

16 This talks about where we get our trip
17 generation. There was some the discussion or question
18 the last time that we were here and there is a study,
19 an annual trip generation count and this shows
20 basically that these are real numbers. In fact, when we
21 were at a meeting in my office earlier, there was a
22 publication that came out in June.

23 What was the name of the publication, Peter?

24 MR. GIOVENCO: ITE Trip generation adopted
25 Wal-Mart's - - Wal-Mart prepared an independent study

1 that looked at a whole bunch of Wal-Mart Supercenters
2 throughout the county to determine what the true trip
3 generation is for a Wal-Mart Supercenter in the nation.
4 They hired an independent firm, Texas Institute of
5 Traffic. They did that study and then ITE looked at it
6 and adopted it and they did adopt this independent
7 analysis of Wal-Mart's trip generation, which are these
8 numbers here (Indicating).

9 MR. CAPONERA: In layman's terms that means that
10 the numbers are correct and accurate.

11 These are some of the recommendations that the
12 amended Boght traffic GEIS study talks about. It talks
13 about the traffic light and the signalized intersection
14 of Autopark and Route 9. The recommendations would be
15 coordination and signal at 87 and Route 9R and Century
16 Hill. Exclusive northbound left-turn lane and then our
17 recommendation is that the Old Loudon Road, basically
18 up from Route 9 to 9R remain one way northbound to
19 maximize efficiency of the Route 9 intersection with
20 Autopark Drive.

21 This talks about the impacts. Basically with the
22 traffic signal and then we'll impact on the light at
23 Century Hill. No significant changes expected on
24 Dunsbach Ferry - with the changes that have been
25 recommended by your engineers that have been speaking

1 with you often on the amendment to the Boght GEIS.

2 This talks about some of the costs. Again, this
3 is all old hat to the board because you've heard this
4 over and over again whenever you've had your experts
5 talking. Again, the preliminary estimate back in 2008
6 was \$1,027,000. We do understand that's going to change
7 due to everything that the town has been going through
8 in terms of their investigation and coordination with
9 Clough Harbour who is currently working on this.

10 This is the proposal. This is the Wal-Mart
11 building as proposed. As you can see, it's different
12 than any building that I believe you have seen that
13 Wal-Mart has. We've made changes to this building since
14 the last time that we were in here by adding some more
15 features to the architecture on the outside.

16 Pete, you might want to just individualize this
17 too, as you go along.

18 MR. GIOVENCO: Actually, I'm glad that Victor
19 stopped it. I don't know how much an attorney can talk
20 about with the vocabulary of an architect but -

21 CHAIRPERSON DONOVAN: I've known Victor for
22 years. He can talk about anything.

23 MR. GIOVENCO: Victor is right. We're trying to
24 establish a very new image here. What we're doing is
25 crating a façade, a place that is going to be very

1 comfortable for people to come. Given this size of the
2 store, what we've really focused on with this store is
3 really getting it down to a more pedestrian level
4 scale.

5 If I were to go back to this, as you can see,
6 we're going to have two main entrances to the store; a
7 grocery entrance and a retail goods entrance.

8 Also, please note the real bare-bones signage.
9 Wal-Mart has made a corporate decision to try to get
10 rid of all of that frivolous signage that you would see
11 on their existing store, low prices, we sell for less
12 always; all that stuff is gone. Really they want to
13 focus on their image which is the Wal-Mart brand which
14 is something that you've probably seen on their
15 commercials. They have the spark instead of the smiley
16 face.

17 The other nice feature, which I will show you in
18 a minute, is the landscaping in front of the building
19 to help soften up the size of the building. This is the
20 market and pharmacy entrance and what's nice is that
21 once again we're bringing down the scale of the
22 building. We have a canopy that covers the entrance
23 now. We've got some really nice pedestrian level
24 lighting along here (Indicating). We have bollards out
25 front to help protect the customers and associates as

1 they come in and out of these doors and also these
2 bollards are lit so that level of lighting is again
3 brought down to the level of the pedestrian so that you
4 don't have a lot of glare.

5 This is a little closer shot of that.

6 This is the retail side of the store which we
7 call the home and living area now. Once again, there is
8 not a lot of frivolous signage. It's just signage where
9 people know where they can enter the store. As I
10 mentioned, there is some nice ornamental lighting along
11 the façade and the hard surfaces down where a lot of
12 action is here (Indicating). This area stands a lot of
13 abuse. One area here (Indicating) which is the iconic
14 tree, we're calling it, where there is a nice seating
15 area and a little planting bed for annuals and Wal-Mart
16 is having us decide which tree is appropriate for here,
17 given the area. Sometimes it's an elm. They're looking
18 for something unique. Maybe it's an oak. Whatever is
19 prevalent in the area that's not an exotic tree, they
20 really want to try to showcase here. Once again, the
21 flag pole here is another element that they added in
22 front.

23 Then this is a nighttime shot, which kind of
24 shows the aspects of the project and really doesn't
25 splash a lot of light at the building and really keeps

1 it to where we need it. That's along the entrances and
2 along the sidewalks so that our customers and our
3 associates feel very safe.

4 This is just kind of briefly going through some
5 interior shots because we like to showcase what we're
6 doing on the inside. Even though it's not a site plan
7 issue, it just kind of shows the levels of finishes
8 that would be expected inside of a new Wal-Mart store.

9 This is one that's just kind of in the process of
10 opening up and stocking. This is the vision center.
11 This is the grocery area and the coolers and the level
12 of finishes here (Indicating).

13 One of the items that Victor skipped over on the
14 sustainability aspect is no more VCT tiles. This is a
15 complete colored concrete all the way though here
16 (Indicating) and the reason why we moved the VCT tiles
17 is to reduce VOC's that are attributable to the
18 manufacturing of VCT tiles. This actually is a better
19 surface that allows us to detect water on the concrete.
20 VCT are white tiles. It's hard to determine where a
21 puddle is. This, you can detect if there is a puddle
22 and it reduces slip and falls and a lot of incidents.
23 In my opinion, it's a lot nicer, too.

24 One real quick thing about the coolers that
25 Victor went through quickly is the LED lighting in

1 there. These save about 20% more light and more
2 electricity than the regular florescent lighting that
3 you would find at a Hannaford or any other grocery
4 store. This is a technology that Wal-Mart helped
5 develop. Also within these coolers are motion
6 detectors. So, if there's no one standing out here,
7 these lights all go dark. If someone walks down this
8 aisle, all these lights start coming on and that also
9 helps to reduce quite a bit of electricity at the
10 store.

11 This is the deli area. Again, the high finishes
12 as far as nice tiles on the walls, nice cleanable
13 surfaces and behind the counters a lot of stainless
14 steel and a lot of glass.

15 That's the bakery.

16 This may or may not - we haven't finished the
17 tenanting of this thing. When I say tenanting, I mean
18 the internal components of a Wal-Mart.

19 Victor, would you like to continue?

20 MR. CAPONERA: I want you to get into the virtual
21 now. Obviously, before the board can do anything like
22 SEQRA or site plan approval, we have a subdivision
23 modification and then obviously permits and town sign
24 review. These are the basic things. I promised you
25 earlier that what we're going to do right now is we're

1 going to show you the virtual that I talked about
2 earlier.

3 MR. GIOVENCO: This is a model that we created
4 and we've done it on a number of municipalities and it
5 really helps them visualize the project. It's what we
6 call a real time animation of the project. In other
7 words, I can go anywhere in the model to show you any
8 component in the building and everything is to a scale.
9 What we've done is imported the topographic map, the
10 site plan, the proposed landscaping and also we've
11 imported the New York State DOT visual terrain model
12 which shows I87 at a very accurate scale as far as
13 elevation and true scale so that we can take you
14 anywhere.

15 I know that this is a little shaky and I
16 apologize, but I can take you at a level of where a car
17 would be to kind of show you a real life representation
18 of what you would see if you were driving on I87 as far
19 as visibility of the store. This is the existing
20 vegetation that's out there today. We're not enhancing
21 it.

22 One of the things that Mr. Nemith did a long time
23 ago is plant a lot of spruces there along I87. Those
24 have matured and there are existing deciduous trees. In
25 the wintertime you can probably see a little bit more

1 of the store when those leaves fall. Then you can see
2 the store kind of open up. You'll have views of the
3 store from I87 and one of the things that we were
4 planning on doing is working with the board to enhance
5 the landscaping.

6 Right now we kind of show a very minimalistic
7 amount of landscaping. We did that purposely because we
8 didn't want to be presumptuous. We wanted to understand
9 what the board's preferences are for landscaping. We
10 want to put our money, quite honestly, in areas that
11 you are more interested in as opposed to what we're
12 interested in.

13 This is Autopark Drive, so if you were to go down
14 here, you'd be driving down and this is what you would
15 see on Autopark Drive coming into the site. We would
16 add more landscaping. There is screening. I can take
17 you behind the store and kind of show you the truck
18 docks. Then, I can show you the other truck dock. Then,
19 we can go around the building and we can show you
20 vantage points.

21 I'm trying to do this without giving everybody a
22 headache.

23 The garden center. One of the nice things that
24 we'll have on this is a high bay racking area that
25 really keeps material nice and neat and stocked. What

1 customers can do is drive in and purchase what they
2 want whether it's pavers or landscaping materials and
3 associates will come out and help them load the car so
4 that they can just come in here and drive in here
5 (Indicating). It will be very similar to their outdoor
6 display area right now but it's a lot more neatly
7 stored and it's a lot more convenient for customers
8 because it allows them to come in and really get right
9 up to it.

10 As we mentioned there is the store and we can go
11 in and we can show you any aspects of the store that
12 you want. So, what we wanted to do with this model is
13 just give you an idea.

14 I know that when we were here last year, one of
15 the concerns was the visibility from I87. You wanted
16 something so that people entering your town would be
17 seeing a very nice looking building. You didn't want to
18 see the back of the building. What we want to do is put
19 our best foot forward and present this building to the
20 community as they're coming into your town on I87 and I
21 think that we're getting there for you.

22 I think that's pretty much it. We would entertain
23 any questions that you have. One of the things that we
24 have here which Victor didn't mention at first is that
25 we also have our whole team. We have John Brodeur, who

1 is our civil engineer. We have Frank Dolan who is our
2 traffic engineer here and we have Jim Nichols, who is
3 our project architect as well. So we have our whole
4 team here if you have any questions for us. I know that
5 we've gone through a lot of information, but we wanted
6 to not overload you.

7 CHAIRPERSON DONOVAN: The traffic study has been
8 given to Joe Grasso, is that correct?

9 MR. GIOVENCO: Yes.

10 MR. CAPONERA: I gave it to him in February.

11 CHAIRPERSON DONOVAN: I just have a question on
12 the traffic study. We built a summer home down in
13 Tennessee and in Cumberland County Tennessee there is a
14 super Wal-Mart not far from where we are. There is
15 36,000 people or maybe 42,000 people in the whole
16 county. The Town of Colonie has close to 90,000 so when
17 you do a traffic study, how do you base it? Do you base
18 it on the population of a city, too? You could take 25
19 sites that only have a small amount of population
20 compared to the population that we have as a town. I
21 guess that's what I would like clarification on.

22 MR. GEOVENKO: As far as the trip generation
23 portion of the traffic study itself, what we tried to
24 do - and correct me if I'm wrong, Frank - is that we
25 tried to take supercenters that are similar as far as

1 setting in the communities. Obviously, if we were in a
2 highly urbanized area, that would be a little bit
3 different and we would take different credits for
4 transit and all that stuff. But we do try to adjust as
5 far as what the type of setting and community that we
6 are in.

7 CHAIRPERSON DONOVAN: So this study is based on
8 something similar to what we have here in the capital
9 district?

10 MR. GIOVENCO: Yes.

11 CHAIRPERSON DONOVAN: Okay. I have another
12 question. How many people are employed at the Wal-Mart?

13 MR. GIOVENCO: We asked that question earlier
14 amongst ourselves. I believe that we are around 200
15 between full and part-time.

16 CHAIRPERSON DONOVAN: So you're creating an
17 additional 150 jobs plus the 200, is that what you're
18 saying?

19 MR. GIOVENCO: Yes, that's what we're saying and
20 those are full and part-time jobs.

21 MR. O'ROURKE: So they're not all full-time jobs.

22 MR. GIOVENCO: That's correct.

23 CHAIRPERSON DONOVAN: Go ahead Mike, do you have
24 any questions?

25 MR. SULLIVAN: I had a question about the trip

1 generation. I believe when Creighton Manning did the
2 traffic study, they used the Clifton Park supercenter
3 as a model. I thought that their numbers were much
4 higher than yours. From memory I think that it was like
5 1,800 cars and I believe that you had 1,100 in the
6 slide. I'd like to know if we have those numbers
7 anywhere, Joe? I don't mean to put you on the spot, but
8 do you recall?

9 MR. GRASSO: There was a slight increase when you
10 look at the national chain numbers compared to the
11 Halfmoon store. And when you throw in the Boght Road
12 update, it's sort of more conservative on the numbers.

13 MR. SULLIVAN: And those were based on actual
14 traffic counts?

15 MR. GRASSO: Yes.

16 CHAIRPERSON DONOVAN: I just have a quick
17 question, Victor.

18 At one point you had mentioned that because
19 Wal-Mart is located in the same plaza as Hannaford,
20 that there would not be any food in the supermarket.
21 Sam's Club is a supermarket. I go to Sam's, so I know
22 that you can buy anything from cold cuts to meats to
23 detergent or anything that you want. So, what's the
24 difference? What are you telling me is the difference
25 between the two?

1 MR. CAPONERA: I really don't know the
2 difference.

3 Do you know, Pete?

4 MR. GIOVENCO: I believe what had happened was
5 that when the center was developed; Wal-Mart and Sam's
6 Club were developed simultaneously. So, any of those
7 pre-existing uses were already part of the plan. The
8 restriction, I think, says specifically grocery and
9 therefore that is what is the restriction. Sam's Club
10 is more considered a club where only members can join.
11 Members can shop there and therefore it's not a
12 grocery. It's really a club. As far as the language in
13 the lease and the fact that Sam's and Wal-Mart were
14 constructed very close to the same time, I believe
15 Hannaford came in afterwards and they accepted Sam's
16 being there for what it was. If it was the other way
17 around, there may have been an argument.

18 MR. SWEENEY: I'm Bob Sweeney and I'm also an
19 attorney representing Wal-Mart. The language of the
20 restricted covenant specifically accepts Sam's. They
21 are allowed to do that. They're not allowed to bring in
22 any other grocery into the Wal-Mart, but accepting any
23 department stores called wholesale clubs operated by
24 Wal-Mart stores.

25 CHAIRPERSON DONOVAN: Could we have a copy of

1 that?

2 MR. SWEENEY: Absolutely. And it's filed in the
3 County Clerk's office.

4 CHAIRPERSON DONOVAN: Thank you very much.

5 C.J.?

6 MR. O'ROURKE: I have just a couple of quick
7 ones.

8 First, the virtual tour - I was very upset to see
9 that there were no bike racks. I'm sure that Mike Lyons
10 was more upset than I was. I figured that I would ask
11 that question.

12 Victor, when Autopark Drive - when that curb cut
13 was approved, I came through some e-mails back and
14 forth that I'm a little troubled by. I would like to
15 garner all information from that 1998 approval both
16 from DOT and from our PEDD. If I could, I would like to
17 review some of that.

18 There was one other thing that caught my eye,
19 Victor. Now you want to leave Old Loudon Road one way.
20 The way that it is presently; correct?

21 MR. CAPONERA: That's what our traffic -

22 MR. O'ROURKE: But that's in conflict with DOT.

23 MR. CAPONERA: What we're saying is that it can
24 go either way. We don't really care. DOT says that they
25 want it both ways and the town says that they'll take

1 it both ways, so be it.

2 Right Peter?

3 MR. GIOVENCO: Yes. We purposely did it this way
4 because the last time that we were here in front of the
5 board last year, the board made it very clear that they
6 were concerned about the improvements on Route 9;
7 especially high volumes and what not. If you convert
8 Old Loudon Road to a two way street, you're going to
9 have to take away some green time on the main line
10 which is Route 9 to accommodate that extra movement.
11 So, that will decrease a little bit of the capacity on
12 Route 9.

13 What we did was we listened to the board's
14 concerns and if the board chooses to say that we would
15 sacrifice that little bit of green time to give it to a
16 two way Old Loudon Road, we will listen. That's what we
17 heard last time.

18 MR. O'ROURKE: That's where I'm moving because
19 there is a lot of information from DOT specifically
20 that they never wanted a light at Autopark Drive. Is
21 that your understanding Victor, from 1998?

22 MR. CAPONERA: I didn't handle the 1998
23 application, so I wouldn't know that.

24 MR. O'ROURKE: So you're not aware of any of the
25 information on that?

1 MR. CAPONERA: No, I didn't do that.

2 MR. O'ROURKE: I'm just trying to clarify some
3 things so that I can understand. I'm not too smart. I'm
4 like a fifth grader so I have to study.

5 I'm just a little concerned because there is
6 stuff about if it was Autopark which makes sense and
7 that they never wanted a light there. Then there is
8 another e-mail from Mark Sargent to Joe that he would
9 delete the sentence Autopark Drive was planned in a
10 location that would allow for a signal because Mark
11 says that DOT has said over and over that they never
12 wanted a signal on Route 9. That makes sense to me.

13 MR. CAPONERA: I've heard that over and over
14 again that they don't. They say that when the Northway
15 gets full and it gets boxed up.

16 MR. O'ROURKE: Here is my problem: If DOT never
17 wanted a signal from 1998 and now the only way that
18 Wal-Mart can go forward is if there is a
19 signal - - somebody has to help me with this.

20 Is there a traffic engineer here? Can you help me
21 with this?

22 MR. DOLAN: I'm Frank Dolan with Bergman and
23 Associates. I had the traffic unit with the firm.

24 I believe that back in the late '90's when the
25 first applicant came in for Autopark Drive, the

1 generation of the traffic from that development was
2 significantly less than what would be coming out of a
3 Wal-Mart or any other types of units that went in
4 there. When we look at the numbers today that are
5 coming out of Autopark Drive, certainly the volume of
6 left-turners that would be turning out of there to go
7 north on Route 9 warrant installation of a traffic
8 signal. The study of the gaps and traffic flow - it
9 will be minimal. Especially during the peak traffic
10 periods for that traffic to turn left and that starts
11 to present the safety problem. So, you reach what are
12 called warrants for installation of a traffic signal.
13 So certainly we would be recommending a signal to go in
14 there. We believe and I believe that the making of Old
15 Loudon Road two way diminishes the efficiency of
16 Route 9 to some extent and is better operationally to
17 keep that one way and maximize to the extent possible
18 the green movement northbound on Route 9.

19 MR. O'ROURKE: Can I just interrupt you real
20 quick? During the presentation there was a slide that
21 came up that said 75% of the traffic, X number of trips
22 were headed south. Now, you just stated that the
23 warrants were in regard to 25% of those trip
24 generations going north. So, can you help me understand
25 and tell me what number does that number become in

1 affect for that northbound movement?

2 MR. DOLAN: The manual uniform traffic reports
3 have criteria for various classifications of the
4 highway. The speeds out there are in the neighborhood
5 of 45 miles per hour. You would get down to like in the
6 volume of perhaps 500 vehicles per hour during the peak
7 hour north and south during eight hours north and south
8 on Route 9. Now your volume on the side street which
9 would be just the left turning volume - we did this
10 count some of the right turning volume as being able to
11 turn right on red or turn during gaps and if you bear
12 with me, I do have those numbers in here.

13 MR. O'ROURKE: I'm having difficulty because it
14 is a 45 mile an hour road. If you take from 9R to where
15 that new traffic study is, it's probably a 4-lane,
16 210 yards, right? So, how are you going to get to 45
17 miles an hour in 200 yards? All I'm saying is: Is that
18 information in fact, factual that those trip
19 generations use - and the warrants are in fact true?
20 It's not making sense to me.

21 MR. DOLAN: Yes, the information is factual. I'm
22 trying to get our volumes here, if you can wait one
23 second.

24 The left turning volume, turning out of Autopark
25 Drive, we have 172 left turners. This is during perhaps

1 a Friday evening peak hour and on a Saturday afternoon,
2 11:00 to 1:00, typically 12:00 to 2:00, in that peak
3 period, we have 184 left turners attempting to turn
4 left from Autopark to go north on Route 9. Those
5 volumes themselves would drive the warrants for left
6 turns. Typically, you get into the range of anywhere
7 from 100 to 150 vehicles per hour turning left. If you
8 take the total volume, we've got an additional 500
9 vehicles turning right on Friday and an additional 600
10 plus turning right on Saturday. So, certainly the
11 warrants there would be met for traffic safety.

12 MR. GIOVENCO: One of the other things that we
13 were recommending is obviously the coordination of the
14 signals within the corridor so that in any event of
15 some type of emergency on I87, the DOT does have the
16 capability of making mainline, which is Route 9, green.
17 And making the side streets red to allow for a flow of
18 traffic. That's in the event of some catastrophic event
19 on I87 or something like that. So, they will be
20 coordinating those signals in that corridor.

21 MR. DOLAN: I87 right now is being totally what
22 we call instrumented with technology. As you drive
23 north and south you see variable message signs that go
24 up there that tell you the traffic conditions and the
25 like. All of that data is fed back to the traffic

1 operations center in Albany. It would be fairly easy to
2 swing off of 87 and coordinate Route 9 in case there
3 was an incident on I87. You could establish what are
4 called special timing patterns that would facilitate
5 that call. That can be done. The technology is there to
6 do it.

7 MR. O'ROURKE: I guess my biggest problem is that
8 as I look back - and again this is a quote: We must all
9 not lose sight of the fact that the original approval
10 of the Autopark Drive connection to Route 9, the curb
11 cut, was based on the traffic generated by multiple car
12 dealerships which could be adequately served via stop
13 sign control.

14 So, my difficulty is with those movements and
15 what the impact is going to be for the safety of the
16 residents north of this intersection. Until I can
17 really grab a hold of where we're at with that, Jean, I
18 just need some additional answers. If I could get all
19 the information that I asked for, I'd appreciate it.

20 Thank you.

21 CHAIRPERSON DONOVAN: George?

22 MR. HOLLAND: Nothing further.

23 CHAIRPERSON DONOVAN: Elena?

24 MS. VAIDA: I wanted to ask something just to
25 maybe help to clarify the traffic study issues. The

1 trip generation study that Wal-Mart did - the basis of
2 it like what stores were looked at - I assume that's
3 indicated in the actual traffic study report.

4 MR. DOLAN: We reference a nationwide study that
5 was done for Wal-Mart on various stores in various
6 locations throughout the United States. We didn't just
7 focus on that. We actually have been involved with
8 stores in New York State measuring the status quo in
9 and out of those stores. We find those rates to be very
10 very similar to what was published here. These were
11 done in 48 states. The Texas Transportation Institute,
12 an independent agency, actually did this study to
13 validate the trip generation. They randomly selected 32
14 stores.

15 MS. VAIDA: What 32 stores?

16 MR. DOLAN: They were throughout the state. A
17 good deal of them in New York State. If I could read
18 the map, I think there was probably a dozen in New York
19 State.

20 MS. VAIDA: So if we wanted to see that
21 information, where would we find that?

22 MR. DOLAN: It was just published in the June
23 2009 Institute of Transportation Engineers Journal. We
24 can certainly get copies of it to you.

25 MS. VAIDA: And that will have the actual stores

1 that were considered?

2 MR. DOLAN: Yes, it has a map showing where the
3 stores were.

4 MS. VAIDA: I just think that might help clarify
5 some of the questions.

6 CHAIRPERSON DONOVAN: Tom?

7 MR. NARDACCI: First, I appreciate the time that
8 everyone took to make that presentation. I think that
9 it's very thorough as far as what we're looking at.
10 Architecturally, it's good to get the rendering and the
11 schematics. It's obviously a lot of time and effort
12 that has gone into that.

13 My concern really is with the traffic. I'd
14 suggest that you really take the Clifton Park store and
15 use those numbers that Creighton Manning has because I
16 think that - - I can appreciate Wal-Mart's nationwide
17 study but as Jean said, are we looking at a rural
18 county someplace in the southwest or are we looking at
19 similar size suburban municipalities? We've been
20 through this a dozen times already with regard to
21 traffic. We have one shot to do this right in this part
22 of town. It's not just the Wal-Mart project. There are
23 other massive developments that are being proposed and
24 we talk about this traffic issue on each one of those.
25 So, like Joe Grasso said, to be conservative, to use

1 the higher number, I think is the most prudent thing to
2 do with regards to this project.

3 I'd like to see those 30-some randomly selected
4 Wal-Mart stores because I just got this tonight so I'd
5 like to digest it. Compared to what Creighton Manning
6 has said, I've had concerns with what Creighton Manning
7 has presented. Some of the proposals with regard to
8 Dunsbach Ferry Road limiting access to Dunsbach - I
9 mean, once the residents on Dunsbach find out that you
10 know what? Someone is talking about that you may not be
11 able to take a left, that's a problem. That's something
12 that we have to be very careful with regards to
13 downstream effects on residential neighborhoods. Not
14 just Dunsbach but Old Loudon.

15 I agree that old Loudon should be one way. I'm a
16 little confused tonight because the first meeting that
17 we had it was my understanding that in order to have a
18 traffic light placed at that intersection, Old Loudon
19 had to be reconfigured, it had to be a two way, there
20 had to be a public benefit in order for DOT to sign-off
21 on a traffic signal. I'm happy to see that it's one way
22 because downstream, the residents that live down that
23 way, there is going to be an affect.

24 When 87 backs up, people go onto Route 9. The
25 traffic engineers are very forthright about this. It's

1 self-mitigating. People find other ways. Well, what
2 happens with that is that there is going to be
3 residential neighborhoods that are impacted by
4 commercial traffic that have never seen it before. I
5 think that this process has been very open. I think
6 that the town and the Planning Board has been
7 forthright in examining this project and doing the due
8 diligence required. I think that the developer, from
9 what I have seen thus far, has presented us or at least
10 tried to present good information.

11 It obviously takes a lot of time to do a traffic
12 analysis. I'd like to see it updated to include more
13 conservative numbers to take other suburban regional
14 stores that we know about - to take them into
15 consideration when we're looking at the numbers. I'm
16 sure that we're going to have this conversation a few
17 more times.

18 CHAIRPERSON DONOVAN: Tim?

19 MR. LANE: I just have one quick question. Maybe
20 somebody mentioned this and I missed it, but what is
21 occurring with the current store? Say that this is
22 approved and opened, etcetera. What occurs with that
23 store?

24 MR. GIOVENCO: Well what happens is that Wal-Mart
25 will make provisions to - they leased that store. They

1 will make provisions to have that store retenanted.
2 They have a whole division that looks at retenancing
3 their existing spaces. Unfortunately, they cannot get
4 any of that in motion - they cannot advertise the space
5 or anything like that until they know that there is an
6 opportunity for them to relocate. So, it's one of those
7 things that they wait until there is some glimmer of
8 hope that they will be relocating and then they'll have
9 the excess property division start looking at finding a
10 tenant to fill that space.

11 MR. LANE: What could possibly go in that
12 facility that wouldn't compete or conflict with what's
13 there?

14 MR. GIOVENCO: Actually, it's interesting. We're
15 looking at a shopping center right now where a Tops
16 store - I don't know if you're familiar with them.
17 They're a grocery store.

18 MR. LANE: Tops, right, they're based out of
19 Buffalo.

20 MR. GIOVENCO: They vacated a store and we ended
21 up putting a hole through the middle of it and creating
22 a whole bunch of small shops and open space and create
23 like a square in the middle of it and created a whole
24 bunch of small shops that face inward and that was a
25 unique revitalization or redevelopment of large big

1 boxes that we worked on. I know that Lowes is already
2 in the market, I believe. There will be others that
3 will come along and also you can subdivide it and make
4 it into smaller uses.

5 CHAIRPERSON DONOVAN: One of the things that I
6 think that we have to realize is that for all of us who
7 have lived our lives in Colonie and have watched it
8 develop the way that it has, there is no question that
9 the benefits that we have from retail and commercial
10 development are often offset by traffic for our
11 neighborhoods.

12 I happen to live on the street that's between
13 Route 5 and Sand Creek Road and I'll tell you that when
14 people say that the impact is not going to be great, it
15 is great on these roads; especially when these roads
16 were built as two lane highways. These were country
17 roads - they really were before the town developed
18 them. That's the problem that we're seeing. We see that
19 sometimes development causes people to use shortcuts
20 through residential neighborhoods and we're trying to
21 minimize that effect. That is one of the things that
22 we're trying to do.

23 Again, I appreciate your time and I appreciate
24 the input, Mr. Caponera and Mr. Sweeney.

25 We'll be in touch with you as we develop along

1 and we get ready to analyze the traffic study.

2 This is not a public hearing tonight. I'm sorry
3 that I'm not going

4 MS. KNORR: Can we voice our opinion regarding
5 this?

6 CHAIRPERSON DONOVAN: No ma'am. Not tonight.

7 MS. KNORR: Can you give us a date because there
8 are many people interested in this project.

9 CHAIRPERSON DONOVAN: I understand that. I
10 understand that there are a lot of people interested in
11 the project. We were just here this evening for an
12 update from Wal-Mart for the new members of the board.
13 When this board is ready to take official action on
14 this project, it will be an open public hearing for
15 public input.

16 Thank you. That will be posted.

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19 ***(Whereas the proceeding concerning the above entitled***

20 ***matter was adjourned at 8:32 p.m.)***

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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 14, 2009