

PLANNING BOARD
TOWN OF COLONIE

COUNTY OF ALBANY

TRAFFIC STUDY AS IT RELATES TO THE PROPOSED
WAL-MART SUPERCENTER AT 1 AUTOPARK DRIVE.

THE TAPED AND TRANSCRIBED MINUTES of the above
entitled proceeding BY NANCY STRANG-VANDEBOGART
commencing on September 22, 2009 at 9:01 p.m. at
the Public Operations Center 347 Old Niskayuna
Road, Latham, New York 12110

BOARD MEMBERS:

JEAN DONOVAN, CHAIRPERSON
MICHAEL SULLIVAN
ELENA VAIDA
TIMOTHY LANE
C.J. O'ROURKE
PETER STUTO, Jr. Esq.,
Attorney to the Planning Board

Also present:

Joe LaCivita, Director, Planning and Economic
Development

Victor Caponera, Esq., Wolford Associates

Frank Dolan, Bergmann Associates

Tom Baird, Barton & Loguidice

Mike Magguilli, Esq., Town Attorney

Peter Giovenco, Bergman & Associates

Bob Sweeney, Esq.

1 CHAIRPERSON DONOVAN: Next on the
2 agenda is the traffic presentation for
3 Wal-Mart. This is the update for the
4 Planning Board which Mr. Caponera is going
5 to be the official presenter.

6 For those of you who are here and have
7 been watching this process go on, as you
8 know this particular site where the
9 Wal-Mart is proposed is part of the Boght
10 area GEIS which I think took effect back
11 around 1989.

12 Is that correct, Joe?

13 MR. GRASSO: That's right.

14 CHAIRPERSON DONOVAN: So it's been an
15 area that obviously needed looking into.
16 Apparently, an update was being prepared in
17 2005. I don't know what happened to that
18 update, but this board has now asked that a
19 further update be done to discuss impacts on
20 traffic.

21 The proposed Wal-Mart site is probably
22 the largest thing that we've seen in this
23 area to impact traffic in the Boght.

24 The State of New York and the Town of
25 Colonie are now at a stalemate in relation
to what the state would like us to do to
resolve traffic impacts and what we feel is
necessary to resolve traffic impacts. The
state looks for us to use our town roads as
access for people when there is a back up on
the Northway and they want to divert traffic
to town roads. It's our position that we
don't want that. A lot of the town roads are
narrow. In particular, we were looking at
the one on Old Loudon Road and those that
are parallel to Route 9 and which ones
diverted traffic to Old Loudon Road. So,
this is kind of like the stalemate that
we're at now. We will still try to proceed
and negotiate with the state, but we don't
feel that we should hold up projects based
on the state's failure to come up with an
agreement. That's why we are moving forward
tonight to see, Mr. Caponera, what you have
to give us tonight.

 MR. CAPONERA: Thank you, Madam
Chairman.

1 While they're setting up, I'm going to
2 take the board and folks in the audience
3 tonight who are interested on a slight
4 history of the lands of Mr. Nemith, AKA
5 Wolford Associates.

6 We're obviously talking about Autopark
7 Drive. Before Wolford and Otto Oldsmobile
8 purchased this property, a large portion of
9 this property was used as an outdoor
10 theater. I don't know if anyone remembers
11 this. I don't know if anyone on the board is
12 old enough to remember this; maybe C.J.
13 Other than that, I'm not sure. But as we
14 recall, there was a pretty large outdoor
15 theater with a big giant screen and it
16 wasn't in my opinion the most beautiful
17 environmentally pleasing site to look at.
18 Regardless, that property was there and it
19 was used for many years for movie goers and
20 the like.

21 The site eventually was purchased by
22 Otto and one of his organizations. They
23 determined that the water had contamination
24 in it. They had a large amount of asbestos
25 in it. So, they had to set out to get rid of
the screen and take it down. They had to get
rid of the asbestos.

 In the meantime, Wolford Associates
came in and started to develop a plan to
subdivide this rather substantial piece of
property that I'm going to call
Autopark Drive.

 Approximately two million dollars later
of investment between the clean up of the
site, road widening, engineering and
development, we now see Autopark Drive. In
it there are substantial sized lots that
range anywhere from 15 to 22 acres.

 January 4, 2007, for those of you who
don't know that date, was a very famous date
in the Town of Colonie. It is when the town
enacted a new Land Use Law. On that date,
every square inch of the town was rezoned,
including this piece. Prior to that date,
this property had always been zoned PDD,
which allowed large retailed sites. After

1 January 4, 2007, it was rezoned to allow the
2 large retail sites also.

3 Lots 2, 4 and 6 are our proposed
4 subdivision amendments. Two of them being
5 the lot on the corner which is the corner of
6 Route 9 and Autopark Drive; 4 is the next
7 lot down and 6 is the one down by the
8 Northway. This is what I consider to be a
9 true redevelopment of a previously used
10 site. That is what I refer to as smart
11 growth. We're using a previously used site
12 and the asbestos contamination on it is
13 cleaned up.

14 Now, when Wolford first sought to
15 operate or create this subdivision, it and
16 Otto together who owned this property were
17 asked to consider corridor management.

18 What do I mean by that? There were 10
19 curb cuts on Route 9 between the north side
20 of Nemith and 950 New Loudon Road; 10 curb
21 cuts. Wolford was asked to reduce those curb
22 cuts for corridor management and it did. It
23 went from 10 to 6.

24 The location of Autopark Drive, where
25 it is, wasn't done just haphazardly. It was
after various meetings with various members
of the town and DOT. They suggested that
location be put directly across the street
from Old Loudon Road so as to create an
intersection location of where we have this
now. We located directly across from
Old Loudon Road.

Obviously in doing so, we have created
a substandard sized lot of the south side of
Autopark Drive; if you can visualize Nemith
Motors to the south of Autopark Drive there
is one automatic car wash. It's a
substandard sized lot. Anyway, it was
created with the intent to utilize the
properties in the rear which is obviously
Autopark Drive.

Since 1998 when this property was
approved as a subdivision, Wolford has had
this property listed with CB Richard Ellis
in order to utilize the south side of

1 Autopark Drive; namely 2, 4 and 6 for large
2 retail uses.

3 Now, we all know that Wal-Mart is
4 currently located in Latham Farms and we all
5 know that it's less than a mile from the
6 site. Wal-Mart basically continues to
7 reinvest in itself to stay competitive and
8 to stay viable. Basically if the business
9 doesn't move in this direction to reinvest
10 itself, it can't stay competitive.

11 So, with that in mind, I'm going to ask
12 if we can have Lindsey start this short and
13 hopefully very understandable traffic
14 presentation.

15 MR. DOLAN: I'm Frank Dolan and I'm
16 from Bergmann Associates. Our agenda for
17 tonight really is to go through all of our
18 traffic impact study process, detail for you
19 the study findings and then we'll finish
20 that up with recommendations and then
21 entertain questions.

22 Step one is to determine the study
23 area. Our traffic impact study process that
24 we used for all of the traffic impact
25 studies that we do both here in New York and
26 across the county is to define the study
27 intersections that would be immediately
28 impacted by whatever site generated traffic
29 there would be. We then gather information
30 and analyze the existing conditions for that
31 site.

32 Step three, we would determine a build
33 year for that particular development and
34 analyze the trip generation and development
35 for that build year. In doing that, one of
36 the important things that we need to do is
37 to determine the background.

38 You start in 2008 and you're projecting
39 into 2010. You have two years of background
40 road that could occur on a particular
41 highway or highways within the study area.
42 So, we always want to determine what that
43 background road is and also take into
44 account any of the developments that we're
45 aware of within the study area.

1 Step five would be to develop the build
2 volumes and conditions and then add our trip
3 generation assignments to those build
4 volumes.

5 The next step is that we prepare what's
6 called a no-build. That's as if you were not
7 going to build this particular development.
8 What would that be? What would the
9 conditions be without this development and
10 then compare that with what the build
11 conditions would be.

12 The final step here is to analyze any
13 improvements or mitigations that we might
14 find necessary for the build conditions.

15 MR. SCHILLINGER: Are there two step
16 fives?

17 CHAIRPERSON DONOVAN: Are you part of
18 this presentation, sir?

19 MR. SCHILLINGER: No, I just see that
20 there are two step fives.

21 CHAIRPERSON DONOVAN: Oh, okay.

22 MR. DOLAN: The step five takes you
23 back where you do the build and the no-build
24 conditions.

25 In this particular area, we looked at
the four major intersections along Route 9
starting at Dunsbach Ferry on down to
Route 9 and 9R.

In the particular study area, we used
some of the existing traffic volumes from
2008 and 2007 that were conducted by CME
Engineering. We then actually went out and
observed the traffic on several occasions in
this corridor to collect signal timings and
to just see how the traffic was flowing
under existing conditions within the
corridor. We were there in February, June
and again in September just analyzing
traffic flow in this particular corridor.

This is an overview of the site
(Indicating). Again, this just shows that
the primary access to the site traffic would
be on Autopark Drive.

So, what did we find? Let's talk first
about the existing conditions. It's

1 important to look at these volumes that we
2 have here.

3 The top graph represents the average
4 daily traffic on Route 9 and that's this
5 graph right here (Indicating). That shows
6 that when we start to the south that the
7 volumes build. This is the intersection
8 right around I87/Route 7 (Indicating). Then
9 they drop and they kind of continue all the
10 way through the corridor of Saratoga County.

11 The bottom graphs are the northbound
12 and southbound volumes starting right around
13 Route 2 to Route 7 and continuing up to
14 Route 236. When you look at these slides
15 that definitely shows us that this is an
16 evident north/south commuter route and
17 essentially what the volume is. There is
18 about 85% of the traffic that's traveling
19 through the corridor. So, it's definitely a
20 commuter corridor.

21 Also, it's important to note that we
22 looked at the volumes during the peak hours.
23 The peak hour of traffic is that hour on
24 that particular road that carries the
25 highest volumes of traffic. That's important
when we get into our build/no-build
conditions. Often you might hear different
terms, but in this particular corridor
because it is such a peak commuter corridor,
it has some different traffic patterns
during the peak hours. It was important to
look at what that peak hour would be.

We did that on Friday evening which is
the peak shopping time for retail type
development. We also looked at what the peak
hour of generated traffic would be on a
Saturday. That is another very high retail
activity center.

I won't spend a lot of time because
they're all in our report. What we found
when we looked at the existing volumes was
that in a particular instance on
Autopark Drive on Friday evening we had
1,476 vehicles going north and that's from
5:00 to 6:00 p.m. Then we have at the same
time about 1,272 vehicles coming south. So
there is a little bit higher northbound

1 traffic. There was some southbound traffic
2 at the same time and most of that was
heading to the 9R interchange.

3 One of the definitions that we traffic
4 folks use to analyze existing conditions is
something called level of service. That's a
5 quantitative measure ranging from A, being
good, up to F; much like a grade system in
6 school. It's a measure of what's called
controlled delay. It's different for a
7 signalized intersection versus unsignalized
intersection. Controlled delay is the
8 average delay of a vehicle that once it
starts to approach a signalized
9 intersection, it has to decelerate. It might
get into a queue and then it has to
10 accelerate and it finally gets the green to
go and passes through the intersection. So,
11 that's what the controlled delay is.

That ranges from less than 10 seconds
12 average per vehicle during the peak hour
right on up to greater than 80 seconds per
13 vehicle. That's called the level of service
F.

14 I wanted to spend some time on that so
you would have some idea of what this
15 control delay was. You can see that it's
different for unsignalized intersections
16 because it's typically for vehicles on a
through road that may not stop at all. It's
17 the side street delay for those vehicles at
unsignalized intersections.

18 These are the existing conditions from
5:00 to 6:00 on a Friday evening and 12:15
19 to 1:15 p.m. on a Saturday. I wanted to
highlight some of the locations where we
20 found traffic flow that had levels of
service F. One of those is the eastbound
21 left turn coming off of Route 7 at Route 9.

22 What that really means is that if you
get out and really watch the traffic flow
23 coming off of that, the drivers approaching
to go eastbound may wait up to a couple of
24 signal cycles or perhaps two changes of the
green for that movement to clear out.
25 Sometimes they may approach and move out on
one signal cycle. On average, that's about

1 two cycles there. That intersection runs at
2 a very long traffic signal cycle. With all
3 of the movements that occur there with the
4 east bound/westbound movements and
5 northbound and southbound left turns and the
6 through movements -- when you wait a couple
7 of signal cycles, that puts your delay over
8 80 seconds. That's why we see a level of
9 service F there and the approach of level of
10 service F.

11 Likewise when you look at the existing
12 traffic conditions or the movements both
13 east and westbound of Route 9 at
14 Autopark Drive and Old Loudon Road, those
15 have levels of service F. That's because of
16 the high volume of traffic that we have both
17 northbound and southbound on Route 9 at that
18 location. Other than those particular
19 movements and the southbound left turn, most
20 of the approaches are operating at
21 acceptable levels of service.

22 Again, I want to stress that this is
23 the peak hour of traffic. Throughout the
24 rest of the week and on other times, that
25 traffic flow runs fairly good out there
given the traffic that's using it, but it
does back up during that peak commuter time.

When we look at our background traffic,
we used a 1.5% growth rate per year for the
two years because we were using '08 traffic
volumes and bringing them up to a build year
of 2010 for this particular project. We also
included trip generation estimates for
developments that we knew were occurring in
the area; Shelter Cove, Canterbury Crossings
and the Century Hill commercial business
park. We wanted to make sure that we had
this traffic built into these no-build
volumes.

In general, we used a 1.5% growth rate.
That's a pretty heavy growth rate, but that
is what we saw in looking at historical
volumes for this particular corridor and
this particular area. If anything, we're not
using that 1.5%. We're probably on the
conservative side, but we wanted to present

1 a worse case scenario of what could happen
2 out in this area.

3 So if the development doesn't get
4 built, what's going to happen in the area
5 for various levels of service? Well,
6 certainly the eastbound left turn stays at
7 an F. The approach stays at an F under
8 the no-build. The southbound left turn has a
9 level of service F and overall that whole
10 intersection has a level of service F.

11 Again, this is the Friday afternoon
12 p.m. peak at Autopark Drive. This is like we
13 saw for the existing condition. Certainly
14 with the no-build those are levels of
15 service F.

16 We also saw some failures starting to
17 happen up at Century Hill Drive, especially
18 with the eastbound left and eastbound right
19 turn movements. The approach starts to fail.
20 Again, I want to emphasize all the other
21 movements other than those movements would
22 be operating at acceptable levels of
23 service.

24 When we do the build conditions, we
25 have to look at what is a trip generation.
26 In the past, we have always relied on The
27 Institute of Transportation Engineers
28 Studies which publishes a document called
29 the trip generation manual. It's a
30 compilation of data collected throughout the
31 country on various types of development and
32 how many trips might be expected to be

33 generated from that particular document.

34 For this particular study, there was a
35 national study that was done by the
36 Texas Transportation Institute. It's a very
37 well recognized national organization. It
38 was an independent study that was done. It
39 was a very comprehensive and statistically
40 valid study. We can look at the various
41 variables and the levels of competence that
42 they arrived at. Their study showed that a
43 typical supercenter would generate about 4.5
44 trips per thousand square feet on a p.m. and
45 then 5.63 trips on Saturday. As you can see,
the Saturday trips are higher than the

1 evening peak on a Friday because Saturday is
2 much more known for activity for retail.

3 CHAIRPERSON DONOVAN: Excuse me, can I
4 just ask you one question? Was Wal-Mart
5 hired to do this study?

6 MR. DOLAN: Yes, they did it for
7 Wal-Mart, but I have to emphasize that this
8 study was reviewed and adopted by IDE.

9 CHAIRPERSON DONOVAN: I understand
10 that.

11 MR. O'ROURKE: But who paid for it?

12 MR. DOLAN: Wal-Mart.

13 CHAIRPERSON DONOVAN: I think that we
14 talked about this the last time. We talked
15 about 32 locations. I don't expect you to do
16 this now, but could we have a reference for
17 those 32 locations?

18 MR. DOLAN: Certainly. We didn't just
19 accept these findings. We actually went in
20 and looked at 10 locations that were done as
21 part of this study. They were Louisville,
22 Kentucky; Pasadena, Texas; Cedar Falls,
23 Iowa; San Antonio, Texas; Colonial Heights,
24 Virginia and Mary Shield, California. I
25 looked at things in this study to validate
these numbers or the generations based upon
roads that had similar traffic volumes than
what we had on Route 9. I wanted to make
sure that we were looking at apples and
apples here and we did find a very good
comparison with those numbers with the
traffic volumes on Route 9.

We also took a look at the generation
number for the Halfmoon Wal-Mart. You'll see
that is slightly higher than the 4.5 trips
that we have for the national study. That
means that results in about 23 more trips
during the peak hour. That's a very low
percentage when you look that the trips are
both vehicles exiting and entering the site.
So, that's about 11 vehicles over the peak
hour difference. That significance would not
impact any of the results that we studied
and that very small number would have no
impact relevant to the results.

1 Now you can say okay we use that 4.5
2 trips, but what does that mean? When you
3 look at total trips that a Wal-Mart of this
4 site would generate, it would be about 882
5 trips during a peak hour on a Friday and
6 1,103 on a Saturday. All of those trips are
7 not new trips on the facility. They are
8 trips by people who are passing by on
9 Route 9 and decide to make a stop. It's very
10 much like when you pass a gas station and
11 you decide to go in and get gas and then
12 continue on your way. These are people that
13 are traveling and commuting through the
14 corridor and are deciding to make a stop at
15 the facility and then they're on their way.
16 The national study shows those pass-by trips
17 would be about 26% of the total trips that
18 are generated by the site. That leaves us
19 with primary trips, both entering and
20 exiting of a total of about 653 trips. We
21 looked at some of the estimates that were in
22 the Boght Road study for this particular
23 site using the Halfmoon study results. That
24 generated 678 trips which was very close to
25 our 654. Again, as I said, it was very close
26 to the numbers on that. We felt comfortable
27 that we were right in the ballpark with
28 these numbers.

16 We then take the traffic and say, well,
17 where is it going to go? In this particular
18 case when we looked at how traffic flow
19 occurs and what the various population
20 densities are, we have 75% of our trips
21 going to the south and 25% coming to and
22 from the north. Again, that's pretty
23 consistent with other studies that we've
24 seen done in this particular corridor.

21 We then take those percentages and say
22 well, how does that result in added trips
23 onto the highway network? In this case,
24 during Friday afternoon we have 245 trips
25 that are going south toward 9R. We have 82
26 going to the north. We have a significant
27 number of left turners to look at.
28 We had 244 coming northbound coming left
29 into the site. Then those get distracted
30 down at 9R and through the intersection.

1 Then we say okay we've got all those
2 new trips that are going through the
3 corridor being generated by the site. What
4 are the lines that would result at the study
5 intersections with this new traffic? These
6 are the numbers that we have: 546 right
7 turners and 172 left turners. You have to
8 understand that these volumes include those
9 additional developments that we had listed
10 in the study. So, not all these trips are
11 just for Wal-Mart. These include some of the
12 other new developments and also the
13 background road traffic.

8 We have our build volumes. Now we go
9 back and say, what are our build conditions?

9 We took a look first at Autopark Drive
10 and when we look at our build without any
11 mitigation we see that we still have levels
12 of service F. We also have levels of service

12 F especially on the eastbound flow of
13 Saturday and the northbound flow on a
14 Saturday. We have levels of service that
15 show a need for improvement. What can we do
16 to look at those? Then we looked and said,
17 what do we really need to do?

15 We'll start first at Autopark Drive and
16 Route 9. We know that intersection needs
17 both a left turn lane and traffic signal
18 warrants. When you look at traffic signal
19 warrants, those are criteria that say, when
20 do you need to put a traffic signal in? How
21 will that help the traffic flow? Just
22 because you have a lot of volume, it doesn't
23 mean that you need a signal.

20 In this particular case, given the
21 volumes that you have both for this Wal-Mart
22 development and any other development that
23 we build into this particular area, we
24 certainly have a need for a traffic signal
25 there. That's based on the high volumes of
26 traffic that we have north and south on
27 Route 9. We also look to retime and
28 coordinating the signals along Route 9. We
29 found that by doing that we could actually

 impact the cycle lanes.

1 One of our goals was to try to
2 coordinate and shorten the cycle lanes so
3 that we could get away from some of
4 those long cycle lanes and then we then help
5 to move traffic more frequently. It's a
6 mitigating measure.

7 We also looked at the degree that we
8 need to have a westbound through lane on
9 Route 9R as it approaches Route 9. That
10 could help to allocate more traffic flow
11 through that intersection and that helps to
12 reassign the green time that currently is
13 given for that westbound movement and some
14 of the other movements of traffic. That
15 helps that intersection to operate better.

16 As we look to the build conditions with
17 proposed mitigation, we actually have
18 movements that have improved in level of
19 service. You might say, why does that
20 happen? Well, it happens because as I just
21 mentioned we're able to take and reallocate
22 some of the green time by giving extra lane
23 capacity to those movements to help speed
24 the traffic. You can look at 9 and 9R and

25 see that we get some improvements in level
26 of service E to D and from F to D and D to a
27 B. That's significant. Likewise we do have
28 some movements that still have failing
29 levels of service or poor levels of service.
30 The reason for that is because we're still
31 going to be waiting more than one signal
32 cycle. It will probably be on the range of
33 two signal cycles to get through that
34 particular intersection. This is always a
35 very fine tuning effort. You work with the
36 traffic signals and you may be there one day
37 and it's level of service E or D. Traffic
38 fluctuates on any given day.

39 We are presenting the worse case
40 conditions that you have here but when you
41 start to retime the signals and coordinate
42 them, you're really going to start to really
43 fine tune and be out there and observing
44 traffic signals. Perhaps they take four or
45 five seconds of green time from this

1 movement (Indicating) heading to another
2 movement and we can try to balance that out.

3 Likewise over at Century Hill and
4 Route 9, we can get some improved levels of
5 service.

6 When we got done with all of this data
7 collection and analyzing all of this data,
8 what do we come up with?

9 One is that Route 9 can operate with a
10 satisfactory level of service with this
11 development and with the proposed
12 mitigations that I talked about. Route 9 can
13 operate satisfactory with Old Loudon Road
14 being one-way or two-ways. That is a
15 corridor issue that needs to be addressed.
16 From a level of service standpoint, we can
17 work with it either way.

18 As we look at all of the previous
19 studies that have been done from 2007 and
20 the current study going on in this corridor,
21 all of our findings are consistent with the
22 previous studies done by other engineering
23 firms in this area. We didn't find any
24 surprises here. The bottom line is that this
25 corridor with the mitigation and with the
fine tuning of the traffic signals and based
upon our experience with looking at this
corridor as well as other studies that we've
done throughout New York State and the

country, we can get satisfactory levels of
service with this development in place and
that would include the background roads and
background developments.

So with that, we'll open it up to
questions.

CHAIRPERSON DONOVAN: The board will
address this first.

First of all, I thank you very much.
What we're going to do is have our town
designated engineer, Barton & Loguidice
review the study and the comments that you
made and then report back to this board.
We'll determine the date sometime tonight.

I'll start with Michael. Do you have
any questions or comments?

1 MR. SULLIVAN: Yes, I do. I do have
2 questions on the trip generation portion of
3 the presentation.

4 Did you get a chance to see the
5 Creighton Manning traffic study where they
6 had accounted for the proposed development
7 of the Wal-Mart trip numbers; the 4.61?

8 MR. DOLAN: Yes.

9 MR. SULLIVAN: Do you know off-hand how
10 your numbers compare with that?

11 MR. DOLAN: Yes, I believe that we had
12 653 trips. If you used the Halfmoon study,
13 it was 678.

14 MR. SULLIVAN: Was the Halfmoon study
15 applying the pass-by factor? To me, the 26%
16 reduction seems incredibly high.

17 MR. DOLAN: I believe that they were
18 right in tune with us with the 25% or 26%.

19 MR. SULLIVAN: My concern is that these
20 factors were supplied by Wal-Mart. You're
21 saying that these trips are due to Wal-Mart.
22 They are people that are passing by anyway.
23 I'm wondering if there is some other
24 national standard or some traffic manual
25 that supplied a reduction factor for a store
like Wal-Mart. I'd be interested to see if
it was 26% or something lower. By applying
that factor, you're saying that those cars
aren't due to Wal-Mart. They were people
that were passing by anyway. So, if that
factor does not apply, then you'd be
impacting the figures more with this
development.

MR. DOLAN: I can say that the national
study that was done by TTI carefully
measured the pass-by traffic and 25% was an
acceptable rate. I can also say that in
previous studies done by the Institute of
Transportation Engineers that those pass-by
rates are right in the 25% to 26% area and
those have been substantiated in many, many
studies.

MR. SULLIVAN: Are they in a similar
area though or are they in a more rural area
where that is the destination and that is
the reason for going there?

1 MR. DOLAN: Again, I was careful to
2 look at corridors that were similar to
3 Route 9 and looked that those numbers were
4 consistent with the traffic volumes on
5 Route 9. We've done at least 25 of these
6 studies throughout New York State and find
7 consistently that these numbers are valid. I
8 wouldn't want to sway the numbers either
9 way. I rely on documented statistical data
10 that shows what those numbers are and that
11 the pass-by of about 25% or 26% are valid.

12 MR. SULLIVAN: And you mentioned that
13 there was a manual? I'm concerned that

14 Wal-Mart is supplying the figures for
15 Wal-Mart development.

16 MR. DOLAN: You'd have to understand
17 that this was commissioned by Wal-Mart,
18 accepted by the Institute of Transportation
19 Engineers and the data was carefully
20 reviewed by the review panel. It is now part
21 of the Institute of Transportation of
22 Engineer's trip generation manual. Any
23 credibility factor here would not have been
24 accepted.

25 MR. SULLIVAN: The other question that
I had was the recommendations. In item two
you're saying that it can operate
satisfactory with two-way, but it would also
be with one-way. That seems to be omitted
there.

MR. DOLAN: It can operate either way.
In our recommendation, we recommended
one-way on Old Loudon. I did that for a
particular reason. We could get a better
level of service for the northbound through
movement during a Friday p.m. If I go into
two-way, it doesn't make it a failure level
of service.

MR. SULLIVAN: Is it possible to get a
trip generation flow chart for the build
condition? I just have one here for the
no-build. It might be somewhere else in the
manual. I couldn't find a no-build. Then it
goes into Section C with the 2010 build
traffic.

1 MR. DOLAN: We can get that for you.

2 MR. BAIRD: I'm Tom Baird from
3 Barton & Loguidice.

4 Excuse me while I address the board.

5 I did notice some of the levels of
6 service that you had in your chart didn't
7 match the ones that I had in the most recent
8 traffic study. There is an update for that -

9 MR. O'ROURKE: Right, from CME.

10 MR. BAIRD: No, from their study.

11 MR. O'ROURKE: Right, it doesn't match
12 CME.

13 MR. BAIRD: It doesn't match what is on
14 the screen and the report that we're
15 reviewing right now.

16 MR. DOLAN: One movement of the Route 9
17 northbound right turn movement had a yield
18 sign. We modeled that as a yield condition.
19 However it does have its own lane. When you
20 model it with its own lane, it does show a
21 better level of service.

22 MR. BAIRD: But it does have a yield
23 sign.

24 MR. DOLAN: It has its own lane. When I
25 was out there that was one of the things
that I was looking at with the
intersections. That traffic turning right
does continue on because it's only a single
lane for the traffic.

MR. BAIRD: The actual analysis done by
the traffic model has delays and the
calculations will be different now than what
I'm reviewing. I need to have that updated
analysis.

MR. DOLAN: We'll get that to you.

CHAIRPERSON DONOVAN: Anything else,
Michael?

MR. SULLIVAN: That will then show the
increase even if it's a level of service F.
It will show the increase in time that
you're waiting, if it's level of service F
in the future.

MR. DOLAN: Yes.

CHAIRPERSON DONOVAN: C.J.?

MR. O'ROURKE: Mr. Caponera, again, you
are the best. When I'm out on a sunny day

1 and somebody pours a bucket of water over my
2 head and tries to tell me that it's raining,
I don't quite get it.

3 So, let me start with an e-mail from
4 Mark Kennedy to Joe Grasso and Mark Sargent
dated June 10, 2009. Are you familiar with
that?

5 MR. CAPONERA: I don't have it; no.

6 MR. O'ROURKE: Let me read it verbatim.

7 MR. CAPONERA: Tell me when that e-mail
was?

8 MR. O'ROURKE: June 10, 2009. Let me
read something verbatim.

9 New York State DOT has twice expressed
10 concern that the installation of a traffic
11 signal at the intersection of Autopark Drive
and Route 9 will have significant negative
12 effects on the operation of Route 9. This
concern has been clearly confirmed by the
13 analysis completed by Creighton Manning.

14 Again, that's dated June 10, 2009. It
was from Mark Kennedy at DOT to both Joe
15 Grasso and Mark Sargent. It goes on further
16 too. There are other things in there. Just
to make that point, I would like that in the
17 record.

18 Mr. Caponera went through diligently to
19 explain the history of the project. I just
have a little different idea of the history
20 of the project. When it was originally
21 approved and a curb cut was allowed, it was
specifically for the volume of an auto park;
22 is that correct?

23 MR. CAPONERA: No, I don't agree with
that.

24 MR. O'ROURKE: Well, they wouldn't have
issued the curb cut because -- there was to
25 be no traffic signal. Wasn't that expressly
stated by DOT?

MR. CAPONERA: Wasn't what expressly
stated?

MR. O'ROURKE: That there would be no
traffic signal at Autopark Drive; when the
initial project was.

MR. CAPONERA: The initial project went
through and it basically stated in the
letter dated December 13, 1996 that the

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warrants weren't specifying a traffic light yet.

MR. O'ROURKE: Okay, but your client understood that DOT objected to any signal on Route 9 on that intersection -

MR. CAPONERA: At that time.

MR. O'ROURKE: At that time.

MR. CAPONERA: Because the warrants didn't call for it.

MR. O'ROURKE: I would take exception to that in 2006. I don't agree with that.

Again, if our town designated traffic engineer could pull that information together that would be great. In 2007 when we did the update of the traffic for the Boght GEIS, it specifically would have called for that with this type of project. Again, I don't have an engineering degree but I certainly understand that. So, could you check that and make sure that my facts are correct?

MR. CAPONERA: Let me just quote from a letter from DOT, just to make it clear. I'm quoting from a letter dated December 13, 1996. It's paragraph four.

Installation of a traffic signal at this entrance, while meeting the minimum warrant for Phase II is undesirable and will not be approved at this time.

They didn't say that they weren't going to approve it ever.

MR. O'ROURKE: Because traffic was going to get better?

MR. CAPONERA: No, traffic was going to be more.

MR. O'ROURKE: Right, so at this time the traffic warrants were at the point that we don't want a traffic signal. They meant in the continuum, in my understanding.

MR. CAPONERA: I respectfully disagree with that.

MR. O'ROURKE: Okay, that's fine and you can put that in the record, but I'm just telling you that I read verbatim from Mark Kennedy, an e-mail, June 10, 2009.

1 MR. CAPONERA: That e-mail went to
Creighton Manning?

2 MR. O'ROURKE: It went to Joe Grasso
and Mark Sargent.

3 Joe, do you remember receiving that
4 e-mail?

5 MR. GRASSO: Yes.

6 MR. O'ROURKE: Okay. I happened to come
across a copy of it.

7 MR. CAPONERA: Well, I don't have that.

8 MR. O'ROURKE: We'll make sure that you
do. I'm just going back to the history of
the original parcel. Somebody bought the
property and it was DOT's intension not to
ever have a signal at that intersection.

9 MR. CAPONERA: It's not that it will
10 never have a signal. You're absolutely wrong
11 when you say that. I object to you saying
that. Where do you come up with not to ever
12 have a signal? This says here, quoting, not
yet.

13 MR. O'ROURKE: New York State has twice
expressed concern that the installation of a
14 traffic signal at the intersection of
Autopark and Route 9 will have significant
15 negative effects on the operation of
Route 9.

16 That tells me that they don't want a
light there.

17 MR. CAPONERA: You're talking about -

18 MR. O'ROURKE: I'm talking about the
19 DOT person who is in charge of running the
corridor.

20 MR. CAPONERA: And what you also have
to understand is that you also heard about
21 the traffic. Where is this traffic coming
from? Eighty-five percent of the traffic
22 that is coming up and down there during the
peak hours - we all know where it's coming
23 from. It's coming from the north. Basically
if you don't have the commuter traffic
24 coming from the north, what are you looking
at? You're looking at 20% of the traffic
25 that's on that road; the local people.

1 MR. O'ROURKE: Again, I disagree with
2 some of the numbers that have been used in
3 these traffic builds. I will certainly look
4 to our town designated traffic engineer to
5 get numbers. Again, I don't have the
6 engineering degree.

7 MR. CAPONERA: So essentially what
8 you're saying is no traffic light and
9 therefore nothing can be built at this
10 property. My client is completely out of
11 business from doing anything.

12 MR. O'ROURKE: I didn't buy the
13 property.

14 MR. CAPONERA: I'm asking you that
15 question. Basically what you're saying is
16 that is it.

17 MR. STUTO: Don't put words in his
18 mouth, Victor. That's not what he said.

19 MR. O'ROURKE: That's not what I said
20 at all. I said that with this traffic
21 volume, DOT has expressly stated on two
22 separate occasions that the traffic signal
23 there has negative impacts on our main
24 corridor and your traffic engineer admits
25 that it's the main through corridor. So,
that being said, a project of this magnitude
would only decrease the effectiveness of
Route 9.

Joe, you can back me up on this.

During Creighton Manning's traffic
study, the only way that DOT said that they
will move forward is now with a signal at
the intersection of Autopark and making
Old Loudon two-way; is that correct?

MR. CAPONERA: I believe that it is.

MR. O'ROURKE: And now your traffic
engineer says, all the levels of service for
a one-way or two-way - - it's not an
appeasement thing. This is about the main
corridor through the Town of Colonie and
what it will do to the citizens and the
taxpayers that live and work in this town.
I'm not saying that Wal-Mart should go
forward or shouldn't. I'm telling you that
the Land Use Law was a big huge error in

1 this area and the people should not have to
2 pay for that. That Land Use Law in 2007 was
erroneous, in my opinion.

3 MR. CAPONERA: In what respect?

4 MR. O'ROURKE: With respect to this
5 parcel and Starlite. Your traffic engineer
6 didn't even mention the Starlite project
7 which I think should definitely be looked at
8 by our town designated traffic engineer as
well. That's another huge project with
900,000 square feet possible.

10 MR. CAPONERA: Approximately 30% of it
11 is wetlands so it's undevelopable, but
12 regardless.

13 MR. O'ROURKE: But regardless, it has
14 the opportunity in the present zoning. I
15 think that was flawed when it went through
16 in 2007 after they knew that the traffic
17 study that was done was undervalued by
18 almost 30%. You're aware of that?

19 MR. CAPONERA: Yes.

20 MR. O'ROURKE: Creighton Manning
21 miscalculated the calculations on that
22 traffic study by 30%. We knew about it and
23 the town still went forward and passed this
24 all new zoning as you stated.

25 MR. CAPONERA: They didn't change the
zoning on this property. It was zoned
Business E for approximately 40 or 50 years
before this.

MR. O'ROURKE: When it should have.

MR. CAPONERA: So your opinion is that
they just should have simply taken that
property that was zoned for commercial
purposes for the 50 years and don't rezone
it.

MR. O'ROURKE: At that city limit only.
Again, I wasn't here in 2007. I'm just
saying that as I look at the facts and all
the information in this, we're going to have
to rely heavily on that because as a town if
we screw this up, it's not going to be good.

There are two other things that I had
in regard to that. I would like this
explained to me.

1 First, Route 9, Old Loudon Road and
2 Latham Autopark; that's not really
3 considered a four-way, presently under the
4 existing traffic conditions. That's not a
5 four-way.

6 MR. DOLAN: The intersection has four
7 approaches to it; so it could be considered
8 a four-way intersection. You have a
9 north/south approach, eastbound approach and
10 a westbound approach.

11 MR. O'ROURKE: There is no way to get
12 across Route 9.

13 MR. CAPONERA: But it still is a
14 four-way approach.

15 MR. O'ROURKE: Okay and maybe I'm
16 reading too far into it.

17 During the peak hour on Old Loudon and
18 Latham Autopark, both eastbound and
19 westbound approaches operate at level of
20 service F. Can you explain that to me?

21 MR. DOLAN: The traffic coming
22 eastbound out of Autopark Drive - if they
23 were attempting to turn left or right, there
24 would be significant delays there and the
25 gaps in traffic are not there. On the north
and southbound traffic and also the
westbound traffic - the right turning
traffic on Old Loudon has gaps that are
curved. It's all relative to the operation
of the signal on Route 9R. So you get some
breaks in traffic there. When the northbound
stops and the eastbound left turn movement
stops, you get some gaps. Because of that,
it's unimpeded for the most part. There can
be long delays there, just during the peak
hours. At other times, it operates okay.

MR. O'ROURKE: Out of only Old Loudon.
Not out of Autopark.

MR. DOLAN: Yes, out of Old Loudon
westbound.

MR. O'ROURKE: Right. Not out of
Autopark, eastbound.

MR. DOLAN: Eastbound, also if you
attempt to turn left on Autopark Drive now
you're going to wait for a considerably long
period of time. You'd have to wait for gaps

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in traffic because you have northbound traffic and southbound traffic.

MR. O'ROURKE: There is a left turn both ways. There's a center lane.

MR. DOLAN: You still have to wait for a gap and I believe that it's like 1,200-something vehicles that are southbound. You turn out and then you have to wait for the northbound traffic. Again there are levels of service and delay that show the D and F.

MR. O'ROURKE: Those are the prudent things that I noticed there, but I'm not going to hold up the meeting.

CHAIRPERSON DONOVAN: Thank you, C.J. Elena?

MS. VAIDA: I just had a couple of questions. I think the last time that we were here, we had asked for the locations that were used at the other Wal-Marts and exactly where they were located that were used in the study. The Wal-Mart study that you mentioned where there were 32 locations and you said that they were similar to our area. I think that I asked last time for

those areas listed in the study and indicate where they were. Somebody said that they would provide us with that information. Is that information in here?

MR. DOLAN: I don't believe that it's in the document that you might have. I did mention those through my presentation and we'll make it available.

MS. VAIDA: All 32 of them?

MR. DOLAN: We can show you all 32 locations.

MS. VAIDA: Regarding the mitigation that you came up with: The solutions to this problem are the traffic light and the timing of the signals, correct?

MR. DOLAN: That's correct; and also the additional lane of westbound on 9R.

MS. VAIDA: But it's also my understanding that it's a problem with the

1 state in getting that signal - the state has
2 to put the signal there, correct?

3 MR. DOLAN: That's correct, yes.

4 MS. VAIDA: And isn't there resistance
5 to that?

6 MR. DOLAN: It's really a corridor

7 issue. How effective does a corridor operate
8 and how does a corridor operate best?
9 Certainly with Old Loudon two-way, there are
10 some improvements that can be made at 9R and
11 at 9 because you eliminate some right
12 turning traffic down at that intersection.
13 So, it's really a corridor route and really
14 a corridor issue. With the retiming of the
15 signal and coordination, you can get some
16 improvements in those levels of service.
17 You're not stopping at individual
18 intersections. You're progressing groups of
19 traffic through them.

20 MS. VAIDA: And has that issue been
21 discussed with the state on the timing of
22 the signals?

23 MR. DOLAN: Certainly that's in our
24 report and when the state reviews them, I'm
25 sure that they will consider them.

MS. VAIDA: You haven't gotten any
feedback on whether they feel that would be
a good idea and if they would go along with
that?

MR. DOLAN: I've seen it referenced by
other engineers who studied this corridor,

so I'm sure that they are considering it.

MS. VAIDA: Is there any other solution
or mitigation that could be done other than
this traffic signal?

MR. DOLAN: Without this traffic signal
here (Indicating), you'd certainly have a
very bad safety problem that would occur in
here. When you try to reassign that traffic,
some might say to have it go all up to
Century Hill. Then you start to look at what
that does that do to the Century Hill
intersection and you start to create some
bad levels of service up there. You
certainly create another kind of a mini

1 Route 9/9R intersection when you look at
2 volumes.

3 From a traffic standpoint it's always
4 good to distribute traffic so that you don't
5 create big areas such as 9 and 9R. So, from
6 my professional judgment, I think that it's
7 best to put the signal in at Route 9 at
8 Autopark Drive and Old Loudon as that helps
9 to distribute the traffic flow. It helps you
10 to better coordinate those signals along
11 Route 9 and that's something that has to be

12 discussed very carefully with the state.

13 CHAIRPERSON DONOVAN: One of the things
14 that has been through this entire process is
15 that the State of New York has told us on
16 numerous occasions that they want two-way to
17 Old Loudon Road. I always reference Kirker's
18 Steakhouse. They wanted to do that so that
19 traffic can flow over Old Loudon Road. It
20 can go Old Loudon Road all the way to
21 Route 9 or Watervliet-Shaker Road, if you
22 continue to go that way. It runs parallel to
23 Route 9. They claim that the impact is going
24 to be minor and my question is: If the
25 impact is going to be minor, then why do you
need it? I'm not an engineer but I don't
seem to get a logical answer to that. It's
the basis for all their decisions and
they're trying to tell the town and the
residents and the developer that it's going
to be just a minor impact. I don't see it
that way. I think that there will be a
significant impact on Old Loudon Road based
on the fact that it's a narrow road. It's a
two-lane town road that was never really
constructed to hold heavy commercial traffic
from a site such as Wal-Mart. That is the
crux of the problem that we seem to be
having with the state right now. It's a
stalemate.

26 I think that we all on this board
27 believe that if traffic is diverted to
28 Old Loudon Road, south of 9R, that the
29 impact is going to be significant for the
30 residents and for the town. It's a narrow
31 two-lane road.

1 I live off of Sand Creek Road and I'll
2 tell you that when I was younger you could
3 walk along Sand Creek Road. Now, you take
4 your life in your hands to cross it in
5 various places. I can see those same things
6 happening to Old Loudon Road.

7 MR. DOLAN: I can say that from a
8 distraction of the Wal-Mart traffic onto Old
9 Loudon, south of 9R, is fairly small in
10 comparative numbers. Most of the traffic
11 that you see being generated from this site
12 would be using 9R heading over to Troy and
13 points east. There would be some traffic
14 coming up Old Loudon, but it would be
15 relatively small in numbers compared to what

16 is coming up and down on Route 9.

17 CHAIRPERSON DONOVAN: It's a parallel
18 route that has less lights. I always take
19 it.

20 MR. DOLAN: But in relative numbers
21 it's very small -

22 CHAIRPERSON DONOVAN: You're saying
23 that Route 9 can operate at a satisfactory
24 level of service with Old Loudon Road
25 two-way and you're not saying one-way. I
26 would just ask that you add those three
27 words to that report. I would appreciate
28 that. Thank you.

29 MR. DOLAN: I would mention that the
30 numbers on Old Loudon are 20 to 25 vehicles
31 at peak hour.

32 CHAIRPERSON DONOVAN: If it was 20 or
33 25 I still think that it would be
34 significant on a road of that size. It's a
35 narrow road and windy at points and there
36 are homes right there that are set back. I
37 don't think that they are more than 40 or 50
38 feet from the road. I don't think that it's
39 quite what the town bargained for. I hate to
40 say this but I wish that the state would
41 just go ahead and build four lanes on the
42 Northway and none of us would have to be
43 here dealing with this issue.

44 Tim?
45

1 MR. LANE: I just need some
2 clarification. You projected growth of 1.5%
3 in 2010?

4 MR. DOLAN: That's correct.

5 MR. LANE: The development that you
6 mentioned is part of the build-out; Shelter
7 Cove, Canterbury Crossing and Century Hill.
8 You did forget the Starlite? I'm sure that's
9 going to play a role somewhere down the
10 road. The last census for this town is
11 80,000. So, probably it's going to be much
12 closer to 90,000. A good majority of the
13 growth in the town over the next ten years
14 is going to be in this area. So, that means
15 that the impact on this particular area is
16 going to be much higher possibly than what
17 you projected. Plus, we have to look at over
18 10 or 20 years. If it's already projected
19 out even at 2010, that's a big concern.

20 MR. DOLAN: To answer your question:
21 Why did we not go beyond 2010? In a typical

22 impact study we always go to the build year
23 of the particular site that we're working on
24 and include developments that we know of
25 that could possibly occur by that middle
year of 2010. Some may occur after that.

 MR. LANE: These definitely will.

 MR. DOLAN: Typically that is not a
traffic impact requirement. That usually
comes down to a town looking at a long
ranging corridor analysis of what's going on
in the corridor and what could happen in
that corridor. They're part of a routine
traffic impact study. That's a concern and
perhaps when you're doing your Boght Road
corridor study, those are taken into account
into your corridor study so that you can
look out on a 10 year horizon or maybe a 20
year horizon to say what could happen in
this corridor. Again, these are planning
level studies because a development may or
may not occur, but they at least give you an
indication of what the corridor might look
like.

 MR. MAGGUILLI: Victor, can I ask a
question? I need some help. If I understand

1 you correctly, the whole theme is this
2 traffic light at Autopark and Route 9;
3 correct? That's the key to the whole thing.

4 MR. CAPONERA: Well, it certainly seems
5 like it's a very important part of this
6 whole project.

7 MR. MAGGUILLI: And without the light,
8 your own engineer said that you'll have a
9 very unsafe intersection on Route 9. The
10 town can't control whether or not a traffic
11 signal is going to go at that intersection.
12 We have nothing to say about it because it's
13 a state road. What, if anything, have you or
14 your principals done to negotiate with the
15 state and come up with a plan to present the
16 town or the Town Board? To me, it seems like
17 the state is the key here, but you have to
18 get something that's acceptable to them and
19 present it here.

20 MR. GIOVENCO: I'm Peter Giovenco with
21 Bergmann Associates. We have to remember
22 that we've been in this process with the
23 town since 2007 with the first traffic study
24 being done.

25 I've dealt with Mr. Kennedy on a number
26 of projects within the Capital District.
27 Mr. Kennedy is very sensitive as to not
28 trying to do something that is not supported
29 by the local municipality. We've been very
30 respectful of this board's position on this
31 project since 2007 not to do anything that
32 is contrary to what this board wants to do.
33 That's why we're really working here, first,
34 to try to get a sense of this project.

35 In 2007 before we initiated additional
36 discussions with New York State DOT to go
37 and help this board and talk to the state
38 and build some dialogue there and come back
39 here. To me, is very contrary to the
40 principals of this board. You're looking out
41 for the best interest of your citizens and
42 the people that use this corridor; therefore
43 we've been really looking for written
44 comments from this board whether you support
45 this project or not. In two years we have
46 not received one written comment.

1 Mr. O'Rourke, you mentioned this e-mail
2 that came out in June of 2009. Here we are
3 in September of 2009 and this is the first
4 that I'm hearing of this e-mail. We've got
5 to get some feedback and that's what we're
6 asking for from this board. We really need
7 some good feedback.

8 CHAIRPERSON DONOVAN: I think that this
9 board has made it very, very clear at many
10 meetings that it will not accept a two-way
11 intersection on Old Loudon Road if the
12 traffic is going to go up across 9R and go
13 down to the southerly portion. I don't know
14 how much clearer that we can make this. If
15 you want it in writing, I'll write it and
16 give it to you. That is what we have said
17 numerous times.

18 MR. GIOVENCO: And we respected that
19 petition early on and if you look at the
20 report, our recommendation is to keep Old
21 Loudon Road as a one-way road. The work that
22 was submitted does not talk about Old Loudon
23 Road as a two-way road because you did say
24 that early on and we respected that.

25 CHAIRPERSON DONOVAN: And that's been
our position early on.

 MR. GIOVENCO: And we agreed.

 CHAIRPERSON DONOVAN: And whatever
solution that you can come up with, we were
certainly more than willing to look at it.
But the traffic from there is not going to
be dumped into the neighborhoods.

 MR. LANE: I've already asked Joe
LaCivita this question but I just want to
hear it from you.

 Is there any possibility whatsoever
that we could have similar to what they have
at Crossgates? That would be an exit to the
Northway that would consider the proximity
to relieve some of the pressure? Is that in
any way feasible?

 MR. GIOVENCO: The Northway is a
federal road and there is obviously no break
in access in the Northway. So, as much as
we'd love to have a ramp there -

 MR. LANE: That's pretty much the
answer that Joe gave me.

1 CHAIRPERSON DONOVAN: What we're going
2 to do is open this up to the public. They've
3 been sitting here all evening with us. I
4 would like our engineer to have an
5 opportunity to review everything that we
6 have here.

7 I would ask that this portion of the
8 meeting be transcribed for them to also to
9 refer to.

10 We're going to look at October 13th to
11 come back. On October 13th I believe
12 Mr. Magguilli was going to do an hour long
13 presentation to the board, which is part of
14 our training. We've been discussing and we
15 are going to meet with the town designated
16 engineers, Barton & Loguidice, and then
17 we're going to meet with Clough Harbor to
18 discuss some procedural alternatives that
19 the board can adopt.

20 Based on the new study, I was wondering
21 if the 20th of October might be possible.
22 It's not a scheduled hearing night for it
23 but we will add a new hearing so that we can
24 keep this moving along. Is October 20th
25 doable for you?

MR. LACIVITA: October 27 is a regular
meeting.

CHAIRPERSON DONOVAN: I know. I will
not be here for that.

Is that doable for everybody? Victor?

MR. CAPONERA: I don't have my
calendar, but I'm sure that's fine.

CHAIRPERSON DONOVAN: And then we'll
get the response from Barton & Loguidice and
then any further questions that the board
may have can be addressed.

MR. CAPONERA: Can I just say
something? You talk about the light and my
question would be: What is the board's
position regarding a light if there is no
two-way traffic on Old Loudon Road?

CHAIRPERSON DONOVAN: What is the
board's position on the light?

1 MR. CAPONERA: I mean, you've made it
2 pretty clear that the board doesn't want to
see traffic going into residential areas.

3 CHAIRPERSON DONOVAN: I don't have a
4 problem. I think that it would be an
interesting scenario. I think that it's a
5 solution at least from the town's
perspective. That's something that we can
certainly look at.

6 I'd like to give the public an
7 opportunity to address concerns that you've
heard tonight and the study that you've
heard if anybody would like to.

8 MR. HENKO: My name is Joe Henko. I
9 live right up Route 9. I would like to see a
chart on the light and the Wal-Mart.

10 CHAIRPERSON DONOVAN: This is what C.J.
11 was talking about before. We have a western
portion of the town where there is a lot of
12 undeveloped property. One of the
problems is when you look at a portion of
13 the town, you have to be very careful of how
you zone that property and the density of
14 the zoning of that property. I think that is
C.J.'s frustration and it's been my
15 frustration with the Land Use Law in that we
knew that there were problems here but yet
16 we choose to rezone it almost the same way
as it was zoned prior to the new law.

17 The gentleman certainly has a right to
18 develop his land as it's zoned and this is
how it's currently zoned.

19 MR. CAPONERA: Some very wise member of
the board commented about this being
20 America. If a person owns property they
should be able to develop it after paying
21 taxes on it for 40 or 50 years and I support
that. That's a very American thing.

22 MR. O'ROURKE: As long as it doesn't
23 detriment the majority of the town.

24 MR. CAPONERA: Absolutely. I agree
100%. We're on the same page.

25 MS. WEISS: Hi, my name is Paula Weiss.
This family has been a property owner in the
Town of Colonie for over 100 years.

1 I wanted to ask any of their people
2 those most frequent times about when there
3 is an accident on the Northway; it's really
4 terrible.

5 MR. O'ROURKE: Trust me, that's why DOT
6 doesn't want that light there because when
7 that one light goes green at the Northway
8 entrance and to put another one 300 yards
9 down the road, you're not clearing enough
10 traffic. That traffic is going to back up
11 from Route 9 where it's single-laned. It
12 already happens.

13 FROM THE FLOOR: Whether this project
14 goes through or not, are they going to
15 retime the lights?

16 CHAIRPERSON DONOVAN: The state
17 probably will.

18 FROM THE FLOOR: The town recommended
19 that they look at the timing of the lights.

20 MR. MAGGUILLI: We can recommend it.

21 MS. KELLY: Marion Kelly. I live one
22 block up from Century Hill Drive up Route 9.
23 This traffic is going to be so bad with the
24 way those turns are constructed.

25 MR. O'ROURKE: But understand that was
supposed to be right turn in, right turn
out.

FROM THE FLOOR: When did you do the
study in June? Why did you avoid the traffic
at the busiest time of the year during
Friday afternoon during July and August?

MR. DOLAN: I stated that we were there
in February and we were there in June. We
were there in September also.

FROM THE FLOOR: Right, but why weren't
you there during the really heavy traffic
times?

MR. DOLAN: I believe that we were
there during the really busy traffic times.
There are days that are typically busier
than others. That's why we chose to use
Friday afternoon as the peak hours and we
did it in February, June and September.

CHAIRPERSON DONOVAN: I think that we
also get a lot of impacts with the traffic.

1 MR. FAHEY: John Fahey. I have a
2 question on that shared left turning lane
3 onto Route 9. What is the effect of the
4 traffic light that's required to have a lane
5 dedicated?

6 C.J. might be more familiar with it
7 than I am. I'm talking about the experiment
8 with two left turn lanes into Latham Farms
9 at Exit 6. That was a failed experiment. So,
10 I'm just wanting to learn from the past
11 here.

12 MR. BARRETT: If I could just address
13 that comment for a second.

14 As we're progressing through the
15 analysis of the Bergmann report, one of our
16 comments and questions was how long and how
17 far would the traffic be backed up in these
18 lanes. We don't know that answer right now
19 but we need to have that for the board.

20 MR. FAHEY: But they were wrong back
21 when they did Latham Farms, as anybody who
22 lives over there can tell you.

23 MR. BRENTON: Bruce Brenton,
24 367 New Loudon Road. I just want to go on
25 record that light or no light, I'm
26 definitely opposed to the project.

27 MS. HERBERT: Mary Jo Herbert. Why
28 can't they fix up the Latham store? This
29 project is going to change the whole
30 neighborhood of the Boght. How many
31 Wal-Marts do we need? It's just half a mile
32 away.

33 It used to be that Wal-Mart carried all
34 of these varieties of products. Now they're
35 just carrying a few.

36 CHAIRPERSON DONOVAN: One of the
37 reasons that they can't refurbish the
38 Wal-Mart in Latham Farms is because they
39 have an agreement with Hannaford. This new
40 Wal-Mart is also a grocery store and the
41 agreement with Hannaford is that there not
42 be another grocery.

43 Victor, am I right?

44 MR. CAPONERA: Bob Sweeney has
45 information on that.

1 CHAIRPERSON DONOVAN: That's what you
said before, right?

2 MR. SWEENEY: There is a restriction at
3 Latham Farms and Mr. Stuto knows about the

4 use restriction of the store.

5 MS. HERBERT: What about Sam's?

6 MR. SWEENEY: That's a great question.
That's specifically accepted in the language
except for Sam's wholesale.

7 CHAIRPERSON DONOVAN: You have to
8 understand that the properties are for
9 certain uses and that's what it's zoned for.
Obviously the applicant has the right to
10 build it, but there are issues that have to
11 be addressed and traffic is one of those
12 issues.

13 MS. HERBERT: Right now you can't go up
14 and down that road and get home.

15 CHAIRPERSON DONOVAN: It's difficult. A
16 lot of it is traffic that really comes right
17 through Colonie from the city and goes up to
18 Saratoga and we take the brunt of it. That's
19 why I think that the real solution is to the
20 addition of lanes on the Northway, which I
21 think was probably something that at the
22 time should be proposed and looked at.

23 Maybe we could use some stimulus money.
24 Anybody else?

25 MR. SHILLINGER: I'm Larry Shillinger.

I'm an attorney that is providing pro bono
services to the Boght area neighborhood.

I just have a couple of observations
that I'd like to share with the board.

I think that he's done a terrific job
for his client but it's important for the
project to be subject to a certain
sensitivity analysis. So, rather than ignore
the fact that the Halfmoon Wal-Mart has a
higher trip generation rate than the Texas
study, there should be asked for a
sensitivity analysis showing what the
traffic impacts are using the Halfmoon
numbers.

Beyond that, the underlying rationale
is a little mysterious as to what the

1 relationship is in the real world between
2 the square footage of the store and the trip
3 generations. A sensitivity analysis would be
4 to look at population densities around the
5 area of the store. That will certainly
6 relate to trip generation. I think that's
7 what the board ought to request.

8 Lastly, one thing that Mr. Caponera
9 mentioned thinking that the use of this

10 property is somehow smart growth. As we
11 drive through the Town of Colonie right now,
12 or drive anywhere in the State of New York
13 and the nation, we see with our own eyes
14 unbelievable vacant underutilized commercial
15 properties that have been absolutely
16 hammered by the recession. Rather than
17 ripping out a store from Latham Farms and
18 watching that significant retail structure
19 built as there is already vacancy in Latham
20 Farms, I would strongly urge the town and
21 people in the community to focus on
22 redeveloping the vacant, unutilized
23 commercial properties throughout the Town of
24 Colonie before we start developing in new
25 areas and just adding to the vacancy.
I realize that this may be beyond the
jurisdiction of the Planning Board. Maybe it
might be more of a problem for the Town
Board.

CHAIRPERSON DONOVAN: I understand what
you've said, but we have taken steps to help
with the redevelopment of those parcels.

Anyone else?
Mary Alice?

MS. MORGAN: I'm not an engineer but I
don't understand how you can say that it's
only a little bit greater than an 80 second
wait. I live at the corner of Everett Road
and Albany-Shaker. I don't know what the
traffic is like but I know it's not the same
as when we moved there 33 years ago. What
happens along Albany-Shaker Road is there is
one intersection there that is four-way.
Traffic is coming from the city and it just
blocks all the way to under the traffic

1 light at the intersection of Sand Creek and
2 the gridlock there is ridiculous. They're
3 still calling it a level F but I know that I
4 can't get in or out from 3:30 p.m. 6:15
5 without taking my life in my own hands.

6 Now with regard to Wal-Mart, when I
7 shop I tend to want to keep my money in my
8 community. I go into Walgreen's or Honest
9 Weight Co-Op and I do business where I know
10 the owners. There are not too many owners in
11 Colonie. I think that's something that maybe
12 you should look at that. I am strongly
13 against the Town Planning Board to take a
14 look at that and compare apples to apples.

15 That little spot onto Route 7, I have waited
16 long, long periods of time to get out. There
17 is a lot of traffic in this town and we're
18 asking for more.

19 CHAIRPERSON DONOVAN: Thank you, Mary
20 Alice.

21 Is there anyone that hasn't spoken yet?

22 FROM THE FLOOR: I just wanted to say
23 something. I think that we're bringing in
24 more people into the community and more
25 traffic and I really think that you guys
26 should really consider the Land Use Law. I
27 mean, it's really a pain in the ass to get
28 out now. It really pisses me off.

29 MR. O'ROURKE: Honestly, that gentleman
30 has the key. The key is the land use. That
31 is the key to everything in this town. It
32 was poorly, poorly done in 2007 and we're
33 doing some things within the town right now
34 to effect change on those things that were
35 poorly done to you taxpayers.

36 CHAIRPERSON DONOVAN: Brad?

37 MR. GRANT: I have two quick items.

38 Parkside Estates is a project off of
39 Dunsbach Ferry Road. It might have been

40 included in the studies but I'm not sure if
41 that needs to be of some concern.

42 That national Wal-Mart study was based
43 on the people that are inclined to turn at
44 the Wal-Mart. Does the 26% apply to

1 supercenters that are anchors of a larger
2 mall, like Crossgates on Washington, or is
it a standalone like this?

3 MR. DOLAN: Relative to the 26%, the
4 study that was done by Texas was careful to
5 choose sites that were standalone sites so
6 that variable was carefully mitigated.

7 MR. GRANT: Thank you.

8 CHAIRPERSON DONOVAN: Jack, I'll let
9 you have the final word.

10 MR. FAHEY: Since the town was rezoned
11 in 2007, how many parcels have been rezoned
12 because of mistakes that were made? Let's
13 take the Land Use Law and find out where the
14 mistakes were.

15 CHAIRPERSON DONOVAN: There are a lot
16 of uses in that law that we should analyze
17 but now we have a project in front of us
18 where the zoning is allowed. We have to go
19 forth with it and base our decision on that.

20 But we have traffic which is the situation
21 that we're trying to resolve.

22 FROM THE FLOOR: What about those
23 circle things?

24 CHAIRPERSON DONOVAN: A roundabout? Oh
25 no. I bet the state would love that.

26 What we're going to do is we'll come
27 back on October 20th and we'll get the input
28 from our engineers.

29 Victor, if they need anything, they can
30 work through you to get it; is that correct?

31 MR. CAPONERA: Absolutely.

32 CHAIRPERSON DONOVAN: Thank you.

33 ***(Whereas the proceeding concerning the above
34 entitled matter was adjourned at 10:35 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 September 28, 2009