

**FINDINGS STATEMENT FOR THE
FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT
STATEMENT**

**BOGHT ROAD-COLUMBIA STREET GEIS
ROUTE 9 TRANSPORTATION UPDATE**

TOWN OF COLONIE, ALBANY COUNTY, NY

February, 2013

LEAD AGENCY: TOWN OF COLONIE PLANNING BOARD

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FINDINGS STATEMENT ADOPTED BY THE TOWN PLANNING BOARD

March 26, 2013

RESOLUTION

WHEREAS, the Planning Board of the Town of Colonie on June 6, 1989 issued a Statement of Findings with respect to the Boght Road-Columbia Street Area Generic Environmental Impact Statement, and

WHEREAS, the Planning Board is desirous of amending the Statement of Findings in order to provide for appropriate mitigation of anticipated impacts of projected development within the area, and

WHEREAS, the original Statement of Findings, Section G – Traffic, outlined a number of mitigation measures that would be required to accommodate growth in the study area between 1989 and 2009, and

WHEREAS, there have been significant changes in land use, travel patterns and infrastructure within the study area during the 20 year planning period, and

WHEREAS, it is intended that this amended findings statement for traffic will supersede the traffic section of the findings adopted in 1989, and

WHEREAS, the purpose of this revised section of the findings statement is to identify reasonable improvements that will minimize the cost of new transportation infrastructure so that a public/private cost sharing program can be developed to mitigate traffic impacts on a “fair share” basis;

NOW, THEREFORE, be it resolved that said Statement of Findings shall hereby be amended as follows:

1. Several studies have contributed to the development of this amended findings statement. The “*DGEIS Land Use and Transportation Update, Boght Road-Columbia Street*” (hereinafter referred to as the 2005 update), dated August 2005 and prepared by Creighton Manning Engineering, LLP was completed in 2005 to determine if growth in the study area was consistent with the original 1989 projections. It also considered if the transportation improvements recommended in 1989 were still valid or if amendments were required. The land use forecasts were updated based on a review of developable land and the permitted development density based on the then current zoning. The amount of potential residential, retail and office use was determined, and then the number of potential trips for each land use was calculated. There were a number of operational deficiencies noted in the 2004 existing condition scenario (completed for the 2005 update) and recommendations for improvements were provided.

2. The measures required to address 2004 operational deficiencies included the following (for reference the 1989 Original GEIS recommendations for 1999 and 2009, if applicable, are noted in parentheses):
 - a. Old Loudon Road and Latham Ridge Road – Install traffic signal (1999 – *Install traffic signal; 2009 – Construct an exclusive SB left turn lane*)
 - b. Swatling Road and Route 2 – Adjust signal timing to provide greater southbound green time. (1999 – *Construct WB right turn lane; 2009 – Construct separate SB left and right turn lanes*)
 - c. Boght Road/ Haswell Road and Elm Street – Install all way stop control (1999 – *No improvements necessary; 2009 – Install traffic signal*)
 - d. Boght Road/ Johnson Road and Baker Ave. – Construct single lane roundabout or typical T intersection with southbound stop sign control. (1999 – *No improvements necessary; 2009 – Reconstruct to a T intersection and install a traffic signal. Provide an exclusive EB left turn lane*)
 - e. Route 9/ Route 9R and I-87 access – Adjust signal timing
 - f. Route 9 and Century Hill Drive – Adjust signal timing (1999 – *Provide a 2nd EB lane for separate right and left turns and construct a SB right turn lane; 2009 – Provide 3 lanes NB and SB through this intersection*)
 - g. Route 9 and Dunsbach Ferry Road – Install traffic signal (1999 - *Realign Dunsbach Ferry Rd. opposite a new connector road and install traffic signal; 2009 - Provide 3 lanes NB and SB through this intersection*)
 - h. Route 9 and Boght Road – add eastbound and westbound individual turn lanes (1999 – *Construct left turn lanes on all approaches and replace existing signal; 2009 - Provide 3 lanes NB and SB through this intersection*)
3. The 2005 update recommended a number of improvements for the short term (2009) and long term (2020) development scenario after updated traffic counts were completed throughout the study area. The update showed a need for major widening of Route 9, including additional through lanes and turn lanes, to mitigate long term peak hour deficiencies in the PM peak hour. In 2007, the zoning over much of the study area was changed and the 2005 transportation update was never adopted as an amendment to the findings.
4. In 2008 applications were filed for two new projects within the GEIS study area which projected significantly greater trips than those considered in the 2005 update. These projects are located off of Autopark Drive on the western side of Route 9 and include Parcel 17 and Parcel 30, as referenced in the traffic update. Parcel 17 is proposed to be

developed with the Century Hill Commercial Business Park and potentially include 285,000 SF of office, an 85,600 SF 100 room hotel, and 8,400 SF of retail development, whereas 150,000 SF of office was previously evaluated in the 1989 GEIS. Parcel 30 is made up of two tax parcels (4 and 6 Autopark Drive) that are proposed to be merged and potentially developed with 196,000 SF of retail, whereas 100,000 SF of retail was previously evaluated in the 1989 GEIS. In addition, a signal at the intersection of Route 9/Autopark Drive was planned to accommodate the development of 4 and 6 Autopark Drive. NYSDOT has stated that the installation of a traffic signal at Route 9/Autopark Drive/Old Loudon Road would only be considered if it provided an area wide benefit, not just solely benefitting the proposed uses on Autopark Drive. It was determined that a limited area of the GEIS study area would be re-evaluated using the new land use information available for a short term (2015) and long term (2020) growth scenario.

5. The Final Technical Memorandum Boght Road GEIS – Route 9 Update (hereinafter referred to as the 2011 update), dated September 23, 2011 and prepared by Creighton Manning Engineering, LLP defined the study area for the update as the Route 9, Route 9R/ I-87 access to the south; I-87 to the west; Route 9 and Lawrence Street to the north; and Route 9 and Old Loudon Road to the east. The trip distribution assumed a connector road would be built from Route 9 at the Route 9/Autopark Drive intersection and would extend to Route 9R across from Johnson Road. Old Loudon Road would be re-aligned to intersect with the new connector road and the northernmost section would remain one way. This is intended to reduce the potential for additional traffic to use Old Loudon Road instead of Route 9 for north/south through traffic.
6. The “*DGEIS Land Use and Transportation Update, Bought Road-Columbia Street*”, dated August 2005 and “*Final Technical Memorandum, Boght Road GEIS – Route 9 Update*” dated September 23, 2011 and prepared by Creighton Manning Engineering, LLP are hereby included by reference to this amended findings statement.
7. A roundabout sensitivity analysis was conducted at the Route 9/Autopark Drive/Old Loudon Road intersection to determine if a two lane roundabout would improve the intersection delay for the short term and long term development scenarios. The analysis indicated that the roundabout would operate effectively in the short term growth scenario but would fail during the long term growth scenario. Construction of a roundabout in this location was dismissed since it would not operate effectively in the long term growth scenario.
8. The 2005 and 2011 updates indicate that projected traffic conditions at many locations will experience operational difficulties which will require some level of improvement. The following table identifies recommended improvements for both the short term (2015 design year), and long term (2020 design year):

Table 7 – Short-Term and Long-Term Improvements

Short-Term 2015 Improvements	
Intersection Improvements	
<i>Route 9R/Old Loudon Road</i>	
	Install pedestrian accommodations.
	Coordinate traffic signal with Route 9 and Johnson Road intersections
<i>Route 9/Route 9R/I-87 Access</i>	
	Construct an additional westbound through lane on Route 9R.
	Coordinate traffic signal with Autopark Drive/Old Loudon Road and Century Hill Drive intersections.
<i>Route 9/Auto Park Drive/Old Loudon Road/Connector Road</i>	
	Install a traffic signal and coordinate with adjacent signals.
	Provide exclusive left, through and right turn lanes eastbound on Autopark Drive. Provide shared left/through lane and exclusive right-turn lane westbound on new Connector Road. Re-stripe Route 9 to provide an exclusive southbound left-turn lane.
	Reconfigure Old Loudon Road to intersect the new Connector Road to the east of Route 9. Maintain one-way operation on the northern end of Old Loudon Road.
	Consider turn prohibitions at driveways within the intersection influence area adjacent to the Route 9/Auto Park Drive/Old Loudon Road intersection.
	Install pedestrian accommodations.
<i>Route 9/Century Hill Drive</i>	
	Coordinate traffic signal with Autopark Drive/Old Loudon Road and Route 9R/I-87 Access intersections.
	Install pedestrian accommodations.
<i>Route 9R/Johnson Road</i>	
	Re-stripe the eastbound approach to provide an exclusive left-turn lane.
	Provide exclusive northbound and southbound left-turn lanes on Johnson Road and the new Connector Road.
	Install pedestrian accommodations.
	Coordinate traffic signal with Route 9 and Old Loudon Road intersections
<i>Route 9/Lawrence Street</i>	
	Install pedestrian accommodations.
Transit Improvements	
	Provide pedestrian stops with a safe place to wait and pedestrian linkages to signal crossings.
Linkage Improvements	
	Construct a Connector Road from the Route 9/Autopark Drive intersection to Route 9R opposite the Johnson Road intersection.
	1) Provide two-way access between Century Hill Drive and Autopark Drive.
	2) Provide two-way access between Tri-City Fitness and 950 Loudon Road.
	3) Provide north-south two-way access between Tri-City Fitness parcel and Autopark Drive, with east/west access to the Holiday Inn parcel.
	4) Provide two-way access between 4 Autopark Drive and Holiday Inn, with easement to motel site.
	5) Provide two-way access between Tri-City Fitness and 196,000 SF Retail Development.
	6) Provide two-way access between 196,000 SF Retail Development and 950 Loudon Road.
	Provide pedestrian accommodations along Autopark Drive, Century Hill Drive, the connection between Century Hill Drive and Autopark Drive, and the Connector Road between Route 9 and Route 9R.
Future Planning	
	Update the Boght Area GEIS and consider the impact of retail and future land use build-out alternatives.

Long-Term 2020 Improvements	
Intersection Improvements	
<i>Route 9R/Old Loudon Road</i>	
Monitor this intersection for the construction of northbound and southbound left-turn lanes on Old Loudon Road if Parcel No. 28 develops more aggressively than anticipated (500 KSF Sensitivity Analysis).	
<i>Route 9/Century Hill Drive</i>	
Construct southbound right-turn lane on Route 9.	
<i>Route 9/Dunsbach Ferry Road</i>	
2) Construct a separate eastbound right-turn lane. 3) Evaluate Re-aligning Dunsbach Ferry Road and create a four-way intersection with Belmar Parkway South. 4) Monitor safety, traffic operations and the interaction between the Dunsbach Ferry Road intersection and the Century Hill Drive intersection.	

9. Mitigation Costs:

The chart below indicates the mitigation costs for all currently proposed improvements, and also provides the costs for those improvements previously identified in the original 1989 DGEIS. All costs from the original 1989 DGEIS have been escalated to represent 2011 construction dollars based on Mean's Construction Data Escalation Indices from 1989 to 2011:

TABLE – GEIS IMPROVEMENT COMPARISON – WITH COSTS
(all in 2011 Construction Dollars)

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Route 9 / Fonda Rd	No improvements necessary.	No improvements necessary.	No improvements necessary.	No improvements necessary.
Route 9/ Old Loudon Rd/ Ball Fields	No improvements necessary.	No improvements necessary	No improvements necessary.	Adjust signal timing. No Cost
Route 9/Boght Rd/ Route 9R	Construct left-turn lanes on all approaches and replace existing signal.	Provide three lanes NB and SB through this intersection.	Existing geometry includes NB and SB lefts. Construct a WB right-turn lane in addition to EB and WB left-turn lanes.	Construct a NB right-turn lane.
	Cost: \$811,800	Cost: \$9,900,000	Cost: \$1,367,000	Cost: \$337,000

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Route 9/ Dunsbach Ferry Rd	Realign Dunsbach Ferry Rd opposite a new connector road and install a traffic signal.	Provide three lanes NB and SB through this intersection.	Re-align Dunsbach Ferry Road. Monitor traffic operations and the interaction between the Dunsbach Ferry Road intersection and the Century Hill Drive intersection to determine if left-turns exiting Dunsbach should be restricted or if a separate EB right-turn lane should be constructed. No improvements necessary.	No Improvements Necessary
	Cost: \$297,000	Cost Included Above	Cost: \$171,000	
Route 9/ Century Hill Dr	Provide a 2 nd EB lane for separate left and right turns and construct a SB right-turn lane.	Provide three lanes NB and SB through this intersection.	Install pedestrian accommodations. Coordinate traffic signal with Latham Auto Park Drive/old Loudon road and Route 9R/I-87 Access Intersections.	Construct SB right-turn lane on Route 9.
	Cost: \$297,000	Cost Included Above		Cost: \$228,000

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Route 9R/ Old Loudon Rd	Construct an additional lane between Route 9 and Johnson Rd. Cost Included Above	No improvements necessary.	Install pedestrian accommodations and coordinate with adjacent traffic signals. Cost: \$220,000	No improvements necessary.
Route 9R/ Johnson Rd	No improvements necessary.	No improvements necessary.	Realign connector across from Johnson Road. Construct NB and SB left-turn lanes and re-stripe EB approach to provide an exclusive left-turn lane. Install pedestrian accommodations and coordinate with two signals to the west. Cost: \$1,399,000	No improvements necessary.
Route 9R/Baker Ave/ Boght Rd	No improvements necessary.	Install a traffic signal. Cost: \$118,800	No improvements necessary.	Install a traffic signal or construct a roundabout. Cost: \$937,000 (for RAB)
Route 9R/Vliet St	Install a traffic signal. Cost: \$118,800	Provide NB and SB left-turn lanes. Cost: \$297,000	No improvements necessary.	Install a traffic signal. Cost: \$357,000

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Route 9R/ Columbia St/ Baker Ave	Construct left-turn lanes on all approaches. Cost: \$712,800	Construct a separate SB right-turn lane. Cost: \$148,500	No Improvements Necessary	Construct a Roundabout Cost: \$1,473,000
Baker Ave/ Johnson Rd/ Boght Rd/St. Agnes Highway	No improvements necessary.	Reconstruct to a conventional "T" intersection and install a traffic signal. Provide an exclusive EB left-turn lane. Cost: \$663,300	The 2005 recommendation proposed reconstruction to a roundabout. Cost: \$927,000 (work completed).	No improvements necessary.
Boght Rd/ Haswell Rd/ Elm St	No improvements necessary.	Install a traffic signal. Cost: \$148,500	No improvements necessary beyond all-way stop control installation in 2004.	Install a traffic signal or accept LOS E conditions. Cost: \$317,000
Johnson Rd/ Miller Rd	Install a traffic signal. Cost: \$118,800	Construct separate NB left and right turn lanes. Cost: \$148,500	No improvements necessary.	No improvements are necessary although the NB approach will operate at LOS E. A traffic signal will allow this intersection to operate at LOS B. Cost: \$306,000

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Miller Rd/ Latham Ridge Rd	Install a traffic signal. Cost: \$118,800	No improvements necessary.	No improvements necessary.	No improvements necessary.
Haswell Rd/ Swatling Rd	No improvements necessary.	Install a traffic signal. Cost: \$118,800	No improvements necessary.	Construction of separate NB left and right turn lanes will allow this intersection to operate at LOS D or better. Cost: \$143,000
Route 2/Swatling Rd	Construct a WB right turn lane. Cost: \$148,500	Construct separate SB left and right turn lanes. Cost: \$148,500	Adjust signal timing. No Cost	Adjust signal timing. No Cost

Intersection	Intersection Improvements			
	Source: 1989 DGEIS		Source: 2005 Update and 2011 Update	
	1999	2009	Short-Term	Long-Term
Route 9/ Lawrence Street	Not included in analysis	Not included in analysis	Install Pedestrian accommodations	No improvements necessary
	Other Improvements			
Transit Improvements			Provide pedestrian stops with a safe place to wait and pedestrian linkages to signal crossings. Cost: \$250,000	
Linkage Improvements	Construct Vliet Street Extension Connector with left turn-turn lanes on all approaches at Route 9/Boght Road Cost: \$4,158,000		Construct a Connector Road from the Route 9/Latham Auto Park Drive intersection to the Route 9R/Johnson Road intersection. Cost: \$ 3,027,000	
			Provide future linkage improvements and pedestrian accommodations in the Boght Area that are not funded through GEIS mitigation. No Cost	
			-	
Future Planning			Update the Boght Area GEIS and consider the impact of retail and future land use build-out alternatives.	

Subtotal:	\$9,395,100	\$11,988,900	\$ 9,589,000	\$4,965,000
Total:	\$21,384,000		\$ 14,554,000	

10. The private share of the mitigation fees has been estimated at 73% (\$10,624,420) of the costs identified in the table above; while the public share has been estimated at 27% (\$3,929,580) of the total anticipated cost of improvements.

11. Mitigation fees will applied to future development within the GEIS study area based on the number of trips generated and capacity utilized by each project. The number of trips shall be determined by applicant's consultants at the time of application for approval to the Town of Colonie Planning Board and shall be verified by the Town of Colonie,

NYSDOT and CDTC. CDTC shall prepare and maintain a GEIS study area-wide traffic model to which new project generated trips shall be applied. The transportation mitigation fee for each project shall be calculated based on the percent of reserve capacity for each improvement to be consumed by the trips associated with the project. The total project transportation mitigation fee shall be the sum of its “fair share” cost for all improvements affected by the project. A more fully described methodology used to determine each project’s fair share contribution is included in the Final Generic Environmental Impact Statement in Appendix 4 Exhibit B in a document titled “*Albany County Airport Area Generic Environmental Impact Statement Implementation of the Mitigation Cost Program CDTC Review Procedure*”.

12. In instances where a project exceeds its “fair share” contribution through the actual construction of the improvement, the applicant shall be reimbursed after future projects submit their mitigation fees. The schedule for reimbursement shall be as directed by the Town of Colonie Town Board.
13. The Town Board may consider applying any tax credits or exemptions that are granted in connection with the project (ex. an Industrial Development Agency exemption) toward the Town of Colonie's reimbursement of any additional costs incurred where a project exceeds its "fair share" contribution through the actual construction of the improvement. Where such credit or exemption is granted, the “public share” of the specific improvement shall be reduced accordingly. Such credit or exemption shall not reduce the amount of the applicant’s “fair share”.
14. The public share of the mitigation fee may be funded through Town, County, State and Federal sources, by private development projects in the study area that are not included in this growth scenario, or by private development projects outside of the study area that are not included in the growth scenario that are determined to have a significant impact on the capacity of the evaluated intersections and road segments.
15. Development mitigation costs for transportation improvements shall be reviewed periodically and revised as necessary to account for changes in the cost factors used to establish the current mitigation cost schedule. In the absence of such periodic review and update, the current 2011 costs shall be increased in accordance with Mean’s Construction Data Escalation Indices to account for inflation. For example, for mitigation payments made in the year 2014, the above construction costs shall be increased on a compounded basis based on the published indices for the 2012 and 2013 calendar years.

16. If it is determined through the Town of Colonie Planning Board review process that certain identified transportation improvements are required to address short impacts associated with a particular development application, the Town of Colonie Planning Board may require that project to construct those improvements as part of their project. The cost of such improvements may exceed the “fair share” mitigation fees assessed to the project. In such cases, the applicant shall provide financial surety in the amount equal to the estimated total cost of the improvements within 30 days following any such final approval, and in a form as directed by the Town of Colonie. Final approval shall herein be defined as the filing of the decision of the Town of Colonie Planning Board. The Colonie Town Board may allow the public share of the cost of the required improvements to be covered by additional tax credits or exemptions that are granted to a private developer as identified in #13 above, or by additional payments in lieu of mitigation, subject to future reimbursement as public funding becomes available.
17. Following the review and acceptance of the Final Generic Environmental Impact Statement (FGEIS) by the Colonie Planning Board, First Columbia provided a letter to the Colonie Town Board dated January 7, 2013 noting inaccuracies and misleading statements in the response to comments CB5 and PL9 included in the FGEIS. Responses for these comments stated *“It is our understanding that the Town has not required the road between Autopark Dr. and Century Hill Dr. be made a public road, but that as additional mitigation for traffic related impacts the applicant was required to allow public rights of access. This is similar to the granting of a utility easement to the Town on private property. We believe the preference of the Town is that the road be a public road, but the applicant requested it be allowed to remain private. We are not aware of any agreement between the Town and the applicant that the costs associated with granting the rights of access be credited against future mitigation payments. If considered, the costs would need to be included in the transportation improvement plan and the fees would have been assessed to the project.”* As noted in the January 7, 2013 letter referenced above, the record does not support the response provided. Over many meetings with the Town of Colonie’s Planning Board (TOC PB Minutes dated 1/27/09, 10/27/09, 2/9/10, 5/25/10, 10/26/10 & 11/15/11), and the Town Board (TOC TB Minutes dated 6/10/10 & 10/21/10), the issue of the connector road being private or public was discussed in conjunction with lot frontage requirements. The frontage requirement was satisfied by approvals granted by the Town Board by the dedication of Autopark Drive as a Town road and by the designation of the Century Hill Plaza lands as an Open Development Area. Approvals granted to First Columbia to date have not been expressly conditioned upon First Columbia providing public access to Plaza Drive.