

**FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT
STATEMENT**

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

TOWN OF COLONIE, ALBANY COUNTY, NY

November 2012

LEAD AGENCY: TOWN OF COLONIE PLANNING BOARD

FOR FURTHER INFORMATION CONTACT:

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TOWN OF COLONIE
DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT
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PREPARED BY:

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Albany, NY 12205**

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Albany, NY 12205**

FINAL SGEIS ACCEPTANCE BY THE TOWN PLANNING BOARD

TABLE OF CONTENTS

Project Summary	1
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Project History	1
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Appendices

1. Public Hearing PowerPoint Presentation	1-1
2. Draft SGEIS Public Hearing Transcript	2-1
3. Draft SGEIS Written Comments	3-1
4. Responses to Public Hearing & Written Correspondence	4-1
Responses to Public Hearing Comments	4-1
1. Mr. Lane.....	4-1
2. Mr. John Fahey	4-1
3. Mr. Chris Bette.....	4-2
4. Ms. Dalton.....	4-2
5. Mr. Sorenson.....	4-2
Responses to Written Correspondence	4-3
MK1 Mark Kennedy	4-4
CB2 Chris Bette	4-5
CB3 Chris Bette	4-6
CB4 Chris Bette	4-6
CB5 Chris Bette	4-7
CB6 Chris Bette	4-7
CB7 Chris Bette	4-8
CB8 Chris Bette	4-10
PL9 Peter Lynch	4-11
BN10 Barbara Numrich.....	4-12
TS11 Thomas Shepardson	4-12
TS12 Thomas Shepardson	4-13
TS13 Thomas Shepardson	4-13
TS14 Thomas Shepardson	4-14
TS15 Thomas Shepardson	4-16
AB16 Andrew Brick.....	4-17
AB17 Andrew Brick.....	4-17
CS18 Christian Thomas Sorensen	4-19
CS19 Christian Thomas Sorensen	4-19
CS20 Christian Thomas Sorensen	4-19
CS21 Christian Thomas Sorensen	4-20
CS22 Christian Thomas Sorensen	4-20
CS23 Christian Thomas Sorensen	4-20
CS24 Christian Thomas Sorensen	4-21
CS25 Christian Thomas Sorensen	4-21
CS26 Christian Thomas Sorensen	4-22

CS27 Christian Thomas Sorensen	4-22
CS28 Christian Thomas Sorensen	4-23
Exhibit A.....	4-25
Exhibit B.....	4-32
Exhibit C	4-74

Project Summary

This Final Supplemental Generic Environmental Impact Statement (Final SGEIS) addresses the potential impacts as a result of the conclusions in the Boght Road GEIS - Route 9 Update, September 2011 (“2011 Update”) as compared to the traffic information included in the 1989 Boght Road-Columbia Street Area Draft Generic Environmental Impact Statement (1989 GEIS). The Study Area includes Route 9 from Route 9R to Dunsbach Ferry Road, Old Loudon Road and Route 9R between Johnson Road and Route 9. By reference, the Final SGEIS includes the Draft SGEIS as well as the “2011 Update”.

The Town of Colonie accepted the Draft Supplemental Generic Environmental Impact Statement for the Boght Road Columbia Street Route 9 Update as complete on March 13, 2012. The public hearing was held on April 3, 2012 and public comments were accepted until April 20, 2012.

All comments received during the public comment period (written and at the public hearing) have been reviewed. The Public Hearing Transcript is included in Appendix 2 and copies of the written correspondence are included in Appendix 3. Responses to all comments received both at the public hearing and written are provided in Appendix 4 of this document.

Upon acceptance of this Final SGEIS by the Town, the information contained herein and all the documents incorporated by reference will be utilized to update the Statement of Findings.

Project History

The Town of Colonie Planning Board prepared the 1989 GEIS to examine existing development and projected new growth within study area, and its associated impacts to community services (water, sanitary sewer, solid waste, and recreation), transportation, open space and environmental quality. The document projected growth during two, ten-year planning periods: 1999 and 2009.

In August 2005 Creighton Manning Engineering, LLP (CME) prepared the Draft Generic Environmental Impact Statement and Land Use and Transportation Update Boght Road-Columbia Street (2005 Update) on behalf of the Town of Colonie to evaluate the significant land development changes that had occurred since the completion of the 1989 GEIS. This 2005 Update established a new baseline for the assessment of land development projects, traffic improvements, and the calculation of transportation mitigation costs attributable to new development in the project study area. The 2005 Update documented a need for major widening on Route 9. The Capital District Transportation Authority (CDTA) and the New York State Department of Transportation (NYSDOT) did not support the improvements identified in the 2005 Update. These agencies along with the Capital District Transportation Committee (CDTC) determined that these proposed improvement would not be cost effective and were not consistent with the CDTC New Visions 2030 Plan that was adopted in August 2007. The SEQR process for the 2005 Update was never completed and as a result the process was placed on hold.

Between 2005 and 2011 a number of projects within the Study Area were proposed for approval to the Town of Colonie Planning Board. Upon review of the 1989 GEIS it became apparent that these projects were substantially different than the projected development evaluated in the 1989 GEIS and presented in the Findings Statement. In order to adequately address the traffic impacts resulting from these “new” projects within the study area, it was determined that a Draft SGEIS would be prepared and the Statement of Findings amended as appropriate.

The CDTA, CDTC and the Town of Colonie recognized that identifying reasonable and cost effective transportation infrastructure improvements is fundamental to a successful public/private cost-sharing program and implementation of the overall 1989 GEIS plan. As a result the “2011 Update” was initiated.

The “2011 Update” was prepared in part because the Transportation recommendations set forth in the 1989 GEIS were no longer adequate to address traffic conditions in the project area. As a result the “2011 Update” included a new traffic analysis and represents new data not previously available. The decision to prepare a Draft SGEIS stems from SEQR Parts 617.9 and 617.10. SEQR Part 617.9(a)(7)(i)(a) states in part that an agency may require a supplemental EIS limited to the specific significant adverse environmental impact but not addressed or inadequately addressed in the EIS that arise from changes in the proposed project or newly discovered information. In addition, SEQR Part 617.10(d)(4) states that “A supplement to the final generic EIS must be prepared if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts”.

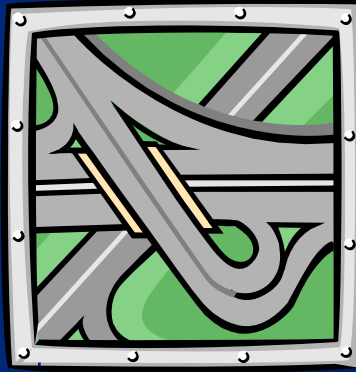
The Draft SGEIS addressed the potential impacts as a result of the projected development and future traffic conditions addressed in the “2011 Update” as compared to the traffic information included in the 1989 GEIS.



Boght Road GEIS

US Route 9 Update

April 3, 2012

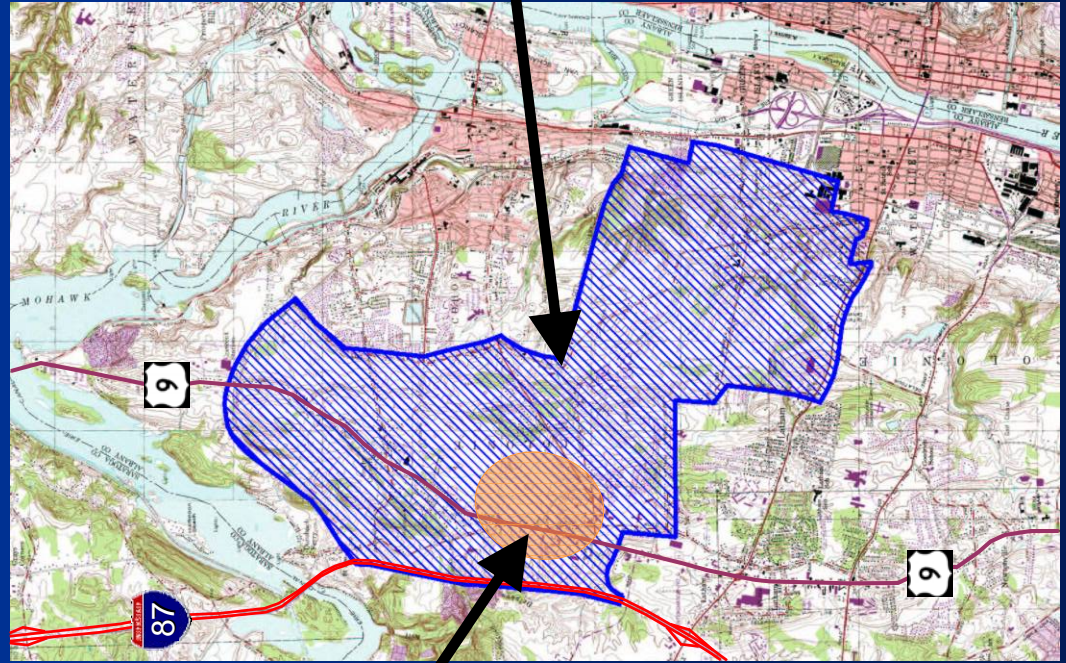


Town of Colonie
Albany County, NY





Study Area

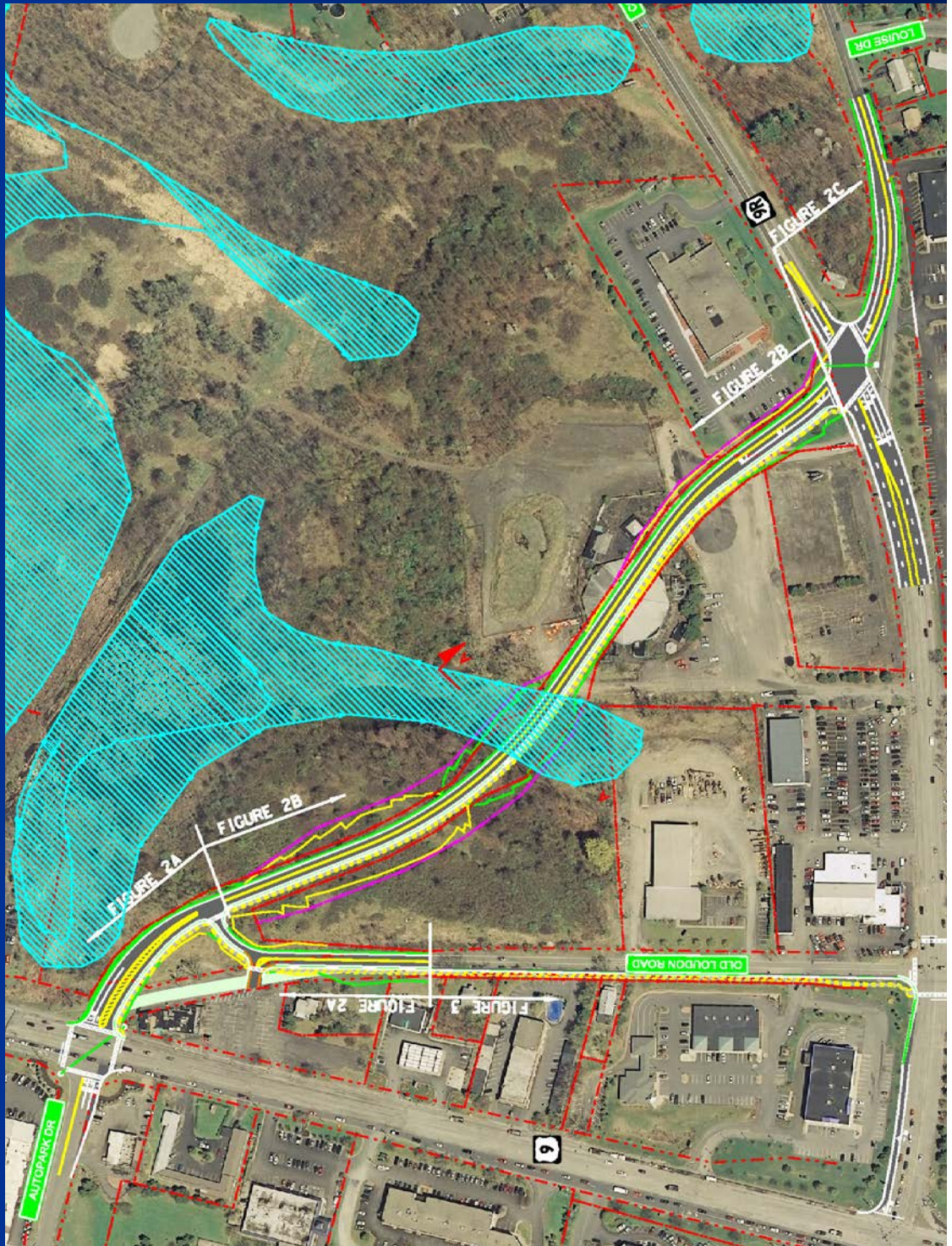


Route 9 Focus Area

Boght Study Area



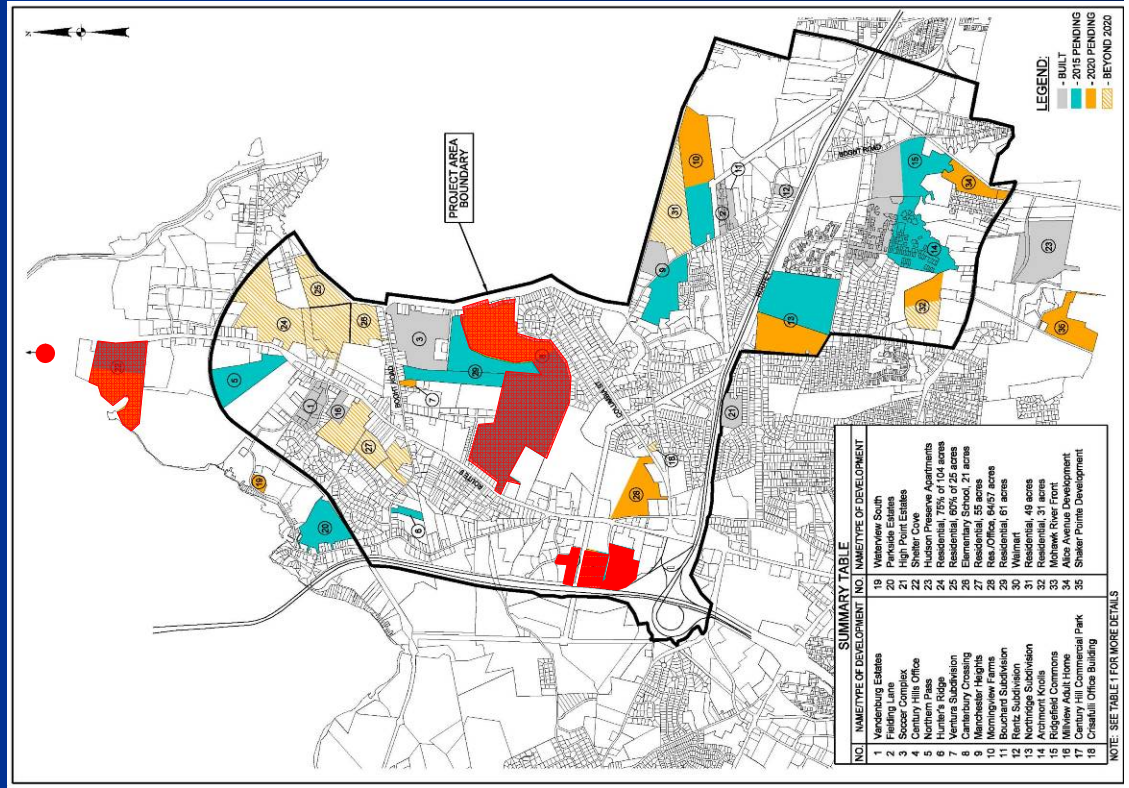
Connector Road





Forecasts

- Reviewed and updated status of 35 pending and speculative developments
- Notable short term projects include
 - Canterbury Crossings
 - Century Hill
 - Shelter Cove
 - Walmart
 - Mohawk Riverfront





Trip Generation

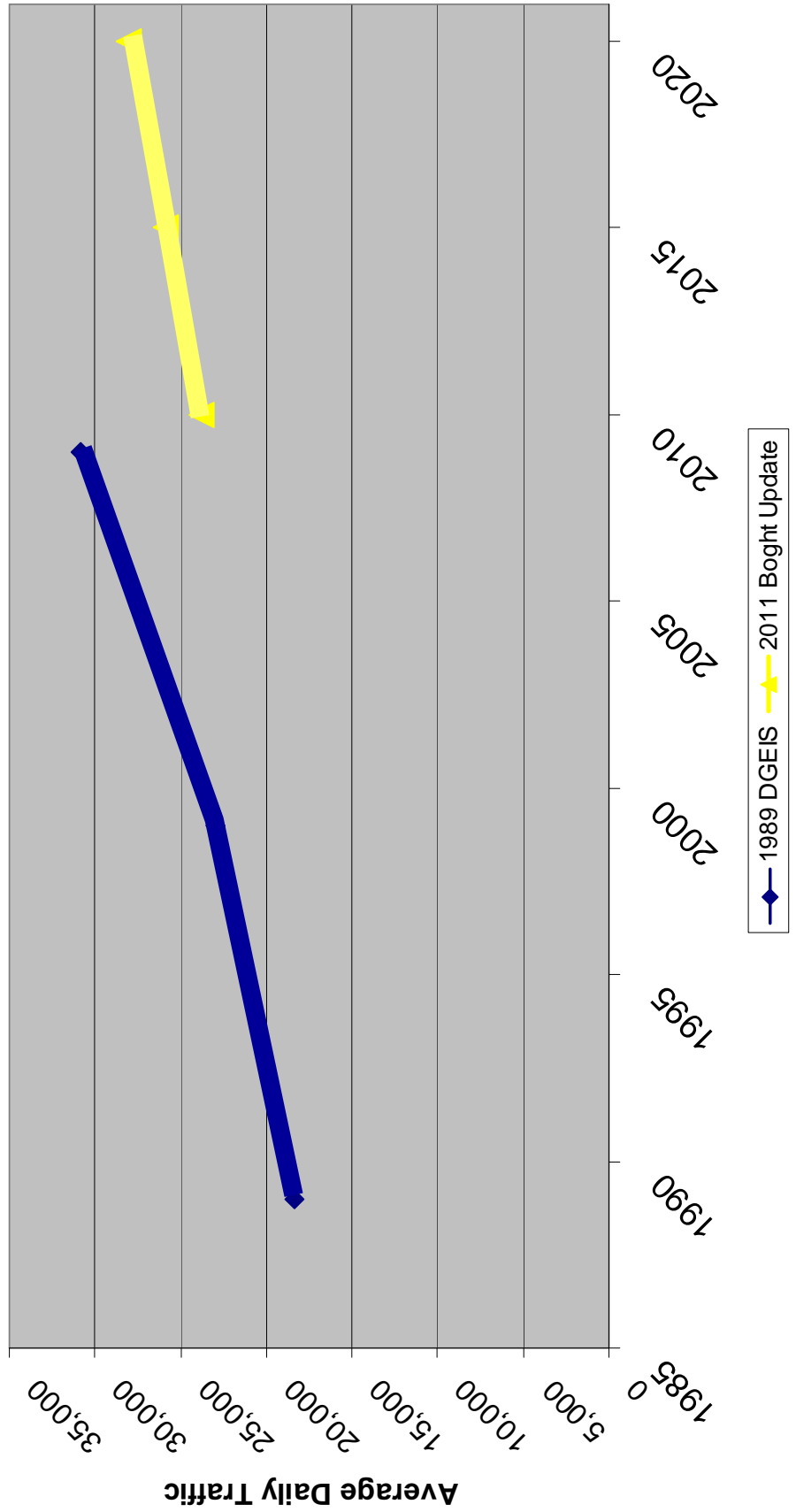
Study	PM Peak Hour		
	Short-Term	Long-Term	Total
1989 DGEIS	5,362 (1999)	3,596 (2009)	8,958
2011 Boght Update	1,840 (2015)	1,685 (2020)	3,525

Note: (XX) = Year of Projection



ADT Comparison

Route 9 ADT
North of Dunsbach Ferry Road





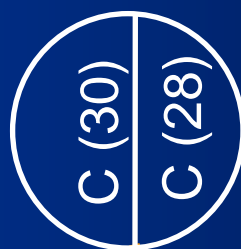
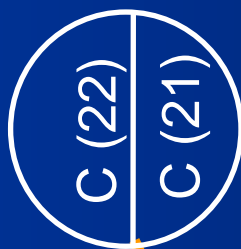
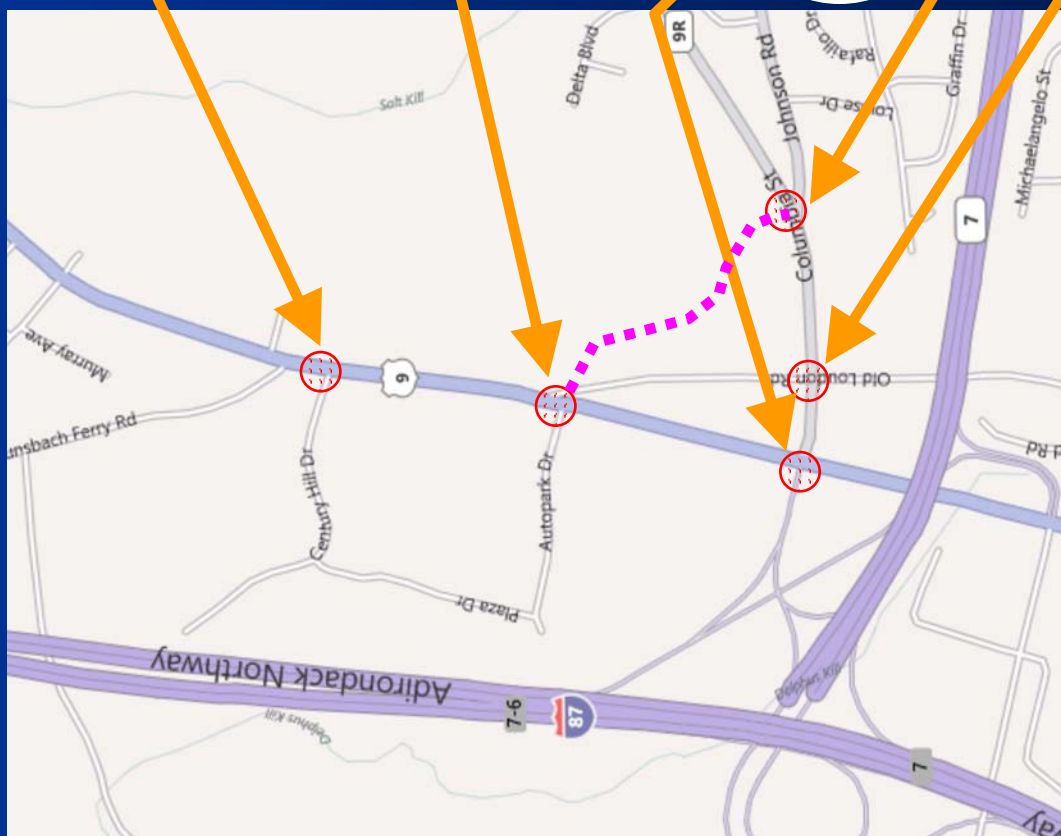
Expected Diversions

PM Peak Hour					
2010			2020		
EB	WB	Total	EB	WB	Total
55	90	145	225	190	415



Future 2020 Traffic Operations

Signalized
Levels of Service





Measures of Effectiveness

PM Peak Hour				
MOE	2010	2015		2020
	Existing	Null	Connector Road	Connector Road
Total Delay (Hrs)	38	91	48	121
Speed NB (mph)	32	25	32	23
				61
				31



Connector Road Pros and Cons

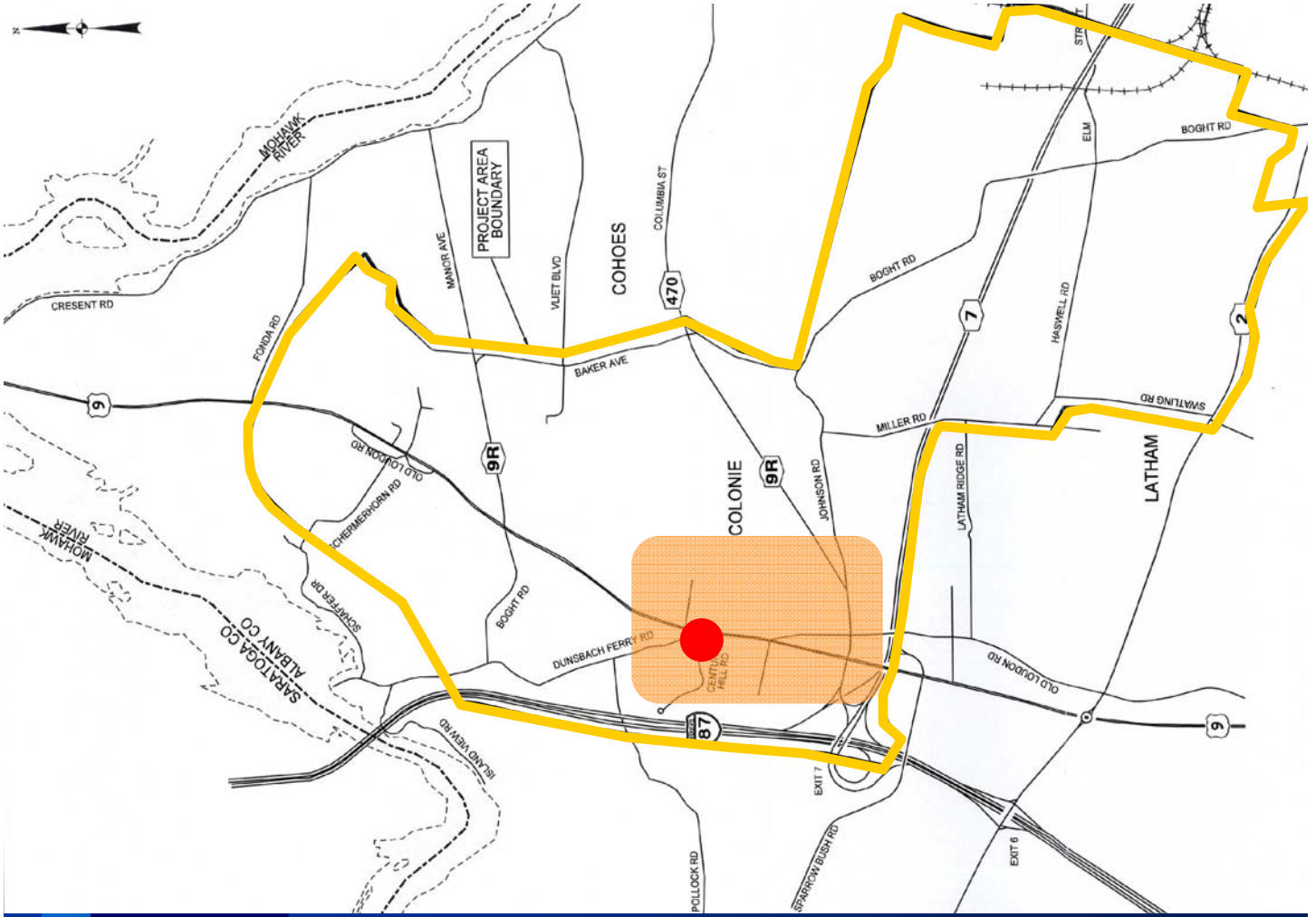
Pros	Cons
Levels of Service	Right-of-Way
Travel on US Route 9	Cost
Environmental Benefits	New Signal Delay
Allows Proposed Development	Wetland Impacts
Incident Management	Perceived Impacts
Pedestrian Connectivity	
Addresses NYSDOT and CDTC Concerns	
Consistent with Best Practices	

- Total Cost = \$14,554,000
(Short-Term = \$9,589,000)
(Long-Term = \$4,965,000)



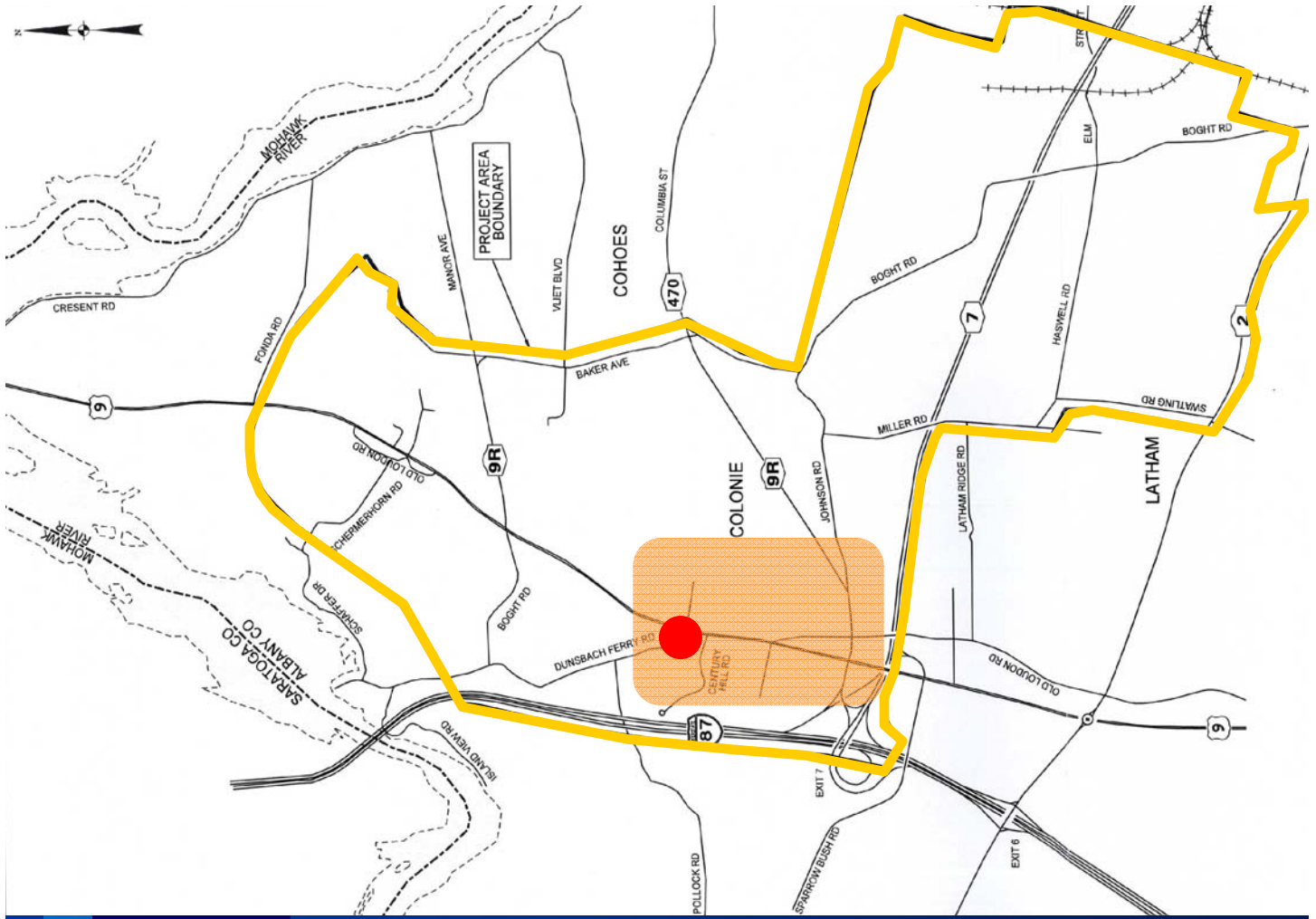
GEIS Improvements

- US Rt 9/Century Hill Dr
- Long-Term =
- SB Right-Turn Lane
- \$228,000



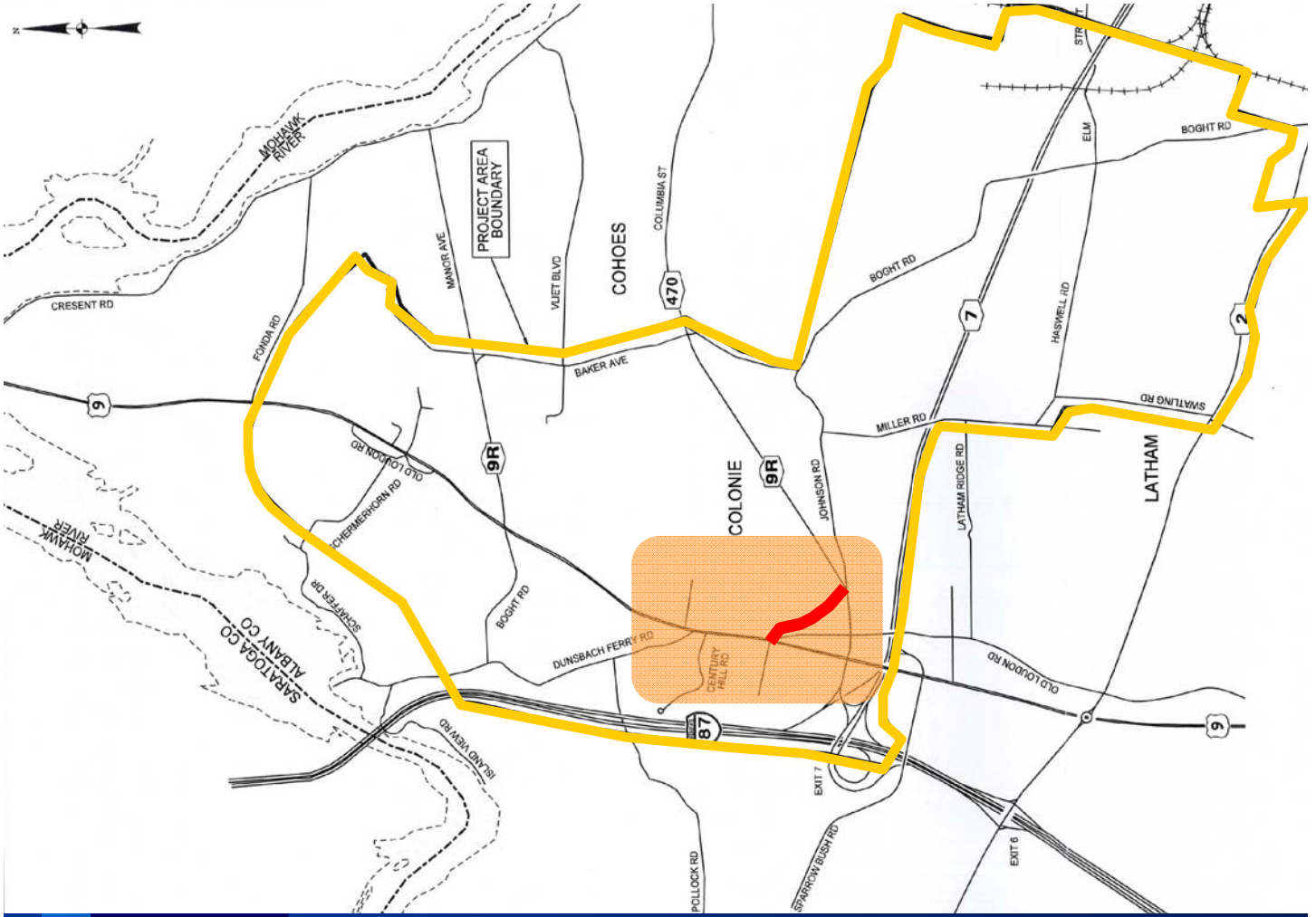
GEIS Improvements

- US Rt 9/Dunsback Ferry Rd
- Long-Term =
- EB Left and Right Turn Lanes
- \$171,000



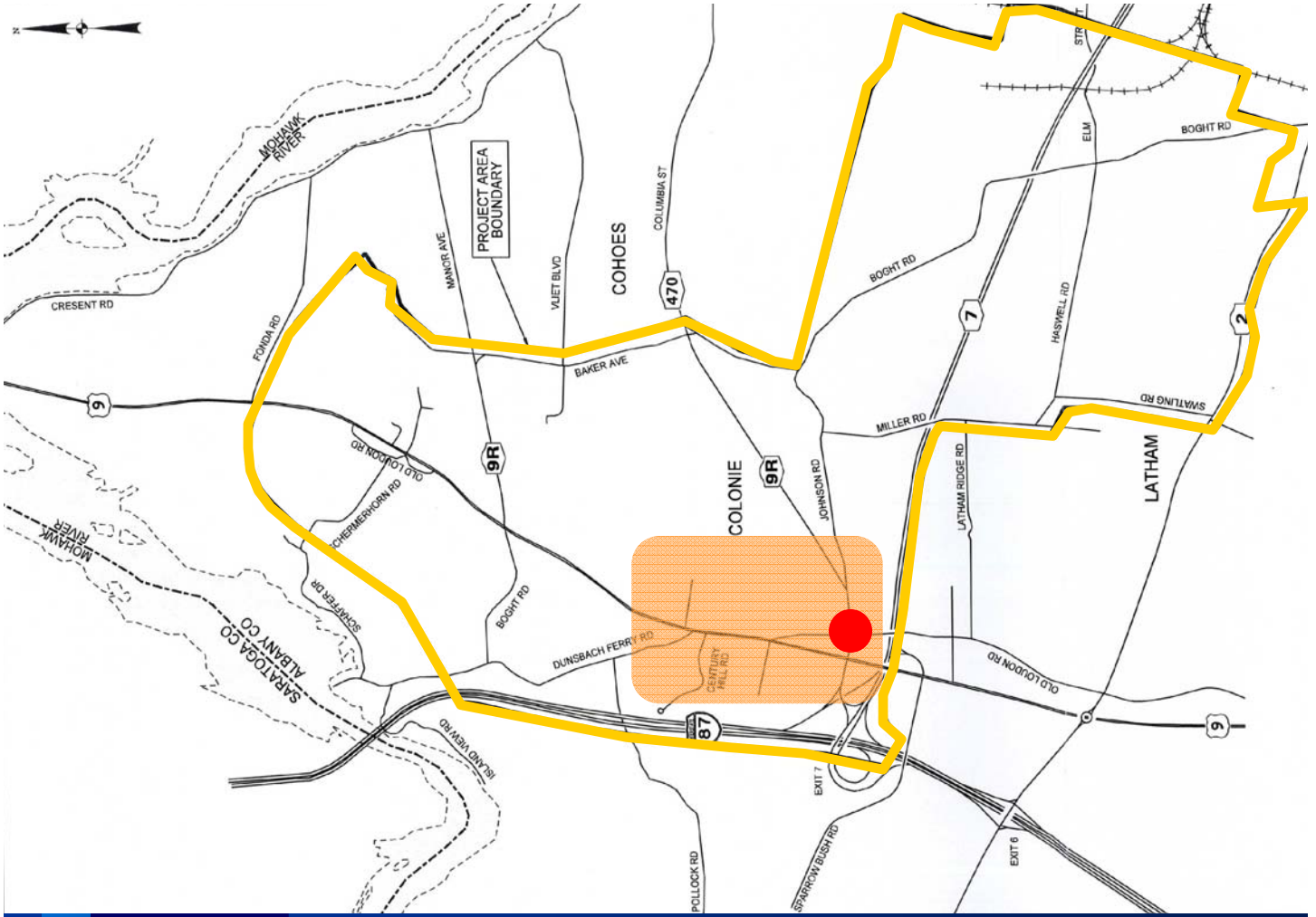
GEIS Improvements

- Connector Road from US Rt 9 to Rt 9R – Signal
- Short-Term = \$5,838,000



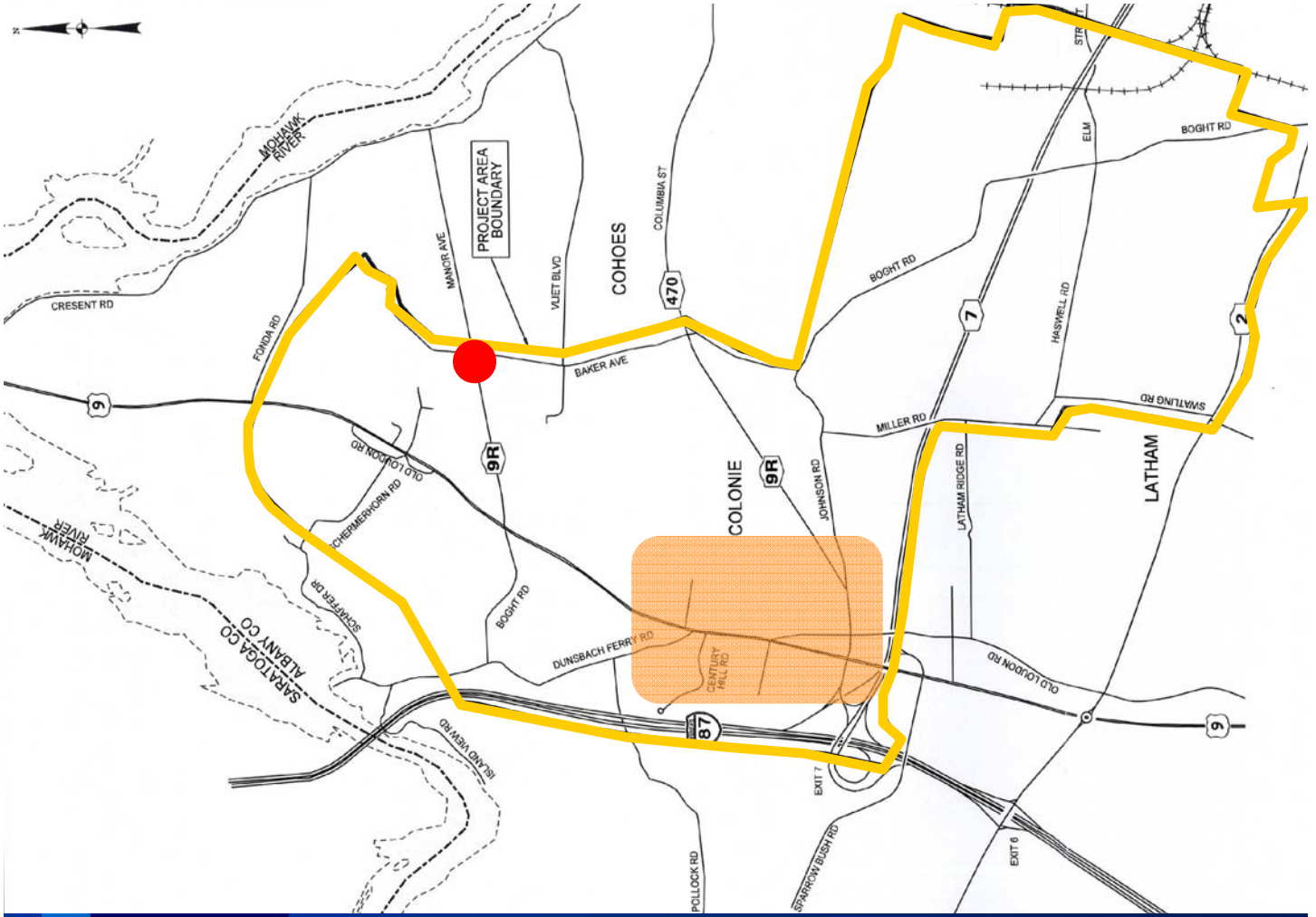
GEIS Improvements

- Rt 9R/Old Loudon Rd
- Short-Term =
- Ped Accommodations
- \$220,000**



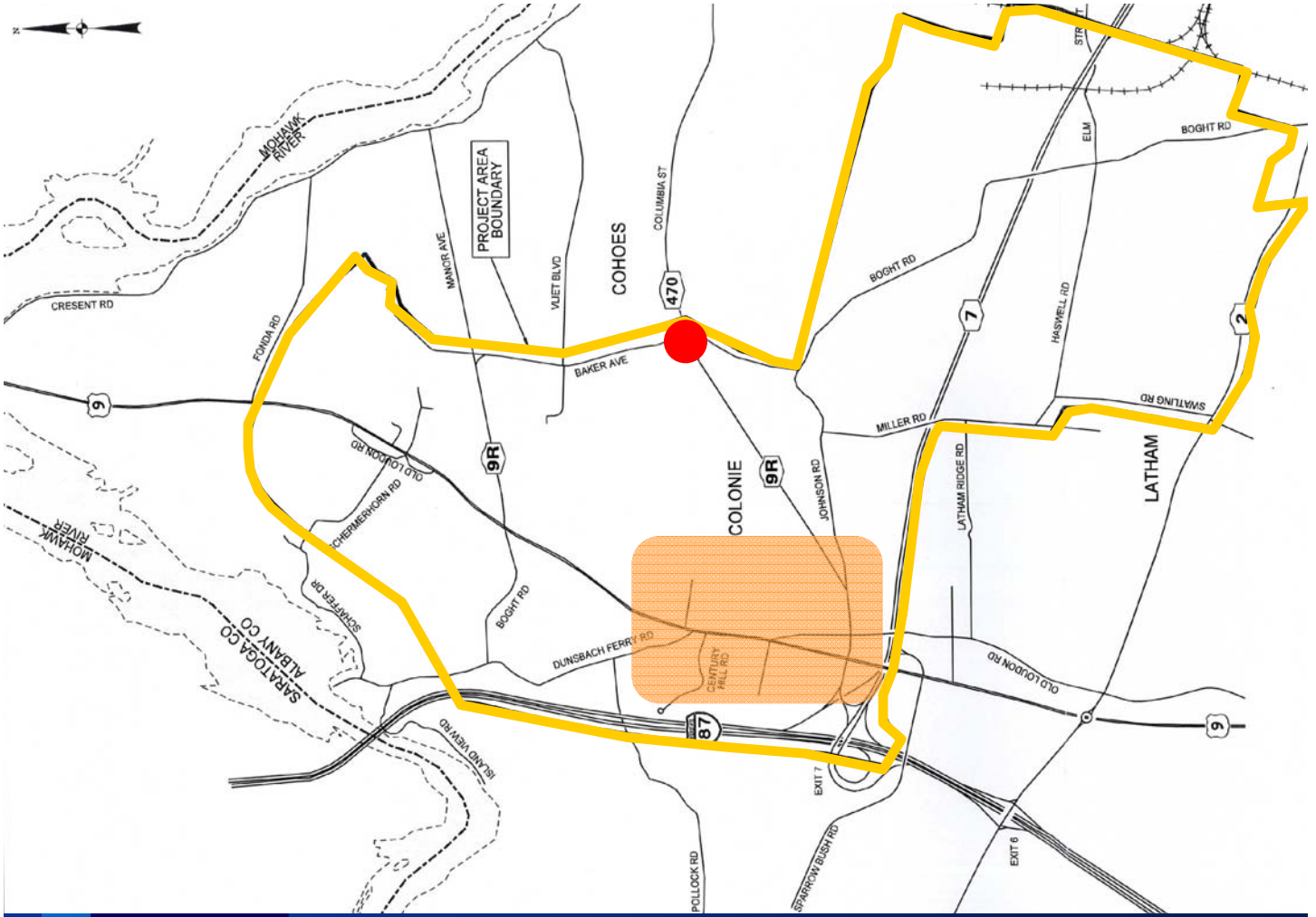
GEIS Improvements

- Rt 9R/Baker Ave/Boght Rd
 - Long-Term =
 - Install Roundabout
 - \$937,000



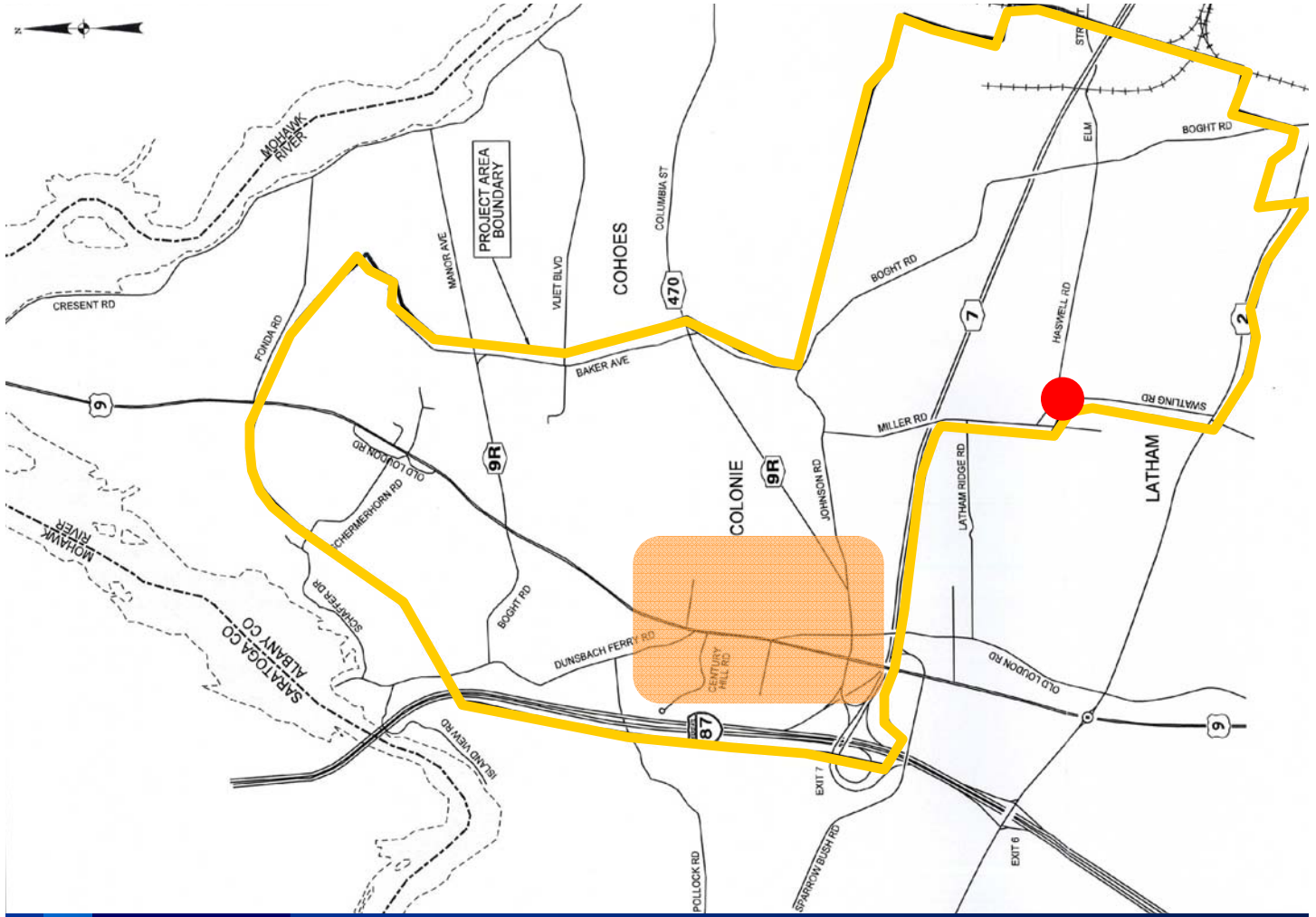
GEIS Improvements

- Rt 9R/Columbia St/
Baker Ave
- Long-Term =
- Install Roundabout
- \$1,473,000**



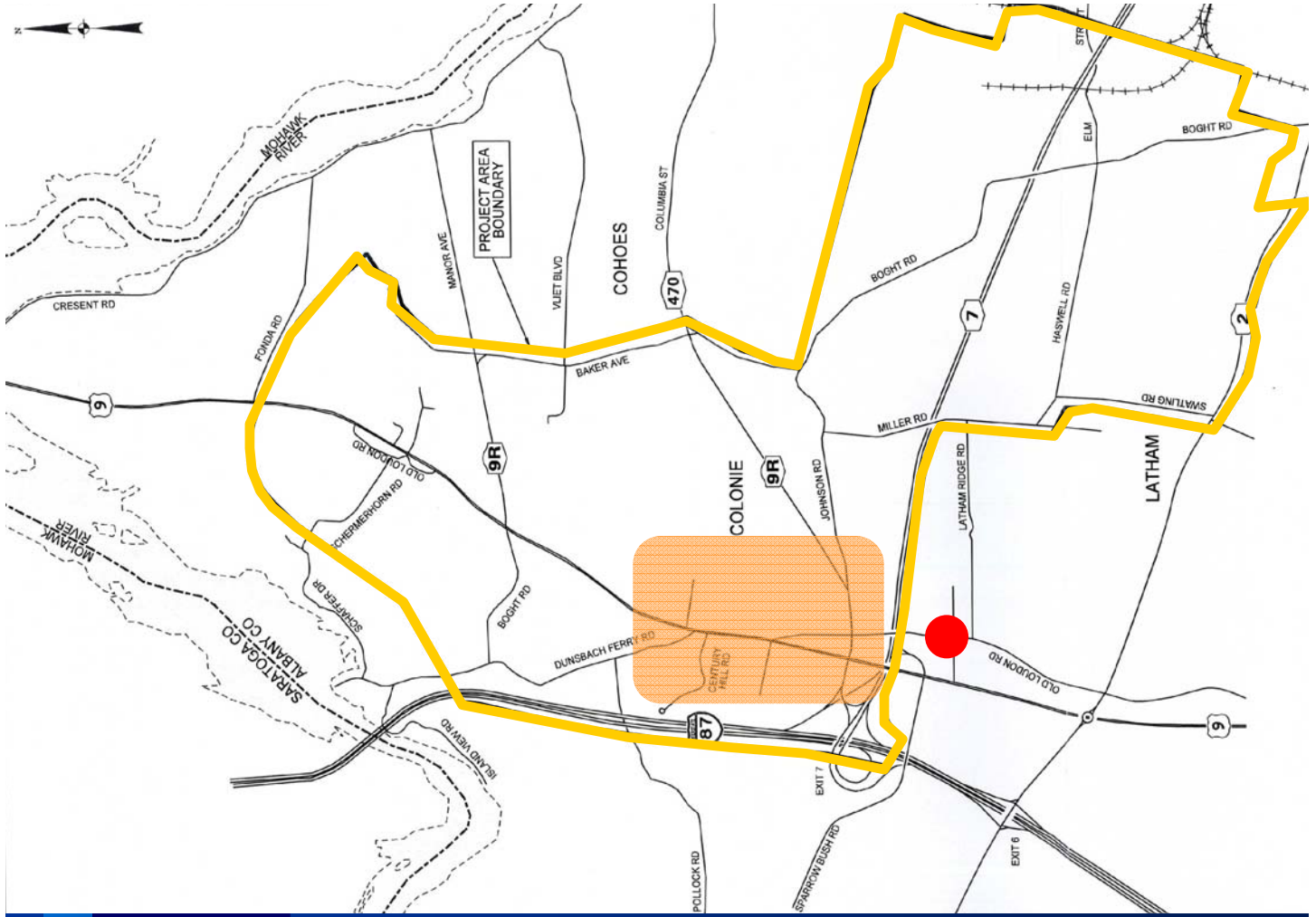
GEIS Improvements

- Haswell Rd/Swatling Rd
- Long-Term =
- Separate NB Left and Right Turn Lanes
- \$143,000



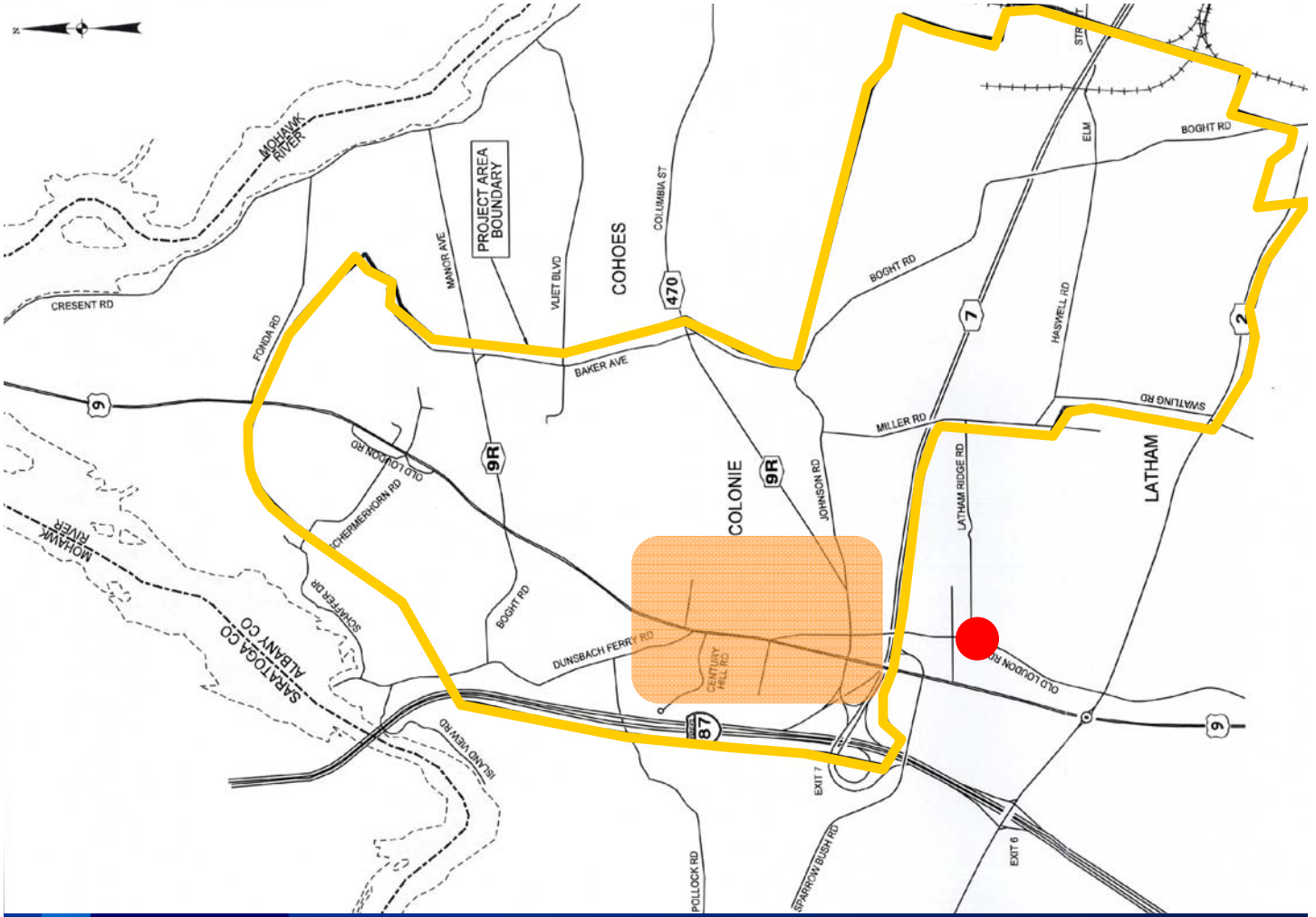
GEIS Improvements

- Old Loudon Rd/Cobee Rd/
Jeanne Jugan Ln
 - Short-Term =
 - Install Traffic Signal
 - \$306,000



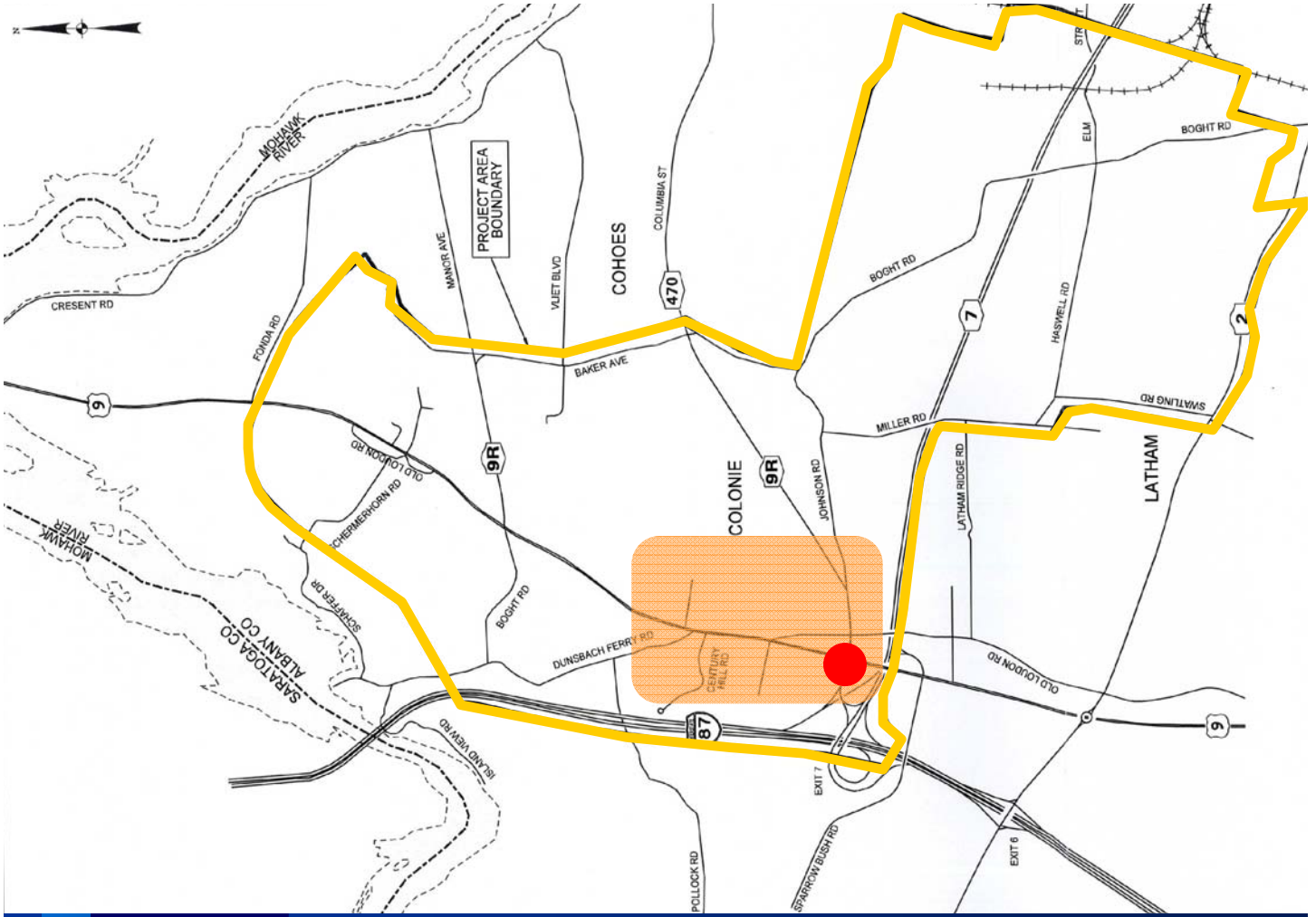
GEIS Improvements

- Old Loudon Rd/Latham Ridge Rd
 - Long-Term =
- Install Traffic Signal & SB Left-Turn Lane
 - \$867,000



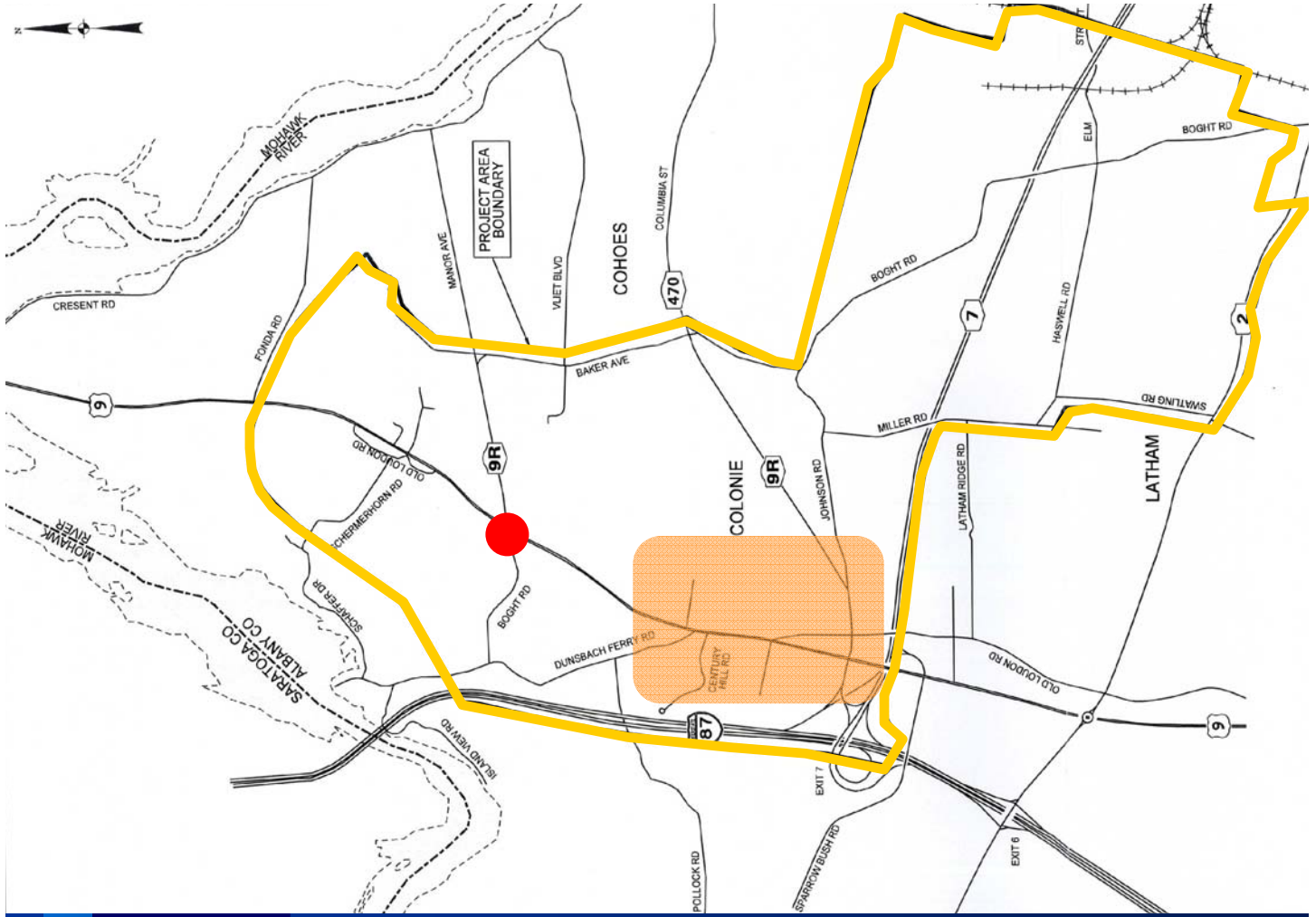
GEIS Improvements

- US Rt 9/Rt 9R
- Short-Term =
- WB Thru Lane
- \$510,000



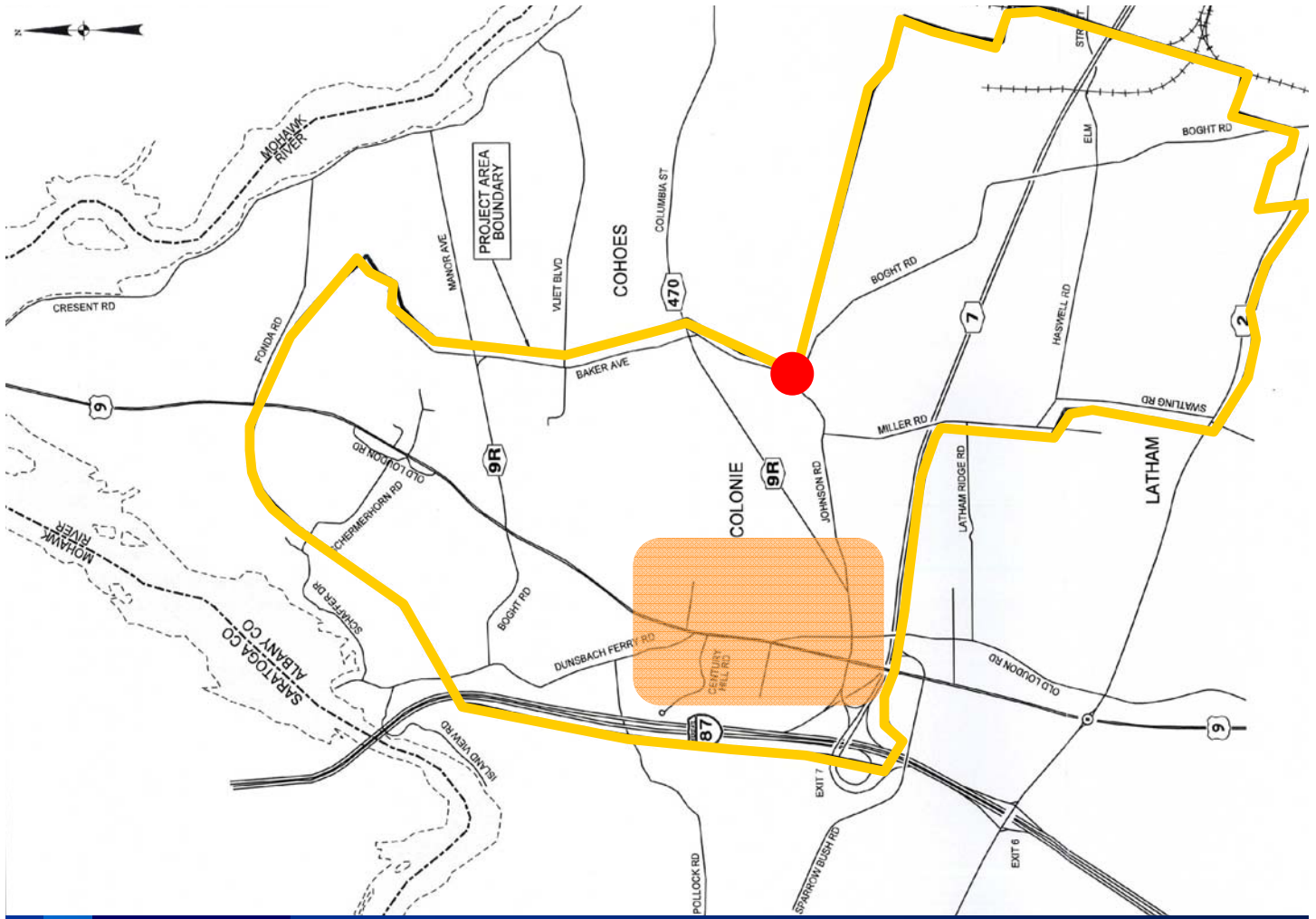
GEIS Improvements

- US Rt 9/Boght Rd/Rt 9R
 - Short-Term =
\$1,367,000
 - Long-Term =
- EB & WB Left-Turn Lane
and WB Right-Turn Lane
 - NB Right-Turn Lane
\$337,000



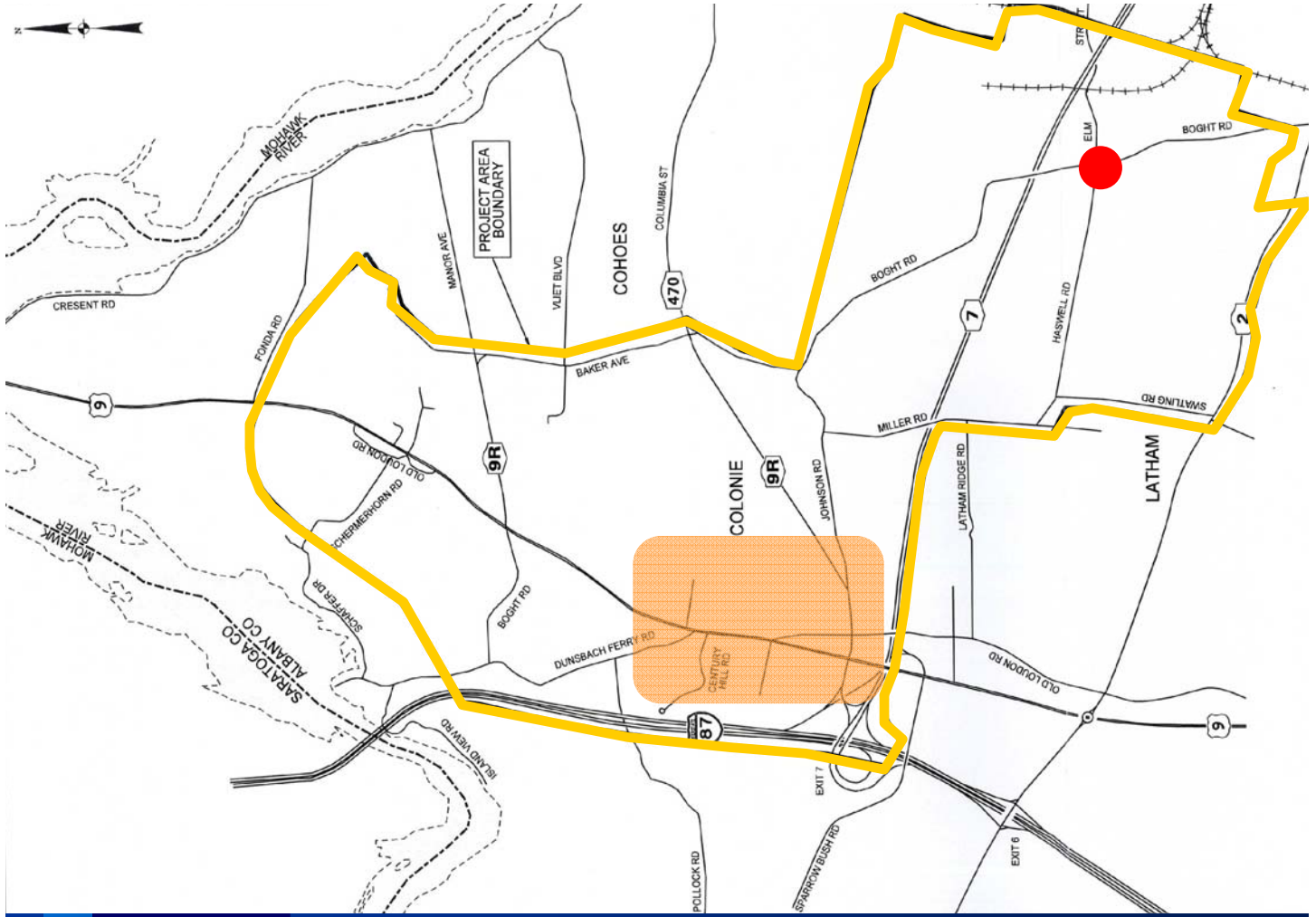
GEIS Improvements

- Boght Rd/Johnson Rd/
St. Agnes Hwy
(Previously Constructed)
- Short-Term =
- Install Roundabout
\$927,000



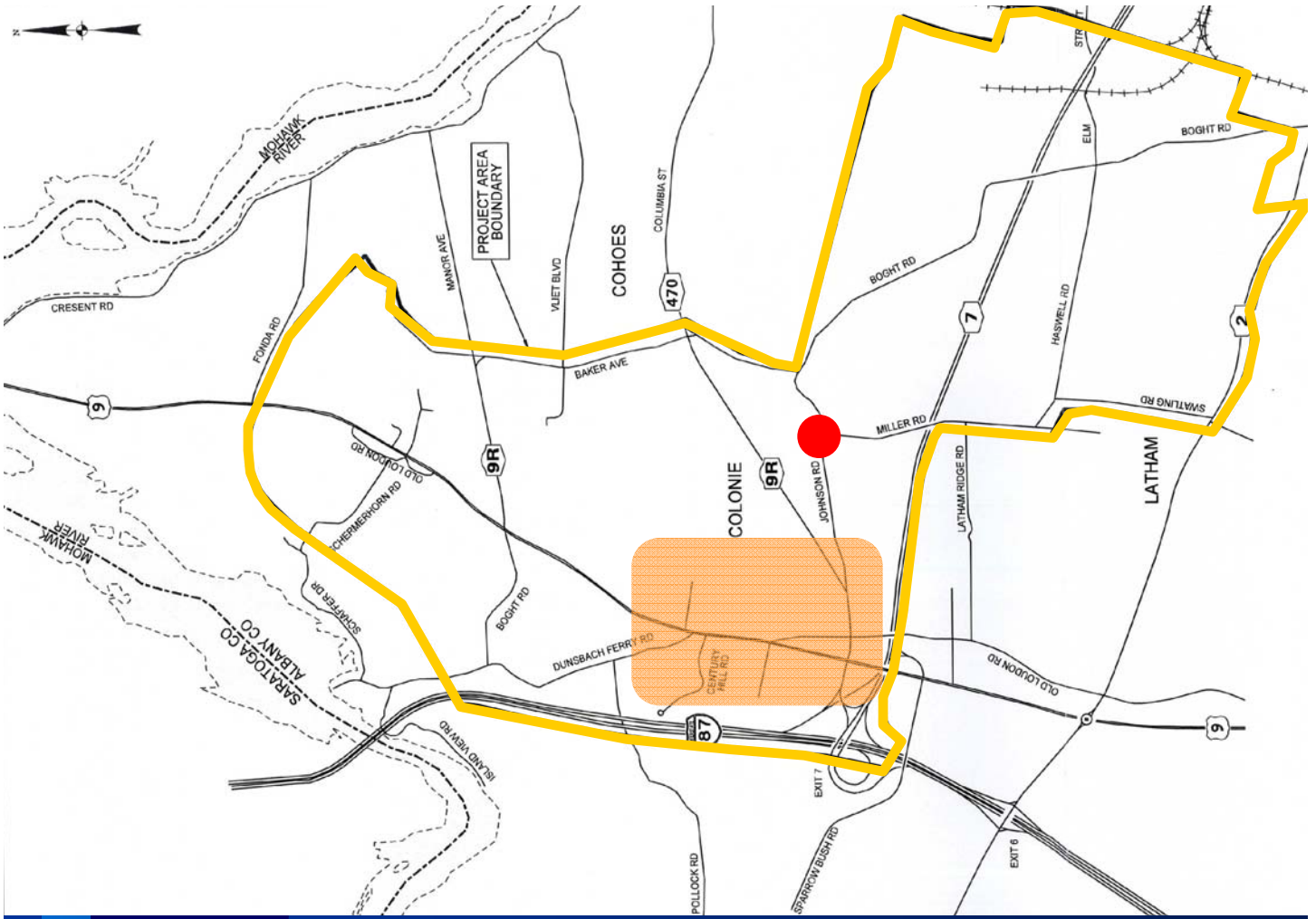
GEIS Improvements

- Boght Rd/Haswell Rd/
Elm St
- Long-Term =
- Install Traffic Signal
- \$317,000



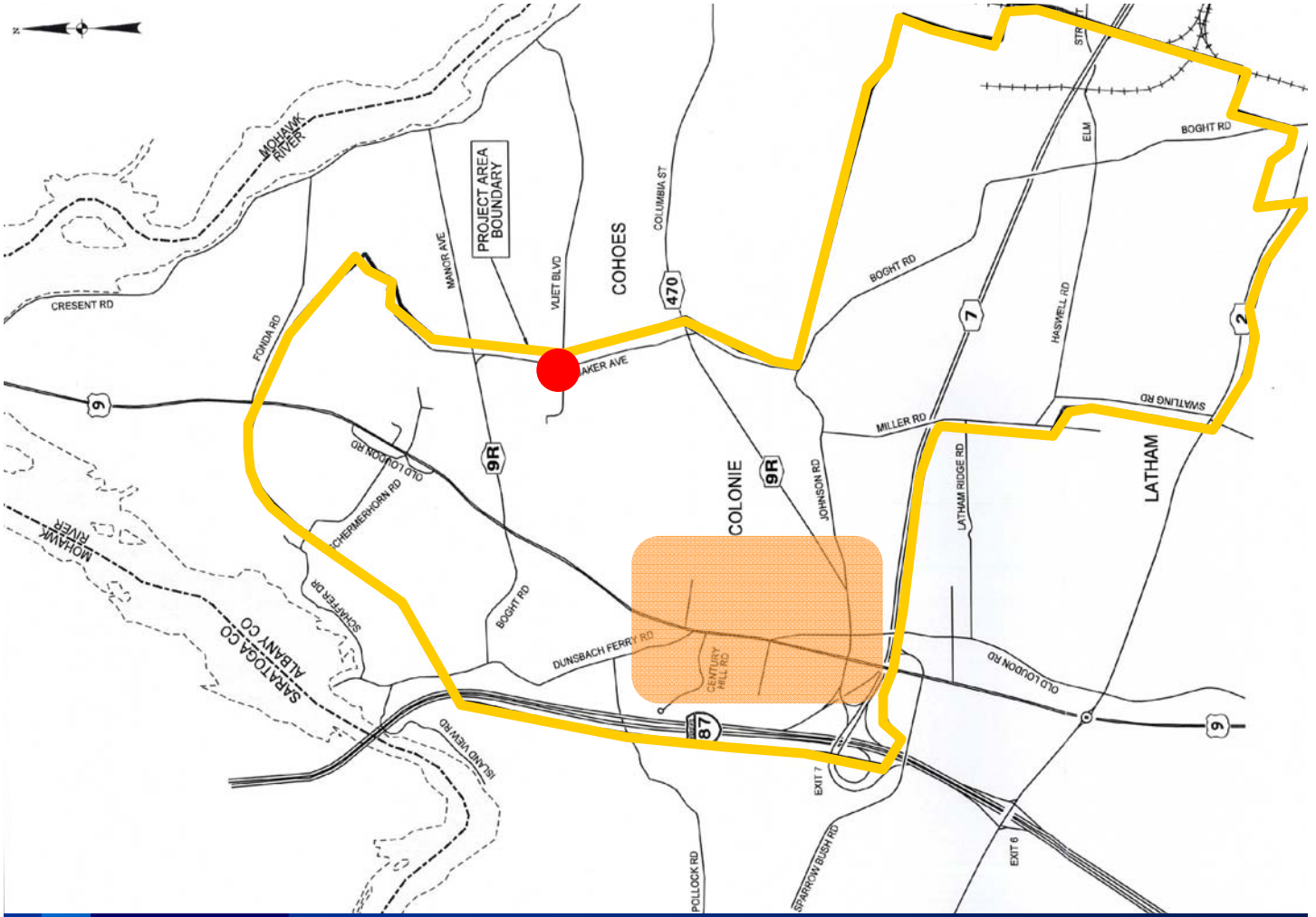
GEIS Improvements

- Johnson Rd/Miller Rd
 - Long-Term =
 - Install Traffic Signal
 - \$306,000



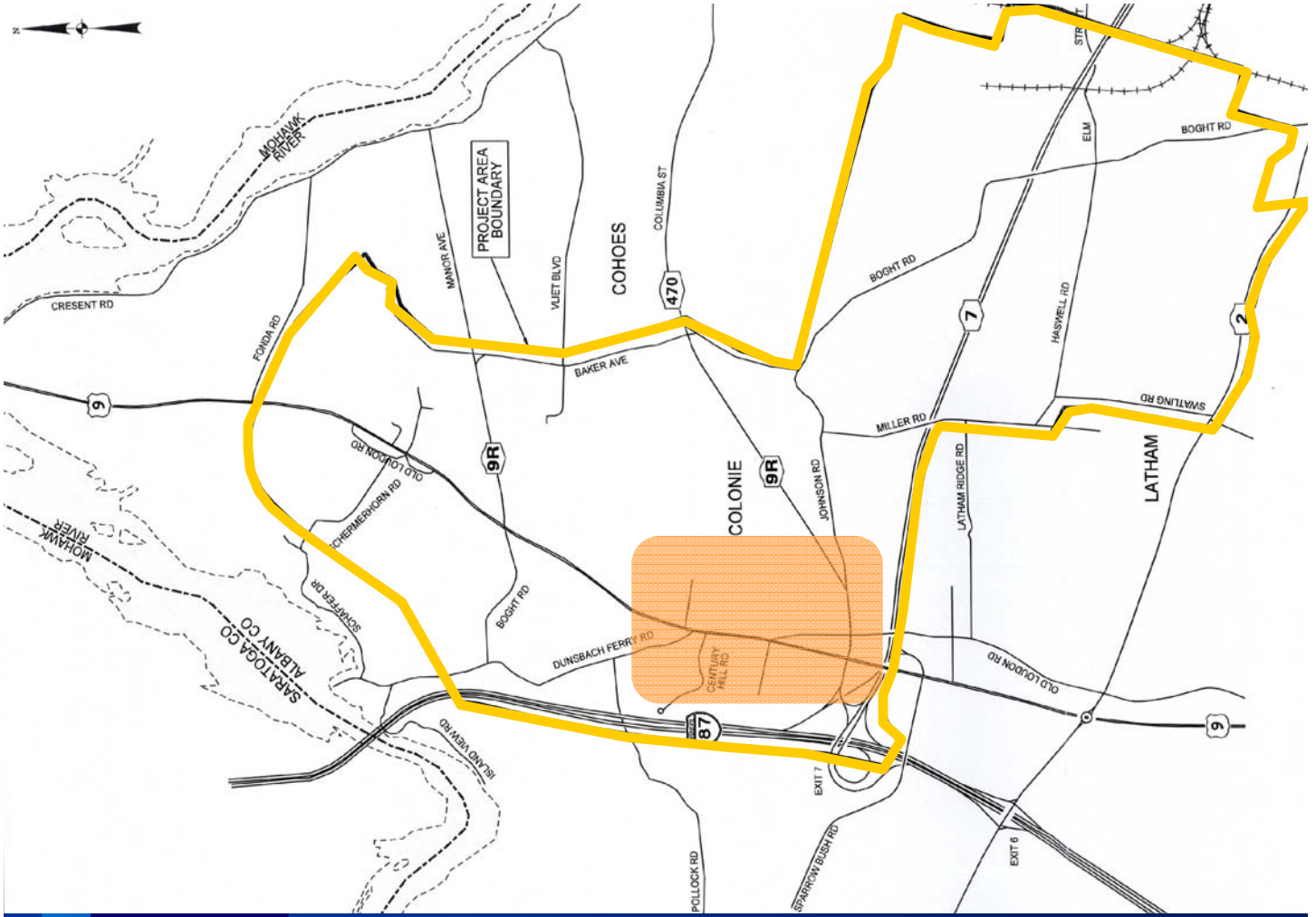
GEIS Improvements

- Baker Ave/Vliet Blvd
- Long-Term =
- Install Traffic Signal
- \$357,000



GEIS Improvements

- Transit Accommodations
 - Short-Term = \$250,000





Fair Share Evaluation

- **Total Cost = \$14.554M**
- **Private Mitigation = \$10.575M (73%)**
- **Public Share = \$3.979M (27%)**



Comments/Questions

Questions?

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3 *****
4 BOGHT ROAD/COLUMBIA STREET GENERIC ENVIRONMENTAL
5 IMPACT STATEMENT PUBLIC HEARING
6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 proceeding BY NANCY STRANG-VANDEBOGART,
9 a Shorthand Reporter, commencing on
10 April 3, 2012 at 7:01 p.m. at the Public Operations
11 Center 347 Old Niskayuna Road,
12 Latham, New York 12110

13 BOARD MEMBERS:

14 PETER STUTO, CHAIRMAN
15 TIM LANE
16 MICHAEL SULLIVAN
17 KATHY DALTON
18 LOUIS MION
19 BRIAN AUSTIN
20 BRIAN HAAK
21 ELENA VAIDA, Esq., Counsel to the Planning Board

22 Also present:

23 Joseph LaCivita, Director, Planning and Economic
24 Development

25 Joe Grasso, PE, Clough Harbour and Associates

Mark Sargent, Creighton Manning Engineering

Mark Nadolny, Creighton Manning Engineering

John Fahey

Andy Brick, Esq.

Barbara Numrick

Chris Bette

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1 CHAIRMAN STUTO: Thank you everybody.
2 Welcome. The clock says 7:00, so we'll call
3 the meeting to order. The meeting is the Boght
4 GEIS public hearing.

5 Elena, this was a noticed meeting? Can
6 you read the public notice for the record?

7 MS. VAIDA: The Town Planning Board in
8 the Town of Colonie, Albany County, New York.
9 Notice is hereby given that pursuant to
10 Part 617 of the implementing regulations
11 Article 8, State Environmental Quality Review
12 Act of the Environmental Conservation Law, a
13 Draft Environmental Impact Statement has been
14 completed and accepted for the proposed
15 action. Comments are requested and will be
16 accepted by the contact person until April 20,
17 2012 at 4:30 p.m. A public hearing on the
18 Draft EIS will be held on April 3, 2012 at
19 7:00 p.m. The Town Planning Board in the Town
20 of Colonie will conduct the public hearing at
21 the Public Operations Center, 347 Old
22 Niskayuna Road, Latham in said Town of
23 Colonie, County of Albany, New York. It's
24 dated March 13, 2012. It's signed Town of
25 Colonie Planning Board, Peter Stuto, Chairman.

1 CHAIRMAN STUTO: Thank you, Elena.

2 Before I do any introduction, Brian
3 Austin, do you have an introduction?

4 MR. AUSTIN: Yes, we have some members of
5 the audience of HVCC - the Civil Engineer
6 Technology class here; Michael Riozzi, Michael
7 Weisiczko and Haroon Sheikh. I would like to
8 thank you guys for coming tonight. Hope you
9 enjoy your assignment here.

10 CHAIRMAN STUTO: Before we start actually
11 taking comments from the public on the
12 hearing, I want to let everybody in the room
13 know who the main actors are here.

14 Obviously, we have seven Board Members
15 that are on the Planning Board here. Our
16 Counsel is Elena Vaida. She's the woman in the
17 gray suit on the end, and she's an attorney;
18 Joe LaCivita, our Director of Planning;
19 Allegra Edelman from the Town Attorney's
20 office and our professional consultants that
21 we've hired here - they are engineering types.
22 We have Joe Grasso who is with CHA. He is
23 acting in a coordinating fashion for the
24 hearing tonight and for the Generic
25 Environmental Impact Statement Draft and

1 Supplement. Then we have two representatives
2 from our traffic engineers, Creighton Manning,
3 and also known as CME. We have Mark Sargent
4 and Mark Nadolny.

5 What we have here tonight is a public
6 hearing. We have been examining this issue,
7 which is the updating the Generic
8 Environmental Impact Statement with respect to
9 the traffic component for two or three years
10 prior to today. We've had a number of public
11 meetings. We've had a number of iterations on
12 the traffic study and tonight is the formal
13 public hearing with respect to the Draft
14 Supplemental Generic Environmental Impact
15 Statement. We're going to take all comments.
16 We will stay here all night, if we need to in
17 order to accommodate all the comments.

18 In order to be fair, I think that we're
19 going to have to limit the time for the
20 comments, initially, to allow the second,
21 third, fourth and fifth person to give their
22 comments, and then they'll have to go to the
23 back of the line. If you're the last person
24 standing, we want to listen to everything that
25 you have to say for the record.

1 With respect to where we are procedurally
2 with this, I'd like to turn this over to
3 Allegra Edelman from the Town Attorney's
4 office and she'll talk about where we are in
5 the environmental review process with this.

6 Thank you, Allegra.

7 MS. EDELMAN: Thank you. Actually, I'd
8 like to start a brief introduction of the
9 GEIS. The original that was read was the draft
10 version. This is the correct version of it.

11 "Notice of completion of Draft
12 Supplemental GEIS Public Hearing, Town
13 Planning Board, Town of Colonie, Albany
14 County, New York.

15 Notice is hereby given that pursuant to
16 Part 617 of the implementing regulations to
17 Article 8, State Environmental Quality Review
18 Act, of the Environmental Conservation Law, a
19 Draft Supplemental Generic Environmental
20 Impact Statement, GEIS, has been completed and
21 accepted for a proposed action involving the
22 following: Between 2005 and 2011, a number of
23 proposed projects in the Boght Road/Columbia
24 Street Area, particularly within the sub-area
25 of Route 9 from Route 9R to Dunsbach Ferry

1 Road, Old Loudon Road, and Route 9R between
2 Johnson Road and Route 9, were substantially
3 different than the projected development
4 evaluated in the 1989 Boght Road/Columbia
5 Street Area GEIS. The Draft Supplemental GEIS
6 evaluates new traffic conditions and potential
7 impacts and identifies short-term and
8 long-term transportation infrastructure
9 improvements, linkages and transit/pedestrian
10 related improvements. A copy of the Draft
11 Supplemental GEIS may be obtained from Joe
12 LaCivita, Director, Planning and Economic
13 Development Department at 518-783-2741 or
14 www.colonie.org.

15 Comments are requested and will be
16 accepted by Joe LaCivita, Director, Planning
17 and Economic Development Department, 347 Old
18 Niskayuna Road, Latham, New York, 12110 until
19 April 20, 2012 at 4:30 p.m. The Town Planning
20 Board of the Town of Colonie, Albany County,
21 New York will meet and conduct a public
22 hearing on the Draft Supplemental GEIS on
23 April 3, 2012 at 7:00 p.m. at the Public
24 Operations Center, 347 Old Niskayuna Road,
25 Latham, in said Town of Colonie, County of

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1 Albany, New York. Dated March 14, 2012, Latham
2 New York, Town of Colonie Planning Board,
3 Peter Stuto, Chairman."

4 Just to let you know where we are in the
5 process, on March 13th, the Planning Board met
6 and adopted a positive declaration in
7 connection with the traffic study and also
8 accepted a Draft Supplemental GEIS. Tonight,
9 as you know, is the public hearing where we
10 will be accepting public comments on the Draft
11 Supplemental GEIS. Written comments will be
12 accepted until April 20, 2012. So, if you go
13 home and think of something else that you
14 wanted to say, but didn't, you may still
15 address that in writing, addressed to Joe
16 LaCivita, Director of Planning and Economic
17 Development.

18 After April 20th, once we have received
19 all the written comments that were submitted
20 on the project, the Planning Department and
21 the engineers will prepare a Final
22 Supplemental GEIS. The Supplemental GEIS
23 final, will be the responses to substantive
24 questions and summarized comments and will
25 include any changes requested by the Planning

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1 Board. At that point, that will be put before
2 the Planning Board, accepted and upon
3 acceptance, there will be a notice of the
4 final GEIS. It will also be posted on the Town
5 website and will be publically available as a
6 Draft Supplemental GEIS at the Town Clerk's
7 office, Planning Department and Library.

8 Once the final Supplemental GEIS is
9 filed, then the Planning Board will have an
10 opportunity to issue a findings statement. A
11 findings statement is where the Planning Board
12 can adopt the recommendations from the
13 supplemental GEIS. At that point, other
14 involved agencies may also adopt the Planning
15 Board's finding statement.

16 I'll now turn this over to Joe Grasso.

17 CHAIRMAN STUTO: I'll make just one more
18 comment and then we'll turn it over to Joe.
19 That is, about the comments that we're going
20 to be receiving tonight. We're not going to be
21 answering questions tonight. That's going to
22 be a more formal process. It's going to be
23 written responses, as Allegra has said, to the
24 comments that are made. That is going to be
25 subsequent to the written comment period. All

1 the comments and questions will be answered
2 and addressed. That's not why you're here
3 tonight - not to have a back and forth.

4 Now, I'm going to turn it over to Joe
5 Grasso from Clough Harbour, CHA, who has been
6 the coordinating engineer on this project.

7 MR. GRASSO: Thanks, Pete. I'm just going
8 to provide some background information to kind
9 of put things in context about the traffic
10 studies that we're going to be hearing a lot
11 about tonight. After I'm done, we'll turn it
12 over to Mark Sargent to go through a power
13 point presentation.

14 Going back in time - back in 1989 the
15 Town of Colonie Planning Board completed the
16 Generic Environmental Impact Statement that
17 looked at existing development and projected
18 new growth within the northern section of the
19 Town of Colonie and looked at the various
20 impacts that development would have on various
21 community services such as water supply, sewer
22 service, solid waste, recreation,
23 transportation systems - which is the focus of
24 our study tonight - open space resources and
25 various other environmental resources. That

1 study, done in 1989, looked at two 10-year
2 planning period.

3 Back in 2005, the Town asked Creighton
4 Manning Engineering to do an update to the
5 land use and transportation systems in the
6 Boght Road/Columbia Street area. This is what
7 we refer to as the 2005 update. This was
8 trying to evaluate significant land
9 development changes that occurred since the
10 completion of the original 1989 study. With
11 this study, it established a new baseline for
12 the assessment of land development projects,
13 as well as traffic improvements and any
14 calculation of transportation mitigation costs
15 that would be attributable to the study.
16 Within this study it documented a need for
17 major widening of Route 9 and other involved
18 agencies that also reviewed development
19 projects in the study area; including CDTA,
20 New York State DOT, and CDTC. These agencies
21 did not support things identified in that 2005
22 update. They determined that these
23 improvements would not be cost effective and
24 were not consistent with the CDTC new vision
25 plan that was adopted in August of 2007. So

1 the SEQRA process for the 2005 update was
2 never completed and as a result, the process
3 was put on hold.

4 Between 2005 and 2011, there were a
5 number of projects within a study area
6 proposed for approval for the Town of Colonie
7 Planning Department. Upon review of the
8 original 1989 study, it became apparent that
9 the projects were substantially different than
10 the projected development that was evaluated
11 back in 1989. In order to adequately evaluate
12 the traffic impacts resulting from what we'll
13 call new projects, it was determined that a
14 new Draft Supplemental GEIS would be prepared
15 and an amended statement of findings would be
16 created.

17 So, the CDTA and CDTC, DOT and the Town
18 of Colonie all recognized that identifying
19 reasonable and cost effective transportation
20 infrastructure improvements is fundamental to
21 successful public and private development
22 programs as well as implementation of the
23 original 1989 GEIS. As a result, what we call
24 2011 traffic update was initiated.

25 Mark Sargent has created a Power Point

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1 that basically summarizes the investigation
2 and results of the 2011 traffic update. I'll
3 turn it over to Mark now.

4 MR. SARGENT: Thanks, Joe.

5 This should look familiar to some of you
6 and for those of you who are new to this
7 information, I'll just highlight it briefly
8 here. This is the study area for the original
9 Boght Road/GEIS the Town did in 1989.

10 This is I87 on the left hand side of the
11 figure. You can see the proposed rail
12 corridor. This is Route 2 is at the bottom of
13 the screen and here is Watervliet. This is the
14 Boght area GEIS study area.

15 In the last several years with the update
16 work, we had been focusing in on this area.
17 This was where a number of developments have
18 been proposed that were substantially
19 different then they were in the original
20 study. The most recent GEIS update work has
21 focused on this part of the study area.

22 If you arrived earlier enough, you had a
23 chance to look at these overall
24 recommendations. This summarizes the
25 recommendations in that Route 9 focus area.

1 CHAIRMAN STUTO: And where was 87?

2 MR. SARGENT: Yes, 87 is along the top of
3 this page. Route 9 is to the middle of it and
4 9R extends off lower here (Indicating).

5 One of the things that I would point out
6 is that you can see that there are a number of
7 text boxes here with a light blue header
8 (Indicating). These are improvements that have
9 been identified through the different analysis
10 that was done that was not part of the GEIS,
11 but they are things such as linkages with
12 other parcels. Future connections with parcels
13 and some pedestrian improvements are also
14 identified as desirable improvements, but they
15 are not part of the GEIS itself. GEIS
16 recommendations are shown with a different
17 color header here (Indicating). The orange and
18 green color. I'll get into those in a little
19 more detail in a moment.

20 One of the significant improvements or
21 recommendations in the GEIS was the
22 recommendation for a connector road here
23 between Route 9 and 9R (Indicating). This is
24 the same connector road, just oriented
25 differently and zoomed in a little bit so that

1 Route 9 is on the left and 9R is here
2 (Indicating). Johnson Road is in the lower
3 right hand corner and you can see the
4 connector road and where it goes through this
5 parcel (Indicating). The idea here is that the
6 connector road would alleviate traffic
7 congestion.

8 Just to back up for a moment, the GEIS
9 involved a fair amount of land use work as to
10 the traffic forecasting. There were several
11 meeting with the Town and it looked at all the
12 pending and speculative and proposed
13 developments in the entire GEIS area and the
14 two developments outside of the area. There
15 were a total of 35 pending speculative
16 developments and potential developments that
17 were identified through that effort. There
18 were a number of notable short-term
19 developments of a more significant nature,
20 larger in size, shown here (Indicating). The
21 five of them are Canterbury Crossings, Century
22 Hill, Shelter Cove, a large retail development
23 which was the focus recently and then the
24 development here (Indcating).

25 Joe mentioned the original GEIS in 1989

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1 had looked at the trip generated potential of
2 all the developments in the area. In other
3 words, what is going to happen when the second
4 plan is developed over time. It's going to
5 generate potential additional traffic. At that
6 time, it was nearly 9,000 additional p.m. peak
7 hour trips that were projected on the system.
8 A number of those did come online in the last
9 20 years and we've seen a lot of those on the
10 network and that's what you're experiencing
11 today. The recent forecasts show that we can
12 see an additional 3,500 p.m. peak hour trips
13 as a result of those 35 developments. So, this
14 is really driving the need for the additional
15 improvements that are recommended in the DGEIS
16 currently. It's the fact that we are being
17 faced with the potential for an additional
18 3,500 trips in a single area in this area.

19 The DGEIS that is in front of you and is
20 open for public hearing tonight, as Joe said,
21 is a combination of two efforts. The 2005
22 effort looked at the entire GEIS area and the
23 more mobile effort. This drawing just
24 summarizes the traffic analysis in the
25 mobilized area. Really what's important to

1 point out is this critical intersection, once
2 again of Route 9 and 9R. It's the most
3 congested intersection in the study area. If
4 no improvements are made, the null condition,
5 you'll see all that additional traffic on the
6 network - that intersection would fail. The F
7 indicates that there would be 95 seconds of
8 delay on average for all the vehicles
9 traveling through the area. With the connector
10 road and some of the other improvements in the
11 area, it would cut delays significantly to a
12 level of service C.

13 MR. GRASSO: Could you just explain the
14 different levels of services?

15 MR. SARGENT: Sure. This drawing shows
16 different symbology here. You see C,E and D.
17 That's representing levels of services. Level
18 of service is the quality of traffic flow.
19 It's basically how long do you wait? It goes
20 from A to F. A is a very short delay and F
21 being a long delay; 80 seconds or longer.

22 The previous slide just focused in on two
23 of the intersections. What this one does is
24 puts in some overall measures of effectiveness
25 in the Route 9 Corridor itself. Again, this

1 summarizes kind of a larger corridor picture.
2 Today, there are 39 vehicle hours of delay on
3 the corridor in the calculations. If we do not
4 pursue any of the improvements in the DGEIS,
5 delays would quadruple. It would increase from
6 38 to 121 vehicle hours. So, this is how the
7 system would operate without any improvements.

8 This is how the system would operate with
9 all the improvements identified in the DGEIS
10 including the connector road. There will still
11 be some increased delay. We'll see some
12 deterioration in operations overall. However,
13 it will be significantly better than the null
14 condition or the do nothing alternative. This
15 is really what's driving the recommendation.
16 So, an increase from 40 vehicle hours of delay
17 to 60 is about a 50 percent increase of delay
18 in the network, which s a lot better than the
19 300 percent.

20 There are a number of advantages to the
21 connector road. Some of them are shown here
22 and there are also some disadvantages and
23 operational improvements on Route 9 and in the
24 GEIS area. Some environmental benefits are
25 reduced emissions, fewer stops, fewer delays,

1 allowing proposed development to take place
2 because if these improvements are not in
3 place, it will constrain the amount of
4 development potential in the area. It's also
5 an advantage for a detour when there are
6 incidents on I87. It did improve pedestrian
7 connectivity and as Joe mentioned, it also
8 addresses concerns from some of the involved
9 agencies; New York State DOT and the Capital
10 District Transportation Committee.

11 Some of the drawbacks - a number of
12 improvements and the connector road involve
13 right of way acquisitions. The costs are high,
14 overall, but less than they were in 1989. You
15 can see some of the other disadvantages here.
16 Additional signal delay, wetland impacts and
17 also perceived impacts.

18 The transition now is just listing all of
19 the improvements that are currently in the
20 DGEIS.

21 The total cost of all the improvements is
22 14.5 million dollars. All of the intersections
23 highlighted in red here have been identified
24 as needing some type of improvement
25 (Indicating). The study recommends short-term

1 improvements with a total of 9.5 million
2 dollars. That's long term improvements on the
3 order of five million dollars.

4 MR. GRASSO: Just to qualify the
5 short-term versus long-term, when we look at
6 short-term we're looking at the expected
7 projects that would hit the system by the year
8 2015. Long term is the projects that would be
9 projected to hit the system by 2020.

10 MR. SARGENT: So, the first improvement
11 is a right turn lane on Route 9 at Century
12 Hill. Here is a picture of what that looks
13 like (Indicating). This is Route 9 and north
14 is to the right. Here would be the southbound
15 right turn lane in this area, turning into
16 Century Hill.

17 The second improvement - you can see that
18 this is an index map here (Indicating);
19 Route 9 and Dunsbach. There are additional
20 turn lanes at that location. It would look
21 something like this side by side (Indicating).
22 The left and right turn lanes are on the side
23 street.

24 The next improvement is the connector
25 road itself on the order of \$5.5 to \$6 million

1 dollars. It's broken up into three segments.
2 This piece here - about three million dollars
3 and then about \$1.5 million to reconstruct the
4 intersection on either end.

5 The next improvement - pedestrian
6 accommodations on Old Loudon Road to connect
7 with development of this parcel to the signal,
8 and the existing transit and neighborhoods
9 down Old Loudon Road. The sidewalk is shown
10 here (Indicating).

11 The next improvement is the possibility
12 of a roundabout at 9R, Baker and Boght. This
13 is a picture of what that could look like
14 (Indicating).

15 The next location is another roundabout
16 at Columbia Street/Baker and Baker and 9R
17 leading into Cohoes. This is another image of
18 what that could look like (Indicating). Also
19 that includes a road segment implement.

20 In the area of Haswell Road and Swatling
21 Road intersection turn lane
22 improvement - there is similar side street
23 widening and left and right turn lanes.
24 Installing a traffic signal on Old Loudon Road
25 at Cobbee Road. There is a representation of

1 that here (Indicating).

2 Here is installing a signal just south of
3 that at Latham Ridge Road and also including
4 the widening of Old Loudon Road in that area.
5 Here is the previous signal (Indicating).
6 There would also be a signal here at Latham
7 Ridge winding in between of the left turn lane
8 in each direction.

9 The addition of a westbound through lane
10 on Route 9. North is to the right. Here is 9R
11 approaching the Northway. So, adding a through
12 lane in this area.

13 At the Route 9 and 9R intersection, a
14 number of turn lanes, short term and long
15 term. Short-term would allow widening side
16 streets to provide left and right turn lanes
17 westbound and a left turn lane eastbound and
18 then long-term those would be in place and the
19 improvement would include an addition of a
20 northbound right turn lane.

21 The existing roundabout that was
22 previously constructed at Boght Road and
23 Johnson Road and St. Agnes Highway is also one
24 of the improvements.

25 Then, three additional traffic signals

1 and those are just shown here (Indicating);
2 one at Boght Road, Haswell Road and Elm
3 Street, one at Johnson Road and Miller Road
4 and one at Baker Ave here (Indicating).

5 I would point out that these are cost
6 estimates - that's not the cost to install the
7 signal. The cost to install the signal could
8 be roughly half of that or less. That cost
9 also includes some installation, some
10 contingency if there were engineering and it
11 includes construction inspection. It includes
12 administration and permitting, legal fees. It
13 includes a host of fees that could be the
14 ultimate full cost of a movement like that.
15 The GEIS also includes funding for transit
16 accommodations such as transit shelter plus
17 stop improvements or short pedestrian
18 improvements in the vicinity of the bus stop
19 to include pedestrian linkages.

20 That summarizes all of the
21 recommendations from the current work as well
22 as the 2005 GEIS.

23 I'll turn it back to Joe Grasso.

24 MR. GRASSO: Before we open it up for
25 public comment, I just wanted to mention about

1 the mitigation fees. The 1989 study did
2 identify a series of transportation
3 improvements and in order to fund those,
4 mitigation fees have been assigned to do
5 projects within the study area and those fees
6 have been assigned to projects as they come
7 before the Planning Board as a way to address
8 their fair share of traffic impacts on the
9 local transportation system. As part of this
10 study, we are recommending mitigation fees be
11 reassigned based on the current improvements
12 and the associated costs. So, as new projects
13 came before the Planning Board, as mitigation
14 of their traffic impacts, they would be
15 assigned mitigation costs.

16 The way that those costs are assigned
17 currently is going to be changed under this
18 new study. Back in 1989, the way that
19 mitigation fees were assigned was based on a
20 square foot basis for commercial development,
21 or per residential dwelling unit. It didn't
22 matter where the development was within the
23 study area. It was a flat mitigation fee based
24 on per square foot or per unit.

25 Under the proposed plan, mitigation fees

1 would be assigned based on the amount of
2 capacity that project would use for each of
3 these transportation improvements. So, when a
4 project came before the planning board, the
5 traffic from that project would be assigned to
6 this roadway network and that would be done by
7 CDTC with their traffic simulation model.
8 Depending on where those trips were projected,
9 you go through these various improvements - a
10 mitigation fee would be calculated based on
11 CDTC and therefore brought to the Planning
12 Board and used in a review of the project. It
13 would be the payment of that mitigation fee
14 then would be the project's mitigation for the
15 traffic impact. It's a little different from
16 the way that the system is now but that would
17 be included in the study.

18 That's all we have.

19 CHAIRMAN STUTO: Does the Board have any
20 questions before we open it up to public
21 comment?

22 MR. LANE: Would it also reassign the
23 1989 figures?

24 MR. GRASSO: Yes. The mitigation fees, as
25 they existed in 1989 - as they are related to

1 traffic -

2 MR. LANE: No, the other ones - would
3 they be recalculated?

4 MR. GRASSO: If a project went through
5 the Planning Board review process and had a
6 SEQRA determination based on the mitigation
7 fees that were in place at the time, those
8 mitigation fees would not be changed. You have
9 to understand that mitigation fees are
10 assigned as part of the SEQRA review of a
11 project. Only until this process is complete
12 would it be reviewed in the context of these
13 new fees.

14 CHAIRMAN STUTO: Any other questions?

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

16 CHAIRMAN STUTO: Okay, we're going to
17 open it up to public comment. If someone wants
18 to speak, I would ask that you sign in on that
19 sheet. We're going to start out with a five
20 minute time limit and we'll see how that
21 works. We'll work our way around to the end
22 and we'll make sure that everybody has a
23 chance.

24 As I said before, we're not necessarily
25 going to answer questions tonight. They will

1 be addressed formally in written answers as we
2 prepare the GEIS.

3 John Fahey.

4 MR. FAHEY: The only question that I have
5 is about the DOT announcement today in the
6 papers. With regard to those operating numbers
7 and intersections - do they agree with the
8 ones in the study? Are there any major
9 differences between your figures and the
10 state's figures?

11 CHAIRMAN STUTO: We're not going to
12 formally answer that now. If you grab one of
13 these fellows after the meeting, I'm sure they
14 can talk to you.

15 MR. FAHEY: Okay, I just wanted to bring
16 it up.

17 CHAIRMAN STUTO: Andy Brick.

18 MR. BRICK: Good evening, Mr. Chair. I
19 just signed in when I came in. I didn't have
20 anything to speak to.

21 CHAIRMAN STUTO: Barbara Numrick.

22 MS. NUMRICK: Same thing.

23 CHAIRMAN STUTO: Chris Bette.

24 I think that we have a letter from you on
25 the record.

1 We have a letter dated April 2nd on First
2 Columbia letterhead signed by Christopher J.
3 Bette, PE.

4 MR. BETTE: Thank you, Mr. Chairman. I'm
5 Christopher Bette, First Columbia and owners
6 of the land on Century Hill Plaza. I
7 appreciate the opportunity to speak. I hope
8 that everybody gets a chance to read my
9 comment letter.

10 The crux of my comments are related
11 to - we've been involved with the whole
12 process since 2005. Over those years many
13 questions have come up and a lot of these
14 things haven't been answered in our mind. I
15 think that it's fair to say that the Board has
16 requested information and because the Board
17 hasn't received it, the public hasn't received
18 it.

19 A couple of years ago the connector road
20 showed up for the first time. The Board said
21 that for 140 diversions, a \$5.5 million dollar
22 improvement seemed outrageous. People wanted
23 to see a cost benefit analysis associated with
24 that. It hasn't been provided. First Columbia
25 has paid over \$700,000 in mitigation fees for

1 what we have done at Century Hill. We haven't
2 seen any improvements related to those
3 dollars.

4 I just heard tonight that because the
5 improvements are going down in the new study,
6 we're not going to get refunded all the money
7 that we spent, based on the \$21 million dollar
8 1989 study. That was surprising to hear. We
9 think that we've paid in and not seen
10 improvements, much less haven't seen the
11 accounting that the Board had asked for in
12 prior meetings. Also, on where the GEIS money
13 stood, how much, if it was used and where it
14 was used. None of that has been provided.

15 Board Member Nardacci said that
16 information is good for this Board to make
17 good smarter decisions and in my letter you'll
18 see that I used the term smarter. That was
19 Board Member Nardacci's statement saying that
20 the Board needs the information in order to
21 make smarter decisions. Again, that
22 information hasn't been provided and a lot of
23 other information hasn't been provided that
24 was actually requested.

25 The Walmart project studied their traffic

1 and they demonstrated that the connector road
2 wasn't needed. They were able to do
3 improvements at the 9 and 9R intersection that
4 I'm not sure mitigated the traffic for the
5 area, or just their project or what have you.
6 The Board was told that study was submitted to
7 DOT. DOT was reviewing it. DOT would then get
8 back with the consultants, CDTC, DOT and would
9 all talk about it and the Board would be
10 informed of it.

11 The GEIS process calls for alternatives
12 to be analyzed. I think that's a viable
13 alternative. We need to know what the cost of
14 those improvements are versus the cost of the
15 connector road. The connector road on the
16 slides tonight was \$5.8 million. I think in
17 the technical memorandum the line item - there
18 was questions about the right of way. Is that
19 in the acquisition in the cost, out of the
20 cost? Is the developer of Parcel 28 going to
21 donate it, or will he get credit against his
22 mitigation. So, there has been a lot of
23 questions asked about the connector road, yet
24 we really haven't been told how all that is
25 going to work. The CDTC model - it's been told

1 to us that can be used today to demonstrate
2 who is contributing and how much the connector
3 road.

4 Canterbury Crossing - I can't imagine
5 them using the connector road. They have their
6 own connector road. Are they contributing to
7 the connector road costs? Where are those
8 costs going to be allocated? Does Parcel 28
9 pay the lion's share, or does everybody else
10 pay to improve Parcel 28? As you can see the
11 connector road goes right through the
12 starlight theater. Who is paying for the
13 demolition costs? Is that us, the Boght Road
14 area residents, or is that the Parcel 28
15 developer? Where are those costs? I think that
16 we need to know who is paying for what, how
17 it's being paid and the CDTC model would show
18 us all how the program works. The new
19 mechanism for determining mitigation rates.
20 The CDTC model would spit that out. I think
21 that it would help us all. We'd be able to see
22 where trips originate and where they go and
23 what dollar amounts associated with those
24 trips. I'm very concerned that projects
25 planned today are bigger than what they're

1 going to be built at. What happens then? Do we
2 find out that there is a shortfall in the
3 funding because Parcel 28 doesn't build
4 100,000 square feet and they only build
5 50,000? What happens? Do these figures get
6 rejiggered as they did in the airport area
7 GEIS? The airport area GEIS was a problem. We
8 developed in that area as well and the
9 mitigation for the right of way wasn't
10 included in the estimate. Later projects,
11 because that right of way was then paid to the
12 landowner - later projects paid increased
13 mitigation fees just to cover those costs.
14 It's important that we include everything that
15 needs to be included in the estimate so that
16 the projects today pay in their fair share for
17 the future. Rejiggering the numbers to the
18 projects that developed later on, isn't fear.
19 We talked about the fairness that needs to be
20 done through this process.

21 Our concerns, just that everything is
22 done fair and everything is done open. We've
23 seen requests for information. I haven't seen
24 them and I've been at most of the meetings. I
25 think that it's fair to say that the Board

1 would benefit tremendously from having the
2 CDTC model. It would show you who is paying
3 for what. If we can envision when those
4 projects would come online then we can make a
5 better estimate of what is short-term and what
6 is long-term. We can't, from the stuff that
7 we've seen determine who is funding the short
8 term improvements and is there enough money
9 for them from the projects that we anticipate
10 in the next five years? I think that it's
11 important and I think that you can find that
12 out. I think that the CDTC model can show us
13 all that.

14 Basically, I just feel that we've been in
15 the process since 2005, we took a hiatus for a
16 little while. In 2008 we restarted. In 2010,
17 we almost got to the findings statement again.
18 In 2011 or somewhere in there, the connector
19 road shows up and we stopped. In January of
20 2011 was really the last public meeting and
21 now we're without really talking about it
22 other than tonight, I don't know what happened
23 on the 13th. I just assumed that you moved the
24 stuff to have the public hearing. We're not
25 moving towards, let's get this done and I'm

1 saying, wait, we asked a lot of questions. The
2 Board asked a lot of good questions. I'm all
3 for getting it done. It's held me up a few
4 items during the approvals that I've tried to
5 get. So, we want to get this done as much as
6 everybody else, but we want to make sure that
7 everybody understands the cost implications of
8 what we're doing. We have to understand that
9 the Town - call it what you want, public
10 shares, Town money, somebody's money - the
11 town is going to contribute 20 percent to
12 these improvements. So, we need to make sure
13 that the costs are realistic and that we're
14 not spending the Town's money foolishly. I
15 really want us to pay attention to what these
16 pedestrian accommodations are because it
17 concerns me.

18 The Hess proposal has received comments
19 twice that they are in a sidewalk improvement
20 area. The reality is that there are four
21 people a week walking on Route 9. Who are we
22 building these sidewalks for? I didn't see
23 them in the sides tonight, but that has been
24 said that Hess has two applications and that
25 you should build sidewalks in front of your

1 sewer. Both times they contested it and said,
2 what for? More importantly is the maintenance
3 dollars. I don't know who maintains the
4 sidewalks on Route 7 out front here. Is that a
5 Town cost or a state cost? Who is maintaining
6 those things? If it's the Town, we really
7 should know that there are considerable
8 maintenance dollars that have to be allocated
9 for sidewalk maintenance. I'm not sure that's
10 been discussed. We talk about pedestrian
11 improvements, but I don't know what that
12 means. Is First Columbia funding sidewalks
13 along 9R? Who walking on them and who is
14 plowing them, basically? I think that we need
15 to take a little bit of a step back, gather
16 some more information. There are 30 projects
17 that are identified. I think that they can
18 model that and show us where these trips are
19 coming and make sure that the connector road
20 costs are viable, reasonable and if it's not,
21 then we should be looking at other
22 alternatives. Again, that's something that the
23 EIS process tells you that you should be
24 doing.

25 I'll end by saying that I think that

1 we're rushing. I think that we have time
2 to - and I want to get it done, but I think
3 that we need to just get a few more pieces of
4 information in front of everybody so that we
5 can all make smarter decisions. Thanks.

6 CHAIRMAN STUTO: Thank you.

7 Is there anybody else from the public
8 that would like to make a comment?

9 *(There was no response.)*

10 CHAIRMAN STUTO: Does the Board have any
11 questions?

12 MS. DALTON: Do we know who owns parcel
13 28?

14 CHAIRMAN STUTO: Joe, can you help us
15 with that one?

16 MR. LACIVITA: Actually, there is a
17 couple of them right now. I think that Mr.
18 Weiss has partial ownership of it and I
19 believe there is an option on it with
20 Mr. Weiss. I believe that there are
21 negotiations going on.

22 CHAIRMAN STUTO: And you have talked to
23 them, right?

24 MR. LACIVITA: Yes.

25 MS. DALTON: Have you heard from them at

1 all?

2 MR. LACIVITA: In what sense? They were
3 before us with a sketch plan review regarding
4 this project with the redevelopment. They
5 called it Parcel 28.

6 MS. DALTON: When was that?

7 MR. LACIVITA: I don't know the exact
8 date, but I know that it was before the Board.

9 CHAIRMAN STUTO: Who remembers that? I
10 remember that.

11 MS. DALTON: I have been here for a year
12 and I haven't seen it. But I have missed a
13 couple of meetings.

14 I think that it's particularly
15 interesting that they are looking for new
16 development over at the Starlite Music Theater
17 is the parcel that runs right through the
18 whole thing.

19 CHAIRMAN STUTO: I have a question on the
20 public/private share. Have we addressed that?

21 MR. GRASSO: In the traffic study?

22 CHAIRMAN STUTO: Yes, the traffic study
23 identifies public/private share split of 27
24 percent public and 73 percent private. The 73
25 percent private represents the projected

1 development as evaluated in the traffic study.
2 Everything that we're looking at for a
3 short-term is long-term traffic is that
4 private share.

5 CHAIRMAN STUTO: The old was 20/80. So
6 this is an increased public -

7 MR. GRASSO: That's because the various
8 improvements have a different amount of extra
9 capacity built into that. It's unfair to make
10 the current private development pay for that
11 extra capacity. So, it's assigned to either
12 future development that occurs that's not
13 currently evaluated. It could be assigned to
14 traffic impacts that are occurring outside of
15 the study area. It could also be covered by
16 when we say public funding sources like local,
17 state or federal funding sources.

18 CHAIRMAN STUTO: I'm going to say this
19 for the record and I know that it's something
20 that we discussed. With respect to the public
21 share, if the Town doesn't have the money,
22 there is no federal or state money here. It's
23 been suggested that the developer could build
24 the improvement and take a credit against
25 future tax payments for the approved property.

1 We spoke to the IDA counsel on that and that
2 would be done through a pilot agreement in
3 lieu of taxes agreement so that the approved
4 project would get taxed. They put money up
5 front to make the traffic improvements. The
6 Town or another governmental entity does not.
7 They will get a credit for future tax payments
8 for the improvements that they have made.
9 They've discussed that with the Town of
10 Colonie IDA counsel and they said that was
11 legally viable. That's a potential measure for
12 coming up with the public share. I just wanted
13 to say that for the record.

14 Now, with respect to the CDTC model, is
15 that contemplated in the traffic study to the
16 extent that various projects assumed -
17 development might be assumed and it shows
18 which improvements they impact? Is that in the
19 traffic study now?

20 MR. SARGENT: The traffic analysis has
21 used the CDTC model. When the GEIS was
22 actually being administered, the applicant can
23 request an assignment from CDTC to get
24 specific grooming and trips.

25 CHAIRMAN STUTO: Is there an

1 approximation on that - the current traffic
2 study?

3 MR. GRASSO: There is no approximation.
4 It would need to be done on a project by
5 project basis; looking at detailed data
6 regarding the type of development, the make up
7 of it and the distribution of those trips on
8 the map.

9 CHAIRMAN STUTO: The traffic study is
10 available on line.

11 Am I correct about that?

12 MR. LACIVITA: That's correct.

13 CHAIRMAN STUTO: And it's also available
14 at the library?

15 MS. EDELMAN: The Planning Department and
16 the Town Clerk's office.

17 CHAIRMAN STUTO: Anything else?

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

19 CHAIRMAN STUTO: Anybody else from the
20 public want to speak?

21 MR. SORENSON: My name is Tom Sorenson
22 and I live at 342 Old Loudon Road.

23 I just want to comment on some of the
24 things that I heard here today. I think that I
25 heard the engineers tell us that the connector

1 - the delay at 9 and 9R is almost going to
2 double; 61 vehicle hour delay from the current
3 whatever it is. We're going to spend
4 \$5,800,000 to double the delay at that
5 particular intersection? That doesn't sound
6 like the smart idea to me. It sounds like
7 there has to be a better way to deal with
8 that.

9 The connector road - it appears to me
10 that the connector road is simply going to
11 divert traffic to Old Loudon Road that goes
12 north because that's where they go at that red
13 light. It's just going to divert that traffic
14 away. The real problem is the short distance
15 between the two lights at Old Loudon Road and
16 9R. That's the problem. There is only one lane
17 that goes straight across the Northway. That's
18 the problem. This isn't going to deal with
19 that. This is going to double the delay there,
20 as planned.

21 The engineers mentioned the traffic
22 signal on Old Loudon Road at Cobbee Road and
23 or at Latham Ridge Road. I got a letter at
24 home from the Police Department telling me
25 that they did a traffic study last year when

1 Walmart was trying to put their store behind
2 Nemith and that was not a viable alternative
3 because there wasn't enough traffic on that
4 road. We had a commitment or at least a verbal
5 comment from the Town that they were not going
6 to make old Loudon Road an alternative traffic
7 shunt for the new Walmart, should it go behind
8 Nemith. It sounds to me like that plan is out
9 the window now and the plan is to change the
10 entire character of that residential
11 neighborhood by putting those traffic lights
12 in there which are going to be needed because
13 they plan to use Old Loudon Road as a main
14 traffic artery. It isn't right now, to
15 accommodate this new development. I'm not
16 happy with that.

17 I think that the gentleman who spoke
18 first whose comments sounded intelligent to
19 me, mentioned that we're going to be about 140
20 cars shunted north on the new connector road?
21 At 5.8 million dollars, that's about 41,000 or
22 42,000 per car. That's a lot of money to
23 channel 140 cars on that road.

24 Thank you.

25 CHAIRMAN STUTO: We're not going to

1 address those tonight, but they will be
2 addressed in writing when the final report
3 comes out.

4 Any more questions from the public?

5 *(There was no response.)*

6 CHAIRMAN STUTO: Any form the board?

7 *(There was no response.)*

8 CHAIRMAN STUTO: Who wants to tell us
9 what the next step is? Joe? Allegra?

10 MR. GRASSO: The public comment period
11 will remain open until April 20th at 4:30 p.m.
12 and then the public comment period will close
13 and then working with the Planning Board, we
14 will prepare any final Supplemental Generic
15 Environmental Impact Statement that addresses
16 comments received during the public comment
17 period and any other questions or revisions
18 tat the Planning Board would like to see in
19 the document. That will then be presented to
20 the Planning Board and if you so choose, you
21 can approve that final GEIS and then recommend
22 a preparation of an amended findings
23 statement.

24 CHAIRMAN STUTO: Okay, thank you.

25 Motion to close the hearing?

1 MR. MION: I'll make a motion to close.

2 MR. AUSTIN: I'll second.

3 CHAIRMAN STUTO: All those in favor?

4 *(Ayes were recited.)*

5 CHAIRMAN STUTO: All those opposed?

6 *(There were none opposed.)*

7 CHAIRMAN STUTO: The ayes have it.

8

9 *(Whereas the proceeding concerning the above*

10 *entitled matter was concluded at*

11 *7:57 p.m.)*

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CERTIFICATION

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

NANCY STRANG-VANDEBOGART

Dated April 15, 2012



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION - REGION ONE
328 STATE STREET
SCHENECTADY, NEW YORK 12305
www.dot.ny.gov

MARY E. IVLY
REGIONAL DIRECTOR

JUAN McDONALD
COMMISSIONER

January 31, 2012

Mr. Joseph S. Grasso
CHA
III Winners Circle
PO Box 5269
Albany, NY 12205

Re: Boght Road GEIS - Route 9 Update

Dear Mr. Grasso,

The NYSDOT has reviewed the September 23, 2011 Boght Road GEIS – Route 9 update submitted with your December 16, 2011 letter.

We are in general agreement with the recommended Short Term and Long Term proposed improvements, however, we have some comments regarding the cost estimates and fair share contributions. It is not clear what year dollars the estimates reflect and what provisions are included to address the inflation anticipated between today and the anticipated date of the implementation of the long term improvements. Also, some description on the methodology for determining the fair shares should be included and the expected source of the public share should be clearly identified in the report to avoid any confusion in the future when the implementation of the improvements is necessary.

If you have any questions on this please call me at 388-0380.

Sincerely,

Mark J. Kennedy
Regional Traffic Engineer

cc: Dave Jukins, CDTC
Rob Cherry, NYSDOT Planning

RECEIVED

FEB 02 2012



FIRST COLUMBIA

April 2, 2012

Town of Colonie Planning Board
Attn: Mr. Peter Stuto, Chairman
c/o Mr. Joseph Lacivita
Public Operations Center
347 Old Niskayuna Road
Latham, NY 12110

Re: Comments to the Boght Rd. GEIS Traffic Update

Dear Chairman Stuto and Members of the Board:

I am writing this letter to identify several issues for your consideration in reviewing the Boght Road GEIS Traffic Update, for it directly impacts our Company's property interests as a major landowner in the Boght Rd. Columbia St. GEIS Area.

Since 1999 we have been developing office buildings on Century Hill Dr. Our projects have not only brought new companies to the Town of Colonie, creating new job opportunities, we have added to the tax base and contributed mitigation payments to the Town for each project. Overall, we have paid over \$700,000.00 in Boght Rd. GEIS mitigation fees. Additionally we have developed property in the Airport Area GEIS area and have contributed mitigation payments to the Town for that area. In both GEIS areas, mitigation payments continue to increase and represent a major portion of our development budgets. Moreover, as the pool of properties within the GEIS areas are developed, fewer properties are contributing to the outstanding infrastructure costs. As we have seen in the Airport Area GEIS, rates have gone up tremendously as unidentified costs have been added due to inadequate cost estimates. Therefore, we are very concerned that the GEIS Traffic Update accurately estimates infrastructure costs so the burden on the impacted properties is fair and equitable for it is manifest that the imposition of disproportionate costs on our company will compromise our ability to compete in the Capital District commercial marketplace.

First Columbia has monitored and participated in the discussions relating to both the 2005 Update and the 2008 Update. In February 2010 the Connector Road was first presented to the Planning Board. During that first informational meeting, that included the Connector Rd., many Board members voiced concern over the introduction of the Connector Road and associated costs. First Columbia is concerned that the Final Technical Memorandum presented has not addressed the Boards comments and a hard look at the Connector Road and proposed Connector Road costs are warranted.

Below find summarized dialog between the Board Members and the Town Consultants from the Boght Rd. Traffic Update Board Meetings:

February 2010 Meeting Statements

1. Board Member Nardacci requested that a Cost-Benefit Analysis be completed for the Connector Rd. as he felt the construction costs of the road could not be supported by the 140 diversions or 440 trips (includes the projected Walmart trips).

March 2010 Meeting Statements

1. Estimated Connector Road cost was provided at \$5.5 Million including right-of-way acquisition, engineering, inspection and construction.

June 2010 Meeting Statements

- Right-of-way for the Connector Road could be required, by the Town, to be provided by the Landowners, as part of the development of Parcel 28.
- Connector Road impacts two parcels, and the GEIS update fails to identify the scope of discussions with the landowners directly impacted by the proposed road.
- The proposed short-term and long-term improvements total approximately \$15.3 million, far less than the 1989 GEIS projected costs being collected based on a \$21.4 million.
- Mitigation fees for specific projects will be determined using CDTC's traffic model. The CDTC model distributes the projects trip generation through the roadway network and determines the capacity used at the intersections and that percentage of capacity used is used to calculate the projects portion of the private share.
- Chairman O'Rourke noted that the right-of-way costs for the Connector Rd. are not included in the cost. The reason right-of-way costs were not included is because it is felt that the increased developability of the Parcel 28 is appropriate mitigation and the landowners will provide the right-of-way on top of their mitigation fees.
- Board Member Nardacci stated that discussions should be had with the landowners to figure out the master plan for the parcel buildout if the Connector Road is to go forward.
- Chairman O'Rourke stated that some of the Board's feelings are that Parcel 28 benefits the most and the fees for the Connector Rd. should apply to this development. The Board will have to really look at the five million dollar cost benefit to the developers in the area.
- A June 29, 2010 meeting was discussed where the consultants would run the model and provide the additional information that the Board asked for.



- Mr. Grasso stated that CDTC can provide the mitigation cost assessment and provide an analysis of the projects actual trip distribution to see where the trips are going so the Board can make smarter decisions. This is something that the Board does not currently receive but CDTC is capable of providing.

January 2011 Meeting Statements

1. The last time that we were before the Board was last summer. Last summer there was considerable discussion with the Planning Board over the Connector Rd.
2. There was a lot of concern with the Planning Board last summer regarding the Connector Rd., the timing of the improvement, which we have recommended it as a short term improvement, the cost of the Connector Rd., the increased value of Parcel 28 and why would development within the corridor pay for the Connector Rd. when parcel 28 was going to reap the benefit from the increased value.
3. The Planning Board also had concerns regarding the interconnection between properties that we propose as a way of providing interconnectivity.
4. The Walmart Study performed by Bergmann Engineering, did not include the connector road. This study was sent to NYSDOT for review and comment. The Consultants of the Boght Rd. Traffic Update noted that they expected response from NYSDOT on the Bergmann Study and an open discussion with CDTC and NYSDOT regarding the overall scope of the improvement.
5. The Connector Rd. would impact Federal Wetlands and would have to be mitigated somewhere on Parcel 28.
6. The total cost of the GEIS update proposed improvements is about \$15.5 million. The 1989 GEIS improvements and mitigation fees are based on \$21 million.
7. The Connector Rd. cost is estimated at \$5 Million and is planned as a short-term improvement. Consideration is being given to shifting the Connector Rd. to a long-term improvement based on the Boards comments and provide additional time to coordinate with the development of Parcel 28 to work out a cost sharing, right-of-way acquisition and additional time to look at other public funding opportunities.
8. Some things we will look at when we finalize the study is we'll look at the Connector Rd. as a long term improvement.
9. Board Member Nardacci reiterated that the Board should be given a copy of the GEIS finances before the final. The Board needs to understand the GEIS, where the money is going, what is it budgeted for, where does it stand now and how the picture will change because of the mechanism for funding changes.



First Columbia Comments to the GEIS Traffic Update:

1. The following items have been requested by the Board but never provided. As indicated in several meetings, these items are essential to enable the Board to take a hard look at the relevant environmental impacts, and make smarter decisions:
 - a. Existing GEIS finances
 - b. Report on Bergmann study review by NYSDOT
 - c. Cost-Benefit Analysis of the Connector Rd.
 - d. Master plan for Parcel 28 and report of discussions with adjacent landlord for right-of-way acquisition.
 - e. Consultants run the model for the Board
 - f. Moving the Connector Rd. to a long-term improvement.
2. The Boght GEIS financial information has been requested by the Planning Board but not provided. First Columbia has made over \$700,000.00 of mitigation payments to the Town with no improvements made. First Columbia requests that a detailed accounting be presented showing each project and amount of mitigation paid, a list of improvements made.
3. The Update proposes a \$15 million improvement plan. Existing GEIS payments were based on \$21 million. Will the overpayments be ratably returned to the developers?
4. The Final Technical Memorandum states that a connection between Autopark and Century Hill Dr. be constructed, as the Town Consultants, NYSDOT and CDTC feel this connection is important for traffic mitigation. First Columbia designed and constructed a connection meeting Town road standards at the Town's request based on the Town's commitment that the associated costs would be credited against future mitigation payments. After the road was built, the Town suggested that the road be maintained as a private road. First Columbia requests that the Town either take ownership to the Road (and credit the costs thereof against First Columbia's mitigation fee obligation) or that the road remain private and not for public use.
5. Interconnectivity trips are not included in the Level-of-Service analysis. Degradation of signal LOS will occur potentially below acceptable levels without mitigation or collection of necessary fees. If interconnectivity is in fact desired, projects should be required to perform a supplement traffic study identifying any impact or LOS degradation along with appropriate mitigation necessary above the GEIS mitigation fee levels.
6. The Rte 9/ Rte 9R connector road concept was first introduced in February 2010. At that meeting and at the following meetings the Board presented many concerns. These concerns have not been fully addressed:



- a. Concern that the costs outweigh the benefits and a cost-benefit analysis was requested. First Columbia requests that the CDTC model be used and results presented to the Board showing the mitigation cost assessment and providing an analysis of the projects actual trip distribution to see where the trips are coming from so the Board can make smarter decisions. This simulation should be run with the Walmart project and without the Walmart project, as this project has been denied by the Board and is unknown if the Applicant will resubmit.
 - i. The benefit of this simulation is that the models will show:
 - 1. the allocation of costs to the Boght Area properties determining a per vehicle cost and identifying the contributing parcels "fair share".
 - 2. What portion of the costs Parcel 28's will contribute to the Connector Rd.
 - 3. Where the trips are originating and the expected timing of the contributing projects needed to fund the project.
- b. A realistic cost estimate including all design, right-of-way acquisition, wetland mitigation area and construction.
 - i. If demolition of the existing building is part of the cost estimate and why the Boght properties should be responsible for improving the value of the property especially with asbestos abatement and other demolition costs that cannot be accurately estimated without additional testing and the potential for increased costs related to unforeseen conditions that may be encountered.
 - ii. Connector Rd. was estimated to be \$5.5 Million. Final Study has Connector Rd. estimated at \$3,027,000.00.
- c. Further consideration of the Connector Rd. as a long-term improvement should be provided.
 - i. As a long-term improvement the Town would have more time to identify and secure the necessary Public Finding.
 - ii. Provide time to assess development levels - projects not built or not built to the planned size in the Boght area and on Parcel 28. Reduced building area will impact private share of Connector Rd. funding.
 - iii. Parcel 28 master-plan should be developed identifying the location of the road.
 - iv. Provide the Town the necessary time to secure the Right-of-way from the two landowners.



- d. Cost estimate for the Bergmann plan for Rte 9 and Rte 9R intersection should be developed to be used in lieu of the Connector Rd. solution, if necessary.
7. Pedestrian Accommodations – the Board must understand the financial implications of requiring pedestrian accommodations. A cost benefit analysis which includes the annual maintenance and repair costs must be completed as the maintenance will greatly impact the Town's budgets. Pedestrian activity in this area is very low and attributable to specific properties. Over the years this Board has heard that the Town wants to designate this portion of Rte 9 as a sidewalk improvement district. During the original Hess gas station proposal and recent Hess Car Wash application, this issue was raised. Both times the questions of: why sidewalks are desired; who will be using them; and why is the Town going to maintain elements within the NYSDOT ROW. Both times the Board decided not to require sidewalks. The Board must assess the benefits of pedestrian accommodations. The Board has never specifically discussed this issue during a public meeting nor have they been informed of the costs, especially as it impacts the entire Town.

Pursuant to the SEQRA Regulations governing the preparation of a GEIS (6 NYCRR 617.10 and 617.11), this Board must issue a Findings Statement certifying that it has considered all of the relevant social, economic and environmental factors, and must further determine that the proposed action avoids or minimizes all relevant adverse impacts to the fullest extent practicable. Given the lack of information as set forth above, it is our considered position that it would be premature for the Board to adopt a Findings Statement at this time.

Sincerely,

Christopher J. Bette, P.E.
Vice President

CJB/at

cc: Mr. Michael Magguilli – TOC Attorney
Mr. Joe LaCivita – TOC Director of Planning
File



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OF COUNSEL TO THE FIRM
(1988 - 1994)

*ADMITTED TO PRACTICE LAW
IN FLORIDA AND NEW YORK

April 13, 2012

Joseph LaCivita
Director of the Department of Planning and
Economic Development
Town of Colonie
347 Old Niskayuna Road
Latham, New York 12110

Via E-Mail and First Class

Re: Comments on Final Technical Memorandum dated
September 23, 2011 and
Draft Supplemental Boght Road GEIS

Dear Mr. Lacivita:

I write this letter on behalf of my client First Columbia, LLC. Specifically, I will focus my comments on the public need for a connector road between Auto Park Drive and Century Hill Drive to mitigate traffic conditions along the relevant Route 9 corridor.

In the Final Technical Memorandum (2009 TM) Boght Road GEIS-Rout9 9 Update, prepared by Creighton Manning Engineering, LLP (CME) dated January 14, 2009, CME acknowledged that DOT and CDTC did not support the installation of a traffic signal at the intersections of Auto Park Drive and Route 9 as a stand alone solution to mitigate traffic congestion. Rather, CME recognized that the solution to mitigate traffic congestion along Route 9 was to implement "other off-site improvements" (see 2009 TM, p. 1-2).

In 2009, CME "assumed that a proposed connector road from Latham Auto Park Drive to Century Hill Drive will be included in the Short-Term 2010 design year" (see 2009 TM, p.10). At Table 6 of the 2009 TM, CME identified the requisite "Linkage Improvements", including: "Extend public road between Century Hill Drive and Latham Auto Park Drive (Re-build existing section to Town Standards and reconstruct the intersection at the end of Latham Auto Park Drive" (underscored emphasis added). A copy of the 2009 "Conceptual Improvement Plan" is submitted for your convenient reference.

As you know, my client actually constructed the connector road, now known as Plaza Drive, at their own cost of \$1,128,453.00 or \$752.00/ lf. In reliance upon the 2009 TM, my client's truly believed that the cost of Plaza Drive would be reimbursed through previously paid mitigation fees, as a "public road". To date, no reimbursement with the use of mitigation funds was ever made.

Joseph LaCivita
April 13, 2012
Page 2

In the Final Technical Memorandum (2011 TM) Boght Road CEIS-Route 9 Update, prepared by Creighton Manning Engineering, LLP (CME) dated September 23, 2011, CME, again acknowledged that DOT and CDTC did not support the installation of a traffic signal at the intersections of Auto Park Drive and Route 9 as a stand alone solution to mitigate traffic congestion. Once again, CME recognized that the solution to mitigate traffic congestion along Route 9 was to implement "other off-site improvements" as "the preferred alternative" (see 2011 TM, p. 1).

In 2011, CME "assumed that an access connector from Latham Auto Park Drive to Century Hill Drive will be included in the Short-Term 2015 design year" and "It is noted that this connection can be a private road and not be deeded over to the Town, but the rights of access should be provided to the traveling public" (underscored emphasis added) (see 2011 TM, p.10). At Table 8 of the 2011 TM, CME identified the requisite "Linkage Improvements", including: "Provide two-way access between Century Hill Drive and Latham Auto Park Drive". A copy of the 2011 "Conceptual Improvement Plan" is submitted for your convenient reference.

As set forth above, in 2009 CME cited the subject connector as a "public road" and in 2011 CME cited the same connector as a "private road" that should be available for public use. Notably, CME did not offer any explanation for its reclassification of the proposed connector from a "public road" to a "private road". It is reasonable to infer, however, that CME sought to avoid the necessity to reimburse my client for the cost thereof through the use of the mitigation fee fund, and further sought to avoid any Town obligation to maintain the road. In fine, the effect of CME's finding is to purportedly gain a public benefit, without cost, all at my client's expense. CME's analysis is flawed, however, for there is no public right to use a private road.

In view of the fact that the connector between Auto Park Drive and Century Hill Drive is an integral component of the overall traffic mitigation plan, the 2011 TM should be corrected to reflect that there is a need for the connector to be a "public road". In such event, the Town of Colonie should reimburse my client for the cost of the road through the use of the mitigation fee fund. Kindly make this letter a part of the record of the proceeding, and, of course, respond thereto in the Final CEIS.

I remain,

Lynch & Hetman, PLLC

Peter A. Lynch, Esq.

Cc Michael Magguilli, Town Attorney, via e-mail

First Columbia, LLC
Attn: Christopher J. Bette via e-mail

[illegible]

1. THE SUBSISTENT RISK OF A PERSON BEING INJURED OR KILLED WHILE DRIVING A MOTOR VEHICLE HAS BEEN REDUCED BY THE INTRODUCTION OF SAFETY FEATURES SUCH AS AIR BAGS, ABS, AND CRASH-RESISTANT BODIES. THE SUBSISTENT RISK OF A PERSON BEING INJURED OR KILLED WHILE DRIVING A MOTOR VEHICLE HAS BEEN REDUCED BY THE INTRODUCTION OF SAFETY FEATURES SUCH AS AIR BAGS, ABS, AND CRASH-RESISTANT BODIES.
2. DEVELOPED NEW PLANE FOR A MOTOR VEHICLE. SMALL, THROUGH, AND WIDE-OPEN. THE NEW PLANE FOR A MOTOR VEHICLE. SMALL, THROUGH, AND WIDE-OPEN. THE NEW PLANE FOR A MOTOR VEHICLE. SMALL, THROUGH, AND WIDE-OPEN.
3. THE SUBSISTENT RISK OF A PERSON BEING INJURED OR KILLED WHILE DRIVING A MOTOR VEHICLE HAS BEEN REDUCED BY THE INTRODUCTION OF SAFETY FEATURES SUCH AS AIR BAGS, ABS, AND CRASH-RESISTANT BODIES. THE SUBSISTENT RISK OF A PERSON BEING INJURED OR KILLED WHILE DRIVING A MOTOR VEHICLE HAS BEEN REDUCED BY THE INTRODUCTION OF SAFETY FEATURES SUCH AS AIR BAGS, ABS, AND CRASH-RESISTANT BODIES.
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3 - 11

Received via e-mail dated Monday April 16, 2012

Dear Mr. LaCivita,

I am a resident of Latham, 350 Old Loudon Rd. I have been attempting to stay aware of the Boght GEIS findings and have attended various meetings including the public hearing held 4/3/12. We were told public comments could be sent to you until 4/20/12. I do appreciate much work went into this intensive updated study and the final recommendations. There are issues I would like to address, with the major concern being the proposed connector road between Route 9 and Johnson Rd.

The presentation was quite detailed and I tried to absorb it all, as well as reading the final report on your web site. I believe the biggest delays in Route 9 traffic were recognized as the area between Sparrowbush Road and the Route 9/9R/and I-87 intersection. It has been my experience when I traveled home rush hour weekdays from Albany, that this area indeed caused quite a back up. When there are traffic obstructions/problems on the Northway, it is the northbound traffic on Route 9 that is unbearable, basically not moving. I honestly do not see the connector road helping that situation at all. The connector road will mainly divert limited evening southbound traffic to the Johnson Road and some 9R traffic north, which will not alleviate the greatest problem being northbound Route 9 traffic during the evening rush hour. Furthermore, the addition of another traffic light at the connector road intersection on Route 9 will further delay the north bound traffic. The additional delay on Route 9 will likely entice more travelers to use Old Loudon Rd as a cut through.

The long term goals show the addition of 2 more traffic lights on Old Loudon Rd., one at Latham Ridge and one at Cobbee. It's hard to imagine the back ups and delays this would cause having those 2 traffic lights so close together. I can already imagine cars backed up to my home at # 350. On one hand perhaps it would discourage some nonresidents from cutting through, but on the other hand it would make life more detrimental to the residents living near these new lights.

The rush hour morning traffic seems to be more broken up with a variety of work start times, the connector road in the morning may be beneficial as people head south, but is the investment of 14 million dollars into a project not addressing the major problem worth it? North bound evening rush hour traffic issues should be addressed and I don't feel the final plans did this.

Thank you for reviewing my concerns.

Barbara Numrich
350 Old Loudon Rd.
Latham, NY

ONE COMMERCE PLAZA
ALBANY, NEW YORK 12260
TEL 518.487.7600
FAX 518.487.7777
WWW.WOB.COM

WHITEMAN
OSTERMAN
& HANNA LLP

DATE April 20, 2012

TO: Joseph LaCivita, Director
FAX 783-2888

FROM: Thomas A. Shepardson, Esq.
TEL 518-487-7663
FAX 518-487-7777

MESSAGE:

TOTAL PAGES SENT (INCLUDES COVER SHEET) 4

If you receive this communication in error, or if you encounter any difficulties with transmission, please call Teri at 518-487-7790.

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FAX

WHITEMAN
OSTERMAN
& HANNA LLP

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Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

April 20, 2012

**VIA U.S. MAIL, FAX (783-2888) and
E-MAIL (LaCivita@colonie.org)**

Mr. Joseph LaCivita, Director
Planning and Economic Development
Town of Colonie
347 Old Niskayuna Rd.
Latham, NY 12110

**RE: Final Technical Memorandum Boght Road GEIS – Route 9 Update,
September 23, 2011 (“Technical Memo”)**

Dear Mr. LaCivita:

Please accept the following comments and questions in connection with the above referenced matter.

1. The Technical Memo proposes a traffic signal at the U.S. Route 9/Autopark Drive intersection. The cost estimate for the U.S. Route 9/Autopark Drive intersection traffic signal is \$1,412,000.

Please identify the improvements necessary for the intersection proposal and provide a breakdown of the cost of each improvement. To the extent possible, please identify the sources for funding these improvements including the allocation of costs to each project sponsor, property owner and/or the public.

2. Regarding the Johnson Road Roundabout, the Technical Memo outlines several alternatives. However, none of the alternatives describe a new Johnson Road roundabout as an option (See, page 21), but the cost estimate summary (Table 4) indicates that the short term improvement in the amount of \$1,399,000 is to provide access to the Connector Road and “additional intersection geometry.” (See, pp. 21 & 22). Please provide the specific cost estimate of the “additional intersection geometry” of the Johnson Road roundabout option.

3. The Technical Memo states that "a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers." (See, p. 31) and that "[t]he retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site, with a dedicated, ongoing funding stream." (See, p. 31). The Technical Memo also notes that:

"[f]or CDTA to incorporate a pilot service into CDTA service, a minimum threshold performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period." (See, p. 31)

It is our understanding that CDTA has taken the position that estimated bus ridership does not justify a bus service stop at Parcel 30. This information was independently verified by the project sponsor of Parcel 30. The pilot route is a test that would allow CDTA to determine whether or not sufficient ridership exists to justify CDTA bus service.

Please explain the need and rationale for requiring a "dedicated operating subsidy to continue beyond a pilot period" in the event service performs below the threshold performance required under the Technical Memo. Further, please provide an explanation as to why the retail facility (Parcel 30) is obligated to provide funding for this traffic improvement and not any other project sponsor or property owner (See, p. 31).

4. At page 32 of the Technical Memo, it states: "It was determined that the resulting private share associated with traffic contributing to the need for study area improvements is \$10.575M or approximately 73 percent. The remaining cost funded through public funds is \$3.979M or approximately 27 percent of the total improvement cost."

It further states that the methodology was "developed through several meetings with CDTC and the Town and was subsequently based on accepted approaches for determining a fair share contribution. This methodology assigns the cost of highway improvements to those who create the need for the improvement and is based on the capacity used."

Based on this methodology please provide the allocation for each of the 35 projects identified for each traffic improvement for the \pm \$10 million costs.

It is our understanding that the Town has collected "mitigation fees" from property owners and developers in connection with the Boght Road-Columbia Street study area. With respect to mitigation fees already paid to the Town, please identify the following:

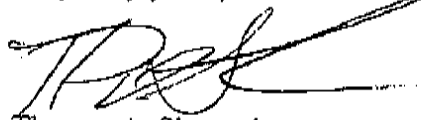
- (a) Who has paid mitigation fees, for which project(s) and how much was paid?
- (b) What traffic improvements have been funded and built with the mitigation fees paid to the Town?

- (c) Does the Town currently possess mitigation fees already paid for prior projects but not spent? If so, how much is in the reserve? Will these monies be credited to the developer who paid?
- (d) Does the Town intend to credit any mitigation fees that have already been paid towards the improvement costs outlined in the Technical Memo? If so, what is the methodology for determining who will be credited, how much will be credited and for which improvements?
- (e) When does the public contribute its share of improvement costs outlined in the Technical Memo?
- (f) What is the source of the public share (i.e., \$3,979,000) of improvement costs?

5. Since there are no provisions under the New York State Environmental Conservation Law, Article 8, and its implementing regulations (6 NYCRR §617, et. seq.) (collectively, "SEQRA") or in the New York State Town Law, that authorizes a SEQRA Lead Agency or a local Planning Board to approve or impose "mitigation fees" for road construction projects and improvements within a Town in the context of a GEIS, please explain the authority for the Town of Colonie to impose such "mitigation fees."

We appreciate your consideration of these comments and questions. Should you require any information to address any of our comments or questions, please do not hesitate to contact the undersigned.

Very truly yours,



Thomas A. Shepardson



One Commerce Plaza
Albany, New York 12260
518.487.7600 phone
518.487.7777 fax

April 20, 2012

Hand Copy 3
7/14 Rec'd

**VIA U.S. MAIL, FAX (783-2888) and
E-MAIL (LaCivita@colonie.org)**

Mr. Joseph LaCivita, Director
Planning and Economic Development
Town of Colonie
347 Old Niskayuna Rd.
Latham, NY 12110

**RE: Final Technical Memorandum Boght Road GEIS - Route 9 Update,
September 23, 2011 ("Technical Memo")**

Dear Mr. LaCivita:

Please accept the following comments and questions in connection with the above referenced matter.

1. The Technical Memo proposes a traffic signal at the U.S. Route 9/Autopark Drive intersection. The cost estimate for the U.S. Route 9/Autopark Drive intersection traffic signal is \$1,412,000.

Please identify the improvements necessary for the intersection proposal and provide a breakdown of the cost of each improvement. To the extent possible, please identify the sources for funding these improvements including the allocation of costs to each project sponsor, property owner and/or the public.

2. Regarding the Johnson Road Roundabout, the Technical Memo outlines several alternatives. However, none of the alternatives describe a new Johnson Road roundabout as an option (See, page 21), but the cost estimate summary (Table 4) indicates that the short term improvement in the amount of \$1,399,000 is to provide access to the Connector Road and "additional intersection geometry." (See, pp. 21 & 22). Please provide the specific cost estimate of the "additional intersection geometry" of the Johnson Road roundabout option.

3. The Technical Memo states that “a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” (*See*, p. 31) and that “[t]he retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site, with a dedicated, ongoing funding stream.” (*See*, p. 31). The Technical Memo also notes that:

“[f]or CDTA to incorporate a pilot service into CDTA service, a minimum threshold performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period.” (*See*, p. 31)

It is our understanding that CDTA has taken the position that estimated bus ridership does not justify a bus service stop at Parcel 30. This information was independently verified by the project sponsor of Parcel 30. The pilot route is a test that would allow CDTA to determine whether or not sufficient ridership exists to justify CDTA bus service.

Please explain the need and rationale for requiring a “dedicated operating subsidy to continue beyond a pilot period” in the event service performs below the threshold performance required under the Technical Memo. Further, please provide an explanation as to why the retail facility (Parcel 30) is obligated to provide funding for this traffic improvement and not any other project sponsor or property owner (*See*, p. 31).

4. At page 32 of the Technical Memo, it states: “It was determined that the resulting private share associated with traffic contributing to the need for study area improvements is \$10.575M or approximately 73 percent. The remaining cost funded through public funds is \$3.979M or approximately 27 percent of the total improvement cost.”

It further states that the methodology was “developed through several meetings with CDTC and the Town and was subsequently based on accepted approaches for determining a fair share contribution. This methodology assigns the cost of highway improvements to those who create the need for the improvement and is based on the capacity used.”

Based on this methodology please provide the allocation for each of the 35 projects identified for each traffic improvement for the ± \$10 million costs.

It is our understanding that the Town has collected “mitigation fees” from property owners and developers in connection with the Boght Road-Columbia Street study area. With respect to mitigation fees already paid to the Town, please identify the following:


- (a) Who has paid mitigation fees, for which project(s) and how much was paid?
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- (d) Does the Town intend to credit any mitigation fees that have already been paid towards the improvement costs outlined in the Technical Memo? If so, what is the methodology for determining who will be credited, how much will be credited and for which improvements?
- (e) When does the public contribute its share of improvement costs outlined in the Technical Memo?
- (f) What is the source of the public share (i.e., \$3,979,000) of improvement costs?

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We appreciate your consideration of these comments and questions. Should you require any information to address any of our comments or questions, please do not hesitate to contact the undersigned.

Very truly yours,



Thomas A. Shepardson



DONALD ZEE, P.C.

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ALBANY, NEW YORK 12205
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DONALD ZEE
LINDA S. LEARY
ANDREW BRICK

LEGAL ASSISTANT
CHERI A. McGEARY

Via E-Mail (LaCivitaJ@colonie.org) & U.S. Mail

April 17, 2012

Mr. Joseph LaCivita, Director
Planning & Economic Development
Town of Colonie
347 Old Niskayuna Road
Latham, New York 12110

**RE: Public Comment Boght Rd./Columbia St.
Area GEIS Traffic Update**

Dear Mr. LaCivita,

We represent the property owner of 1, 2, and 4 Autopark Drive located in the GEIS study area (Lot # 30 in technical update). We are submitting these comments to the Draft Supplemental GEIS, dated February 2012; the "Final Technical Memorandum Boght Road GEIS", dated September 23, 2001 (CME Project No. 06-213d); and comments made at the Public Hearing held before the Town of Colonie Planning Board on April 3rd.

At the April 3rd Public Hearing, reference was made to correspondence submitted by First Columbia Development in possession of the Planning Board. Such correspondence contains a factual error that requires correction. At page 5, it is alleged that the Walmart project "has been denied by the Board and is unknown if the applicant will resubmit." This is not accurate. A proposed design for the project at issue was rejected by the Planning Board. The application for Site Plan Approval remains valid and pending and a revised design has been submitted for review and consideration by the Planning Board.

In relation to Final Technical Memorandum, the following comments are offered.

The document contains the following statement at page 31:

"However, including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers. Locating these developments at the end of Latham Auto Park Drive, more than 400 yards away from CDTA's US Route 9 service will make it very difficult for CDTA to efficiently expand service to the development without substantially increasing costs, both in terms of time and money. The retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site with a dedicated, ongoing funding stream. The service should be reasonable in terms of routes and frequency to serve employees and customers, and be in operation for a sufficient time period to establish the transit market potential

(usually twelve to eighteen months). For CDTA to incorporate a pilot service into CDTA service, a minimum threshold of performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period. The Town has determined that the Boght mitigation shall include \$250,000.00 toward physical transit improvements such as but not limited to shelters, and pedestrian improvements near shelters.”

This paragraph is problematic for a number of reasons. First, it states that “including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” While it alleges that both retail and office uses will increase transit demand, it then proposes to hold “the retail proposal” solely responsible to fund the cost of transit improvements. It appears that this is the only instance in the document where a single property is singled out for payment responsibility. This proposal is made more egregious by the fact that this solitary financial responsibility is proposed to be required on a continual basis. Although it is admitted other uses contribute to the transit needs, the document proposes to hold one property financially responsible in perpetuity. Not only is this proposal far beyond the acceptable bounds of reasonable mitigation under SEQR, it violates the most basic principles of fundamental fairness and equity. It is recommended that this entire paragraph be stricken or amended to make clear that individual properties are not to be held solely responsible for transit improvement cost mitigation.

Thank you for your consideration.

Sincerely,

DONALD ZEE, P.C.

By: *Andrew Brick / Sam*

Andrew Brick, Esq.

AB:sam

\\Barbara\A BRICK\Nemith\Public Comment Letter reBoght Rd Final 04.17.12 .doc

CHRISTIAN THOMAS SORENSEN
342 OLD LOUDON ROAD
LATHAM, NEW YORK 12110

518-785-7763

19 April 2012

Mr. Joseph LaCivita
Town of Colonie
Planning Board
347 Old Niskayuna Road
Latham, NY 12110



Reference: Final Technical Memorandum
Boght Road GEIS – Route 9 Update
Town of Colonie
CME Project No. 06-213d

Dear Mr. LaCivita,

Reference the Creighton-Manning Project noted above, I have several questions, observations and concerns regarding this study and its implications.

1. Why does the project report address traffic only during evening peak hours, while ignoring morning peak hour traffic?
2. On page 4 of the CME Report, the authors state that, "traffic growth has been relatively stable over the last several years." They define the "last several years," as May 2008 to January 2010, a period of approximately 21 months. Twenty-one months does not qualify as, "several years." Why has the Town accepted this premise?
3. Figure 2 of the CME Report seems to show that the Eastbound traffic volume at the intersection of 9R / Old Loudon Road, (hereafter OLR,) during the evening peak hours period is 968 vehicles, with 87 vehicles turning North on OLR and 92 vehicles turning South on OLR. The report is unclear as to the period represented by these counts. Are these counts for the entire 4:00 PM to 6:00 PM peak hour period, or are they vehicle counts-per-hour?
4. The period beginning in May 2008, and ending in January 2010 is a period of severely decreased economic activity due to the economic recession in effect at that time. How can the Town accept the traffic volumes shown in CME Figure 2 as reliably representative of normal traffic volumes?
5. A traffic study performed by me, personally, in June 2006, a period of normal economic activity, shows the total volume of Eastbound traffic entering the intersection at 9R / OLR during evening peak hours to be 955 vehicles per hour and 1126 vehicles per hour, respectively on the two days during which the counts were performed. (A copy of this study is enclosed.) If the CME traffic volumes

shown in Figure 2 are for the entire peak hour period, do not the volumes shown in my June 2006 bring the CME volumes into serious dispute for forward planning purposes?

6. On page 7 of the CME Report, for the segment distance from Sparrowbush Road to Boght Road, the authors state that, "Overall, the operating speed of northbound traffic was measured to be 31 mph while the total travel time is approximately 3 minutes and 53 seconds." Figure 3 on that same page shows the total distance between these two endpoints to be 1.86 miles, $(0.3 + 0.3 + 0.3 + 0.96)$. Given these two parameters, the average speed works out to be 28.73 mph.
 $(9821 \text{ ft.} / 233 \text{ sec.} = 42.15 \text{ fps})$
 $(42.15 \text{ ft.} / \text{sec.} \times 3600 \text{ sec.} / \text{hr.} \times 1 \text{ mile} / 5280 \text{ ft.} = 28.73 \text{ mph.})$
 Is the actual average travel time slower than represented in the report?

7. If the vehicle counts shown in the CME Report are not representative of actual normal traffic flows during times of normal economic activity, it is likely that traffic congestion and delay times shown are understated. If so, can any projections based on the data shown be relied upon?

8. Page 11 of the CME Report states that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR would be considered only if it presents an overall benefit to network operations in the area. The Connector Road to this intersection from the intersection of Route 9R/Johnson Road is the proposed solution to the "overall benefit to the network" requirement. In fact, the proposed Connector Road exacerbates network delays and congestion, by bringing in significant new traffic volumes to the network from the development of parcel 28. Page 32 of the report anticipates a reduction in the 45 mph speed limit at Route 9/Latham Auto Park Drive/OLR due to pedestrian crossing requirements. While the CME Report does not offer a specific figure, it is likely that the speed limit would require a reduction to 30 mph or 35 mph to accommodate pedestrian traffic. In addition, a significant signal delay would be required to allow time for pedestrians to traverse the 80 feet crossing distance. Given the increased vehicle volumes from the development of Parcel 28, the necessary reduction in speed limits, and the necessary signal delay time for pedestrians, network vehicle traffic will likely back-up on Route 9 from the Route 9/Latham Auto Park Drive/OLR intersection back through the Route 9/Route 9R intersection, back through the Route 9/Sparrowbush Road intersection, and back to the Route 9/Cobbec Road intersection. The proposal for the installation of a traffic signal is the sine qua non for the development of Parcel 28 and those parcels on Latham Auto Park Drive. It is the key element necessary for commercial development of these parcels, and has nothing to offer to abate existing network traffic flow problems, as the average transit speed from Sparrowbush Road to Boght Road would necessarily decrease, and transit time would thereby increase.

9. Table 3 of the CME Report shows no significant change to Level of Service for any intersection under the Null, Alt. 1 and Alt. 2 scenarios, for either the Short-Term 2015 period or the Long-Term 2020 period, except for the Route 9/Route 9R/I-87 access intersection. Under the Alt. 2 scenario, LOS is improved only at the Route 9/Route 9R/I-87 Access intersection. This improvement requires a \$5-

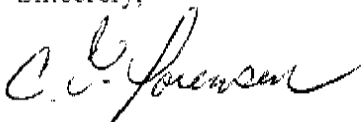
to \$6-million dollar initial investment to achieve modest estimated improvement. No estimates are offered for on-going maintenance or operating costs. This is further evidence that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR has but one purpose. That purpose is the development of Parcel 28 and the parcels on Latham Auto Park Drive, not overall benefit to network operations.

10. Table 7, "Measures of Effectiveness on Route 9," of the CME Report, hereafter MOE, shows significantly higher delay times under Null, Alt. 1 and Alt.2 scenarios for both the 2015 period and the 2020 period over the 2010 Existing period. The key element in the Null and Alt. 1 scenarios is the installation of the proposed traffic signal at the Route 9/Latham Auto Park Drive/OLR intersection. Alt. 2 adds the Connector Road to the Alt. 1 scenario. Curiously, the Alt. 2 scenario in the 2015 period shows a 26% increase in delay times, but a 2% improvement in travel times. This seems to defy logic. In addition, under the 2020 Null scenario, with an additional traffic signal installed, overall speed on Route 9 is estimated to decrease by 28% from 2010 Existing levels, and does not approach 2010 levels unless Alt. 2 is adopted. There is no benefit to overall network operations from adoption of any of the proposed alternatives. The only purpose of the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is to facilitate and justify commercial development in the area.

The obvious conclusion to be drawn from the CME Report is that the existing geometry of the road network in the area covered by the Report precludes any development, which would significantly add to existing traffic volumes during peak hours. That the Report does not address morning peak hours, when Westbound traffic volumes on Route 9R into the Route 9/Route 9R/I-87 Access intersection are greater than evening peak hours Eastbound traffic volumes from that intersection onto Route 9R is a serious concern. The difference in traffic volumes appears in evening peak hour Northbound traffic volumes on Old Loudon Road of approximately 450 vehicles per hour. Add to that the approximately 260 vehicles per hour Southbound on Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road as an alternative to Route 9 during normal economic conditions. If development of Parcel 28 and the parcels on Latham Auto Park Drive proceeds as proposed, and the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is actually installed, more traffic volume will opt for using Old Loudon Road as an alternative to Route 9. This will result in significant depreciation of the residential nature of this area due to increased noise, litter, foot traffic, opportunity for increasing crime, and the need for more traffic signals at intersections, where none can be justified at present.

An alternative development scenario would be for Parcels 4, 16, 17, 28 and 30 to be developed in a manner in which no significant new traffic volume would be added to the network during morning or evening peak hours.

Sincerely,





TRAFFIC SURVEY

INTERSECTION:

OLD LOUDON ROAD AND 9R / COLUMBIA TURNPIKE EXT.

PREPARED BY:

C. T. SORENSEN
7/11/06

TRAFFIC STUDY

INTERSECTION:

OLD LOUDON ROAD, NORTH AND SOUTH

AND

ROUTE 9R / COLUMBIA TURNPIKE EXTENSION

STUDY DATE	STUDY PERIOD		STUDY ACTIVITY
	FROM	TO	
05/25/06	7:45 AM	9:00 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/26/06	5:04 PM	6:04 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. EAST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/27/06	7:25 AM	8:55 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. EAST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/28/06	7:36 AM	8:36 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/29/06	4:00 PM	6:00 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD b. SOUTH BOUND THROUGH TRAFFIC ON OLD LOUDON ROAD c. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD FROM 9R / COLUMBIA TURNPIKE EXT.
06/29/06	4:00 PM	6:00 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD b. SOUTH BOUND THROUGH TRAFFIC ON OLD LOUDON ROAD c. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD FROM 9R / COLUMBIA TURNPIKE EXT.

TRAFFIC SURVEY SUMMARY

INTERSECTION: OLD LOUDON ROAD AND 9R / COLUMBIA TURNPIKE EXT.

MORNING TRAFFIC

ROAD / DIRECTION	DATE	PERIOD		TOTAL VEHICLE COUNT	AVERAGE VEHICLE PER HR.	TRAFF. LIGHT CYCLES	NO. DELAYS	%
		FROM:	TO:					
9R / COLUMBIA TPKE / WEST BOUND	06/26/06	7:45 AM	9:00 AM	1066	853	68	18	26.5%
	06/27/06	7:25 AM	8:55 AM	1463	975	82	22	26.8%
	06/28/06	7:36 AM	8:36 AM	997	997	50	21	42.0%
						200	61	30.5%
OLD LOUDON RD. / NORTH BOUND	06/26/06	7:45 AM	9:00 AM	242	194	67	7	10.4%
	06/27/06	7:25 AM	8:55 AM	266	266	83	8	9.6%
	06/28/06	7:36 AM	8:36 AM	190	190	48	12	25.0%
						198	27	13.6%

TRAFFIC SURVEY SUMMARY

INTERSECTION: OLD LOUDON ROAD AND SR / COLUMBIA TURNPIKE EXT.

EVENING TRAFFIC

ROAD / DIRECTION	DATE	PERIOD		VEHICLES FROM SR / CTE	OLR THRU TRAFF	TOTAL VEHICLE COUNT
		FROM:	TO:			
OLD LOUDON ROAD / NORTH BOUND	06/26/06	5:04 PM	6:04 PM			421
	06/27/06	4:35 PM	5:35 PM			499
	06/28/06	4:00 PM	5:00 PM			440
		5:00 PM	6:00 PM			449
	06/29/05	4:00 PM	5:00 PM			415
OLD LOUDON ROAD / SOUTH BOUND		5:00 PM	8:00 PM			426
	06/28/06	4:00 PM	5:00 PM	215	56	270
		5:00 PM	6:00 PM	239	40	279
	06/29/06	4:00 PM	5:00 PM	195	57	252
		5:00 PM	6:00 PM	204	49	253
SR / COLUMBIA TPKE / EAST BOUND	06/26/06	5:04 PM	6:04 PM			955
	06/27/06	4:35 PM	5:35 PM			1126

Appendix 4

Responses to Public Hearing & Written Correspondence

In accordance with Town Law (§272-a) adoption of the Draft Supplemental Generic Environmental Impact Statement for the Boght Road-Columbia Street GEIS, Route 9 Transportation Update by the Town is subject to the State Environmental Quality Review Act (SEQR). Although not required, a SEQR public hearing is also recommended. Therefore a public hearing was held by the Planning Board as Lead Agency on April 3, 2012 at 7:00 pm at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York 12110. A stenographer was present to record all comments. A copy of the public transcript is included in the Final Supplemental GEIS.

When a Lead Agency deems a draft Supplemental GEIS adequate for public review, SEQR requires that it must also designate a minimum 30 day public comment period to accept written comments. The 30 day public comment period for this project began March 13, 2012 and ended April 20, 2012. Copies of the complete written and e-mail correspondence are included in Appendix 3.

Questions from the public hearing have been extracted and paraphrased as follows. The questions/comments are listed in the order they were received at the public hearing and are addressed immediately following as appropriate. The original transcript can also be found in Appendix 2.

Public Hearing Comments

1. Comment:

Mr. Lane: Will traffic mitigation fees be the only mitigation fees recalculated?

Response:

The Colonie Town Board commissioned an update to only the traffic portion of the Boght Road – Columbia Street GEIS, with a concentrated focus on the Route 9 corridor. As such, as part of the re-evaluation of the traffic impacts a modification to the traffic mitigation fees is expected. Changes to any other mitigation fees of the Boght Road-Columbia Street GEIS have not been evaluated under the current study.

2. Comment:

Mr. John Fahey: Does the DOT agree with the conclusions (operating numbers and intersections) of this study? Are there any major differences between your figures and the state's figures?

Response:

Yes, the NYSDOT has been an active participant on the scoping and review of the GEIS update. The NYSDOT did not provide traffic count information used in the study. This data was gathered by traffic engineering companies hired by the Town of Colonie which

included a review of available NYSDOT data. NYSDOT has reviewed and is in agreement with the study conclusions and traffic count numbers presented in the Draft SGEIS. A copy of their most recent correspondence is included in the appendices.

3. Comment:

Chris Bette: (The Planning Board has on file written correspondence from Christopher Bette, PE dated April 2nd on First Columbia letterhead and included in Appendix 2. The verbal comments made during the public hearing are consistent with those included in the written correspondence).

Response: *These comments are summarized and addressed in the "Response to Written Comments" section (See Responses to Written Comments #CB2 through #CB8).*

4. Comment:

Ms. Dalton: Do we know who owns Parcel 28?

Response: *The current owner is believed to be Mr. Weiss. It has also been purported that there may be an option to another entity with ongoing negotiations. There had recently been a sketch plan review for redevelopment of this parcel conducted by the Planning Board.*

5. Comment:

Mr. Sorenson: I think that I heard the engineers say that we will spend \$5,800,000 on a connector road and the delay at 9 and 9R will nearly double. It sounds like there has to be a better way to deal with that.

It appears to me that the connector road is simply going to divert traffic to Old Loudon Road going north. The real problem is the short distance between the two lights at Old Loudon Road and 9R. There is only one lane that goes straight across the Northway. This is going to double the delay there, as planned.

The engineers mentioned the traffic signal on Old Loudon Road at Cobbee Road and or at Latham Ridge Road. I got a letter at home from the Police Department telling me that they did a traffic study last year when Wal-Mart was trying to put their store behind Nemith and that was not a viable alternative because there wasn't enough traffic on that road. We had a commitment or at least a verbal comment from the Town that they were not going to make Old Loudon Road an alternative traffic route for the new Wal-Mart, should it go behind Nemith. It sounds to me like that plan is out the window now. The plan to use Old Loudon Road as a main traffic artery will require the traffic lights and will change the entire character of that residential neighborhood.

I think that the gentleman who spoke first whose comments sounded intelligent to me, mentioned that we're going to be about 140 cars travelling north on the new connector

road? At 5.8 million dollars, that's about \$41,000 or \$42,000 per car. That's a lot of money to channel 140 cars on that road.

Response:

Delays at the 9/9R intersection will not double. They will be significantly reduced (See Tables 3 and 5 from the Draft SGEIS. The proposed connector road is one of various improvements to mitigate the traffic related impacts of development within the GEIS study area. Although the connector road will divert a significant number of vehicles from Route 9 to the connector road heading south, many of these vehicles are expected to proceed onto Route 9R heading east, thereby avoiding the signal at Route 9/9R. The proposed improvements are not expected to result in a significant increase in traffic on Old Loudon Road or in the residential neighborhoods, but rather to accommodate additional development shown in Table 1 of the Draft SGEIS. In fact, the proposed improvements are intended to keep traffic on the major roads and arterial highways by reducing congestion and delays at major intersections. This in turn should allow development to take place and minimize impacts on the character of the area.

We do not believe it is appropriate to provide a cost per car that may be diverted onto the connector road when evaluating the cost of the improvements. Table 7 of the Draft SGEIS shows that the connector road will prevent thousands of hours of delay for traffic on Route 9 each year. The purpose of the connector road is to mitigate the traffic impacts associated with thousands of additional vehicle trips during the peak hour throughout the area in a logical, cost efficient way. Although other alternative solutions have been evaluated to address the traffic impacts, some of which may have cost less, the inclusion of the connector road has been found to be the preferred alternative when all impacts and agency concerns have been considered.

A traffic signal is proposed at the intersection of Old Loudon Road/Cobbee Road in the short term planning period and a signal is proposed at the intersection of Old Loudon Road/Latham Ridge Road in the long term planning period. This is consistent with what was envisioned in the original 1989 GEIS.

Written Correspondence

During the required public comment period, the Town received comment letters via regular mail and e-mail. Questions from this correspondence have also been extracted and paraphrased for clarity. Questions/comments are listed with reference to the commenter and are addressed immediately following as appropriate. All original correspondence is included in Appendix 3. The written correspondence received is listed below:

- Mark Kennedy, Regional Traffic Engineer, NYSDOT 1/31/12
- Christopher Bette, P.E., First Columbia 4/2/12
- Peter Lynch, Lynch & Hetman, PLLC 4/13/12
- Barbara Numrich, 350 Old Loudon Road, Latham, NY via e-mail 4/16/12
- Thomas A. Shepardson, Esq., Whiteman, Osterman & Hanna 4/20/12

- Donald Zee, P.C., 4/17/12
- Christian Thomas Sorenson, 342 Old Loudon Road, Latham, NY 4/19/12

MK1. Comment:

Mark Kennedy, Regional Traffic Engineer:

The DOT is in general agreement with the recommended Short Term and Long Term proposed improvements however we have several comments regarding cost estimate and fair share contributions:

- What year dollars do the estimates reflect?
- What provisions are included to address inflation between today and the anticipated implementation of the long term improvements?
- Some description of the methodology for determining fair shares should be included as well as a clear identification of the source of the public share dollars.

Response:

The cost estimates represent 2011 construction dollars.

The Board, through the administration of mitigation fees has the ability to modify the mitigation fee schedules to account of for changes in construction value or to build in automatic inflationary adjustment factors and has done this historically.

The fair share method currently considered is that each project's traffic will be routed through the transportation network using CDTC's trip generation model, and as each trip utilizes a percentage of an improvements reserve capacity, that cost will be assessed to that project. For example, if a new vehicle trip utilizes a \$1,000,000 improvement and uses up 1% of the reserve capacity created by that improvement, it would be assigned a mitigation fee of \$10,000 (1% times \$1,000,000). A description of the methodology used to determine each project's fair share contribution is included in Appendix 4 Exhibit B "Albany County Airport Area Generic Environmental Impact Statement Implementation of the Mitigation Cost Program CDTC Review Procedure", attached herewith.

The amount of reserve capacity created that is not required to support the projected development in the GEIS study area has been assigned a value as the "public share". Funding for the public share can come from local, state or federal agencies; from development outside of the GEIS study area that will directly benefit from the improvements; from development within the GEIS study area that is greater than that currently projected; or from currently projected development within the GEIS study area over and above their private share mitigation fee. This incentive based process would include an equal value incentive such as a tax reduction due to the public benefit the private entity provides.

CB2. Comment:

Christopher Bette, First Columbia:

The following items have been requested by the Board but never provided. As indicated in several meetings, these items are essential to enable the Board to take a hard look at the relevant environmental impacts, and make smarter decisions:

- Existing GEIS finances
- Bergmann study review by NYSDOT
- Cost-Benefit Analysis of the Connector Road
- Master plan for Parcel 28 and report of discussions with adjacent landlord for right-of-way acquisition.
- Consultants run the model for the Board
- Moving the Connector Road to a long-term improvement.

Response:

From inception of the Boght Road-Columbia Street GEIS to April 30, 2012, the Town of Colonie has collected \$2,752,120.70 in traffic mitigation fees. This amount has accrued an additional \$350,768.98 in interest. Another \$657,971 has been assessed to new development but not yet collected. The Town has spent \$1,792,831.72 on traffic related improvements and study updates in the GEIS study area. There is a current mitigation fee balance of \$1,310,057.96. This can be used to reduce or offset some of the new mitigation fees.

The “Bergmann study” is a traffic study conducted in support of one project in the GEIS study area. It is our understanding that the study is currently undergoing revision following initial review by NYSDOT. The report has not been reviewed for conformance with the Draft SGEIS and its supporting studies. It is expected that as projects within the study area are proposed, they will be reviewed for conformance with the Final SGEIS.

Detailed costs and associated benefits associated with the Connector Road have been thoroughly analyzed and discussed during the preparation of the Study Update. Although other improvement alternatives have been presented, some of which may have resulted in less cost than the Connector Road, the current preferred option that includes the Connector Road has been found to be the most cost effective alternative. The impacts associated with not building the recommended improvements have also been thoroughly evaluated and considered. The pros and cons associated with the Connector Road have been presented in both a quantitative and qualitative context.

A schematic plan of development for Parcel #28 had previously been provided to the Town of Colonie Planning Board and should be on file with the Planning Department. We are not aware of any formal discussions with the parcel owners regarding right-of-way acquisition.

Traffic flow models have previously been presented to the public and the Planning Board during the preparation of the Study Update.

The Connector Road is currently slated as a short term improvement and had previously been considered as a long term improvement. The listing as a short term improvement was predicated on the anticipated timing of developments currently under review by the Planning Board. The actual timing of implementation of the various improvements will ultimately be dictated by the timing of developments within the study area and may be adjusted as the time goes on.

CB3. Comment:

Christopher Bette, First Columbia:

The Boght GEIS financial information has been requested by the Planning Board but not provided. First Columbia has made over \$700,000.00 of mitigation payments to the Town with no improvements made. First Columbia requests that a detailed accounting be presented showing each project and amount of mitigation paid, a list of improvements made.

Response:

A list of each project and their associated mitigation fee payment made is included in Appendix 4 Exhibit A attached herewith.

The following is a list of the disbursements made from the mitigation fee account:

• EMS Intersection	\$57,678.84
• Elm St. By-Pass	\$230,484.69
• Boght/St. Agnes HWY/Johnson Road	\$795,135.45
• Boght Road Ball field Intersection	\$444,758.44
• Boght/Haswell Study	\$2,788.50
• Traffic Engineering	\$194,722.97
• Traffic GEIS Update	\$67,262.83

CB4. Comment:

Christopher Bette, First Columbia:

The Update proposes a \$15 million improvement plan. Existing GEIS payments were based on \$21 million. Will the overpayments be ratably returned to developers, cost applied to less traffic, some improvements done, etc.?

Response:

Mitigation fees are assessed a certain value as each project approval goes through its SEQR review process and are assessed based on an environmental impact assessment/mitigation fee structure that exists at that time. A description of the methodology used to determine each project's fair share contribution is included in Appendix 4 Exhibit B "Albany County Airport Area Generic Environmental Impact Statement Implementation

of the Mitigation Cost Program CDTC Review Procedure”, attached herewith. Payment of mitigation fees is in lieu of other traffic related improvements/studies that each project may have had to do during its SEQR review process. Funds collected are to go to addressing the impacts of traffic within a study area. It is customary that the required capital improvements and their associated cost may be adjusted throughout the planning period and as improvements are constructed. It is anticipated that all mitigation fees collected for past and future projects will be used to address traffic impacts of development. As such, no payments back to applicants is expected.

CB5. Comment:

Christopher Bette, First Columbia: The Final Technical Memorandum states that a connection between Auto Park and Century Hill Dr. be constructed, as the Town Consultants, NYSDOT and CDTC feel this connection is important for traffic mitigation. First Columbia designed and constructed a connection meeting Town road standards at the Town’s request based on the Town’s commitment that the associated costs would be credited against future mitigation payments. After the road was built, the Town suggested that the road be maintained as a private road. First Columbia requests that the Town either take ownership of the Road, and credit the costs thereof against First Columbia’s mitigation fee obligation, or that the road remain private and not for public use.

Response:

It is our understanding that the Town has not required the road between Auto Park Drive and Century Hill Drive 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 that 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 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 that project.

CB6. Comment:

Christopher Bette, First Columbia:

Interconnectivity trips are not included in the Level-of-Service analysis. Degradation of signal LOS will occur potentially below acceptable levels without mitigation or collection of necessary fees. If interconnectivity is in fact desired, projects should be required to perform a supplement traffic study identifying any impact of LOS degradation along with appropriate mitigation necessary above the GEIS mitigation fee levels.

Response:

We agree that completion of a supplemental project specific traffic study is sometimes warranted to understand the impacts and need for additional traffic mitigation associated with each project as it undergoes SEQR review by the Town.

CB7. Comment:

Christopher Bette, First Columbia:

- a. The Connector Road concept was first introduced in February 2010. At the meeting and at the following meetings the Board presented many concerns. These concerns have not been fully addressed.
- b. Concern that the costs outweigh the benefits and a cost-benefit analysis was requested. First Columbia requests that the CDTC model be used and results presented to the Board showing the mitigation cost assessment and providing an analysis of the projects actual trip distribution to see where the trips are coming from so the Board can make smarter decisions. This simulation should be run with the Wal-Mart project and without the Wal-Mart project, as this project has been denied by the Board and is unknown if the Applicant will resubmit.
 - i. The benefit of this simulation is that the models will show:
 1. The allocation of costs to the Boght Area properties determining a per vehicle cost and identifying a contributing parcels "fair share".
 2. What portion of the costs will Parcel 28 contribute to the Connector Rd.?
 3. Where the trips are originating and the expected timing of the contributing projects needed to fund the project.
- c. A realistic cost estimate including all design, right-of-way acquisition, wetland mitigation area and construction.
 - i. If demolition of the existing building is part of the cost estimate and why the Boght properties should be responsible for improving the value of the property especially with asbestos abatement and other demolition costs that cannot be accurately estimated without additional testing and the potential for increased costs related to unforeseen conditions that may be encountered.
 - ii. Connector Rd. was estimated to be \$5.5 million. Final Study has Connector Rd. estimated at \$3,027,000.00.
- d. Further consideration of the Connector Rd. as long-term improvement should be provided.
 - i. As a long-term improvement the Town would have more time to identify and secure the necessary Public Finding.
 - ii. Provide time to assess development levels – projects not built or not built to the planned size in the Boght area and on Parcel 28. Reduces building area will impact private share of Connector Rd. funding.
 - iii. Parcel 28 master-plans should be developed identifying the location of the road.
 - iv. Provide the Town the necessary time to secure the right-of-way from the two landowners.

- e. Cost estimate for the Bergmann plan for Rte 9 and Rte 9R intersection should be developed to be used in lieu of the Connector Rd. solution, if necessary.

Response:

There have been many comments, questions and recommendations for changes made by the Planning Board throughout the multi-year period of review of the Boght Traffic Update.

- a. *The study has been revised numerous times in response to these comments and substantial information exists in the record in response to the questions.*
- b. *As stated above, detailed costs and associated benefits associated with the Connector Road have been thoroughly analyzed and discussed during the preparation of the Study Update. Although other improvement alternatives have been presented, some of which may have resulted in less cost than the Connector Road; the current preferred option that includes the Connector Road has been found to be the most cost effective alternative. The impacts associated with not building the recommended improvements have also been thoroughly evaluated and considered. The pros and cons associated with the Connector Road have been presented in both a quantitative and qualitative context. In order to assist in the evaluation of the benefits associated with the Connector Road, the final traffic update includes analysis of traffic operations both with the Connector Road and Without the Connector Road. The overall level of service at the intersection of Route 9/Route 9R/I-87 Access is LOS C (31.1 second average delay) with the Connector Road and LOS E (58.2 second average delay) without the Connector Road.*

As each project works through its own Planning Board review process information on the application is provided to CDTC by the applicant's consultants and the Planning Department. It is beyond the scope of this study to have CDTC perform an analysis of each project under consideration. The apportioned cost to each project would be developed as each project went through its site plan review process and would depend on final trip generation, trip distributions, etc.

The Planning Department provided information on each project that was under consideration by the Planning Board and the list of projects included under the short term scenario and long term scenario have previously been agreed to by the Planning Board and revised in accordance with their comments. It is not appropriate to run simulations with some projects being included in the study and some projects not being included.

- c. *Detailed cost estimates have been included in the study. The cost estimates for the various improvements have been revised as the study has progressed. Regarding the cost of the connector road, in response to an earlier comment the cost estimate for the connector road has been broken down into three components including the*

signal at the intersection of Route 9/Connector Road (\$1,412,000), the Connector Road between its two terminal intersections (\$3,027,000), and the signal at the intersection of Route 9R/Connector Road (\$1,399,000). If these three improvements are done at the same time the estimated value is \$5,838,000.

The cost for building demolition and any necessary abatement is not specifically included in the cost estimate. Although the current schematic alignment of the connector road is impacted by the existing building the final alignment is subject to additional design. In addition, the timing of work on the Connector Road and redevelopment of Parcel 28 is not known. If done at the same time it is likely these costs would be borne by the owner of parcel 28. Parcel 28 will be responsible for a significant portion of the cost of the Connector Road due to its use of some of the reserve capacity of the improvement. Other projects will also contribute based on the amount of their use of the reserve capacity.

- d. The Connector Road is currently listed as a short term improvement. The list of short term and long term improvements was derived by considering the possible timing of each development and the expected improvements that would allow adequate traffic operations following completion of the project. The timing of various improvements is not expected to be final and is subject to change based on the progression of various development proposals and ability to fund the necessary improvements, obtain right-of-way, etc. Regarding Parcel 28 schematic plans identifying the location of the Connector Road, the information contained in the Boght Traffic Update have been made publicly available. It is expected that any development proposal for Parcel 28 will consider accommodating the Connector Road in its master plan.*
- e. The improvements included in the Bergmann study have not been verified as part of the Boght Traffic Update and the costs for improvements considered are not known.*

CB8. Comment

Christopher Bette, First Columbia:

Regarding pedestrian accommodations, the Board should understand the financial implications of requiring pedestrian accommodations. A cost benefit analysis which included the annual maintenance and repair costs must be completed as the maintenance will greatly impact the Town's budgets. Pedestrian activity in this area is very low and attributable to specific properties. Over the years this Board has heard that the Town wants to designate this portion of Rte. 9 as a sidewalk improvement district. During the original Hess gas station proposal and recent Hess Car Wash application, this issue was raised. Both times the questions of: why sidewalks are desired: who will be using them: and why is the Town going to maintain elements within the NYSDOT ROW. Both times the Board decided not to require sidewalks. The Board must assess the benefits of pedestrian accommodations. The Board has never specifically discussed this

issue during a public meeting nor have they been informed of the costs, especially as it impacts the entire Town.

Response:

The costs for pedestrian accommodations are included in the cost estimates for the various improvements and in many instances the associated costs have been broken out. The Town understands the costs of pedestrian accommodations including upfront capital cost as well as operational and maintenance costs. The Colonie Planning Board, NYSDOT and CDTC have all indicated pedestrian accommodations should be included as part of the capital improvement plans. It is expected as development continues to occur that there will be a greater demand and use of pedestrian accommodations. Regarding past projects not having provided pedestrian improvements, this may have been the result of not having an officially adopted capital improvement plan for the area, the size of the project, the project expecting to have a insignificant impact on pedestrian needs, etc.

PL9. Comment:

Peter Lynch, Lynch & Hetman, PLLC on behalf of First Columbia, LLC:

The Final Technical Memorandum (2009) assumes that a connector roadway between Latham Auto Park and Century Hill Drive would be part of the Short-term 2010 design year improvements ("Extend public road between Century Hill Drive and Latham Auto Park Drive"). In reliance upon the Final Technical Memorandum, my client constructed this connector road at a cost of \$1,128,453.00 and truly believed the cost of the connector road would be reimbursed through previously paid mitigation fees as a public road. The Final Technical Memorandum 2011 assumed that the connector road would be part of the 2015 Short-term and noted "...this connection can be a private road and not deeded over to the Town, but the rights of access should be provided to the travelling public"

The Final Technical Memorandum 2011 should be corrected to reflect that there is a need for the connector to be a "public road". In any event my client should be reimbursed for the cost of the road through the use of the mitigation fee fund.

Response:

It is our understanding that the Town has not required the road between Auto Park Drive and Century Hill Drive 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 that 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 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 that project.

BN10. Comment:

Barbara Numrich, 350 Old Loudon Road:

This \$14 million project does not properly address northbound rush hour issues. I do not feel the connector road alleviates the delays on Route 9 northbound between Sparrowbush Road and the Route 9/9R and I-87 intersection. The addition of a traffic light at the connector road intersection on Route 9 will further delay northbound traffic. The long term improvements indicate two additional traffic lights in the area which will also result in more delays.

Response:

In 2010 the level of service (LOS) for northbound vehicles on Route 9 at the Route 9/Route 9R/I-87 access intersection experienced a LOS D (53.2 seconds average vehicle delay) during the PM peak hour. This would be expected to grow to LOS F (98.8 seconds average vehicle delay) if no capital improvements are made to this intersection. With all of the new recommended improvements, the LOS is expected to be LOS D (35.8 seconds average vehicle delay). Without the Connector Road, this movement would be expected to be a LOS E (76.2 seconds average vehicle delay). It is correct that although intersection delays may not be significant and may be appropriately mitigated, adding additional traffic signals along Route 9 can lead to longer travel times throughout the corridor. The purpose of the traffic signals are to provide safe access to the adjoining properties and allow vehicles to divert from the Route 9 corridor.

TS11. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo proposes a traffic signal at the U.S. Route 9/Autopark Drive intersection. The cost estimate for the U.S. Route 9/Autopark Drive intersection traffic signal is \$1,412,000. Please identify the improvements necessary for the intersection proposal and provide a breakdown of the cost of each improvement. To the extent possible, please identify the sources for funding these improvements including the allocation of costs to each project sponsor, property owner and/or the public.

Response:

The scope of improvements associated with the installation of the traffic signal at the intersection of Route 9/Autopark Drive are best shown on Figure 2 under "Attachment H Construction Cost Estimate" of the 2011 Update. Improvements generally include new traffic signal, right turn lane on Autopark Drive, Connector Road extension from Route 9 to Old Loudon Road, realignment of Old Loudon Road, and pedestrian accommodations. The proposed public/private funding split for all improvements is approximately 27%/73%. Applying this ratio to this improvement cost would result in a public share cost of approximately \$381,000 and private share cost of approximately \$1,031,300. The apportioned cost to each project would be developed as each project went through its site plan review process and would depend on final trip generation, trip distributions, etc. Finalizing this data involves extensive documentation by the applicant and validation by the Town, NYSDOT and CDTC. In addition, the costs attributed to each

project will be affected by the balance of funds currently held by the Town for planned transportation improvements associated with the GEIS, method of payment of mitigation through payment of fee or construction of identified improvements.

During completion of the Final SGEIS it was discovered that page 33 of 34 of the 2011 Update had an incorrect public share amount of \$3.79M. The correct public share is \$3.979M. A corrected page 33 is included in Appendix 4 Exhibit C, attached herewith.

TS12. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

Regarding the Johnson Road Roundabout, the Technical Memo outlines several alternatives. However, none of the alternatives describe a new Johnson Road roundabout as an option, but the cost estimate summary indicates that the short term improvement in the amount of \$1,399,000 is to provide access to the Connector Road and “additional intersection geometry.” Please provide the specific cost estimate of the “additional intersection geometry” of the Johnson Road roundabout option.

Response:

The 2011 Update included an analysis to determine if roundabouts would provide acceptable levels of service at the Route 9/Autopark Drive intersection and the Route 9R/Johnson Road intersection. Although a roundabout could provide acceptable levels of service at the Route 9R/Johnson Road intersection, it was determined a roundabout would result in greater impacts to adjacent land uses than a traffic signal and was not included in the preferred alternative. Due to increased right-of-way requirement, roundabouts generally require greater up front capital costs than traffic signals/turn lanes. The specific cost estimate is located under Attachment H of the 2011 Update. The “additional intersection geometry” is shown on Figure 2 of Appendix H.

TS13. Comment

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo states that “a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” And that the retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site, with a dedicated, ongoing funding stream. The Technical Memo also notes that “for CDTA to incorporate a pilot service into CDTA service, a minimum threshold performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period.” It is our understanding that CDTA has taken the position that estimated bus ridership does justify a bus service stop at Parcel 30. This information was independently verified by the project sponsor of Parcel 30. The pilot route is a test that would allow CDTA to determine whether or not sufficient ridership exists to justify CDTA bus service. Please explain the need and rationale for requiring a “dedicated operating subsidy to continue beyond a pilot period” in the event service performs below the threshold performance required under the Technical Memo.

Further, please provide an explanation as to why the retail facility (Parcel 30) is obligated to provide funding for this traffic improvement and not any other project sponsor or property owner.

Response:

The 2011 Update includes comments and suggestions made by CDTA during the preparation of the study. The intent of the statements made regarding funding transit service is that if it is determined that a project will generate a substantial need for transit service or if the Town through its review of a project determines that transit service is required, that it be handled through agreements between CDTA and the applicants during the individual project's review process. Although the 2011 Update evaluates potential impacts on the ability to provide transit service, mitigation measures for inclusion in the list of capital improvements should be limited to physical improvements such as bus shelters, pedestrian improvements near shelters, etc. We do not believe it is appropriate to address funding operating costs with GEIS mitigation fees as these are one-time costs and not an indefinite continued revenue source. In general it is the CDTA's preference to operate on the mainline rather than detouring to specific developments which can increase their operational costs.

TS14. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo states "It was determined that the resulting private share associated with traffic contributing to the need for study area improvements is \$10.575M or approximately 73 percent. The remaining cost funded through public funds is \$3.979M or approximately 27% of the total improvement cost." It further states that the methodology was "developed through several meetings with CDTC and the Town and was subsequently based on accepted approaches for determining a fair share contribution. This methodology assigns the cost of highway improvements to those who create the need for the improvement and is based on the capacity used." Based on this methodology please provide the allocation for each of the 35 projects identified for each traffic improvement for the +/- \$10 million costs. It is our understanding that the Town has collected "mitigation fees" from property owners and developers in connection with the Boght Road-Columbia Street study area. With respect to mitigation fees already paid to the Town, please identify the following:

- (a) Who has paid mitigation fees, for which project(s) and how much was paid?
- (b) What traffic improvements have been funded and built with the mitigation fees paid to the Town?
- (c) Does the Town currently possess mitigation fees already paid for prior projects but not spent? If so, how much is in the reserve? Will these monies be credited to the developer who paid?
- (d) Does the Town intend to credit any mitigation fees that have already been paid towards the improvement costs outlined in the Technical Memo? If so, what is the methodology for determining who will be credited, how much will be credited and for which improvements?

- (e) When does the public contribute its share of improvement costs outlined in the Technical Memo?
- (f) What is the source of the public share (i.e. \$3,979,000) of improvement costs?

Response:

- (a) *It is not possible to determine the respective mitigation fee for each of the 35 projects until each project goes through the Town review process and provides additional information to CDTC including trip generation, distribution, make-up of trips, etc. Finalizing this data involves extensive documentation by the applicant and validation by the Town, NYSDOT and CDTC. In addition, the costs attributed to each project will be affected by the balance of funds currently held by the Town for planned transportation improvements associated with the GEIS, method of payment of mitigation fee, etc.*

A list of each project and their associated mitigation fee payment made is included in Appendix 4 Exhibit A, attached herewith.

Additional traffic mitigation fees that have been assessed but not yet collected include the following:

Canterbury Crossings	\$415,527
Cornerstone Meadows Phase II	\$41,646
North Ridge Hollow	\$176,820
Ridgefield Commons Ph 2B Amend 1	\$23,978

- (b) *The following is a list of the disbursements made from the mitigation fee account for transportation related improvements for the Boght Road-Columbia Street GEIS study area:*

• EMS Intersection	\$57,678.84
• Elm St. By-Pass	\$230,484.69
• Boght/St. Agnes HWY/Johnson Road	\$795,135.45
• Boght Road Ball field Intersection	\$444,758.44
• Boght/Haswell Study	\$2,788.50
• Traffic Engineering	\$194,722.97
• Traffic GEIS Update	\$67,262.83

- (c) *From inception of the Boght Road-Columbia Street GEIS to April 30, 2012, the Town of Colonie has collected \$2,752,120.70 in traffic mitigation fees. This amount has accrued an additional \$350,768.98 in interest. Another \$657,971 has been assessed to new development but not yet collected. The Town has spent \$1,792,831.72 on traffic related improvements and study updates in the GEIS study area. There is a current mitigation fee balance of \$1,310,057.96. Unless allocated for other improvements that were included in the original list of improvements, these monies can be used to reduce the necessary new mitigation fees to be collected.*

- (d) *Mitigation fees are assessed a certain value as each project approval goes through its SEQRA review process and are assessed based on an environmental impact assessment/ mitigation fee structure that exists at that time. Payment of mitigation fees is in lieu of other traffic related improvements/studies that each project may have had to do during its SEQRA review process. Funds collected are to go to addressing the impacts of traffic generated by a project within a study area. It is customary that the required capital improvements for all cumulative development and their associated cost may be adjusted throughout the planning period and as various improvements are constructed. It is anticipated that all mitigation fees collected for past and future projects will be used to address traffic impacts of development within the Boght Road-Columbia Street GEIS study area. As such, no refunds or credits back to applicants are expected.*
- (e) *The amount of reserve capacity created that is not required to support the projected development in the GEIS study area has been assigned a value as the “public share”. The public share can be contributed at any time once the Statement of Findings has been adopted by the lead agency.*
- (f) *Funding for the public share can come from local, state or federal agencies; from development outside of the GEIS study area that will directly benefit from the improvements; from development within the GEIS study area that is greater than that currently projected; or from currently projected development within the GEIS study area over and above their private share mitigation fee. This incentive based process would include an equal value incentive such as a tax reduction due to the public benefit the private entity provides.*

A description of the methodology used to determine each project’s fair share contribution is included in Appendix 4 Exhibit B “Albany County Airport Area Generic Environmental Impact Statement Implementation of the Mitigation Cost Program CDTC Review Procedure”, attached herewith.

During completion of the Final SGEIS it was discovered that page 33 of 34 of the 2011 Update had an incorrect public share amount of \$3.79M. The correct public share is \$3.979M. A corrected page 33 is included in Appendix 4 Exhibit C, attached herewith.

TS15. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

Since there are no provisions under the New York State Environmental Conservation Law, Article 8, and its implementing regulations (6 NYCRR 617, et. Seq.) (collectively, “SEQRA”) or in the New York State Town Law, that authorizes a SEQRA Lead Agency or a local Planning Board to approve or impose “mitigation fees” for road construction projects and improvements within a Town in the context of a GEIS, please explain the authority for the Town of Colonie to impose such “mitigation fees”.

Response:

The preparation of a Generic Environmental Impact Statement provides an opportunity to address cumulative impacts of development within a prescribed study area for a certain planning period, and to evaluate and develop a list of measures necessary to mitigate the cumulative impact of that development. Allocation of mitigation fees is a method to all each project to pay its “fair share” contribution in order to mitigate its own impact. Mitigation fees are only assessed to a project when there has been a nexus established between a projects impact and the necessary mitigation measure. Mitigation fees have been successfully used for decades to mitigate projects’ impact on the environment for a variety of conditions including traffic, water supply systems, sanitary sewer systems, etc. We are not aware of any regulations that prevent the use of mitigation fees to address cumulative impacts of development. Additional explanation of the procedures to be used to assess transportation related mitigation fees and determine the public/private fair share contribution of mitigation fees can be found in the publication titled “Albany County Airport Generic Environmental Impact Statement, Implementation of the Mitigation Cost Program, CDTC Review Procedure” prepared by the Capital District Transportation Committee for the Town of Colonie Planning and Economic Development Department and Albany County Department of Public Work dated October 30, 1992 (revised May 4, 2004 and May 5, 2007). A copy of the document is in Appendix 4 Exhibit B, attached herewith.

AB16. Comment:

Andrew Brick, Esq., Donald Zee, P.C.:

At the April 3rd Public Hearing, reference was made to correspondence submitted by First Columbia Development in possession of the Planning Board. Such correspondence contains a factual error that requires correction. At page 5, it is alleged that the Wal-Mart project “has been denied by the Board and is unknown if the applicant will resubmit.” This is not accurate. A proposed design for the project at issue was rejected by the Planning Board. The application for Site Plan Approval remains valid and pending and a revised design has been submitted for review and consideration by the Planning Board.

Response:

The comment is noted.

AB17. Comment:

Andrew Brick, Esq., Donald Zee, P.C.:

The document contains the following statement at page 31: “However, including a major retail facility and office development in the corridor will increase demand for transit service for both customers and workers. Locating these developments at the end of Latham Auto Park Drive, more than 400 yards away from CDTA’s US Route 9 service will make it very difficult for CDTA to efficiently expand service to the development without substantially increasing costs, both in terms of time and money. The retail proposal should be required to subsidize direct transit service to the site with a bus stop

on-site with a dedicated, ongoing funding stream. The service should be reasonable in terms of routes and frequency to serve employees and customers, and be in operation for a sufficient time period to establish the transit market potential (usually twelve to eighteen months). For CDTA to incorporate a pilot service into CDTA service, a minimum threshold of performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period. The Town has determined that the Boght mitigation shall include \$250,000 toward physical transit improvements such as but not limited to shelters, and pedestrian improvements near shelters.” This paragraph is problematic for a number of reasons. First, it states that “including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” While it alleges that both retail and office uses will increase transit demand, it then proposes to hold “the retail proposal” solely responsible to fund the cost of transit improvements. It appears this is the only instance in the document where a single property is singled out for payment responsibility. This proposal is made more egregious by the fact that this solitary financial responsibility is proposed to be required on a continual basis. Although it is admitted other uses contribute to the transit needs, the document proposes to hold one property financially responsible in perpetuity. Not only is this proposal far beyond the acceptable bounds of reasonable mitigation under SEQR, it violates the most basic principles of fundamental fairness and equity. It is recommended that this entire paragraph be stricken or amended to make clear that individual properties are not to be held solely responsible for transit improvement cost mitigation.

Response:

The purpose of the statement was not intended to imply that only a retail proposal should address transit related impacts. We agree that both retail and office uses can create additional demand for transit service. Additional reference was made to the retail proposal due to review and comment on that specific project by CDTA.

As stated above, the 2011 Update includes comments and suggestions made by CDTA during the preparation of the study. The intent of the statements made regarding funding transit service is that if it is determined that a project will generate a substantial need for transit service or if the Town through its review of a project determines that transit service is required, that it be handled through agreements between CDTA and the applicants during the individual project’s review process. In general it is the CDTA’s preference to operate on the mainline rather than detouring to specific developments, which increases their operational costs. Although the 2011 Update evaluates potential impacts on the ability to provide transit service, mitigation measures for inclusion in the list of capital improvements should be limited to physical improvements such as bus shelters, pedestrian improvements near shelters, etc. We do not believe it is appropriate to address funding operating costs with GEIS mitigation fees as these are one-time costs and not an indefinite continued revenue source.

The current list of transportation related improvements includes \$250,000 for transit accommodations. This cost will be apportioned to projects that are expected to create additional demand for transit facilities such as bus shelters, sidewalks, pedestrian crossings, etc.

CS18. Comment:

Christian Thomas Sorensen:

Why does the project report address traffic only during evening peak hours, while ignoring morning peak hour traffic?

Response:

The traffic study primarily focuses on the PM peak hour of traffic because this is a typical time period that will have the most traffic related impacts, congestion, etc. Standard traffic planning methodology is to assess the impacts of and provide mitigation for the worst time period of traffic. Because Route 9 is utilized heavily by commuter traffic, the PM peak hour has been determined to be the most critical period of analysis. That said, other periods of heavy travel (AM peak hour, Saturday afternoon peak hour) are taken into consideration as mitigation measures are developed and implemented.

CS19. Comment:

Christian Thomas Sorensen:

On page 4 of the CME Report, the authors state that “traffic growth has been relatively stable over the last several years.” They define the “last several years” as May 2008 to January 2010, a period of approximately 21 months. Twenty-one months does not qualify as, “several years.” Why has the Town accepted this premise?

Response:

The study states “A review of historical traffic counts in the project vicinity indicates that traffic growth has been relatively stable over the last several years. Therefore, the 2008 traffic volumes are reflective of existing 2010 traffic conditions.” Although reference is made to a two year period between when the traffic counts were completed and when the analysis was performed, traffic volumes have been stable for a much longer period.

CS20. Comment:

Christian Thomas Sorensen:

Figure 2 of the CME Report seems to show that the Eastbound traffic volume at the intersection of 9R/Old Loudon Road, (hereafter OLR) during the evening peak hours period is 968 vehicles, with 87 vehicles turning North on OLR and 92 vehicles turning South on OLR. The report is unclear as to the period represented by these counts. Are these counts for the entire 4:00 PM to 6:00 PM peak hour period, or are they vehicle counts-per-hour?

Response:

The traffic volumes shown on Figure 2 are for the PM peak hour (generally 4:30 to 5:30 PM).

CS21. Comment:

Christian Thomas Sorensen:

The period beginning in May 2008 and ending in January 2010 is a period of severely decreased economic activity due to the economic recession in effect at that time. How can the Town accept the traffic volumes shown in CME Figure 2 as reliably representative of normal traffic volumes?

Response:

A review of historical traffic counts in the project vicinity indicates that traffic growth has been relatively stable over the last several years. As such, use of that data is appropriate for traffic planning purposes. Existing traffic count information is only used to establish baseline conditions, and is not the only factor in determining appropriate traffic mitigation measures, which is based more on average vehicle delay, ability to make safe turning movements, traffic congestion, etc. Significant research was also completed on historical volumes dating back to the 1989 GEIS to understand and validate volume trends.

CS22. Comment:

Christian Thomas Sorensen:

A traffic study performed by me, personally, in June 2006, a period of normal economic activity, shows the total volume of eastbound traffic entering the intersection at 9R/OLR during evening peak hours to be 955 vehicles per hour and 1126 vehicles per hour, respectively on the two days during which the counts were performed. (A copy of this study is included in with the comment letter). If the CME traffic volumes shown in Figure 2 are for the entire peak period, do not the volumes shown in my June 2006 bring the CME volumes into serious dispute for forward planning purposes?

Response:

The traffic volumes shown on Figure 2 are for the PM peak hour (generally 4:30 to 5:30 PM). The total volume of eastbound traffic at the 9R/OLR intersection is 1143 and at the Route 9/9R intersection is 1174 vehicles, so your traffic data is consistent with that used for the analysis.

CS23. Comment:

Christian Thomas Sorensen:

On page 7 of the CME report, for the segment distance from Sparrowbush Road to Boght Road, the authors state that, "Overall, the operating speed of northbound traffic was measured to be 31 mph while the total travel time is approximately 3 minutes and 53 seconds." Figure 3 on that same page shows the total distance between these two endpoints to be 1.86 miles, (0.3+0.3+0.3+0.96). Given these two parameters, the

average speed works out to be 28.73 mph (9821 ft./233 sec. = 42.15 fps). (42.15 ft/sec x 3600 sec/hr x 1 mile/5280 ft = 28.73 mph). Is the actual average travel time slower than represented in the report?

Response:

The text in the report should read 3:25 not 3:53, which equates to the 31 mph speed (see revised pages 7 and 28 in Appendix 4 Exhibit C, attached herewith).

CS24. Comment:

Christian Thomas Sorensen:

If the vehicle counts shown in the CME report are not representative of actual normal traffic flows during times of normal economic activity, it is likely that traffic congestion and delay times shown are understated. If so, can any projections based on the data shown be relied upon?

Response:

We believe the traffic volumes presented are accurate and have been previously deemed acceptable for use by the Town of Colonie Planning Board, CDTC and NYSDOT.

CS25. Comment:

Christian Thomas Sorensen:

Page 11 of the CME report states that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR would be considered only if it presents an overall benefit to network operations in the area. The Connector Road to this intersection from the intersection of Route 9R/Johnson Road is the proposed solution to the “overall benefit to the network” requirement. In fact, the proposed Connector Road exacerbates network delays and congestion, by bringing in significant new traffic volumes to the network from the development of parcel 28. Page 32 of the report anticipates a reduction in the 45 mph speed limit at Route 9/Latham Auto Park Drive/OLR due to pedestrian crossing requirements. While the CME report does not offer a specific figure, it is likely that the speed limit would require a reduction to 30 mph or 35 mph to accommodate pedestrian traffic. In addition, a significant signal delay would be required to allow time for pedestrians to traverse the 80 feet crossing distance. Given the increased vehicle volumes from the development of Parcel 28, the necessary reduction in speed limits, and the necessary signal delay time for pedestrians, network vehicle traffic will likely back-up on Route 9 from the Route 9/Latham Auto Park Drive/OLR intersection back through the Route 9/Route 9R intersection, back through the Route 9/Sparrowbush Road intersection, and back to the Route 9/Cobbie Road intersection. The proposal for the installation of a traffic signal is the sine qua non for the development of Parcel 28 and those parcels on Latham Auto Park Drive. It is the key element necessary for commercial development of these parcels, and has nothing to offer to abate existing network traffic flow problems, as the average transit speed from Sparrowbush Road to Boght Road would necessarily decrease, and the transit time would thereby increase.

Response:

The intent of the connector road, and all of the identified improvements, is to address traffic related impacts from future development, not necessarily improve current traffic conditions and operational deficiencies. Installation of additional traffic signals along Route 9 and additional traffic from new development would likely result in additional congestion along the corridor. Various improvements are proposed to mitigate the negative impacts to the extent practical including new traffic signals, turn lanes, signal adjustments, construction of the connector road, etc. The studies have shown that congestion and delay would be significantly worse without the proposed improvements and that some degradation of operations is expected at some locations with all the development and all of the various improvements. The implementation of the improvements will provide an overall benefit to the transportation network by building in additional reserve capacity and providing more options for travel. There is an expectation that additional development will result in increased pedestrian activity, and in order to provide a “complete streets” traffic planning approach, non-motorized forms of travel are being accounted for in the analysis and list of improvements.

CS26. Comment:

Christian Thomas Sorensen:

Table 3 of the CME report shows no significant change to Level of Service for any intersection under the Null, Alt. 1 and Alt. 2 scenarios, for either the Short-Term 2015 period or the Long-Term 2020 period, except for the Route 9/Route 9R/I-87 access intersection. Under the Alt. 2 scenario, LOS is improved only at the Route 9/Route 9R/I-87 access intersection. This improvement requires a \$5-\$6 million dollar initial investment to achieve modest estimated improvement. No estimates are offered for on-going maintenance or operating costs. This is further evidence that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR has but one purpose. That purpose is the development of Parcel 28 and the parcels on Latham Auto Park Drive, not overall benefit to network operations.

Response:

As stated previously, the intent of the connector road, and all of the identified improvements, is to address traffic related impacts from all future development, not necessarily improve current traffic conditions and operational deficiencies. Overall vehicular delays would more than triple without the improvements (See Table 7 of the 2011 Update). The list of projects, rate of development, and planning periods have already been reviewed and deemed acceptable by the Town of Colonie Planning Board. It is important to understand that the Traffic Update was initiated as a result of a series of development proposals in the Boght Road-Columbia Street GEIS study area.

CS27. Comment:

Christian Thomas Sorensen:

Table 7, “Measures of Effectiveness on Route 9,” of the CME Report, hereafter MOE, shows significantly higher delay times under Null, Alt. 1 and Alt. 2 scenarios for both the

2015 period and the 2020 period over the 2010 Existing period. The key element in the Null and Alt. 1 scenarios is the installation of the proposed traffic signal at the Route 9/Latham Auto Park Drive/OLR intersection. Alt. 2 adds the Connector Road to the Alt. 1 scenario. Curiously, the Alt. 2 scenario in the 2015 period shows a 26% increase in delay times, but a 2% improvement in travel times. This seems to defy logic. In addition, under the 2020 Null scenario, with an additional traffic signal installed, overall speed on Route 9 is estimated to decrease by 28% from 2010 existing levels, and does not approach 2010 levels until Alt. 2 is adopted. There is no benefit to overall network operations from adoption of any of the proposed alternatives. The only purpose of the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is to facilitate and justify commercial development in the area.

Response:

Part of the additional delay is because there are additional vehicles on the network when comparing the alternatives for the existing conditions. When comparing Alternatives 1 and 2 in the 2015 Planning Period, implementation of the connector road (Alt. 2) results in an 11% improvement in delay times and a 6% improvement in travel times. This level of consistency is expected.

We agree that implementation of the connector road (Alt. 2) results in significant improvement in traffic operations and has been demonstrated in the analysis.

CS28. Comment:

Christian Thomas Sorensen:

The obvious conclusion to be drawn from the CME Report is that the existing geometry of the road network in the area covered by the Report precludes any development, which would significantly add to existing traffic volumes during peak hours. That the Report does not address morning peak hours, when Westbound traffic volumes on Route 9R into the Route 9/Route 9R/I-87 Access intersection are greater than evening peak hours Eastbound traffic volumes from that intersection onto Route 9R is a serious concern. The difference in traffic volumes appears in evening peak hour Northbound traffic volumes on Old Loudon Road of approximately 450 vehicles per hour. Add to that the approximately 260 vehicles per hour of Southbound on Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road as an alternative to Route 9 during normal economic conditions. If development of Parcel 28 and the parcels on Auto Park Drive proceeds as proposed, and the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is actually installed, more traffic volume will opt for using Old Loudon Road as an alternative to Route 9. This will result in significant depreciation of the residential nature of this area due to increased noise, litter, foot traffic, opportunity for increased crime, and the need for more traffic signals at intersections, where none can be justified at present.

An alternative development scenario would be for Parcels 4, 16, 17, 28 and 30 to be developed in a manner in which no significant new traffic volume would be added to the network during morning or evening peak hours.

Response:

There are very minimal changes being made to the functional characteristics of Old Loudon Road. The various improvements being made along Route 9 and Route 9R are intended to allow traffic to use the existing arterials as much possible, thereby minimizing the use of alternative routes such as Old Loudon Road. Although there may be more traffic on Old Loudon Road due to additional traffic in the area, and some from additional residential development, the Traffic Update demonstrates that significant impacts are not expected to occur. Correspondingly, there are not expected to be negative impacts on noise, litter, crime, etc.

For the most part, the Traffic Update used known development proposals to determine the number of trips to be generated for the 2015 and 2020 year Planning Periods. Where development proposals were not known, the Town Planning Department was consulted to establish likely development densities, taking into consideration known constraints such as wetlands, etc. All of the development proposals for Parcels 4, 16, 17, 28 and 30 are in conformance with the underlying zoning districts, so that even if the projects are modified or developed on a modified schedule, the results of the analysis will still be valid for traffic planning purposes.

APPENDIX 4

EXHIBIT A

Current Boght Road – Columbia Street Area Mitigation Fee Account Information

Town of Colonie
 Boght Mitigation Summary
 From Inception to 4/30/12

	<u>Transportation</u>
Assessments	\$ 2,752,120.70
Interest	<u>350,768.98</u>
	<u>3,102,889.68</u>
Transportation	
EMS Station intersection	57,678.84
Elm St. By-pass	230,484.69
Boght/St. Agnes Hwy/Johnson Rd	795,135.45
Boght Ballfield intersection	444,758.44
Boght/Haswell Rd study	2,788.50
Traffic engineering	194,722.97
Traffic GEIS update	<u>67,262.83</u>
Total	<u>1,792,831.72</u>
Balance	<u>\$ 1,310,057.96</u>

Town of Colonie
Boght GELS Transportation Assessments
Inception to 4/30/12

<u>Date</u>	<u>Payee</u>	<u>Check No.</u>	<u>Development</u>	<u>Amount</u>
01/04/91	Albany Equipment Management Assoc.	CK 2715	AEM Associates; 1001 Loudon Rd	1,572.00
08/23/95	Archmont Inc.	CK 380	Archmont Knolls	37,752.00
08/23/95	Archmont Inc.	Credit	Archmont Knolls	
02/03/97	Archmont Inc.	CK 468	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	2,081.33
08/27/97	Archmont Inc.	CK 509	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	4,162.67
03/16/98	Archmont Inc.	CK 0554	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	3,568.00
12/23/97	Archmont Inc.	CK 530	Archmont Knolls Phase 2B; Swatling & Haswell Rd.'s	7,136.00
10/25/99	Archmont Inc.	CK 0652	Archmont Knolls Phase 3	17,245.00
02/08/00	Archmont Inc.	CK 686	Archmont Knolls Phase 3	8,623.00
12/12/06	Archmont, Inc.	CK 1031	Archmont Knolls Phase 4; Marne and Verdun St.'s	16,270.41
02/02/07	Archmont, Inc.	CK 1031	Archmont Knolls Phase 4; Marne and Verdun St.'s	17,737.63
10/09/07	Archmont, Inc.	CK 1065	Archmont Knolls Phase 4; Marne and Verdun St.'s	14,060.96
08/08/11	Micheli Construction	CK 37221	Archmont Knolls Phase 5; Fort Vaux Ln & Champagne Ct.	13,472.00
08/08/11	Micheli Construction	CK 37214	Archmont Knolls Phase 5; Fort Vaux Ln & Champagne Ct.	13,472.00
11/10/93	Artco Equipment Sales, Inc.	CK 2584	Artco; 1217 Loudon Rd	1,803.71
03/25/94	Artco Equipment Sales, Inc.	CK 3385	Artco; 1217 Loudon Rd	3,607.41
03/12/90	Elizabeth & Daryl Barra	CK 1768	Barra Dentistry; 1070 Loudon Rd	-
06/27/90	Elizabeth & Daryl Barra	CK 2054	Barra Dentistry; 1070 Loudon Rd	-
07/21/98	Elias Weis	CK 2990	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.34
07/21/98	Elias Weis	CK 2991	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.33
11/30/98	Elias Weis	CK 3389	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.33
09/23/10	Cillis Builders	CK 17099/cash	Boucharard Resubdivision; 11 Misty Morning Ln	981.00
03/20/07	Cillis Builders, Inc.	CK 12553	Boucharard Subdivision; 243 Boght Rd	981.00
06/26/07	Cillis Builders, Inc.	CK 12553	Boucharard Subdivision; 243 Boght Rd	1,962.00
03/11/98	Georgia D. Calamaras	CK 160	Candlewood Gardens Addition; 514 Old Loudon Rd	1,924.00
05/25/90	Candlewood Gardens	CK 101	Candlewood Gardens; 514 Old Loudon Rd	400.00
10/09/90	Candlewood Gardens	CK 109	Candlewood Gardens; 514 Old Loudon Rd	800.00
09/27/95	Capital Comm. FCU	CK 49049	Capital Comm. FCU; 4 Century Hill Dr.	9,474.00
04/30/96	Capital Comm. FCU	CK 051244	Capital Comm. FCU; 4 Century Hill Dr.	4,738.00

09/24/93	J.B.H., Inc. d/b/a Carpetmaster Cleaning	CK 2801	Carpet Master; 1200 Loudon Rd	1,884.96
08/04/06	Center for Family Practice	CK 1940	Center for Family Practice; 8 Century Hill Dr.	8,520.00
12/26/06	Center for Family Practice	CK 2358	Center for Family Practice; 8 Century Hill Dr.	4,260.00
12/15/98	Chrysler Realty	CK 109135	Chrysler; 965 Loudon Rd	35,280.00
06/09/99	Chrysler Realty	CK 239224	Chrysler; 965 Loudon Rd	17,640.00
09/21/02	Columbia Plaza, LLC	CK 1140	Columbia Plaza; 935 Loudon Rd (O'Hern Bank & Retail Ctr)	13,759.19
05/16/03	SEFCU	CK 5050159	Columbia Plaza; 935 Loudon Rd (O'Hern Bank & Retail Ctr)	11,401.21
06/30/06	NYS Thruway	CK 2895	Construct new industrial access road	2,576.47
12/21/09	R. Marini Builders	CK 2613	Cornerstone Meadows Phase 1; 448 Boght Rd	5,894.00
07/12/10	R. Marini Builders	CK 5610	Cornerstone Meadows Phase 1; 448 Boght Rd	11,788.00
06/27/97	Add Development & Management	CK 10014	Crossroads Plaza Phase 1; 1 Johnson Rd.	5,933.60
03/26/97	Add Development & Management	CK 1775	Crossroads Plaza Phase 3; 1 Johnson Rd.	28,479.68
09/03/99	Allied Area Realty, Inc.	CK 670	Crossroads Plaza Phase 3; 1 Johnson Rd.	29,049.00
01/18/00	Allied Area Realty, Inc.	CK 704	Crossroads Plaza Phase 3; 1 Johnson Rd.	15,011.00
02/02/00	Allied Area Realty, Inc.	CK 713	Crossroads Plaza Phase 3; 1 Johnson Rd.	40.00
09/18/96	Add Development & Management	CK 1409	Crossroads Plaza Phases 1 to 3; 1 Johnson Rd	29,667.00
10/07/98	Best Body	CK 5523	D&D Manor; 140 Dunsback Ferry Rd	1,486.66
06/19/00	D&D Manor Construction	CKs 1007	D&D Manor; 140 Dunsback Ferry Rd	1,486.67
06/20/00	D&D Manor Construction	CKs 1008	D&D Manor; 140 Dunsback Ferry Rd	1,486.67
06/20/90	D.O.C. Motors, Inc.	CK 5816	D.O.C. Motors Addition; 1114 Loudon Rd	447.14
11/21/91	D.O.C. Motors, Inc.	CK 7604	D.O.C. Motors Addition; 1114 Loudon Rd	223.57
12/20/93	Terry Gagner d/b/a Gagner Comm. Prop	CK 5294	Dansk Addition; 921 Loudon Rd	7,476.86
08/22/94	Stephen & Mary Davidson	CK 172	Davidson Garage Addition; 9 Century Hill Dr.	903.46
08/20/04	NYS multi-modal funds	CK 5773	Deposited to HWY and moved to Boght GEIS	8,969.89
04/23/96	Elias Weis	CK 98	Dutch Meadows Subdivision; 669 Boght Rd	38,896.00
09/13/96	Elias Weis	CK 513	Dutch Meadows Subdivision; 669 Boght Rd	14,353.00
07/09/99	K & T O'Hearn	CK 516	Eckerd Retail Center; 933 Loudon Rd	27,440.00
07/12/99	K & T O'Hearn	CK 129	Eckerd Retail Center; 933 Loudon Rd	27,440.00
04/12/91	David & Paula Mantey	CK 134	Emery Subdivision; 53 Haswell Rd	200.00
07/25/91	David & Paula Mantey	CK 153	Emery Subdivision; 53 Haswell Rd	200.00
11/13/91	David & Paula Mantey	CK 9341	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
06/11/03	Adirondack Dev. Group	CK 9341	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
08/18/03	Adirondack Dev. Group	CK 8153	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
03/03/04	Adirondack Dev. Group			

07/15/02	First Columbia Century-30, LLC	CK 138	First Columbia Office Bldg; 30 Century Hill Dr.	45,040.66
09/01/09	First Columbia, LLC	CK 16071	First Columbia Office; 3 Autopark Dr	
02/26/10	First Columbia, LLC	CK 16406	First Columbia Office; 3 Autopark Dr	149,719.00
07/13/01	First Columbia, LLC	CK 1892	First Columbia Offices; 20 Century Hill Dr.; bldg 20	50,198.00
07/13/01	First Columbia, LLC	CK 1892	First Columbia Offices; 20 Century Hill Dr.; bldg 24	71,204.00
12/28/01	First Columbia, LLC	CK 2004	First Columbia Offices; 20 Century Hill Dr.; bldg 24	
12/28/01	First Columbia, LLC	CK 2005	First Columbia Offices; 20 Century Hill Dr.; bldg 24	35,602.00
02/21/06	Christopher J. Bette	CK 116	First Columbia Offices; 20 Century Hill Drive Bldg A	11,648.00
07/21/06	First Columbia	CK 13239	First Columbia Offices; 20 Century Hill Drive Bldg A	34,960.00
05/27/05	First Columbia	?	First Columbia Offices; 20 Century Hill Drive Bldg A	43,056.00
02/21/06	Christopher J. Bette	CK 117	First Columbia Offices; 20 Century Hill Drive Bldg C	11,431.00
02/18/00	First Columbia, LLC	CK 1058	First Columbia Offices; 20 Century Hill Drive Bldg C	29,100.00
02/18/00	First Columbia, LLC	CK 1143	First Columbia Offices; 26 Century Hill Dr.	19,171.76
08/31/00	First Columbia Century-26, LLC	CK 117	First Columbia Offices; 26 Century Hill Dr.	29,100.00
12/03/01	First Columbia, LLC	CK 1971	First Columbia Offices; 30 Century Hill Dr.	90,081.32
04/18/00	Team Goewey	CK 54356	Goewey Dodge of Latham; 571 Columbia St.	
09/08/04	Team Goewey	CK 72887	Goewey Kia; 1213 Loudon Rd	4,084.08
05/19/08	Chiwill, Inc.	CK 5601	Gupitil Holding Co.; 1085 Loudon Rd	
08/22/94	Chiwill, Inc.	CK 606	Gupitil Ice Cream Stand; 1085 Loudon Rd	1,782.90
05/29/90	Kevin & J. Timothy O'Hearn	CK 192 & 194	Hampton Inn Addition; 981 Loudon Rd	51,397.33
12/28/90	Kevin & J. Timothy O'Hearn	CK 286	Hampton Inn Addition; 981 Loudon Rd	25,698.67
04/11/91	Kevin & J. Timothy O'Hearn	CK 331	Hampton Inn Addition; 981 Loudon Rd	
04/09/03	A. Casale	CK 0093	Hess Mart; 951 Loudon Rd	15,292.66
09/18/03	A. Casale	CK 1098	Hess Mart; 951 Loudon Rd	7,646.33
08/06/98	K & L Hogan	CK 2583	Hogan Resubdivision; 96 Dunsbach Ferry Rd	892.00
03/06/96	Keith & Lisa Hogan	CK 1555	Hogan Subdivision; 68 Dunsbach Ferry Rd	2,574.00
07/22/05	Paulsen Development	CK 11145	Hogan Subdivision; 85 Dunsbach Ferry Rd	981.00
08/22/07	Add Development & Management	CK 22968	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	22,529.00
07/25/08	Add Development & Management	CK 23765	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	83,108.00
02/18/09	Add Development & Management	CK 24133	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	40,498.00
01/14/05	Hudson Preserve		Hudson Preserve; 136 Troy Sch. Rd	
06/09/09	Anjo Construction	CK 22401	Hunter's Ridge; 662 Bought Rd	4,210.00
05/17/10	Anjo Construction	CK 23166	Hunter's Ridge; 662 Bought Rd	4,210.00
07/22/11	Anjo Construction	CK 24088	Hunter's Ridge; 662 Bought Rd	4,210.00

04/12/90	The Michaels Group	CK 21005	Hunter's Run; 495 Columbia St.	16,000.00
01/31/91	The Michaels Group	CK 1087	Hunter's Run; 495 Columbia St.	8,000.00
01/11/00	JBA Golf Complex	CK 12295	JBA Golf Complex; 183 Troy Sch. Rd	12,606.00
12/20/00	JBA Golf Complex	CK 3066	JBA Golf Complex; 183 Troy Sch. Rd	
12/29/00	NSF check for JBA Golf Complex	CK 3066	JBA Golf Complex; 183 Troy Sch. Rd	
06/25/01	JBA Golf Complex		JBA Golf Complex; 183 Troy Sch. Rd	
06/30/01	Excelsior Credit Union	CK 220724	JBA Golf Complex; 183 Troy Sch. Rd	
07/12/01	Excelsior Credit Union	CK 221516	JBA Golf Complex; 183 Troy Sch. Rd	
08/03/01	Excelsior Credit Union	CK 222820	JBA Golf Complex; 183 Troy Sch. Rd	
10/09/01	JBA Golf Complex	TOC reimb	JBA Golf Complex; 183 Troy Sch. Rd	8,023.00
06/20/02	JBA Golf Complex	Cash	JBA Golf Complex; 183 Troy Sch. Rd	6,000.00
07/10/02	Excelsior Credit Union	CK 243615	JBA Golf Complex; 183 Troy Sch. Rd	500.00
08/21/02	JBA Golf Complex	Cash	JBA Golf Complex; 183 Troy Sch. Rd	500.00
10/09/02	Excelsior Credit Union	CK 246485	JBA Golf Complex; 183 Troy Sch. Rd	500.00
08/13/04	Santino's Restaurant	CK 1631	JBA Golf Complex; 183 Troy Sch. Rd	4,491.00
12/29/03	NYS School Board Assoc.	CK 5747	Kansas Eye Group; 24 Century Hill Dr	10,650.00
05/28/09	R. Marini Builders	CK 50253	Lake Ridge Subdivision; 279/279A Watervliet Shaker Rd	
02/23/10	R. Marini Builders	CK 4138	Lake Ridge Subdivision; 279/279A Watervliet Shaker Rd	
02/02/93	Joseph & Margaret Assini	CK 2046	Lands of Assini Subdivision; 218 Boght Rd	
07/07/95	Lisa & Keith Hogan	CK 0001	Lands of Hogan Subdivision	1,800.00
08/18/95	Lisa & Keith Hogan	CK 120	Lands of Hogan Subdivision	1,144.00
04/22/99	New Country Motor Car Group, Inc.	CK 3387	Lexus of Latham; 999 Loudon Rd	2,288.00
06/19/91	Lexus of Latham	CK 145	Lexus: 999 Loudon Rd	4,822.00
01/11/91	Lexus of Latham	CK ?	Lexus: 999 Loudon Rd	7,316.10
05/22/91	Lexus of Latham	CK 100	Lexus: 999 Loudon Rd	7,316.10
06/05/97	Lutz Cichy Selig & Zerona, LLP	CK 5072	Lutz, Cichy, Selig & Zerona; 33 Century Hill Drive	8,277.33
11/05/97	Bank Check	CK 5644	Lutz, Cichy, Selig & Zerona; 33 Century Hill Drive	4,138.67
11/01/05	Manchester Assoc	CK 11197	Manchester Heights Phase 2; 300-307 Boght Rd	31,392.00
12/16/05	Manchester Assoc	?	Manchester Heights Phase 2; 300-307 Boght Rd	15,696.00
05/08/09	Manchester Assoc	CK 12077	Manchester Heights; 300-307 Boght Rd	8,420.00
05/31/09	Manchester Assoc, returned check	CK 12077	Manchester Heights; 300-307 Boght Rd	(8,420.00)
06/08/09	Manchester Assoc.	CK 12102	Manchester Heights; 300-307 Boght Rd	16,840.00
05/04/10	Manchester Associates	CK 12295	Manchester Heights; 300-307 Boght Rd	8,420.00
12/26/91	Lawrence & Ann Marie Buckley	CK 812	Meineke Muffler; 992 Loudon Rd	654.59

12/31/91	Lawrence & Ann Marie Buckley	CK 813	Meineke Muffler; 992 Loudon Rd	654.59
06/30/92	Spring Hill Properties, LTD	CK 167	Meineke Muffler; 992 Loudon Rd	655.76
06/15/05	Millview of Latham	CK 5731	Millview of Latham; 514 Old Loudon Rd	11,146.00
06/21/06	Millview of Latham Realty Holdings Co.	CK 1029	Millview of Latham; 514 Old Loudon Rd	5,573.00
12/21/09	R. Marini Builders		Mincsak Subdivision; 464 Boght Rd	2,526.00
07/12/10	R. Marini Builders	CK 5610	Mincsak Subdivision; 464 Boght Rd	2,526.00
11/10/10	R. Marini Builders	CK 6676	Mincsak Subdivision; 464 Boght Rd	2,526.00
09/08/05	Rosewood Home Builders, LLC	CK 2789	Morning View Farms; 257 Boght Rd	29,430.00
11/17/06	Rosewood Home Builders, LLC	CK 3645	Morning View Farms; 257 Boght Rd	14,715.00
06/23/00	Anjo Construction	CK 13855	North Point Estates: 550 Columbia St.	33,107.33
12/29/00	Anjo Construction	CK 14442	North Point Estates: 550 Columbia St.	16,553.67
07/19/01	Northeast Acura	CK 14669	Northeast Acura; 942 Loudon Rd	8,133.00
12/27/95	Fernada & Michael Padolifu	CK 150	Pandoifo Beauty Salon; 1090 Loudon Rd	2,038.00
10/20/04	Rosewood Home Builders, LLC	CK 1003	Ridgefield Commons Phase 1; 80 Boght Rd	21,582.00
02/28/05	Rosewood Home Builders, LLC	CK 1805	Ridgefield Commons Phase 1; 80 Boght Rd	10,791.00
10/17/01	Elias Weis	CK 5546	Rose Hill Subdivision; 39 Johnson Rd	13,742.67
03/26/03	Elias Weis	CK 4639	Rose Hill Subdivision; 39 Johnson Rd	6,871.33
02/27/90	J.V. Associates	CK 127	Same Day Surgery; 7 Century Hill Dr.	14,628.67
11/19/90	J.V. Associates	CK 1026	Same Day Surgery; 7 Century Hill Dr.	7,314.33
11/07/02	First Columbia, LLC	CK 2316	Smith Plaza; 980 Loudon Rd, Bldg 2	11,202.40
11/07/02	First Columbia, LLC	CK 2315	Smith Plaza; 980 Loudon Rd, Kimberly's	27,002.80
06/11/03	First Columbia, LLC	CK 2409	Smith Plaza; 980 Loudon Rd, Kimberly's	13,501.40
06/25/90	Smith Pontiac-GMC Truck Center, Inc.	CK 57164	Smith Pontiac Addition; 976-982 Loudon Rd	147.78
04/30/92	Skaarland Homes	CK 7598	Spring Meadow Phase 3A; Haswell Rd	13,141.50
03/07/93	Skaarland Homes	CK 7949	Spring Meadow Phase 3A; Haswell Rd	6,658.50
05/04/94	Mountain View Apartments	CK 4179	Spring Meadows Phase 3B; Haswell Rd	35,600.00
01/18/95	Mountain View Apartments	CK 4695	Spring Meadows Phase 3B; Haswell Rd	17,800.00
07/23/91	St. Nicholas Redevelopment	CK 149	St. Nicholas Russian Orthodox Church; 1077 Loudon Rd	423.36
08/02/96	Unifirst	CK 353005	Unifirst; 157 Troy Schenectady Rd	11,550.00
10/24/91	Charlotte Van Vranken	CK 3590	Van Vranken Subdivision; 309 Boght Rd	200.00
08/05/98	J. & J. Van Vranken	CK 5678	Van Vranken Subdivision; 309 Boght Rd	400.00
05/30/01	Elias Weis	CK 5236	Vandenburgh Estates Cluster; 532 Old Loudon Rd	58,718.67
12/07/01	Elias Weis	CK 5598	Vandenburgh Estates Cluster; 532 Old Loudon Rd	29,359.33
02/09/93	Nemith Motors Corp	CK 5939	Walfrid Office Addition; 950 Loudon Rd	11,550.00

06/01/93	Walfred Associates	CK 10241	Walfred Office Addition; 950 Loudon Rd	28,461.40
09/08/93	Terry Gagner d/b/a Gagner Comm. Prop	CK 5074	West Point Pepperell Addition; 921 Loudon Rd	237.16
02/25/00	NYS multi-modal funds	CK 24608		16,179.16
05/03/00	NYS multi-modal funds	CK 25167		33,017.79
11/03/00	NYS multi-modal funds			33,478.77
02/16/01	NYS multi-modal funds			23,096.55
08/01/01	NYS multi-modal funds			20,172.04
02/12/02	NYS multi-modal funds	CK 9738.4		9,738.49
05/01/02	NYS multi-modal funds	CK 31488		21,697.83
07/25/02	NYS DOT		1150 New Loudon Rd	1,013.75
08/01/02	NYS multi-modal funds			8,393.08
11/01/02	NYS multi-modal funds	CK 32113		7,327.49
02/12/03	NYS multi-modal funds	CK 33053		6,379.40
08/01/03	NYS multi-modal funds			21,437.82
08/18/03	NYS multi-modal funds			214,965.29
12/18/03	NYS multi-modal funds	ACH 362945		190,451.15
03/01/04	NYS multi-modal funds	CK 37487		7,305.77
02/28/05	NYS multi-modal funds	CK 2613		7,274.92
05/27/05	NYS Department of Transportation	CK 68568803		945.00
				<u>2,752,120.70</u>

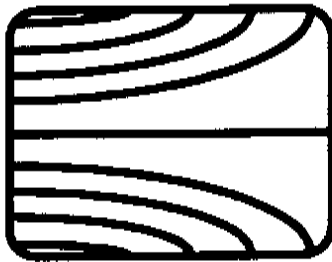
APPENDIX 4

EXHIBIT B

**Albany County Airport Area
Generic Environmental Impact Statement
Implementation of the Mitigation Cost Program
CDTC Review Procedure**

**ALBANY COUNTY AIRPORT AREA
GENERIC ENVIRONMENTAL IMPACT STATEMENT
IMPLEMENTATION OF THE MITIGATION COST PROGRAM**

CDTC REVIEW PROCEDURE



**ALBANY COUNTY AIRPORT AREA
GENERIC ENVIRONMENTAL IMPACT STATEMENT
IMPLEMENTATION OF THE MITIGATION COST PROGRAM**

CDTC REVIEW PROCEDURE

**Prepared by the
Capital District Transportation Committee

for the
Town of Colonie Planning & Economic Development Department
and
Albany County Department of Public Works**

**May 5, 2007
(second revision)**

**Albany County Airport Area
Generic Environmental Impact Statement
Implementation of the Mitigation Cost Program**

CDTC adopted its Public-Private Highway Financing Policy in 1989 and completed its Wolf Road and Airport Area studies by 1990, addressing existing and future congestion in a key commercial and retail center near the Albany County Airport (re-named Albany International Airport). The Town of Colonie and Albany County then jointly conducted a Generic Environmental Impact Study (GEIS) in 1991 to refine the land use plan for the Wolf Road/Airport area and establish an implementation plan for highway and other infrastructure elements. CDTC staff helped craft the GEIS statement of findings by leading the town in identifying the maximum feasible and desirable transportation plan, and scaling the amount of development over the next fifteen years to fit the plan's capacity. The plan calls for some projects to be publicly financed, some privately and some jointly.¹

The Town of Colonie pioneered the use of GEIS mitigation costs for implementation of the plan.¹ Using SEQR as the legal basis for the costs and carefully calculating each development's contribution to the need for mitigation allows Colonie to avoid the legal prohibition (established in the Guilderland case in the 1980's) against generic "impact fees". Notably, the approach also eliminates the need for significant traffic mitigation studies of each and every development in the area.

Mitigation costs are calculated based on the development's percentage consumption of new peak-hour, peak-direction traffic capacity by link and the cost by link of creating that capacity. An even-handed application of this process has included Colonie assessing itself mitigation fees when it constructed two town buildings and the Crossings Town Park in the FGEIS area.

Innovative features of the mitigation fee program include CDTC staff involvement in the review of each development application in the study area (under an annual contract to the town), and CDTC staff calculation of the appropriate transportation mitigation cost for use by the town. The staff also identifies arterial management actions and site circulation issues, thus linking MPO principles to real-world implementation. Demand management is also incentivized.

¹ The study's Financing Task Force explored alternative ways to implement the improvements recommended in the FGEIS. The task force recommended an approach that is based on the CDTC's 1989 report *Procedures for Public/private Highway Financing in the Capital District*. The Financing Task Force included representatives from NYSDOT, CDTC, Town of Colonie, Albany County, and other business and residential community. The full report is included in Appendix A.

GENERALIZED APPROACH USED BY CDTC TO CALCULATE THE PRELIMINARY MITIGATION COST FOR DEVELOPMENT IN THE AIRPORT FGEIS AREA.

The traffic impact of each development proposal is reviewed from the perspective of the *Albany County Airport Area FGEIS/Statement of Findings*, the *Town of Colonie Comprehensive Plan*, and CDTC's *New Visions Transportation Plan*.

Using a ten-step process, the approach outlined in this memorandum determines the mitigation, or proportionate-share, cost of transportation improvements for both public and private development projects in the Airport FGEIS area of the Town of Colonie.

1. **Review Development Project Narrative:** The Town of Colonie Planning Department transmits the development proposal to the CDTC staff. CDTC staff reviews the proposal to determine if it contains sufficient information to undertake a traffic review. At a minimum, information on development location, type, size, and layout is necessary for CDTC to complete the FGEIS review. A site design plan that clearly shows the proposed traffic and pedestrian access features is also necessary.
2. **Calculate Development Trips:** The second step of the process involves estimating the number of trips that would be generated by the proposed development. The number of vehicle trips generated by the development are used to determine mitigation cost. The output from this step is the total number of trip ends -- that is, trips entering and leaving the proposed development. The total number of trips is dependent upon the trip generation rate used.

Each land use type in a development proposal is assigned an estimated number of pm peak hour trips according to the methodology established by the *Institute of Transportation Engineers*. The most recent edition of ITE's *Trip Generation Manual* is used to calculate the pm peak hour vehicle trips for a specific land use. Locally derived rates will be used instead, if they are available. Locally derived rates are sometimes lower than the nationally derived rates published by ITE.

For developments such as shopping centers, restaurants, banks, service stations, and convenience markets, adjustments to the trip generation estimate to account for pass-by trips is usually appropriate. Pass-by trips are attracted from traffic passing the site on the street that contains direct access to the development. The pass-by adjustment is based either on information compiled by ITE or on actual surveys conducted by a qualified traffic planner or engineer in accordance with an accepted transportation planning methodology.

For redevelopment, the trip generation estimate is adjusted for traffic generated by the previous development. The credit should be based on traffic counts compiled for the former land use, if available. If actual traffic data is not available, then the credit can be based on trips calculated from the *ITE Trip Generation Manual*.

3. **Determine How Vehicle Trips are Distributed to/from the Development:** The third step in the process estimates the origins and destinations of all trips entering and exiting the proposed development. Trip distribution patterns are determined using CDTC's STEP model. The CDTC *Systematic Traffic Evaluation and Planning (STEP) Model* is a travel demand model which utilizes VISUM software. It has been demonstrated that the relationships between land use and travel remain reasonably stable over time, thus enabling the forecast of future travel patterns based upon a future land development pattern.

STEP model distribution patterns can be adjusted if specific, documented information about travel patterns are provided by the project sponsor.

4. **Assign Vehicle Trips to the Roadway Network:** Using CDTC's STEP model, traffic generated by the development is assigned to study area roadways using the distribution pattern identified in Step 3. The output of this step is the number of vehicle utilizing each link of the arterial street and highway system. The decision which route a vehicle takes is based on a process that seeks to minimize delay or travel time, including considerations of roadway capacity and congestion effects.
5. **Determine Available Capacity and Costs of the Improved Facilities:** *Available Capacity* is defined as the existing 1990 unused capacity plus the additional one-way peak direction capacity of the reconstructed or new facilities, and total approach capacity for intersections. Capacity values were calculated based on guidelines developed by CDTC and reported in the memorandum *CDTC Standards/Criteria for Highway System Evaluation Recommended for Use in Regional and Subarea Traffic Studies*, and capacity values used in CDTC's STEP model.

The cost of each planned roadway improvement includes design, right-of-way acquisition, construction, and supervision expressed in current dollars. These costs are actual costs or costs developed from typical roadway and transit projects built to AASHTO standards, based on the procedure described in NYSDOT's Project Cost Estimation Process for Use in Systems Planning. The cost of the New Karner Road project reflects only the cost of new construction – the cost of repaving existing pavement is not included. Costs related to the Albany Shaker Road and Watervliet Shaker Road projects are actual costs. Project costs shall be updated annually according to a cost escalation index. Construction, engineering, and management costs will be indexed according to NYSDOT's construction price trends.

Table 1 lists the FGEIS recommended roadway and transit improvements and shows available capacity values and total costs for each of the improvements. costs of arterial management actions recommended in the NY 7 Transportation & Land Use Plan (supplemental FGEIS study) are reflected in Table 1, but costs related to roundabout construction and other capacity and safety actions are not yet included.

6. **Calculate Available Capacity Consumed:** The amount of available capacity used by traffic generated by the proposed project is calculated by dividing the development traffic by the total available capacity for each improvement impacted by the project. The value is

calculated to three decimal places but rounded to 7 one place in the published table that is submitted to the Town.

7. **Calculate Development Cost Share:** Development cost share is based on the amount of available capacity consumed by pm peak hour trips generated by the new development. It is calculated by multiplying the amount of capacity consumed by the cost for each transportation improvement impacted by the project. Mitigation costs are calculated for new trips only.
8. **Determine TDM (Travel Demand Management) Costs and Credits:** The FGEIS/Statement of Findings for the Albany County Airport Area recognized that without aggressive actions to maximize the use of transit services and other ridesharing options, and/or shift in travel demand from the peak travel period, limited widening of existing roadways and intersections would not be adequate to ensure future acceptable levels-of-service. As a result the FGEIS recommended the development of a comprehensive travel demand management program for the area. The transit element of the program calls for expansion and support of CDTA's Shuttlefly service. TDM cost share is based on a planned mode split of 10 percent. Single occupant travel is reduced by an equal amount, thus reducing the overall travel impact and mitigation cost. The cost of Shuttlefly implementation is fixed at \$12.5 million over the plan design period. The equivalent vehicle capacity provided by the service over the life of the plan has been estimated at 12,000 vph.

Project sponsors submitting a plan to further reduce vehicle travel during the peak travel period shall be eligible for further trip reduction credits. Estimated trip reduction under such a plan must be verifiable.
9. **Determine Appropriate Construction Credit:** A project sponsor that implements any part of the plan, either through right-of-way donation or construction, shall be eligible for a credit against the preliminary mitigation cost. The Town and County, in consultation with the project sponsor, will be responsible for determining the amount the credit.
10. **Conduct a Supplemental Review:** If new information about the proposed development is provided after CDTC's review process is complete, the CDTC staff will review the information and recalculate the mitigation cost. A supplemental review will be completed by CDTC only at the request of the Town or County.

TABLE 1

**ALBANY COUNTY AIRPORT AREA FGEIS CORRIDOR IMPROVEMENTS:
TOTAL AVAILABLE CAPACITY & ESTIMATED 2007 COSTS USED
IN CALCULATION OF TRANSPORTATION MITIGATION COST**

Corridor/Location of Improvement	PM Peak Hour Direction of Travel	Total Available Capacity (Vehicles Per Hour)	Estimated Total Cost (2007 \$)
ALBANY SHAKER ROAD/WATERVLIET SHAKER CORRIDOR			
New Albany Shaker Road			
NY 7 - British American Blvd	Northbound	1,770 vph	\$ 11.6 M
British American Blvd - Cornell Rd	Southbound	1,770 vph	\$ 4.4 M
Cornell Rd - Watervliet Shaker Rd	Southbound	1,770 vph	\$ 9.2 M
Watervliet Shaker Rd - Old Albany Shaker Rd	Southbound	1,770 vph	\$ 3.0 M
Watervliet Shaker Rd Widening			
New Albany Shaker Rd - Airline Dr	Westbound	1,710 vph	\$ 5.6 M
Airline Dr - Sand Creek Rd	Westbound	1,710 vph	\$ 6.9 M
Sand Creek Rd - New Karner Rd	Westbound	1,710 vph	\$ 7.9 M
Watervliet Shaker/Sand Creek Rd Intersection Improvements			
	N/A	2,190 vph	\$ 1.5 M
British American Blvd Extension			
	Westbound	1,000 vph	\$ 2.9 M
NEW KARNER ROAD CORRIDOR			
New Karner Road Operational Improvements			
NY 5 - Consaul Rd	Southbound	1,660 vph	\$ 2.5 M
Consaul Rd - Watervliet Shaker Rd	Northbound	1,660 vph	\$ 10.1 M
NY 5/New Karner Road Intersection Improvements			
	N/A	2,940 vph	\$ 3.9 M
New Karner Rd/Watervliet Shaker Rd Intersection Improvements			
	N/A	2,735 vph	\$ 3.2 M
ROUTE 7 CORRIDOR			
Route 7 Arterial Management (South Side)			
Vly Rd - British American Blvd	Westbound	3,600 vph	\$ 1.6 M
British American Blvd - Albany Shaker Rd	Westbound	3,600 vph	\$ 1.7 M
Albany Shaker Rd - Pinegrove Rd Area	Eastbound	3,600 vph	\$ 0.9 M
Pinegrove Rd Area - Mill Rd	Eastbound	3,600 vph	\$ 0.5 M
Wade Rd Area	Eastbound	3,600 vph	\$ 4.3 M
Route 7 Arterial Management (North Side)			
Rosendale Rd - Ronald Drive Area	Westbound	3,600 vph	\$ 1.2 M
Keeler Motor Car - Mill Rd	Eastbound	3,600 vph	\$ 3.7 M
Route 7/Wade Road Intersection Improvements			
	N/A	1,035 vph	\$ 1.5 M

Table 1 (Continued)

Corridor/Location of Improvement	PM Peak Hour Direction of Travel	Total Available Capacity (Vehicles Per Hour)	Estimated Total Cost (2007 \$)
Wade Road Extension	Northbound	1,200 vph	\$ 3.0 M
Sparrowbush Rd Operational Improvements	Eastbound to Northway; Westbound to Rt 9	1,200 vph	\$ 4.1 M
I-87 Exit 6 Addition of 1 lane on Exit 6 bridge	Eastbound	1,000 vph	\$ 3.5 M
WOLF ROAD CORRIDOR			
Wolf Road East-Side Service Road Extension of Aviation Rd:			
Sand Creek Rd - Computer Drive East	Northbound	2,480 vph	\$ 2.2 M
Metro Park Rd - Albany Shaker Rd	Northbound	2,480 vph	\$ 2.8 M
Wolf Road West-Side Service Road			
50 Wolf Road - Sand Creek Rd	Northbound	2,480 vph	\$ 2.1 M
Cerone Dr - Exit 4 Ramp/ASR	Northbound	2,480 vph	\$ 4.1 M
Old Wolf/Watervliet Shaker Road Intersection Improvements	N/A	1,810 vph	\$ 2.1 M
Sand Creek Road Roundabout	N/A	370 vph	\$ 1.0 M
New Maxwell Road	Northbound	865 vph	\$ 3.0 M
Maxwell Rd/Albany Shaker Rd Roundabout	N/A	1,815 vph	\$ 4.2 M
TRAVEL DEMAND MANAGEMENT (TDM)			
CDTA Shuttlefly Support	N/A	12,000 vph	\$ 12.5 M

APPENDIX A

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

October 1992

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

Background

The Airport Area Transportation Financing Task Force was established to explore ideas that might lead to a workable consensus regarding financing of transportation improvements identified in the Statement of Findings for the Albany County Airport Area Generic Environmental Impact Study (GEIS). The task force was convened to examine alternatives to the Transportation Development District (TDD) described in the Statement of Findings. Task force members are listed in Attachment 1. Dick Carlson of NYSDOT Region 1 and Brad Oswald from the NYSDOT Public-Private Finance unit also assisted in the discussions of the TDD concept. The task force attempted to work cooperatively in identifying issues, sharing perspectives, and seeking workable strategies.

The group has met six times. In addition, four subcommittees were formed which investigated airport, county, state and federal funding sources.

This report presents the work of the task force in several areas. The report seeks to articulate:

- * concerns of the business community;
- * information received from NYSDOT regarding TDD experience;
- * available alternatives to a single TDD;
- * consideration for full public funding of some improvements;
- * suggested avenues for exploration.

Concerns of the Business Community

Exploration of alternatives to the TDD as laid out in the Statement of Findings is necessary because of concerns expressed by the property owners and developers who would be asked to finance a majority of the transportation improvements in the TDD. While not a comprehensive list, the concerns include the following items. These concerns should be addressed in any follow-up work undertaken by the town or county.

1. There is a concern that there has not been enough consideration of the use of on-going taxes in the financing of improvements. Fiscal impact of development should be more thoroughly examined. Credit should be given for tax proceeds that exceed the fiscal impact of development before the transportation fees or assessments are calculated.
2. There is a concern that the benefits to a property (on one side of the ledger) and assessments against the property (on the other side) are only weakly-connected in circumstances in which the property is at one end of the proposed district and the improvement is at the other end. Property owners along NY 7, for example, do not see a logical connection between their traffic impacts and the proposed improvements at the airport or along Wolf Rd. This limits the potential support for a single TDD as a funding mechanism for all improvements.
3. There is a concern that the large and unknown cost for the Exit 3 or Exit 4 improvements and airport connector roadway presents the potential for an uncapped and unrealistically-high assessment level. Task force members believe that, if large-scale improvements are to be included in a TDD, a cap or ceiling on potential assessments may be appropriate.

4. Some members also expressed a concern that the potential for toll revenues has been dismissed too easily. If appropriate, tolls or an equivalent means of charging for access (for example to airport property) might offset the need for high property assessments in a TDD.
5. Members also expressed a concern that the Exit 3 or Exit 4 improvements and the airport connector are more appropriate for reasons of regional economic activity than for local traffic mitigation. The concern is that an interchange between an interstate highway and a regional airport should not be the subject of public-private financing discussions.

It can be safely stated that the task force members have not enthusiastically embraced the TDD as described in the Statement of Findings. However, the task force does not recommend discarding the TDD concept. The TDD concept offers opportunities that other funding approaches do not.

The task force also does not consider the option of prohibiting further development palatable. A fair and workable financial arrangement, even at the cost of non-traditional private contributions or assessments is preferable to no development.

Information from NYSDOT regarding TDD experience

Information from the New York State Department of Transportation (NYSDOT) regarding the state's limited experience with TDD's to date also provides insight into refinements or revisions to the proposed TDD concept. The information indicates that two of the key assumptions of the Transportation Development District (TDD) concept of the Albany County Airport Area Generic Environmental Impact Statement (GEIS) Statement of Findings are at odds with current New York State Comptroller policies. These are:

1. **The intention of having a higher annual assessment for post-GEIS development than for existing development.** This concept was suggested in the Statement of Findings in order to relate perceived benefit to the level of assessment. (All property owners would benefit from improved access, but new developments would be perceived as benefiting more because the improvements clearly mitigate the developments' incremental impacts and allow the developments to proceed.) However, the TDD concept derives from sewer and water district practice, and there appears to be no precedent for setting differential rates in sewer or water districts.

Eliminating this provision and pursuing a TDD would create a situation in which an owner of an existing office building, for example, would pay the same annual assessments as the owner of a new office building. Such a TDD may not be supported by owners of existing development, because of the perception that the new development is receiving a greater benefit from the improvements than the existing development.

2. **The intention of having a single, neatly-defined improvement district for all highway improvements.** The recommendation of a single district resulted from the consultant's technical work which compared total improvement costs to total development trips in the study area, allowing a single impact fee per trip value. The Statement of Findings converted the impact fee concept into an equivalent annual assessment. However, the Comptroller requires identification of a separate benefit district for each improvement. (Again, this is a result of using the sewer and water district legal framework for transportation districts.)

Shifting from a single district to multiple districts would complicate the administration of the process. It would also require investigation of properties outside the study area boundary to determine their contribution to traffic on the improved facilities.

It must be kept in mind that NYSDOT experience with TDD's to date is limited to smaller-scale improvements in districts in which the funds raised through assessments typically provide a minority share of the funding to match state funds, and which are located in areas in which potential new development overshadows existing development. In these cases, developers can easily see the benefit to be gained by agreeing to a minor contribution to the project cost. Existing property owners do not bear the majority of the private contribution and are apparently willing to go along. The Airport-Wolf Rd Area TDD application would depart significantly from previous practice in New York.

Alternatives Available to a Single TDD

Given the Comptroller's policies regarding improvement districts, there are three choices available in pursuing equitable public-private cost sharing in the mitigation of traffic impacts identified in the FGEIS. These are:

1. **Pursue the TDD concept as described in the Statement of Findings.** This would imply challenging the Comptroller's policies by documenting (a) that new developments *do* benefit more from the improvements than existing developments and (b) that the study area *is* a fair representation of the benefit area for each improvement identified in the FGEIS. A new legal precedent would have to be established.
2. **Accept the Comptroller's policies and selectively pursue individual districts for certain improvements, with annual assessments based upon traffic load on the affected facilities.** The assessments would be set at equal rates for comparable new and existing development. Each district would require separate approval through property owner referendum and acceptance by the Comptroller. District boundaries may extend beyond the FGEIS study area.
3. **Other public/private funding approaches.** "Mitigation fees" have been created to assess impact fees under authorization of SEQRA. If courts support legality, this will become an alternative way to involve developers in supporting infrastructure cost. In certain areas this approach may be appropriate.

While the single TDD cannot be ruled out without further legal and financial investigation, task force members believe that a combination of alternatives #2 and #3, combined with consideration of increased public financing, is more practical and equitable.

Consideration of Full Public Funding for Some Improvements

Full public funding of certain improvements can be considered in any of the three TDD/mitigation fee approaches.

TDD assessments or traffic mitigation fees are intended to assign costs to properties based on their traffic contribution. Public funding is to be used for costs attributable to non-local traffic and to the creation of reserve capacity. Beyond this level of public sector obligation, it may be appropriate to commit additional public funds, if:

1. the warrant for the improvement is primarily to serve existing and new through traffic and not primarily to service local development-related traffic; or
2. the warrant is related to addressing high-priority existing or future traffic congestion or access issues; or
3. the improvement serves regional or statewide commerce or economic development interests that would exist with or without local development activity; or

4. the cost of the improvement per unit of capacity created far exceeds reasonable expectations of a annual property assessment or one-time mitigation fee *and* the development is consistent with regional and community development objectives. (The qualifying statement about consistency is to avoid publicly subsidizing the traffic mitigation costs of incompatible land use.)

These four criteria are a logical basis for identifying appropriate costs to shift from the public/private agenda to a 100% public sector obligation. These criteria may be met by many candidate public-private financed improvements; however, the argument for full public funding is persuasive only if the characteristics are *clearly* in place. Given these criteria, the Exit 3 or Exit 4 interchange improvements and the airport connector roadway are prime candidates for full public funding.

Recommended Avenues for Exploration

Figure 1 is a schematic that represents transportation improvements listed in the Statement of Findings. The task force found it useful to examine the proposed package of improvements in this fashion, and offers recommendations for funding each improvement. The best approach may be one which fits a fair and equitable funding arrangement to each improvement, rather than finding a single funding arrangement that fits all. The task force suggestions attempt to reflect the business community's concerns expressed above, the Comptroller's approach to TDD's, and the opportunities for full public funding for certain improvements. Further financial and legal investigation will be required to refine many of these concepts.

The recommendations are listed below. Numbers refer to Figure 1 and represent an approximate sequence or staging of improvements.

1. **Albany-Shaker Road, Airport to NY7:** A strong argument could be made for greater public financing of this facility, due to its importance to the regional airport. This facility should be considered for inclusion in the National Highway System (NHS) which is currently being identified by the state. However, the development pressures and urgency of making these improvements suggests that waiting five or more years for federal aid is not practical. The task force recommends that *the County work with British American, Metroplex and other developers in the corridor to negotiate the roadway location, design and shared cost arrangement to allow the project to proceed in the early timeframe that the County desires. The County should examine the availability of state infrastructure bond funds for partial funding, due to the industrial activity in the corridor.*
2. **Old Wolf and Watervliet Shaker Rd. intersection:** Improvements to this intersection have been identified by the town as mitigation actions related to developments in the airport area. Mitigation fees that have been collected are sufficient to make the improvements. *No further funding is required.*
3. **Wolf Road Service Roads:** Full construction of service roads, connections to Wolf Rd. and realignment of the Albany-Shaker Rd. / Maxwell Road intersection with the service road *may be an appropriate application of the TDD concept.* With a TDD boundary crafted to include properties that would benefit, the base of properties may be large enough to keep individual assessments to modest levels. This TDD, if acceptable to all parties, would logically be administered at the town level and, if possible, include property within the village limits along Wolf Rd.

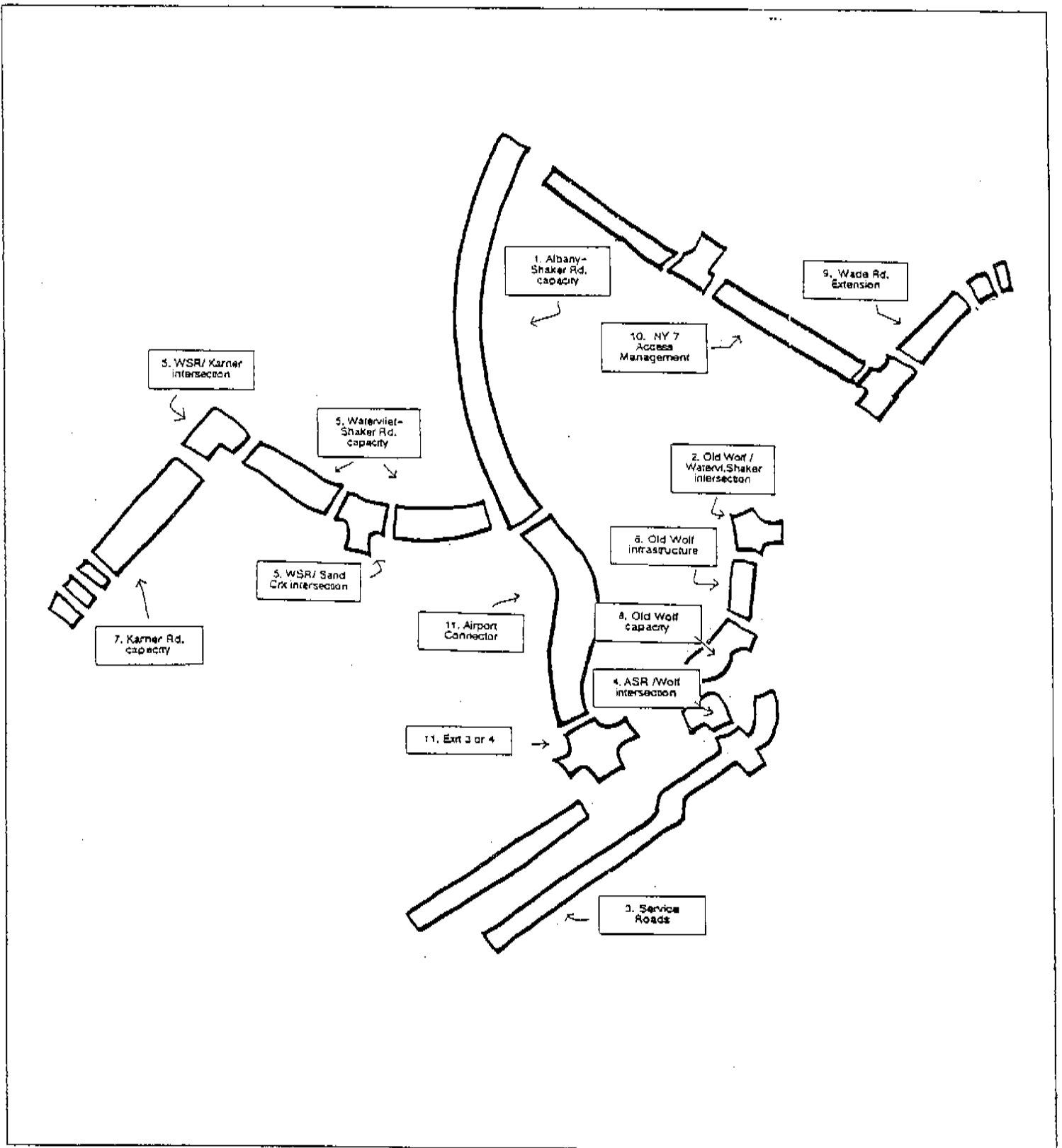


Figure 1.

Highway Improvement Groupings

4. **Wolf Road / Albany-Shaker Rd. intersection:** Limited widening at this intersection is intended as a short-term strategy until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. *No further private funding is required.*
5. **Watervliet-Shaker Rd. widening or relocation:** Intersection improvements are warranted in the short-term as a remedial action. *These should be progressed by the county either with county funds or with federal aid (Surface Transportation Program funds) through programming action by CDTC.* Pursuing federal aid may delay such projects for several years until the funding is available, unless the county is willing to trade federal funds earmarked for other projects (such as Everett Rd.) for this work. The widening or relocation can be expected to be a difficult and time-consuming project to advance; it may be best considered a long-range project, to be funded by county funds in combination with mitigation fees to be collected from any major developments in the Watervliet Shaker Rd. corridor.
6. **Old Wolf Rd. infrastructure work:** Planned remedial infrastructure work along Old Wolf Rd. *should be progressed by the county without private contributions.*
7. **New Karner Rd. capacity work:** *Widening this corridor may be an appropriate application of the TDD concept.* Owners of both new and existing developments may recognize the benefit of the improvement and accept significant funding responsibility. This TDD may be logically linked with a TDD for improvement of New Karner Rd. south of Central Avenue and may be best administered at the county level. As in the Wolf Rd area, support of existing property owners is essential.
8. **Old Wolf Rd., Exit 4 off-ramp to Albany-Shaker Rd.:** Limited widening is planned as a near-term improvement until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. *No further private funding is required.*
9. **Wade Rd. Extension:** Extension of Wade Rd. north of NY 7 to connect with Sparrowbush Rd. and/or (Alternate) NY 7 is cited in the Statement of Findings. *This project may be appropriately advanced through a local area TDD, through mitigation fees or through negotiated agreements in connection with developments in the area.* Staging is dependent upon the pace of development in the area.
10. **NY 7 Access Management:** The current NY7 reconstruction project improves the arterial function of that road. To protect that function, implementation of service road(s) paralleling NY7 should be pursued in conjunction with development fronting NY7. Intersection improvements at NY7 and Wade Rd. and NY7 and Old Niskayuna Rd. are also called for over time, in conjunction with development. *These improvements should be tied to development along NY7 and roads feeding NY7 through a local area TDD, through mitigation fees or through negotiated agreements in connection with developments in the area.* Staging is dependent upon the pace of development in the area.
11. **Exit 3 or Exit 4 interchange improvements and the airport connector roadway:** This is a long-range improvement. As planned, NYSDOT should immediately advance the analysis of environmental issues and design alternatives. Because of the potential high cost of the project and its importance to regional and statewide economic interests, *federal or state funding should be sought for the entire cost of the improvements.*

The task force further recommends that the town and county proceed with a financial plan to refine the fee structure for the implementation of improvements that involve a private fee or assessment. The goal should be to reduce current fees significantly through recalculation of private contributions based upon the

recommendations above. This effort could be funded through federal aid earmarked in CDTC's Transportation Improvement Program or through mitigation fees already collected by the town. The plan should address procedural requirements, legal issues regarding TDD boundaries, and consideration of on-going taxes in calculation of fees and assessments. Any use of mitigation fees should be predicated upon a formal determination of their legality.

Because of known historic area and wetlands issues affecting several of the projects, the town, county and state should involve NYSDEC, the US Army Corps of Engineers, the NYS Office of Parks, Recreation and Historic Preservation, the Shaker Heritage Society and others in roadway location and design considerations at the earliest opportunity.

Finally, the task force encourages regional and local efforts that would help promote demand management and ridesharing. These programs are essential, in order to minimize the amount and cost of highway construction required and extend the useful life of any improvements.

ATTACHMENT I

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE

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APPENDIX B

PUBLIC/PRIVATE HIGHWAY FINANCING PROCEDURES ADOPTED BY CDTC

~~SECRET~~

PROCEDURES
FOR PUBLIC/PRIVATE HIGHWAY FINANCING
IN THE CAPITAL DISTRICT

Capital District Transportation Committee
5 Computer Drive West
Albany, NY 12205

September 21, 1989

*This document was accepted by the Capital District
Transportation Committee on September 21, 1989 for
distribution to municipalities and other parties in the Capital
District for purposes of application, review and refinement.*

PART ONE
WORKING PRINCIPLES
FOR PUBLIC/PRIVATE HIGHWAY FINANCING
IN THE CAPITAL DISTRICT

Background

Public/private partnerships in financing highway improvements on public roads have become increasingly common in recent years. Various methods of negotiation, assessment and exaction have been developed throughout the nation; the Capital District has been no exception.

The New York State Department of Transportation's draft "Handbook on the Public and Private Financing of Roadway Improvements" (January 19, 1989) is a first step at establishing guidelines and procedures for use across the state. It seeks to establish criteria for determining which highway needs (on the state system) are appropriately New York State's responsibility (Category 1 projects), which should be shared with the private sector because of rapid local development (Category 2), and which should be entirely the private developer's responsibility (Category 3). A Category 4, relating to economic development, is also discussed.

Within the general context of NYSDOT's approach, there is sufficient latitude for specifying working principles and procedures for determining an equitable public/private partnership that implements necessary improvements. The discussion below offers practical, comprehensive guidance for use in the Capital District.

Working Principles

The following principles serve to guide the identification of needed highway improvements and to determine appropriate public/private shares of project cost. These principles are generally directed at needs that would fall into NYSDOT's Category 2 and Category 3 for both the State system and the non-State system. These principles also offer potential for public/private cooperation on needs that otherwise would fall into NYSDOT's Category 1. The principles are as follows:

1. Highway improvements, demand management and effective land use planning are all integral to the ability of responsible agencies in the Capital District to maintain acceptable traffic levels-of-service.
2. Appropriate highway improvements are best determined within an examination of cumulative development, demographic change and traffic growth that is as broadly-

based as possible. Corridor-level, community-level, county-level and regional changes and alternative actions should be examined to the maximum practical extent. Such a perspective assures integration of concern for mitigating short-term impacts (such as those resulting from a specific development proposal) into planning for long-range system adequacy and appropriate community development.

3. Public financing through traditional sources cannot be assumed to be available at levels necessary to accomplish, in a timely fashion, all improvements warranted by expected change throughout the Capital District. Available public financing for highway capacity improvements should be directed toward high priority needs, as defined through comparative analysis of needs throughout the region.
4. Private financing¹ is appropriately assessed in conjunction with development through one of the following methods:
 - a) based on a fair share of the cost of implementing comprehensive highway improvements necessary to meet expected traffic levels at an appropriate planning horizon; or,
 - b) based on the entire cost of one phase of the comprehensive set of improvements, as long as the phase mitigates the incremental impact of the development and is consistent with the overall plan for highway improvements in the area.

The choice between method (a) and method (b) is determined by the availability of and priority for use of public resources and the appropriate timing for implementation of the full set of recommended actions. [In general, the "fair share" can be expected to be based upon each development's use of new capacity created -- a very specific implementation of the impact fee (or continuing impact assessment) concept. However, in certain circumstances, an overlay property tax district may be appropriate instead of or in addition to the use of impact fees. These circumstances are discussed on page three.]

¹ The term "private" financing describes highway financing in conjunction with development. This may or may not imply private sector funding. In some cases, a municipality may choose to take responsibility for the development share of highway improvement costs in order to encourage the development.

Basing costs on each development's use of capacity provides a clear incentive for demand management. (That is, any documented reduction in development-related traffic below ITE-based estimates would allow a reduction in the development's financial share of traffic mitigation efforts.)

5. Private financing is appropriately assessed for impacts only within a reasonably-defined catchment area or distance from the development; traffic impact beyond such an area is the responsibility of the public sector regardless of its magnitude or the rate of growth it implies for any facility.
6. Private financing is defined as that obtained through contribution, negotiated agreement or impact fee or special district assessments. Public financing is defined as that obtained through bonding, user fees, federal aid, or other sales, income, excise and municipal-wide property taxes.

Appropriate Use of Special Property Tax Districts

Given the historic lack of congestion in the Capital District, there is little sentiment generally to use a taxing mechanism that charges one property owner for the cost of mitigating the impacts of his neighbor's development. In such an environment, ad valorem property tax assessments, applied within a specified district, may be feasible and politically practical only under the following circumstances:

- 1. Where a significant existing capacity deficiency exists, and property owners in the district recognize that their traffic has contributed to the deficiency and believe that they will directly benefit from the highway improvements.*
- 2. Where the recommended improvements are considered essential to economic development, and a consensus exists among property owners in the district to this effect.*
- 3. Where the recommended improvements are of such magnitude (such as an Exit 26 bridge) that it is unrealistic to expect to raise a significant share of the resources through impact-related fees or assessments.*

A combination of these conditions, perhaps the existence of all three simultaneously, would make special district property tax assessments a potential source for a significant portion of the resources needed for improvement. The key is the existence of a consensus that existing property owners in a given district have a reasonable responsibility for, and can be expected to benefit from the improvements. To a certain extent, special district property taxes can be viewed as a method of raising the "public sector" share of improvements

when there is support for generating these resources from a specific group of property owners (in the district) instead of from the general tax base.

The remainder of this document focuses on impact-oriented fees and assessments. The procedures and formulas described in the following sections assume that the fees are charged only to new development. *It should be noted, however, that the procedures could be used in a similar fashion to assess all properties (existing and new) for a share of the cost of highway improvements, if one of more of the circumstances described above are present. Appendix D describes this application of the procedures.*

Implications of the Principles

These working principles have certain implications for the highway planning and site access development process. The most significant of these is the expectation that any highway recommendations will be consistent with a comprehensive plan for long-range needs. Thus, the need for a consistent approach to traffic forecasting and accepted assumptions about regional and local demographic and development change are necessary. In the Capital District, CDTC's TMODEL2-based Systematic Traffic Evaluation and Planning (STEP) modeling process is designed to establish a consistent approach and an accepted set of forecasts. The regional long-range planning effort using the STEP model is expected to produce regional plans and standards from which corridor-level plans can be developed. Following the principles set out above, all traffic forecasting and alternatives evaluation would be tied to the consensus STEP model, either through use of a local version of the STEP model directly or through modification of base-line traffic forecasts from the STEP process in conjunction with other modeling tools. NYSDOT project development forecasts, cumulative development study traffic forecasts, and single-site access forecasts would all be performed in the context of a consistent forecasting method that projects out to an appropriate planning horizon (determined by the highway improvement type being considered).

Secondly, these principles imply coordination of planning and decision-making at multiple levels of government. The determination of appropriate highway improvements, the assessment of private financing shares, the collection of private funding and the design and implementation of improvements may involve town, county, MPO and state officials in cooperative discussion with private developers and consultants.

Third, the principles clearly imply a continuing private contribution to the cost of meeting mobility objectives.

Scenarios of Application of the Principles

Scenario 1. Highway Project Development in Conjunction with Land Use Development

NYSDOT (or county) project development activities toward addressing a high priority need (whether a capacity need or a infrastructure reconstruction need with some capacity issues) would proceed as under current procedures, with modifications to accommodate the working principles above.

If a corridor or sub-regional plan has been prepared previously for the area, the project development effort would provide an opportunity to refine the plan. If no plan has been prepared previously, the highway project would "trigger" the analysis. The activities would include: use of STEP-model traffic forecasts as a base-line set of forecasts for the NYSDOT project design year; development of a range of land use development scenarios for the project corridor in conjunction with the municipality(ies) in which the project is located; testing of alternatives and selection of a comprehensive "game plan" of highway improvements for the area for both low and high traffic forecast levels; and calculation of the public and private shares for implementing the comprehensive plan. At that point, NYSDOT would proceed with detailed design of the entire plan, if the timing is right for implementation and private development is pending (so as to contribute financially to the solution).

In this scenario, with concurrence with the municipality(ies) in question that the development in the corridor is very likely to occur and is consistent with community development plans, the highway project would be advanced with cooperative public/private financing. The private share would be determined by the accepted formula and the private contribution would be obtained up front as part of project approval stipulations. The municipality(ies) would contribute the balance of the private share (the amount attributable to projects not currently in the approval stage), and arrange to recover the municipality's up front expense through fees or assessments.

Scenario 2. Highway Project Development in Advance of Land Use Development

The choice to implement the entire "game plan" at once would be highly dependent upon the scale and expected timing and likelihood of the private development. If the majority of the private development that is accommodated by the comprehensive plan is five or more years away and the project can be phased in over time as development occurs, then the following approach is more appropriate: pursue the project development process as outlined in Scenario 1; calculate the public/private shares of the comprehensive plan; and design and implement that part of the plan that meets the needs of the baseline forecasts and allows for later implementation of other aspects of the plan in conjunction with later private development.

In this arrangement, the highway project may be advanced entirely with public resources. On the state system, the project may be advanced entirely with state/federal resources if the private share for the baseline project is estimated at less than 25% of the project cost (similar to NYSDOT's proposed Category 1). If higher private shares are calculated under the baseline forecasts, the municipality(ies) may be required to put up that portion of the project cost and recover it through fees and assessments as in Scenario 1.² If and when development occurs in the corridor, developers would contribute in one of two ways:

- * by a direct financial contribution (based on the accepted formula) to reimburse the state or municipality for up front expenses for implementing the baseline improvement; or
- * by implementation of a latter phase of the comprehensive plan, as long as incremental traffic impacts of the development are mitigated by the improvement and as long as the magnitude of the improvement is at least as large as the development's formula share of the comprehensive plan.

The choice between the two options would be made by the agency with jurisdiction over the highway (the state in this scenario) and would be based on whether the development's traffic impacts could be accommodated by the improvements made as part of the earlier public project or whether additional improvements are required.

Scenario 3. Land Use Development in Advance of Highway Project Development

In this scenario, the priority and/or timing for a public investment in highway improvement does not warrant public highway development activities within five years. In such a case, any land use development activity (individually or in aggregate) that has the potential to noticeably affect intersection or arterial levels-of-service would trigger the development of a comprehensive corridor plan as described in Scenario 1. Existing corridor and sub-regional transportation plans would be reviewed and refined if necessary. If no plans exist, development approval would be withheld by the municipality until the comprehensive plan is developed and the developers' shares of the highway solution identified.

In this scenario, public and private shares would be calculated through the accepted formula. However, development approval cannot be withheld indefinitely if the public share is not available. Developers would receive development approval based on contribution to the comprehensive solution in one of two manners:

- * Through direct contribution to a "highway improvement fund" earmarked to match public funds at a later date to implement the comprehensive set of improvements; or,

² The local contribution requirement can be handled administratively in much the same fashion as that used for obtaining local match on a federal-aid project off the state system. Local commitment would be secured prior to approval of project specifications for bid.

- * Through implementation of improvements, as long as three criteria are met -- (1) immediate development-related traffic impacts are mitigated, (2) the magnitude of the improvements are at least as great as the development's formula share of the comprehensive solution, and (3) the improvements are consistent with the comprehensive plan.

The choice between the two types of contribution is based on the magnitude of the development's impact. A six-acre development of single family homes may not have noticeable impacts on traffic levels-of-service by itself; the developer may be asked to contribute on a formula basis to future improvements. A 300,000 square-foot office complex can be expected to have noticeable impacts by itself; the second option, similar to NYSDOT's Category 3 approach, would be appropriate.

Collection of contributions to a highway improvement fund that has no timetable or certainty of being used (because there is no guarantee that public funds will be set aside in a reasonable timeframe) requires careful administration. The fees would necessarily be held in an escrow account and returned to the individual developers if the improvements were not forthcoming in a reasonable time (perhaps ten years).

At the time that public funds are available, the plan would be updated and implemented using public funds and the resources in the highway improvement fund. If several years have passed since the development of the plan, the plan update may proscribe new public/private shares. The new formula would be applied to any development occurring simultaneously with or subsequent to the public highway improvement.

Benefits of Adopting the Principles

If the state, counties, and municipalities in the Capital District incorporate the working principles into the highway project development and land use development approval processes, significant benefits would result:

- * Highway system integrity would be maintained by taking a broad perspective on all traffic needs. Incremental traffic mitigation decision-making would be discouraged.
- * Developers would be faced with fair, logical, predictable, and consistent requirements for traffic impact mitigation.
- * The "rational nexus" test for impact assessment would be clearly met by directly associating the cost of improvements with those properties benefiting from such improvements.
- * Development could be directed to appropriate corridors through the availability of public funds. That is, development in areas in which no public investment is scheduled may be required to pick up a higher-than-formula cost to mitigate impacts, and/or may wait indefinitely for the public improvement.

- * Local government, which maintains the lion's share of development approval power, would carry a financial responsibility for development impacts on the highway system.
- * Demand management would be encouraged by means of formula credits for documented reductions in vehicle trip making below accepted ITE-based rates.

Requirements for State Enabling Legislation

New state enabling legislation would be helpful in establishing clear authority for municipalities to require contribution toward traffic mitigation in the manner proscribed above. Enabling legislation allowing creation of special property tax districts (transportation development districts) would be particularly helpful for circumstances in which tax districts are appropriate instead of or in addition to impact fees and assessments.

However, such legislation is not absolutely necessary in order to implement the impact fee procedures outlined below. Currently, major developers are subject to NYSDOT's Category 3 requirements prior to access approval on state roads. Similar requirements are made by many municipalities (and counties in cases in which they have direct jurisdiction) on a case-by-case basis; individual enactments under current procedures may exceed the levels implied by the principles. Clifton Park's localized impact fee process has been successfully pursued without special enabling legislation.

New York's State Environmental Quality Review (SEQR) process permits the examination of cumulative impacts and the development of a comprehensive strategy for their mitigation; the procedures described above would fit neatly within the SEQR umbrella. The keys to successful implementation without additional state legislation may lie in fairness, technical credibility and general application across the region. In other words, if it is a defensible process rooted in the municipality's, county's, and state's existing rights and obligations regarding providing for public health and safety, then it is very possible that no new state legislation is required to allow its implementation. Implementation would be considered simply a significant improvement in the current method of doing business. The direct tie between private enactments and a comprehensive plan for improvements; a deadline for holding private contributions in escrow; and a fair formula that connects costs with benefits would all serve to avoid or turn back legal challenges similar to those directed at other impact fee processes.

PART TWO

SUGGESTED FORMULA FOR PUBLIC/PRIVATE SHARING OF THE COSTS OF CAPACITY IMPROVEMENTS

General Principles

The following principles guide the specific equations for calculating public and private shares of the costs of capacity improvements.

1. Ideally, general revenues and user fees and taxes collected by the state, counties, and municipalities might be sufficient to accommodate all appropriate highway capacity improvements in a timely manner; however, reality indicates that this is not currently the case, and is not likely to be the case in the foreseeable future.
2. Government, however, still maintains a fundamental responsibility to protect public health and safety, and these may be jeopardized by approval of land development that produces unacceptable congestion and delay (and by extension, produces increased accident potential).
3. Therefore, it is necessary and appropriate to require mitigation of traffic impacts in conjunction with approval of specific developments.
4. Given the lack of adequate public resources to address all capacity needs, it is appropriate to seek full mitigation of traffic impacts by developers at the development site and within a reasonably-defined catchment area away from the site.
5. Impacts beyond the catchment area, regardless of magnitude, are the responsibility of the public at large.
6. The use of a formula and the integration of exactions, fees or assessments into a comprehensive public/private strategy for improvements is the most equitable means of sharing costs between the public and private sectors and among private developments of varying sizes.
7. The formula must allow credit for demand management efforts that serve to reduce vehicle trip making below otherwise expected rates.
8. The formula must give credit for improvements financed by the development that are part of the comprehensive plan of improvements and are not essentially related to site access.

9. The formula must not give credit for highway work that essentially serves to allow access into and out of the site or is not designed to materially advance the comprehensive plan of improvements.³ Such cost should be excluded from the cost basis used in determining public and private shares.
10. The formula must also exclude the cost of highway maintenance, renewal or reconstruction from the cost basis used in determining public and private shares. This work is the responsibility of the public at large.

The Suggested Formula

Step One: Define a study area on the basis of the availability of land for development, with consideration for existing and expected traffic patterns. Select an appropriate design horizon and determine the baseline and alternative development scenarios for the area in question. Examine highway capacity needs and evaluate alternative improvement strategies. Cooperatively select a comprehensive plan of actions.

Step Two: Identify the cost for the improvements by link and intersection. Exclude the cost of highway maintenance, renewal or reconstruction from the cost basis to be shared; this would be solely the responsibility of the public sector. Exclude the cost of site access from the cost basis to be shared; this would be solely the responsibility of the developer. Include only those costs attributable to creating more carrying capacity on the facility -- additional lanes or flush medians, improved intersection geometrics or signalization, creation of parallel roads, etc.

Step Three: Identify the design hour (this will generally, but not always, reflect PM peak hour conditions). Identify the number of additional vehicle trips to and from each parcel which would be produced by the expected development over the planning horizon. Give appropriate credit for "pass by" traffic in adjusting trip generation estimates.

Step Four: Within the study area, group parcels by type (residential vs. office vs. retail, etc.) and quadrant. Large parcels can stand alone as groups by themselves. For each group, identify its contribution to the net increase in traffic volume on each link and at each intersection.

³ For example, an arterial constructed through a development site to serve both local and through traffic may qualify as a credit toward the development's assessment. On the other hand, a two-lane subdivision street with little through traffic function would not be considered for credit.

Step Five: Identify the total increase in traffic on each link and at each intersection and the reserve capacity of each link and intersection at the planning horizon. Identify the net change to reserve capacity at each intersection and link (with capacity defined at a low level-of-service (LOS) "D", the minimal acceptable LOS).

Step Six: Proportion the costs of improvement for each link and intersection as follows:

$$\begin{array}{rclcl} \text{Private Share} & = & \text{Cost} & \times & \frac{\text{Additional Development Trips}}{\text{(Total New Trips + Add'l Reserve Cap.)}} \\ & & & & \frac{\text{(New Non-Dev. Trips + Add'l Res. Cap.)}}{\text{(Total New Trips + Add'l Reserve. Cap.)}} \end{array}$$

Shares would differ for each group of parcels and for each intersection and link in the catchment area; the catchment area would be defined based on the study area and should extend to include all intersections and street segments for which traffic mitigation measures are warranted by development traffic alone or for which development traffic will consume 25% or more of necessary new capacity. (See Appendix A.)

"Reserve Capacity" is defined at LOS D. That is, reserve capacity is the amount of additional traffic that could be handled with a LOS no worse than D under current geometry. For links, reserve capacity is based on a one-directional mid-block LOS D capacity of 800 vehicles per hour (vph) for two lane highways, and 1,000 vph per lane for multi-lane highways. (See Appendix C.) The difference between existing (or forecast) volumes in the peak direction in the highest peak hour and the low D volume is reserve capacity.⁴ (Reserve capacity can be negative, if LOS is E or F.) Reserve capacity for intersections can be found by performing Highway Capacity Manual operational analysis inflating or deflating all traffic movements proportionately until the critical (low D) intersection volume is found, and then comparing the total intersection volume at that level against the existing (or forecast) volume.

⁴ For example, a four-lane arterial will show a mid-block LOS D at 2,000 vph in either direction. If the forecast shows 1,600 vph in one direction and 1,900 in the other direction in the AM peak hour and 1,800 in one direction and 1,650 in the other direction in the PM peak hour, reserve capacity is defined as 100 (2000-1900).

Step Seven: Sum the costs for each parcel (or group of parcels) over all intersections and links. Sum the public share over all intersections and links. For specific development proposals, the private share would equal the sum of the costs for that parcel. For generic or speculative development, calculate a cost per peak hour trip by dividing the sum of the costs for a particular land use type and geographic quadrant by the number of peak hour trips forecast to be produced by that land use type and quadrant. These per trip rates would serve as the impact fee schedule for later development proposals. Credit any development for the value of right-of-way, engineering services and construction funded by the developer that qualify as essential elements of the public plan. (The value of improvements solely or primarily needed for site access are not considered credits against the formula share.) See Appendix B for a discussion of credits.

APPENDIX A. DEFINITION OF A CATCHMENT AREA

Issues

The definition of a study area is guided by the highway network design, traffic patterns and the availability of land for development. Definition of a "catchment area" within which developers will be held responsible for a share of traffic mitigation efforts is more complicated. On the one hand, the catchment area should be broad enough to ensure that the developer is contributing sufficiently to mitigation efforts necessitated by traffic to and from his or her development. On the other hand, the catchment area should not extend so far as to imply developer contributions of a minimal share to traffic needs miles away from the development site.

Suggested ITE Guidelines

Proposed recommended practice by the Institute of Transportation Engineers ("Traffic Access and Impact Studies for Site Development", *ITE Journal*, August, 1988) recommends the following definition for a site impact analysis area:

"All roads, ramps and intersections thorough which peak hour site traffic composes at least 5% of the existing capacity on an intersection approach, or roadway sections on which accident potential or residential traffic character is expected to be significantly impacted." (p.18)

This represents a very aggressive policy from a public standpoint if applied to cumulative traffic analysis in the Capital District. Many intersection approaches in the Capital District have capacities of 1,000 vph or less and the suburban street network in the Capital District is very sparse. A single site may add 50 or more trips (5% of capacity) to intersections as far as three or four miles from the site. If all locations through which site traffic (from any one site) composes at least 5% of existing capacity were included in the catchment area, the catchment area could grow to several times the size of the study area. The "reasonableness" of such a large catchment area is questionable.

Using a catchment area that is significantly larger than the study area causes its own problems. Based on the formula, a developer may be asked to contribute 5% to the cost of widening a facility four miles from the site, although the primary need for the widening may be occasioned by development outside the study area -- development not currently under examination. The scope of such improvements would be very tentative until further analysis of that development were performed.

Suggested Guidelines for Capital District Application

The following guidelines are suggested for use in the Capital District in cumulative traffic assessments for purposes of applying the public/private cost sharing formulas:

The catchment area shall be defined based upon the additional traffic load generated by development in the defined study area. The catchment area shall include all roads, ramps and intersections for which the expected additional traffic load from development in the study area by itself warrants mitigation measures. The catchment area shall also include roads, ramps and intersections for which the combination of existing deficiencies, development-related traffic and additional through traffic warrants mitigation measures if the combined private share (associated with development in the study area) of the mitigation cost equals at least 25% of the total cost. The catchment area shall also include roadway sections on which accident potential or residential traffic character is expected to be significantly impacted.

APPENDIX B.
SUGGESTED TREATMENT OF
CREDITS IN CDTC'S PROCEDURES

At length, CDTC's working group explored the issue of credits for other taxes paid by property owners. The issues centered around equity and practicality. That is, if property owners will pay for traffic mitigation through other taxes, then it is fair and equitable to offer credits for such payments against any impact fee or assessment designed for the same purpose. On the other hand, if calculating such credits proves to be a difficult and imprecise exercise and identifies only negligible credits, then the exercise can be considered impractical.

Appendix A of CDTC's *Draft Procedures for Public/Private Highway Financing in the Capital District*, draft of May 18, 1989, sought to identify all possible sources for tax credit against traffic impact mitigation fees and assessments. The exercise proved to be imprecise because of the following reasons:

- 1. New York is a general revenue state. Thus, the sources of revenue used for transportation purposes are not neatly related to fuel taxes, etc.*
- 2. The proportion of state transportation funds devoted to capacity purposes in the Capital District at the present time is very small and it is difficult to estimate an expected proportion over a 15 or 20-year future (necessary to calculate tax credits).*
- 3. County and local governments devote almost no highway taxes or general revenue toward capacity work; these funds are devoted to ongoing maintenance and rehabilitation.*

These three reasons cast doubt on the practicality of calculating meaningful values for indirect credits to be applied against impact fees and assessments. A fourth reason, however, suggests that no indirect credits are appropriate in the Capital District:

- 4. Neither the state, nor the counties, nor local governments currently raise revenues to mitigate the incremental traffic impacts of identifiable land developments within a reasonable (catchment area) distance from the development, nor do any of these units of governments intend to pursue taxing structures to do so in the future.*

The precedent, practice, and policy of governmental units in New York is to apply whatever limited funding is available for capacity work to situations in which the traffic concern is not being caused by identified development. For example, Albany County's recent bond issue, raising several million dollars for capacity work to implement a portion of the Krumkill/Blessing Rd. study recommendations (Schoolhouse Rd. improvements), is not directed at mitigating traffic impacts of identified development within a reasonable

catchment area. Instead, the County's bond proceeds are directed at that portion of the cost that cannot reasonably be assessed to developers through impact fees or assessments. Similarly, any new state taxes and/or dedicated fund structures that provide additional funds for capacity work in the future will *assume the existence of some form of private cost sharing to cover the identified impacts of new development*. The only exceptions to these practices are for economic development projects such as those involved with NYSDOT's Industrial Access Program, in which identifiable impacts are accommodated with public funds.

For these reasons, it is suggested that the consideration of credits in CDTC's *Procedures* be limited to direct contributions in the form of planning and engineering services, right-of-way, or construction.

Application of credit for taxes against formula impact assessments will be reserved for consideration only in those circumstances in which both an impact fee and a special property tax district are employed simultaneously. In such circumstances, it may be appropriate to consider a partial reduction in impact assessments based on the amount of supplemental property tax to be paid for the same purpose.

APPENDIX C. DEFINITION OF LINK CAPACITY

Background

The procedures point to the use of Highway Capacity Manual (HCM) techniques for calculation of LOS D intersection capacities. This implies use of 1985 *HCM* procedures unless there is a compelling reason to use the old 1965 procedures. Readily available software may be used to consider the effects on intersection capacity of traffic volumes, vehicle composition, lane assignments, and traffic signal timing and phasing.

For highway links there is no comparable procedure. The 1985 *HCM* arterial level-of-service procedures assume that intersection capacity controls throughput of highway links; that is, mid-block capacity is a moot issue if the intersection is the main bottleneck. The *HCM* provides sensitive procedures only for uninterrupted-flow two-lane and multi-lane facilities; these procedures are not applicable to urban and suburban collectors and arterials -- both side friction from adjacent land uses and accelerating/decelerating friction to and from intersections imply that mid-block arterial capacities are significantly lower than those for uninterrupted-flow facilities.

In lieu of applicable procedures, rules-of-thumb have developed over time. NYSDOT's Project Development Bureau uses a value of 800 vph in the peak direction as the minimum value at which they would consider supporting a proposal for widening a two-lane facility to four lanes. They use 1,100 vph in the peak direction as the maximum value at which they would consider maintaining a two-lane facility at its current design. Traffic volumes between 800 and 1,100 are examined on a case-by-case basis.

Also, NYSDOT's current effort to comprehensively identify all state highway links with LOS E or worse is using a value of 9,960 AADT per lane (equivalent to approximately 1,100 vph in the peak hour, peak direction [60% of an assumed 10% peak hour share]) to identify LOS E conditions on arterials. Calculations of delay on state highway links are being performed based on hourly traffic distributions as part of this analysis. These calculations use a value of 864 vph per lane as the LOS E threshold for arterials with 60/40 green time split at the intersection; 1,008 vph per lane for those with a 70/30 green time split.

CDTC's own research with regard to two-lane urban and suburban arterials indicates that it is desirable (perceived mid-block level-of-service in the LOS C-D range) to limit two-way volumes to about 1,000 vph (one-way volumes in the range of 600 vph).

Suggested Mid-Block Capacities

Based on the values shown above, the following schedule of mid-block capacities is suggested for use to represent the maximum design capacities (mid to low LOS D) for highway segments in the Capital District:

Two-lane facilities: 800 vph in the peak direction

Two-lane facilities with a continuous median: 1,000 vph in the peak direction

Multi-lane facilities: 1,000 vph per lane in the peak direction

These capacity values should not be used to overrule other considerations in the selection of the scope of improvements. They are intended to provide consistent estimates of "reserve capacity".

APPENDIX D.

USE OF THE PROCEDURES AND FORMULAS FOR ASSESSING COSTS TO ALL DEVELOPMENT (EXISTING AS WELL AS NEW) IN A TRANSPORTATION DEVELOPMENT DISTRICT

Background

Certain situations may lend themselves to consideration of a more broadly-based assessment of traffic mitigation costs than one which includes levies only against new development. In some circumstances, it may be appropriate and desirable to seek a method of raising transportation improvement revenue from existing as well as new development. As discussed on pages 3-4, the circumstances include significant existing traffic deficiencies, acceptance by property owners of their contribution to the deficiencies and their belief that they stand to benefit from the highway improvements planned, and an understanding that the magnitude of improvements is too great to expect to raise a significant portion of the needed funds through fees against new development.

In such a situation, the choice may be made to raise a portion of the total cost of the improvements through annual assessments against all property owners in a defined district. The assessments may be based on property value or may be assessed more directly based on assumed benefit. If the intention is to associate the annual assessment to assumed benefit, then the principles and procedures described in this report can be used to identify assessments for each parcel or group of parcels in the district.

Modification and Application of Formulas

In order to use the procedures in this way, one would carry out the calculations of the formulas with the following changes from the practices described in Part Two of the report and shown in the Example:

1. Include all development trips (both existing and new) expected over the planning period in the place of "additional development trips" in the formulas and include all through trips in the place of "new non-development trips". (In other words, use the formulas as one would if all the development and all the through trips were expected to occur in the future.)
2. Use final reserve capacity in the place of "additional reserve capacity" in the equations.
3. Spread the "private share" calculated by the formulas over time for the existing development. (The share associated with new development could be spread over time or collected up-front)

as a mitigation fee.) The share should be spread in such a way as to amortize the public debt necessary to fund the project.

To demonstrate this approach, assume a single highway link which must be widened from two lanes to four to alleviate current congestion and accommodate additional development and growth in through traffic. Assume that the shares of trips forecast to use the facility in the peak direction in the peak period are:

Existing Development:	700 trips
Existing Through Traffic:	400 trips
Additional Development:	200 trips
Additional Through Traffic:	300 trips

Using values of 800 for existing capacity and 2,000 for the total final capacity, the "final reserved capacity" is (2,000 - 1,600), or 400.

Thus the shares can be calculated as follows, using modified formulas:

$$\begin{aligned} \text{Private Share} &= \text{Cost} \times \frac{\text{Development Trips}}{(\text{Total Trips} + \text{Final Reserve Cap.})} \\ \text{Public Share} &= \text{Cost} \times \frac{(\text{Total Through Trips} + \text{Final Res. Cap.})}{(\text{Total Trips} + \text{Final Reserve. Cap.})} \end{aligned}$$

With the values given above, the private share would thus be: $(700 + 200) / ((700 + 200) + (400 + 300 + 400)) = 45\%$. The public share would be: $(400 + 300 + 400) / ((700 + 200) + (400 + 300 + 400)) = 55\%$.

Since Total Trips + Final Reserve Capacity = Final Capacity, the modified equations can be simplified to read:

$$\begin{aligned} \text{Private Share} &= \text{Cost} \times \frac{\text{Development Trips}}{\text{Final Capacity}} \\ \text{Public Share} &= \text{Cost} \times \frac{(\text{Final Capacity} - \text{Development Trips})}{\text{Final Capacity}} \end{aligned}$$

In the example, if the cost of the improvement were estimated set at \$2,000,000, then the shares would be \$900,000 private and \$1,100,000 public. The private share would also represent \$1,000 per trip in the peak direction, peak hour ($\$900,000 / 900$ trips). If the private share were to be recovered through annual assessments to pay off a 15-year bond at 7%, for example, annual payments of \$105,120 (\$117 per trip) would be required to cover the \$900,000 private share.

Existing development in the defined district could then be assessed \$117 annually for each trip it contributes to the traffic on the highway segment in question. New development could be assessed a single mitigation fee equal to the parcel's entire share (\$1,000 per trip) or could be enlisted in the annual assessment process. As in the case of impact fees alone, the public sector is forced to pick up the private share attributable to future development at the time of the highway improvement, and to seek recovery through charges as the development occurs.

CDTC is the designated "Metropolitan Planning Organization" (MPO) for Albany, Rensselaer, Saratoga and Schenectady counties. Under federal law, CDTC is the forum for cooperative decision-making about transportation, dealing with a wide range of highway and transit concerns and their influence on regional economic vitality, environmental health and quality of life. CDTC is responsible, together with NYSDOT and CDTA, for a long-range regional transportation plan meeting social, environmental, economic and travel needs of the area. It is also responsible for a "transportation improvement program" which assigns federal transportation funds to specific projects. The federal government will not entertain projects in the Capital District unless they are consistent with the plan and have been assigned funds through CDTC.

For more information please contact:

Capital District Transportation Committee
1 Park Place, Albany, NY 12205

(518) 458-2161
(518) 459-2155 (fax)

APPENDIX 4

EXHIBIT C

**Connected Pages of
Final Technical Memorandum
Boght Road GEIS – Route 9 Update
(Pages Revised September 25, 2012)**

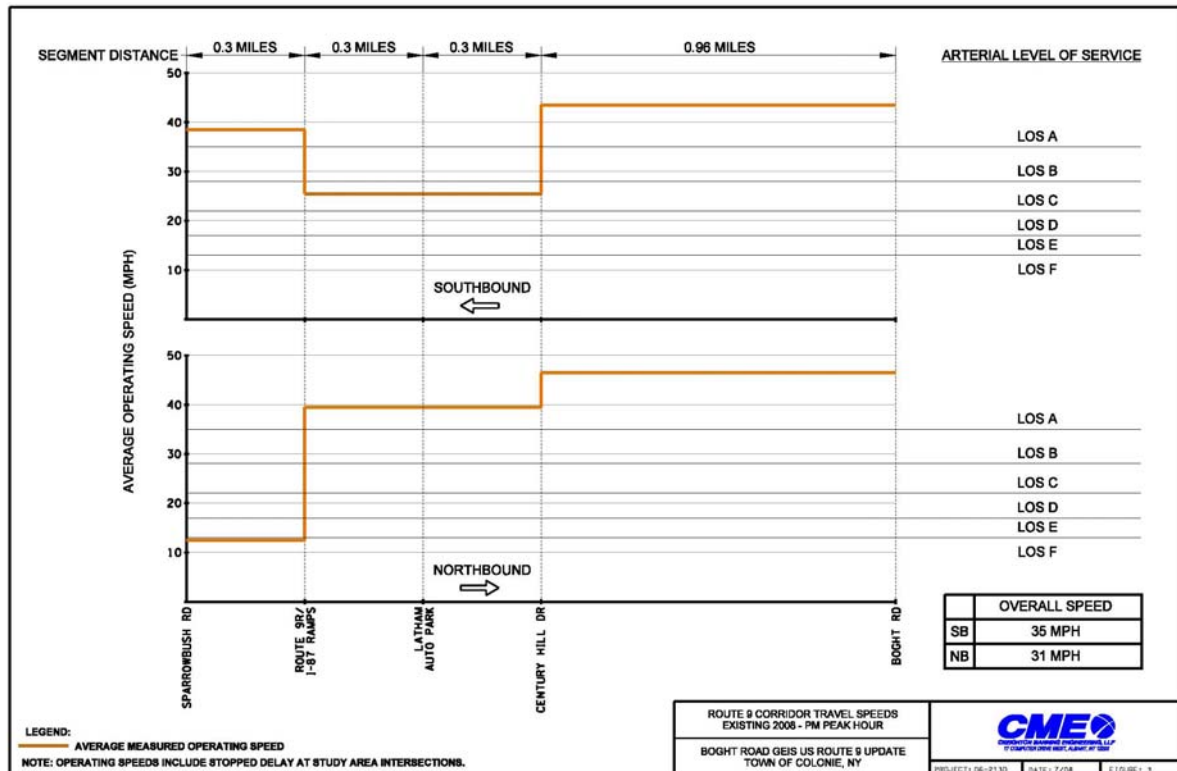


Figure 3 – Route 9 Overall Operating Speeds

This analysis shows that traffic generally moves well in the southbound direction with an overall operating speed of 35 mph and all segments operating at an arterial level of service (LOS) of C or better (*2000 Highway Capacity Manual*). In the northbound direction, traffic moves well between the intersections of Route 9R/I-87 Access and Boght Road at an arterial LOS A. However, between Sparrowbush Road and Route 9R/I-87 Access, northbound traffic moves much slower and experiences longer delays (arterial LOS F). Overall, the operating speed of northbound traffic was measured to be 31 mph while the total average travel time is approximately 3 minutes and 35 seconds.

Land Use Evaluation and Traffic Forecasts

a. Land Use Revisions

Meetings were held with the Town on May 6, 2008 and January 7, 2010 and with the Boght Road Technical Committee on January 26, 2010 and January 28, 2011 to document and confirm the latest land use information in the *2005 Study* area. Table 1 and Figure 4 provide a summary of the current anticipated development in the Town as compared to the *2005 Study*.

Table 7 – Measures of Effectiveness on Route 9

Measure of Effectiveness	PM Peak Hour						
	2010 Existing	2015			2020		
		Null	Alt. 1	Alt. 2	Null	Alt. 1	Alt. 2
Total Delay (Hours)	38	91	54	48	121	78	61
Travel Time (Seconds)	222	282	231	217	304	272	227
Performance Index	47.7	110.6	69.7	65.0	142.1	100.5	80.2
CO Emissions (kg)	17.5	24.4	21.6	21.4	27.6	25.7	23.7
Fuel Consumed (gal)	250	349	309	306	395	367	339
Overall Speed (mph)							
NB	32	25	30	32	23	26	31
SB	32	26	30	29	24	28	27

Overall, Table 6 shows that the MOEs along Route 9 will degrade through 2015 and 2020 conditions with and without improvements. However, the Alternative 2 condition with the connector road for the Short-Term and Long-Term design years result in less diminishing impacts.

Figure 14 shows the average operating speeds along Route 9 under 2010 and 2020 conditions. The average *measured* operating speed represents Existing 2010 conditions obtained from the Speed & Delay Study (also shown on Figure 3), while the average *calculated* speeds for 2010 and 2020 conditions are results from the *Synchro* 6 Software. Overall, the 2010 measured and calculated speeds on Route 9 are comparable in the northbound and southbound directions indicating that the model reasonably replicates existing conditions. For example, the average northbound travel time measured from the Speed & Delay Study was 3 minutes and 35 seconds while the average northbound travel time generated by the Synchro model was 3 minutes and 42 seconds. These existing speeds correspond to an existing arterial level of service of C or better in the northbound and southbound directions from the Route 9R/I-87 Access intersection to Boght Road. However, the segment of Route 9 from Sparrowbush Road to Route 9R/I-87 Access (northbound) operates at a LOS F under existing conditions.

Overall with the additional Long-Term development and without roadway improvements, average travel speeds along Route 9 will be reduced by approximately eight (8) to nine (9) miles per hour with the average calculated travel time in the northbound direction increasing to 5 minutes and 4 seconds. With the recommended improvements for Alternative 1, speed reductions will be less (ranging from four to six miles per hour depending on the direction) and will result in average calculated travel times of 4 minutes and 31 seconds in the northbound direction. With the recommended improvements for Alternative 2 (preferred alternative), speed reductions will be even less (ranging from one to five miles per hour depending on the direction) and will result in average calculated travel times of 3 minutes and 47 seconds in the northbound direction. The benefit of the improved traffic operations at the Route 9/Route 9R

Latham Auto Park Drive and Century Hill Drive and should be constructed as part of the next development project in the area. Additional connections have been identified that will benefit overall circulation and traffic operations in the corridor as growth occurs. These connections should be completed with development of specific sites in the future. Several letters are included as Attachment K that show support by landowners for the traffic signal on Route 9 at the Latham Auto Park Drive/Old Loudon Road intersection and interconnections between parcels to access the new signal.

Short-Term and Long-Term transit related improvements were also identified which include providing crosswalks and safe waiting areas and/or bus shelters along existing and new transit routes. In addition, pedestrian accommodations should also be provided along study area roadways to ensure that adequate access and connectivity is available to existing and future land uses from the proposed bus stops. These improvements are shown graphically on the large scale map attached to this memo.

The overall cost of the improvements in the area is estimated at \$14.554M. The methodology for determining a fair share contribution from public agencies and private developments was developed to assign the cost of highway improvements to those who use the roadway capacity. Based on this assessment, the public/private split was determined to be \$3.979M/\$10.575M. The resulting private share is incorporated into the Boght mitigation formula.

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April 20, 2012

**VIA U.S. MAIL, FAX (783-2888) and
E-MAIL (LaCivita@colonie.org)**

Mr. Joseph LaCivita, Director
Planning and Economic Development
Town of Colonie
347 Old Niskayuna Rd.
Latham, NY 12110

**RE: Final Technical Memorandum Boght Road GEIS – Route 9 Update,
September 23, 2011 (“Technical Memo”)**

Dear Mr. LaCivita:

Please accept the following comments and questions in connection with the above referenced matter.

1. The Technical Memo proposes a traffic signal at the U.S. Route 9/Autopark Drive intersection. The cost estimate for the U.S. Route 9/Autopark Drive intersection traffic signal is \$1,412,000.

Please identify the improvements necessary for the intersection proposal and provide a breakdown of the cost of each improvement. To the extent possible, please identify the sources for funding these improvements including the allocation of costs to each project sponsor, property owner and/or the public.

2. Regarding the Johnson Road Roundabout, the Technical Memo outlines several alternatives. However, none of the alternatives describe a new Johnson Road roundabout as an option (See, page 21), but the cost estimate summary (Table 4) indicates that the short term improvement in the amount of \$1,399,000 is to provide access to the Connector Road and “additional intersection geometry.” (See, pp. 21 & 22). Please provide the specific cost estimate of the “additional intersection geometry” of the Johnson Road roundabout option.

3. The Technical Memo states that "a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers." (See, p. 31) and that "[t]he retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site, with a dedicated, ongoing funding stream." (See, p. 31). The Technical Memo also notes that:

"[f]or CDTA to incorporate a pilot service into CDTA service, a minimum threshold performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period." (See, p. 31)

It is our understanding that CDTA has taken the position that estimated bus ridership does not justify a bus service stop at Parcel 30. This information was independently verified by the project sponsor of Parcel 30. The pilot route is a test that would allow CDTA to determine whether or not sufficient ridership exists to justify CDTA bus service.

Please explain the need and rationale for requiring a "dedicated operating subsidy to continue beyond a pilot period" in the event service performs below the threshold performance required under the Technical Memo. Further, please provide an explanation as to why the retail facility (Parcel 30) is obligated to provide funding for this traffic improvement and not any other project sponsor or property owner (See, p. 31).

4. At page 32 of the Technical Memo, it states: "It was determined that the resulting private share associated with traffic contributing to the need for study area improvements is \$10.575M or approximately 73 percent. The remaining cost funded through public funds is \$3.979M or approximately 27 percent of the total improvement cost."

It further states that the methodology was "developed through several meetings with CDTC and the Town and was subsequently based on accepted approaches for determining a fair share contribution. This methodology assigns the cost of highway improvements to those who create the need for the improvement and is based on the capacity used."

Based on this methodology please provide the allocation for each of the 35 projects identified for each traffic improvement for the \pm \$10 million costs.

It is our understanding that the Town has collected "mitigation fees" from property owners and developers in connection with the Boght Road-Columbia Street study area. With respect to mitigation fees already paid to the Town, please identify the following:

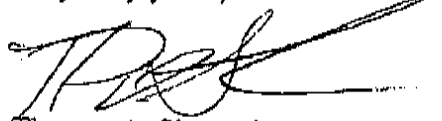
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- (c) Does the Town currently possess mitigation fees already paid for prior projects but not spent? If so, how much is in the reserve? Will these monies be credited to the developer who paid?
- (d) Does the Town intend to credit any mitigation fees that have already been paid towards the improvement costs outlined in the Technical Memo? If so, what is the methodology for determining who will be credited, how much will be credited and for which improvements?
- (e) When does the public contribute its share of improvement costs outlined in the Technical Memo?
- (f) What is the source of the public share (i.e., \$3,979,000) of improvement costs?

5. Since there are no provisions under the New York State Environmental Conservation Law, Article 8, and its implementing regulations (6 NYCRR §617, et. seq.) (collectively, "SEQRA") or in the New York State Town Law, that authorizes a SEQRA Lead Agency or a local Planning Board to approve or impose "mitigation fees" for road construction projects and improvements within a Town in the context of a GEIS, please explain the authority for the Town of Colonie to impose such "mitigation fees."

We appreciate your consideration of these comments and questions. Should you require any information to address any of our comments or questions, please do not hesitate to contact the undersigned.

Very truly yours,



Thomas A. Shepardson



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Albany, New York 12260
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April 20, 2012

Hand Copy 3
7/14 Rec'd

**VIA U.S. MAIL, FAX (783-2888) and
E-MAIL (LaCivita@colonie.org)**

Mr. Joseph LaCivita, Director
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Very truly yours,



Thomas A. Shepardson



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Via E-Mail (LaCivitaJ@colonie.org) & U.S. Mail

April 17, 2012

Mr. Joseph LaCivita, Director
Planning & Economic Development
Town of Colonie
347 Old Niskayuna Road
Latham, New York 12110

**RE: Public Comment Boght Rd./Columbia St.
Area GEIS Traffic Update**

Dear Mr. LaCivita,

We represent the property owner of 1, 2, and 4 Autopark Drive located in the GEIS study area (Lot # 30 in technical update). We are submitting these comments to the Draft Supplemental GEIS, dated February 2012; the "Final Technical Memorandum Boght Road GEIS", dated September 23, 2001 (CME Project No. 06-213d); and comments made at the Public Hearing held before the Town of Colonie Planning Board on April 3rd.

At the April 3rd Public Hearing, reference was made to correspondence submitted by First Columbia Development in possession of the Planning Board. Such correspondence contains a factual error that requires correction. At page 5, it is alleged that the Walmart project "has been denied by the Board and is unknown if the applicant will resubmit." This is not accurate. A proposed design for the project at issue was rejected by the Planning Board. The application for Site Plan Approval remains valid and pending and a revised design has been submitted for review and consideration by the Planning Board.

In relation to Final Technical Memorandum, the following comments are offered.

The document contains the following statement at page 31:

"However, including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers. Locating these developments at the end of Latham Auto Park Drive, more than 400 yards away from CDTA's US Route 9 service will make it very difficult for CDTA to efficiently expand service to the development without substantially increasing costs, both in terms of time and money. The retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site with a dedicated, ongoing funding stream. The service should be reasonable in terms of routes and frequency to serve employees and customers, and be in operation for a sufficient time period to establish the transit market potential

(usually twelve to eighteen months). For CDTA to incorporate a pilot service into CDTA service, a minimum threshold of performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period. The Town has determined that the Boght mitigation shall include \$250,000.00 toward physical transit improvements such as but not limited to shelters, and pedestrian improvements near shelters.”

This paragraph is problematic for a number of reasons. First, it states that “including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” While it alleges that both retail and office uses will increase transit demand, it then proposes to hold “the retail proposal” solely responsible to fund the cost of transit improvements. It appears that this is the only instance in the document where a single property is singled out for payment responsibility. This proposal is made more egregious by the fact that this solitary financial responsibility is proposed to be required on a continual basis. Although it is admitted other uses contribute to the transit needs, the document proposes to hold one property financially responsible in perpetuity. Not only is this proposal far beyond the acceptable bounds of reasonable mitigation under SEQR, it violates the most basic principles of fundamental fairness and equity. It is recommended that this entire paragraph be stricken or amended to make clear that individual properties are not to be held solely responsible for transit improvement cost mitigation.

Thank you for your consideration.

Sincerely,

DONALD ZEE, P.C.

By: *Andrew Brick / sam*

Andrew Brick, Esq.

AB:sam

\\Barbara\A BRICK\Nemith\Public Comment Letter reBoght Rd Final 04.17.12 .doc

CHRISTIAN THOMAS SORENSEN
342 OLD LOUDON ROAD
LATHAM, NEW YORK 12110

518-785-7763

19 April 2012

Mr. Joseph LaCivita
Town of Colonie
Planning Board
347 Old Niskayuna Road
Latham, NY 12110



Reference: Final Technical Memorandum
Boght Road GEIS – Route 9 Update
Town of Colonie
CME Project No. 06-213d

Dear Mr. LaCivita,

Reference the Creighton-Manning Project noted above, I have several questions, observations and concerns regarding this study and its implications.

1. Why does the project report address traffic only during evening peak hours, while ignoring morning peak hour traffic?
2. On page 4 of the CME Report, the authors state that, "traffic growth has been relatively stable over the last several years." They define the "last several years," as May 2008 to January 2010, a period of approximately 21 months. Twenty-one months does not qualify as, "several years." Why has the Town accepted this premise?
3. Figure 2 of the CME Report seems to show that the Eastbound traffic volume at the intersection of 9R / Old Loudon Road, (hereafter OLR,) during the evening peak hours period is 968 vehicles, with 87 vehicles turning North on OLR and 92 vehicles turning South on OLR. The report is unclear as to the period represented by these counts. Are these counts for the entire 4:00 PM to 6:00 PM peak hour period, or are they vehicle counts-per-hour?
4. The period beginning in May 2008, and ending in January 2010 is a period of severely decreased economic activity due to the economic recession in effect at that time. How can the Town accept the traffic volumes shown in CME Figure 2 as reliably representative of normal traffic volumes?
5. A traffic study performed by me, personally, in June 2006, a period of normal economic activity, shows the total volume of Eastbound traffic entering the intersection at 9R / OLR during evening peak hours to be 955 vehicles per hour and 1126 vehicles per hour, respectively on the two days during which the counts were performed. (A copy of this study is enclosed.) If the CME traffic volumes

shown in Figure 2 are for the entire peak hour period, do not the volumes shown in my June 2006 bring the CME volumes into serious dispute for forward planning purposes?

6. On page 7 of the CME Report, for the segment distance from Sparrowbush Road to Boght Road, the authors state that, "Overall, the operating speed of northbound traffic was measured to be 31 mph while the total travel time is approximately 3 minutes and 53 seconds." Figure 3 on that same page shows the total distance between these two endpoints to be 1.86 miles, $(0.3 + 0.3 + 0.3 + 0.96)$. Given these two parameters, the average speed works out to be 28.73 mph.
 $(9821 \text{ ft.} / 233 \text{ sec.} = 42.15 \text{ fps})$
 $(42.15 \text{ ft.} / \text{sec.} \times 3600 \text{ sec.} / \text{hr.} \times 1 \text{ mile} / 5280 \text{ ft.} = 28.73 \text{ mph.})$
 Is the actual average travel time slower than represented in the report?

7. If the vehicle counts shown in the CME Report are not representative of actual normal traffic flows during times of normal economic activity, it is likely that traffic congestion and delay times shown are understated. If so, can any projections based on the data shown be relied upon?

8. Page 11 of the CME Report states that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR would be considered only if it presents an overall benefit to network operations in the area. The Connector Road to this intersection from the intersection of Route 9R/Johnson Road is the proposed solution to the "overall benefit to the network" requirement. In fact, the proposed Connector Road exacerbates network delays and congestion, by bringing in significant new traffic volumes to the network from the development of parcel 28. Page 32 of the report anticipates a reduction in the 45 mph speed limit at Route 9/Latham Auto Park Drive/OLR due to pedestrian crossing requirements. While the CME Report does not offer a specific figure, it is likely that the speed limit would require a reduction to 30 mph or 35 mph to accommodate pedestrian traffic. In addition, a significant signal delay would be required to allow time for pedestrians to traverse the 80 foot crossing distance. Given the increased vehicle volumes from the development of Parcel 28, the necessary reduction in speed limits, and the necessary signal delay time for pedestrians, network vehicle traffic will likely back-up on Route 9 from the Route 9/Latham Auto Park Drive/OLR intersection back through the Route 9/Route 9R intersection, back through the Route 9/Sparrowbush Road intersection, and back to the Route 9/Cobbec Road intersection. The proposal for the installation of a traffic signal is the sine qua non for the development of Parcel 28 and those parcels on Latham Auto Park Drive. It is the key element necessary for commercial development of these parcels, and has nothing to offer to abate existing network traffic flow problems, as the average transit speed from Sparrowbush Road to Boght Road would necessarily decrease, and transit time would thereby increase.

9. Table 3 of the CME Report shows no significant change to Level of Service for any intersection under the Null, Alt. 1 and Alt. 2 scenarios, for either the Short-Term 2015 period or the Long-Term 2020 period, except for the Route 9/Route 9R/I-87 access intersection. Under the Alt. 2 scenario, LOS is improved only at the Route 9/Route 9R/I-87 Access intersection. This improvement requires a \$5-

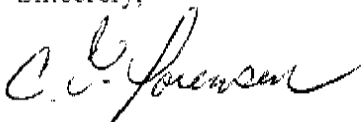
to \$6-million dollar initial investment to achieve modest estimated improvement. No estimates are offered for on-going maintenance or operating costs. This is further evidence that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR has but one purpose. That purpose is the development of Parcel 28 and the parcels on Latham Auto Park Drive, not overall benefit to network operations.

10. Table 7, "Measures of Effectiveness on Route 9," of the CME Report, hereafter MOE, shows significantly higher delay times under Null, Alt. 1 and Alt.2 scenarios for both the 2015 period and the 2020 period over the 2010 Existing period. The key element in the Null and Alt. 1 scenarios is the installation of the proposed traffic signal at the Route 9/Latham Auto Park Drive/OLR intersection. Alt. 2 adds the Connector Road to the Alt. 1 scenario. Curiously, the Alt. 2 scenario in the 2015 period shows a 26% increase in delay times, but a 2% improvement in travel times. This seems to defy logic. In addition, under the 2020 Null scenario, with an additional traffic signal installed, overall speed on Route 9 is estimated to decrease by 28% from 2010 Existing levels, and does not approach 2010 levels unless Alt. 2 is adopted. There is no benefit to overall network operations from adoption of any of the proposed alternatives. The only purpose of the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is to facilitate and justify commercial development in the area.

The obvious conclusion to be drawn from the CME Report is that the existing geometry of the road network in the area covered by the Report precludes any development, which would significantly add to existing traffic volumes during peak hours. That the Report does not address morning peak hours, when Westbound traffic volumes on Route 9R into the Route 9/Route 9R/I-87 Access intersection are greater than evening peak hours Eastbound traffic volumes from that intersection onto Route 9R is a serious concern. The difference in traffic volumes appears in evening peak hour Northbound traffic volumes on Old Loudon Road of approximately 450 vehicles per hour. Add to that the approximately 260 vehicles per hour Southbound on Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road as an alternative to Route 9 during normal economic conditions. If development of Parcel 28 and the parcels on Latham Auto Park Drive proceeds as proposed, and the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is actually installed, more traffic volume will opt for using Old Loudon Road as an alternative to Route 9. This will result in significant depreciation of the residential nature of this area due to increased noise, litter, foot traffic, opportunity for increasing crime, and the need for more traffic signals at intersections, where none can be justified at present.

An alternative development scenario would be for Parcels 4, 16, 17, 28 and 30 to be developed in a manner in which no significant new traffic volume would be added to the network during morning or evening peak hours.

Sincerely,





TRAFFIC SURVEY

INTERSECTION:

OLD LOUDON ROAD AND 9R / COLUMBIA TURNPIKE EXT.

PREPARED BY:

C. T. SORENSEN
7/11/06

TRAFFIC STUDY

INTERSECTION:

OLD LOUDON ROAD, NORTH AND SOUTH

AND

ROUTE 9R / COLUMBIA TURNPIKE EXTENSION

STUDY DATE	STUDY PERIOD		STUDY ACTIVITY
	FROM	TO	
05/25/06	7:45 AM	9:00 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/26/06	5:04 PM	6:04 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. EAST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/27/06	7:25 AM	8:55 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. EAST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/28/06	7:36 AM	8:36 AM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD 2. TRAFFIC DELAY COUNT AT THE INTERSECTION: <ol style="list-style-type: none"> a. WEST BOUND TRAFFIC ON ROUTE 9R / COLUMBIA TPKE. EXT. b. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD
06/29/06	4:00 PM	6:00 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD b. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD c. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD FROM 9R / COLUMBIA TURNPIKE EXT.
06/29/06	4:00 PM	6:00 PM	<ol style="list-style-type: none"> 1. VEHICLE COUNT THROUGH THE INTERSECTION: <ol style="list-style-type: none"> a. NORTH BOUND TRAFFIC ON OLD LOUDON ROAD b. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD c. SOUTH BOUND TRAFFIC ON OLD LOUDON ROAD FROM 9R / COLUMBIA TURNPIKE EXT.

TRAFFIC SURVEY SUMMARY

INTERSECTION: OLD LOUDON ROAD AND 9R / COLUMBIA TURNPIKE EXT.

MORNING TRAFFIC

ROAD / DIRECTION	DATE	PERIOD		TOTAL VEHICLE COUNT	AVERAGE VEHICLE PER HR.	TRAFF. LIGHT CYCLES	NO. DELAYS	%
		FROM:	TO:					
9R / COLUMBIA TPKE / WEST BOUND	06/26/06	7:45 AM	9:00 AM	1066	853	68	18	26.5%
	06/27/06	7:25 AM	8:55 AM	1463	975	82	22	26.8%
	06/28/06	7:36 AM	8:36 AM	997	997	50	21	42.0%
						200	61	30.5%
OLD LOUDON RD. / NORTH BOUND	06/26/06	7:45 AM	9:00 AM	242	194	67	7	10.4%
	06/27/06	7:25 AM	8:55 AM	266	266	83	8	9.6%
	06/28/06	7:36 AM	8:36 AM	190	190	48	12	25.0%
						198	27	13.6%

TRAFFIC SURVEY SUMMARY

INTERSECTION: OLD LOUDON ROAD AND SR / COLUMBIA TURNPIKE EXT.

EVENING TRAFFIC

ROAD / DIRECTION	DATE	PERIOD		VEHICLES FROM SR / CTE	OLR THRU TRAFF	TOTAL VEHICLE COUNT
		FROM:	TO:			
OLD LOUDON ROAD / NORTH BOUND	06/26/06	5:04 PM	6:04 PM			421
	06/27/06	4:35 PM	5:35 PM			499
	06/28/06	4:00 PM	5:00 PM			440
		5:00 PM	6:00 PM			449
	06/29/05	4:00 PM	5:00 PM			415
OLD LOUDON ROAD / SOUTH BOUND		5:00 PM	8:00 PM			426
	06/28/06	4:00 PM	5:00 PM	215	56	270
		5:00 PM	6:00 PM	239	40	279
	06/29/06	4:00 PM	5:00 PM	195	57	252
		5:00 PM	6:00 PM	204	49	253
SR / COLUMBIA TPKE / EAST BOUND	06/26/06	5:04 PM	6:04 PM			955
	06/27/06	4:35 PM	5:35 PM			1126

Appendix 4

Responses to Public Hearing & Written Correspondence

In accordance with Town Law (§272-a) adoption of the Draft Supplemental Generic Environmental Impact Statement for the Boght Road-Columbia Street GEIS, Route 9 Transportation Update by the Town is subject to the State Environmental Quality Review Act (SEQR). Although not required, a SEQR public hearing is also recommended. Therefore a public hearing was held by the Planning Board as Lead Agency on April 3, 2012 at 7:00 pm at the Public Operations Center, 347 Old Niskayuna Road, Latham, New York 12110. A stenographer was present to record all comments. A copy of the public transcript is included in the Final Supplemental GEIS.

When a Lead Agency deems a draft Supplemental GEIS adequate for public review, SEQR requires that it must also designate a minimum 30 day public comment period to accept written comments. The 30 day public comment period for this project began March 13, 2012 and ended April 20, 2012. Copies of the complete written and e-mail correspondence are included in Appendix 3.

Questions from the public hearing have been extracted and paraphrased as follows. The questions/comments are listed in the order they were received at the public hearing and are addressed immediately following as appropriate. The original transcript can also be found in Appendix 2.

Public Hearing Comments

1. Comment:

Mr. Lane: Will traffic mitigation fees be the only mitigation fees recalculated?

Response:

The Colonie Town Board commissioned an update to only the traffic portion of the Boght Road – Columbia Street GEIS, with a concentrated focus on the Route 9 corridor. As such, as part of the re-evaluation of the traffic impacts a modification to the traffic mitigation fees is expected. Changes to any other mitigation fees of the Boght Road-Columbia Street GEIS have not been evaluated under the current study.

2. Comment:

Mr. John Fahey: Does the DOT agree with the conclusions (operating numbers and intersections) of this study? Are there any major differences between your figures and the state's figures?

Response:

Yes, the NYSDOT has been an active participant on the scoping and review of the GEIS update. The NYSDOT did not provide traffic count information used in the study. This data was gathered by traffic engineering companies hired by the Town of Colonie which

included a review of available NYSDOT data. NYSDOT has reviewed and is in agreement with the study conclusions and traffic count numbers presented in the Draft SGEIS. A copy of their most recent correspondence is included in the appendices.

3. Comment:

Chris Bette: (The Planning Board has on file written correspondence from Christopher Bette, PE dated April 2nd on First Columbia letterhead and included in Appendix 2. The verbal comments made during the public hearing are consistent with those included in the written correspondence).

Response: *These comments are summarized and addressed in the "Response to Written Comments" section (See Responses to Written Comments #CB2 through #CB8).*

4. Comment:

Ms. Dalton: Do we know who owns Parcel 28?

Response: *The current owner is believed to be Mr. Weiss. It has also been purported that there may be an option to another entity with ongoing negotiations. There had recently been a sketch plan review for redevelopment of this parcel conducted by the Planning Board.*

5. Comment:

Mr. Sorenson: I think that I heard the engineers say that we will spend \$5,800,000 on a connector road and the delay at 9 and 9R will nearly double. It sounds like there has to be a better way to deal with that.

It appears to me that the connector road is simply going to divert traffic to Old Loudon Road going north. The real problem is the short distance between the two lights at Old Loudon Road and 9R. There is only one lane that goes straight across the Northway. This is going to double the delay there, as planned.

The engineers mentioned the traffic signal on Old Loudon Road at Cobbee Road and or at Latham Ridge Road. I got a letter at home from the Police Department telling me that they did a traffic study last year when Wal-Mart was trying to put their store behind Nemith and that was not a viable alternative because there wasn't enough traffic on that road. We had a commitment or at least a verbal comment from the Town that they were not going to make Old Loudon Road an alternative traffic route for the new Wal-Mart, should it go behind Nemith. It sounds to me like that plan is out the window now. The plan to use Old Loudon Road as a main traffic artery will require the traffic lights and will change the entire character of that residential neighborhood.

I think that the gentleman who spoke first whose comments sounded intelligent to me, mentioned that we're going to be about 140 cars travelling north on the new connector

road? At 5.8 million dollars, that's about \$41,000 or \$42,000 per car. That's a lot of money to channel 140 cars on that road.

Response:

Delays at the 9/9R intersection will not double. They will be significantly reduced (See Tables 3 and 5 from the Draft SGEIS. The proposed connector road is one of various improvements to mitigate the traffic related impacts of development within the GEIS study area. Although the connector road will divert a significant number of vehicles from Route 9 to the connector road heading south, many of these vehicles are expected to proceed onto Route 9R heading east, thereby avoiding the signal at Route 9/9R. The proposed improvements are not expected to result in a significant increase in traffic on Old Loudon Road or in the residential neighborhoods, but rather to accommodate additional development shown in Table 1 of the Draft SGEIS. In fact, the proposed improvements are intended to keep traffic on the major roads and arterial highways by reducing congestion and delays at major intersections. This in turn should allow development to take place and minimize impacts on the character of the area.

We do not believe it is appropriate to provide a cost per car that may be diverted onto the connector road when evaluating the cost of the improvements. Table 7 of the Draft SGEIS shows that the connector road will prevent thousands of hours of delay for traffic on Route 9 each year. The purpose of the connector road is to mitigate the traffic impacts associated with thousands of additional vehicle trips during the peak hour throughout the area in a logical, cost efficient way. Although other alternative solutions have been evaluated to address the traffic impacts, some of which may have cost less, the inclusion of the connector road has been found to be the preferred alternative when all impacts and agency concerns have been considered.

A traffic signal is proposed at the intersection of Old Loudon Road/Cobbee Road in the short term planning period and a signal is proposed at the intersection of Old Loudon Road/Latham Ridge Road in the long term planning period. This is consistent with what was envisioned in the original 1989 GEIS.

Written Correspondence

During the required public comment period, the Town received comment letters via regular mail and e-mail. Questions from this correspondence have also been extracted and paraphrased for clarity. Questions/comments are listed with reference to the commenter and are addressed immediately following as appropriate. All original correspondence is included in Appendix 3. The written correspondence received is listed below:

- Mark Kennedy, Regional Traffic Engineer, NYSDOT 1/31/12
- Christopher Bette, P.E., First Columbia 4/2/12
- Peter Lynch, Lynch & Hetman, PLLC 4/13/12
- Barbara Numrich, 350 Old Loudon Road, Latham, NY via e-mail 4/16/12
- Thomas A. Shepardson, Esq., Whiteman, Osterman & Hanna 4/20/12

- Donald Zee, P.C., 4/17/12
- Christian Thomas Sorenson, 342 Old Loudon Road, Latham, NY 4/19/12

MK1. Comment:

Mark Kennedy, Regional Traffic Engineer:

The DOT is in general agreement with the recommended Short Term and Long Term proposed improvements however we have several comments regarding cost estimate and fair share contributions:

- What year dollars do the estimates reflect?
- What provisions are included to address inflation between today and the anticipated implementation of the long term improvements?
- Some description of the methodology for determining fair shares should be included as well as a clear identification of the source of the public share dollars.

Response:

The cost estimates represent 2011 construction dollars.

The Board, through the administration of mitigation fees has the ability to modify the mitigation fee schedules to account of for changes in construction value or to build in automatic inflationary adjustment factors and has done this historically.

The fair share method currently considered is that each project's traffic will be routed through the transportation network using CDTC's trip generation model, and as each trip utilizes a percentage of an improvements reserve capacity, that cost will be assessed to that project. For example, if a new vehicle trip utilizes a \$1,000,000 improvement and uses up 1% of the reserve capacity created by that improvement, it would be assigned a mitigation fee of \$10,000 (1% times \$1,000,000). A description of the methodology used to determine each project's fair share contribution is included in Appendix 4 Exhibit B "Albany County Airport Area Generic Environmental Impact Statement Implementation of the Mitigation Cost Program CDTC Review Procedure", attached herewith.

The amount of reserve capacity created that is not required to support the projected development in the GEIS study area has been assigned a value as the "public share". Funding for the public share can come from local, state or federal agencies; from development outside of the GEIS study area that will directly benefit from the improvements; from development within the GEIS study area that is greater than that currently projected; or from currently projected development within the GEIS study area over and above their private share mitigation fee. This incentive based process would include an equal value incentive such as a tax reduction due to the public benefit the private entity provides.

CB2. Comment:

Christopher Bette, First Columbia:

The following items have been requested by the Board but never provided. As indicated in several meetings, these items are essential to enable the Board to take a hard look at the relevant environmental impacts, and make smarter decisions:

- Existing GEIS finances
- Bergmann study review by NYSDOT
- Cost-Benefit Analysis of the Connector Road
- Master plan for Parcel 28 and report of discussions with adjacent landlord for right-of-way acquisition.
- Consultants run the model for the Board
- Moving the Connector Road to a long-term improvement.

Response:

From inception of the Boght Road-Columbia Street GEIS to April 30, 2012, the Town of Colonie has collected \$2,752,120.70 in traffic mitigation fees. This amount has accrued an additional \$350,768.98 in interest. Another \$657,971 has been assessed to new development but not yet collected. The Town has spent \$1,792,831.72 on traffic related improvements and study updates in the GEIS study area. There is a current mitigation fee balance of \$1,310,057.96. This can be used to reduce or offset some of the new mitigation fees.

The “Bergmann study” is a traffic study conducted in support of one project in the GEIS study area. It is our understanding that the study is currently undergoing revision following initial review by NYSDOT. The report has not been reviewed for conformance with the Draft SGEIS and its supporting studies. It is expected that as projects within the study area are proposed, they will be reviewed for conformance with the Final SGEIS.

Detailed costs and associated benefits associated with the Connector Road have been thoroughly analyzed and discussed during the preparation of the Study Update. Although other improvement alternatives have been presented, some of which may have resulted in less cost than the Connector Road, the current preferred option that includes the Connector Road has been found to be the most cost effective alternative. The impacts associated with not building the recommended improvements have also been thoroughly evaluated and considered. The pros and cons associated with the Connector Road have been presented in both a quantitative and qualitative context.

A schematic plan of development for Parcel #28 had previously been provided to the Town of Colonie Planning Board and should be on file with the Planning Department. We are not aware of any formal discussions with the parcel owners regarding right-of-way acquisition.

Traffic flow models have previously been presented to the public and the Planning Board during the preparation of the Study Update.

The Connector Road is currently slated as a short term improvement and had previously been considered as a long term improvement. The listing as a short term improvement was predicated on the anticipated timing of developments currently under review by the Planning Board. The actual timing of implementation of the various improvements will ultimately be dictated by the timing of developments within the study area and may be adjusted as the time goes on.

CB3. Comment:

Christopher Bette, First Columbia:

The Boght GEIS financial information has been requested by the Planning Board but not provided. First Columbia has made over \$700,000.00 of mitigation payments to the Town with no improvements made. First Columbia requests that a detailed accounting be presented showing each project and amount of mitigation paid, a list of improvements made.

Response:

A list of each project and their associated mitigation fee payment made is included in Appendix 4 Exhibit A attached herewith.

The following is a list of the disbursements made from the mitigation fee account:

• EMS Intersection	\$57,678.84
• Elm St. By-Pass	\$230,484.69
• Boght/St. Agnes HWY/Johnson Road	\$795,135.45
• Boght Road Ball field Intersection	\$444,758.44
• Boght/Haswell Study	\$2,788.50
• Traffic Engineering	\$194,722.97
• Traffic GEIS Update	\$67,262.83

CB4. Comment:

Christopher Bette, First Columbia:

The Update proposes a \$15 million improvement plan. Existing GEIS payments were based on \$21 million. Will the overpayments be ratably returned to developers, cost applied to less traffic, some improvements done, etc.?

Response:

Mitigation fees are assessed a certain value as each project approval goes through its SEQR review process and are assessed based on an environmental impact assessment/mitigation fee structure that exists at that time. A description of the methodology used to determine each project's fair share contribution is included in Appendix 4 Exhibit B "Albany County Airport Area Generic Environmental Impact Statement Implementation

of the Mitigation Cost Program CDTC Review Procedure”, attached herewith. Payment of mitigation fees is in lieu of other traffic related improvements/studies that each project may have had to do during its SEQR review process. Funds collected are to go to addressing the impacts of traffic within a study area. It is customary that the required capital improvements and their associated cost may be adjusted throughout the planning period and as improvements are constructed. It is anticipated that all mitigation fees collected for past and future projects will be used to address traffic impacts of development. As such, no payments back to applicants is expected.

CB5. Comment:

Christopher Bette, First Columbia: The Final Technical Memorandum states that a connection between Auto Park and Century Hill Dr. be constructed, as the Town Consultants, NYSDOT and CDTC feel this connection is important for traffic mitigation. First Columbia designed and constructed a connection meeting Town road standards at the Town’s request based on the Town’s commitment that the associated costs would be credited against future mitigation payments. After the road was built, the Town suggested that the road be maintained as a private road. First Columbia requests that the Town either take ownership of the Road, and credit the costs thereof against First Columbia’s mitigation fee obligation, or that the road remain private and not for public use.

Response:

It is our understanding that the Town has not required the road between Auto Park Drive and Century Hill Drive 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 that 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 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 that project.

CB6. Comment:

Christopher Bette, First Columbia:

Interconnectivity trips are not included in the Level-of-Service analysis. Degradation of signal LOS will occur potentially below acceptable levels without mitigation or collection of necessary fees. If interconnectivity is in fact desired, projects should be required to perform a supplement traffic study identifying any impact of LOS degradation along with appropriate mitigation necessary above the GEIS mitigation fee levels.

Response:

We agree that completion of a supplemental project specific traffic study is sometimes warranted to understand the impacts and need for additional traffic mitigation associated with each project as it undergoes SEQR review by the Town.

CB7. Comment:

Christopher Bette, First Columbia:

- a. The Connector Road concept was first introduced in February 2010. At the meeting and at the following meetings the Board presented many concerns. These concerns have not been fully addressed.
- b. Concern that the costs outweigh the benefits and a cost-benefit analysis was requested. First Columbia requests that the CDTC model be used and results presented to the Board showing the mitigation cost assessment and providing an analysis of the projects actual trip distribution to see where the trips are coming from so the Board can make smarter decisions. This simulation should be run with the Wal-Mart project and without the Wal-Mart project, as this project has been denied by the Board and is unknown if the Applicant will resubmit.
 - i. The benefit of this simulation is that the models will show:
 1. The allocation of costs to the Boght Area properties determining a per vehicle cost and identifying a contributing parcels "fair share".
 2. What portion of the costs will Parcel 28 contribute to the Connector Rd.?
 3. Where the trips are originating and the expected timing of the contributing projects needed to fund the project.
- c. A realistic cost estimate including all design, right-of-way acquisition, wetland mitigation area and construction.
 - i. If demolition of the existing building is part of the cost estimate and why the Boght properties should be responsible for improving the value of the property especially with asbestos abatement and other demolition costs that cannot be accurately estimated without additional testing and the potential for increased costs related to unforeseen conditions that may be encountered.
 - ii. Connector Rd. was estimated to be \$5.5 million. Final Study has Connector Rd. estimated at \$3,027,000.00.
- d. Further consideration of the Connector Rd. as long-term improvement should be provided.
 - i. As a long-term improvement the Town would have more time to identify and secure the necessary Public Finding.
 - ii. Provide time to assess development levels – projects not built or not built to the planned size in the Boght area and on Parcel 28. Reduces building area will impact private share of Connector Rd. funding.
 - iii. Parcel 28 master-plans should be developed identifying the location of the road.
 - iv. Provide the Town the necessary time to secure the right-of-way from the two landowners.

- e. Cost estimate for the Bergmann plan for Rte 9 and Rte 9R intersection should be developed to be used in lieu of the Connector Rd. solution, if necessary.

Response:

There have been many comments, questions and recommendations for changes made by the Planning Board throughout the multi-year period of review of the Boght Traffic Update.

- a. *The study has been revised numerous times in response to these comments and substantial information exists in the record in response to the questions.*
- b. *As stated above, detailed costs and associated benefits associated with the Connector Road have been thoroughly analyzed and discussed during the preparation of the Study Update. Although other improvement alternatives have been presented, some of which may have resulted in less cost than the Connector Road; the current preferred option that includes the Connector Road has been found to be the most cost effective alternative. The impacts associated with not building the recommended improvements have also been thoroughly evaluated and considered. The pros and cons associated with the Connector Road have been presented in both a quantitative and qualitative context. In order to assist in the evaluation of the benefits associated with the Connector Road, the final traffic update includes analysis of traffic operations both with the Connector Road and Without the Connector Road. The overall level of service at the intersection of Route 9/Route 9R/I-87 Access is LOS C (31.1 second average delay) with the Connector Road and LOS E (58.2 second average delay) without the Connector Road.*

As each project works through its own Planning Board review process information on the application is provided to CDTC by the applicant's consultants and the Planning Department. It is beyond the scope of this study to have CDTC perform an analysis of each project under consideration. The apportioned cost to each project would be developed as each project went through its site plan review process and would depend on final trip generation, trip distributions, etc.

The Planning Department provided information on each project that was under consideration by the Planning Board and the list of projects included under the short term scenario and long term scenario have previously been agreed to by the Planning Board and revised in accordance with their comments. It is not appropriate to run simulations with some projects being included in the study and some projects not being included.

- c. *Detailed cost estimates have been included in the study. The cost estimates for the various improvements have been revised as the study has progressed. Regarding the cost of the connector road, in response to an earlier comment the cost estimate for the connector road has been broken down into three components including the*

signal at the intersection of Route 9/Connector Road (\$1,412,000), the Connector Road between its two terminal intersections (\$3,027,000), and the signal at the intersection of Route 9R/Connector Road (\$1,399,000). If these three improvements are done at the same time the estimated value is \$5,838,000.

The cost for building demolition and any necessary abatement is not specifically included in the cost estimate. Although the current schematic alignment of the connector road is impacted by the existing building the final alignment is subject to additional design. In addition, the timing of work on the Connector Road and redevelopment of Parcel 28 is not known. If done at the same time it is likely these costs would be borne by the owner of parcel 28. Parcel 28 will be responsible for a significant portion of the cost of the Connector Road due to its use of some of the reserve capacity of the improvement. Other projects will also contribute based on the amount of their use of the reserve capacity.

- d. The Connector Road is currently listed as a short term improvement. The list of short term and long term improvements was derived by considering the possible timing of each development and the expected improvements that would allow adequate traffic operations following completion of the project. The timing of various improvements is not expected to be final and is subject to change based on the progression of various development proposals and ability to fund the necessary improvements, obtain right-of-way, etc. Regarding Parcel 28 schematic plans identifying the location of the Connector Road, the information contained in the Boght Traffic Update have been made publicly available. It is expected that any development proposal for Parcel 28 will consider accommodating the Connector Road in its master plan.*
- e. The improvements included in the Bergmann study have not been verified as part of the Boght Traffic Update and the costs for improvements considered are not known.*

CB8. Comment

Christopher Bette, First Columbia:

Regarding pedestrian accommodations, the Board should understand the financial implications of requiring pedestrian accommodations. A cost benefit analysis which included the annual maintenance and repair costs must be completed as the maintenance will greatly impact the Town's budgets. Pedestrian activity in this area is very low and attributable to specific properties. Over the years this Board has heard that the Town wants to designate this portion of Rte. 9 as a sidewalk improvement district. During the original Hess gas station proposal and recent Hess Car Wash application, this issue was raised. Both times the questions of: why sidewalks re desired: who will be using them: and why is the Town going to maintain elements within the NYSDOT ROW. Both times the Board decided not to require sidewalks. The Board must assess the benefits of pedestrian accommodations. The Board has never specifically discussed this

issue during a public meeting nor have they been informed of the costs, especially as it impacts the entire Town.

Response:

The costs for pedestrian accommodations are included in the cost estimates for the various improvements and in many instances the associated costs have been broken out. The Town understands the costs of pedestrian accommodations including upfront capital cost as well as operational and maintenance costs. The Colonie Planning Board, NYSDOT and CDTC have all indicated pedestrian accommodations should be included as part of the capital improvement plans. It is expected as development continues to occur that there will be a greater demand and use of pedestrian accommodations. Regarding past projects not having provided pedestrian improvements, this may have been the result of not having an officially adopted capital improvement plan for the area, the size of the project, the project expecting to have a insignificant impact on pedestrian needs, etc.

PL9. Comment:

Peter Lynch, Lynch & Hetman, PLLC on behalf of First Columbia, LLC:

The Final Technical Memorandum (2009) assumes that a connector roadway between Latham Auto Park and Century Hill Drive would be part of the Short-term 2010 design year improvements ("Extend public road between Century Hill Drive and Latham Auto Park Drive"). In reliance upon the Final Technical Memorandum, my client constructed this connector road at a cost of \$1,128,453.00 and truly believed the cost of the connector road would be reimbursed through previously paid mitigation fees as a public road. The Final Technical Memorandum 2011 assumed that the connector road would be part of the 2015 Short-term and noted "...this connection can be a private road and not deeded over to the Town, but the rights of access should be provided to the travelling public"

The Final Technical Memorandum 2011 should be corrected to reflect that there is a need for the connector to be a "public road". In any event my client should be reimbursed for the cost of the road through the use of the mitigation fee fund.

Response:

It is our understanding that the Town has not required the road between Auto Park Drive and Century Hill Drive 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 that 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 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 that project.

BN10. Comment:

Barbara Numrich, 350 Old Loudon Road:

This \$14 million project does not properly address northbound rush hour issues. I do not feel the connector road alleviates the delays on Route 9 northbound between Sparrowbush Road and the Route 9/9R and I-87 intersection. The addition of a traffic light at the connector road intersection on Route 9 will further delay northbound traffic. The long term improvements indicate two additional traffic lights in the area which will also result in more delays.

Response:

In 2010 the level of service (LOS) for northbound vehicles on Route 9 at the Route 9/Route 9R/I-87 access intersection experienced a LOS D (53.2 seconds average vehicle delay) during the PM peak hour. This would be expected to grow to LOS F (98.8 seconds average vehicle delay) if no capital improvements are made to this intersection. With all of the new recommended improvements, the LOS is expected to be LOS D (35.8 seconds average vehicle delay). Without the Connector Road, this movement would be expected to be a LOS E (76.2 seconds average vehicle delay). It is correct that although intersection delays may not be significant and may be appropriately mitigated, adding additional traffic signals along Route 9 can lead to longer travel times throughout the corridor. The purpose of the traffic signals are to provide safe access to the adjoining properties and allow vehicles to divert from the Route 9 corridor.

TS11. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo proposes a traffic signal at the U.S. Route 9/Autopark Drive intersection. The cost estimate for the U.S. Route 9/Autopark Drive intersection traffic signal is \$1,412,000. Please identify the improvements necessary for the intersection proposal and provide a breakdown of the cost of each improvement. To the extent possible, please identify the sources for funding these improvements including the allocation of costs to each project sponsor, property owner and/or the public.

Response:

The scope of improvements associated with the installation of the traffic signal at the intersection of Route 9/Autopark Drive are best shown on Figure 2 under "Attachment H Construction Cost Estimate" of the 2011 Update. Improvements generally include new traffic signal, right turn lane on Autopark Drive, Connector Road extension from Route 9 to Old Loudon Road, realignment of Old Loudon Road, and pedestrian accommodations. The proposed public/private funding split for all improvements is approximately 27%/73%. Applying this ratio to this improvement cost would result in a public share cost of approximately \$381,000 and private share cost of approximately \$1,031,300. The apportioned cost to each project would be developed as each project went through its site plan review process and would depend on final trip generation, trip distributions, etc. Finalizing this data involves extensive documentation by the applicant and validation by the Town, NYSDOT and CDTC. In addition, the costs attributed to each

project will be affected by the balance of funds currently held by the Town for planned transportation improvements associated with the GEIS, method of payment of mitigation through payment of fee or construction of identified improvements.

During completion of the Final SGEIS it was discovered that page 33 of 34 of the 2011 Update had an incorrect public share amount of \$3.79M. The correct public share is \$3.979M. A corrected page 33 is included in Appendix 4 Exhibit C, attached herewith.

TS12. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

Regarding the Johnson Road Roundabout, the Technical Memo outlines several alternatives. However, none of the alternatives describe a new Johnson Road roundabout as an option, but the cost estimate summary indicates that the short term improvement in the amount of \$1,399,000 is to provide access to the Connector Road and “additional intersection geometry.” Please provide the specific cost estimate of the “additional intersection geometry” of the Johnson Road roundabout option.

Response:

The 2011 Update included an analysis to determine if roundabouts would provide acceptable levels of service at the Route 9/Autopark Drive intersection and the Route 9R/Johnson Road intersection. Although a roundabout could provide acceptable levels of service at the Route 9R/Johnson Road intersection, it was determined a roundabout would result in greater impacts to adjacent land uses than a traffic signal and was not included in the preferred alternative. Due to increased right-of-way requirement, roundabouts generally require greater up front capital costs than traffic signals/turn lanes. The specific cost estimate is located under Attachment H of the 2011 Update. The “additional intersection geometry” is shown on Figure 2 of Appendix H.

TS13. Comment

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo states that “a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” And that the retail proposal should be required to subsidize direct transit service to the site with a bus stop on-site, with a dedicated, ongoing funding stream. The Technical Memo also notes that “for CDTA to incorporate a pilot service into CDTA service, a minimum threshold performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period.” It is our understanding that CDTA has taken the position that estimated bus ridership does justify a bus service stop at Parcel 30. This information was independently verified by the project sponsor of Parcel 30. The pilot route is a test that would allow CDTA to determine whether or not sufficient ridership exists to justify CDTA bus service. Please explain the need and rationale for requiring a “dedicated operating subsidy to continue beyond a pilot period” in the event service performs below the threshold performance required under the Technical Memo.

Further, please provide an explanation as to why the retail facility (Parcel 30) is obligated to provide funding for this traffic improvement and not any other project sponsor or property owner.

Response:

The 2011 Update includes comments and suggestions made by CDTA during the preparation of the study. The intent of the statements made regarding funding transit service is that if it is determined that a project will generate a substantial need for transit service or if the Town through its review of a project determines that transit service is required, that it be handled through agreements between CDTA and the applicants during the individual project's review process. Although the 2011 Update evaluates potential impacts on the ability to provide transit service, mitigation measures for inclusion in the list of capital improvements should be limited to physical improvements such as bus shelters, pedestrian improvements near shelters, etc. We do not believe it is appropriate to address funding operating costs with GEIS mitigation fees as these are one-time costs and not an indefinite continued revenue source. In general it is the CDTA's preference to operate on the mainline rather than detouring to specific developments which can increase their operational costs.

TS14. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

The Technical Memo states "It was determined that the resulting private share associated with traffic contributing to the need for study area improvements is \$10.575M or approximately 73 percent. The remaining cost funded through public funds is \$3.979M or approximately 27% of the total improvement cost." It further states that the methodology was "developed through several meetings with CDTC and the Town and was subsequently based on accepted approaches for determining a fair share contribution. This methodology assigns the cost of highway improvements to those who create the need for the improvement and is based on the capacity used." Based on this methodology please provide the allocation for each of the 35 projects identified for each traffic improvement for the +/- \$10 million costs. It is our understanding that the Town has collected "mitigation fees" from property owners and developers in connection with the Boght Road-Columbia Street study area. With respect to mitigation fees already paid to the Town, please identify the following:

- (a) Who has paid mitigation fees, for which project(s) and how much was paid?
- (b) What traffic improvements have been funded and built with the mitigation fees paid to the Town?
- (c) Does the Town currently possess mitigation fees already paid for prior projects but not spent? If so, how much is in the reserve? Will these monies be credited to the developer who paid?
- (d) Does the Town intend to credit any mitigation fees that have already been paid towards the improvement costs outlined in the Technical Memo? If so, what is the methodology for determining who will be credited, how much will be credited and for which improvements?

- (e) When does the public contribute its share of improvement costs outlined in the Technical Memo?
- (f) What is the source of the public share (i.e. \$3,979,000) of improvement costs?

Response:

- (a) *It is not possible to determine the respective mitigation fee for each of the 35 projects until each project goes through the Town review process and provides additional information to CDTC including trip generation, distribution, make-up of trips, etc. Finalizing this data involves extensive documentation by the applicant and validation by the Town, NYSDOT and CDTC. In addition, the costs attributed to each project will be affected by the balance of funds currently held by the Town for planned transportation improvements associated with the GEIS, method of payment of mitigation fee, etc.*

A list of each project and their associated mitigation fee payment made is included in Appendix 4 Exhibit A, attached herewith.

Additional traffic mitigation fees that have been assessed but not yet collected include the following:

Canterbury Crossings	\$415,527
Cornerstone Meadows Phase II	\$41,646
North Ridge Hollow	\$176,820
Ridgefield Commons Ph 2B Amend 1	\$23,978

- (b) *The following is a list of the disbursements made from the mitigation fee account for transportation related improvements for the Boght Road-Columbia Street GEIS study area:*

• EMS Intersection	\$57,678.84
• Elm St. By-Pass	\$230,484.69
• Boght/St. Agnes HWY/Johnson Road	\$795,135.45
• Boght Road Ball field Intersection	\$444,758.44
• Boght/Haswell Study	\$2,788.50
• Traffic Engineering	\$194,722.97
• Traffic GEIS Update	\$67,262.83

- (c) *From inception of the Boght Road-Columbia Street GEIS to April 30, 2012, the Town of Colonie has collected \$2,752,120.70 in traffic mitigation fees. This amount has accrued an additional \$350,768.98 in interest. Another \$657,971 has been assessed to new development but not yet collected. The Town has spent \$1,792,831.72 on traffic related improvements and study updates in the GEIS study area. There is a current mitigation fee balance of \$1,310,057.96. Unless allocated for other improvements that were included in the original list of improvements, these monies can be used to reduce the necessary new mitigation fees to be collected.*

- (d) *Mitigation fees are assessed a certain value as each project approval goes through its SEQRA review process and are assessed based on an environmental impact assessment/ mitigation fee structure that exists at that time. Payment of mitigation fees is in lieu of other traffic related improvements/studies that each project may have had to do during its SEQRA review process. Funds collected are to go to addressing the impacts of traffic generated by a project within a study area. It is customary that the required capital improvements for all cumulative development and their associated cost may be adjusted throughout the planning period and as various improvements are constructed. It is anticipated that all mitigation fees collected for past and future projects will be used to address traffic impacts of development within the Boght Road-Columbia Street GEIS study area. As such, no refunds or credits back to applicants are expected.*
- (e) *The amount of reserve capacity created that is not required to support the projected development in the GEIS study area has been assigned a value as the “public share”. The public share can be contributed at any time once the Statement of Findings has been adopted by the lead agency.*
- (f) *Funding for the public share can come from local, state or federal agencies; from development outside of the GEIS study area that will directly benefit from the improvements; from development within the GEIS study area that is greater than that currently projected; or from currently projected development within the GEIS study area over and above their private share mitigation fee. This incentive based process would include an equal value incentive such as a tax reduction due to the public benefit the private entity provides.*

A description of the methodology used to determine each project’s fair share contribution is included in Appendix 4 Exhibit B “Albany County Airport Area Generic Environmental Impact Statement Implementation of the Mitigation Cost Program CDTC Review Procedure”, attached herewith.

During completion of the Final SGEIS it was discovered that page 33 of 34 of the 2011 Update had an incorrect public share amount of \$3.79M. The correct public share is \$3.979M. A corrected page 33 is included in Appendix 4 Exhibit C, attached herewith.

TS15. Comment:

Thomas Shepardson, Esq., Whiteman, Osterman & Hanna, LLP:

Since there are no provisions under the New York State Environmental Conservation Law, Article 8, and its implementing regulations (6 NYCRR 617, et. Seq.) (collectively, “SEQRA”) or in the New York State Town Law, that authorizes a SEQRA Lead Agency or a local Planning Board to approve or impose “mitigation fees” for road construction projects and improvements within a Town in the context of a GEIS, please explain the authority for the Town of Colonie to impose such “mitigation fees”.

Response:

The preparation of a Generic Environmental Impact Statement provides an opportunity to address cumulative impacts of development within a prescribed study area for a certain planning period, and to evaluate and develop a list of measures necessary to mitigate the cumulative impact of that development. Allocation of mitigation fees is a method to all each project to pay its “fair share” contribution in order to mitigate its own impact. Mitigation fees are only assessed to a project when there has been a nexus established between a projects impact and the necessary mitigation measure. Mitigation fees have been successfully used for decades to mitigate projects’ impact on the environment for a variety of conditions including traffic, water supply systems, sanitary sewer systems, etc. We are not aware of any regulations that prevent the use of mitigation fees to address cumulative impacts of development. Additional explanation of the procedures to be used to assess transportation related mitigation fees and determine the public/private fair share contribution of mitigation fees can be found in the publication titled “Albany County Airport Generic Environmental Impact Statement, Implementation of the Mitigation Cost Program, CDTC Review Procedure” prepared by the Capital District Transportation Committee for the Town of Colonie Planning and Economic Development Department and Albany County Department of Public Work dated October 30, 1992 (revised May 4, 2004 and May 5, 2007). A copy of the document is in Appendix 4 Exhibit B, attached herewith.

AB16. Comment:

Andrew Brick, Esq., Donald Zee, P.C.:

At the April 3rd Public Hearing, reference was made to correspondence submitted by First Columbia Development in possession of the Planning Board. Such correspondence contains a factual error that requires correction. At page 5, it is alleged that the Wal-Mart project “has been denied by the Board and is unknown if the applicant will resubmit.” This is not accurate. A proposed design for the project at issue was rejected by the Planning Board. The application for Site Plan Approval remains valid and pending and a revised design has been submitted for review and consideration by the Planning Board.

Response:

The comment is noted.

AB17. Comment:

Andrew Brick, Esq., Donald Zee, P.C.:

The document contains the following statement at page 31: “However, including a major retail facility and office development in the corridor will increase demand for transit service for both customers and workers. Locating these developments at the end of Latham Auto Park Drive, more than 400 yards away from CDTA’s US Route 9 service will make it very difficult for CDTA to efficiently expand service to the development without substantially increasing costs, both in terms of time and money. The retail proposal should be required to subsidize direct transit service to the site with a bus stop

on-site with a dedicated, ongoing funding stream. The service should be reasonable in terms of routes and frequency to serve employees and customers, and be in operation for a sufficient time period to establish the transit market potential (usually twelve to eighteen months). For CDTA to incorporate a pilot service into CDTA service, a minimum threshold of performance of 15 passengers per hour of service must be achieved. Service performing below this threshold requires dedicated operating subsidy to continue beyond a pilot period. The Town has determined that the Boght mitigation shall include \$250,000 toward physical transit improvements such as but not limited to shelters, and pedestrian improvements near shelters.” This paragraph is problematic for a number of reasons. First, it states that “including a major retail facility and office development in the corridor will increase the demand for transit service for both customers and workers.” While it alleges that both retail and office uses will increase transit demand, it then proposes to hold “the retail proposal” solely responsible to fund the cost of transit improvements. It appears this is the only instance in the document where a single property is singled out for payment responsibility. This proposal is made more egregious by the fact that this solitary financial responsibility is proposed to be required on a continual basis. Although it is admitted other uses contribute to the transit needs, the document proposes to hold one property financially responsible in perpetuity. Not only is this proposal far beyond the acceptable bounds of reasonable mitigation under SEQR, it violates the most basic principles of fundamental fairness and equity. It is recommended that this entire paragraph be stricken or amended to make clear that individual properties are not to be held solely responsible for transit improvement cost mitigation.

Response:

The purpose of the statement was not intended to imply that only a retail proposal should address transit related impacts. We agree that both retail and office uses can create additional demand for transit service. Additional reference was made to the retail proposal due to review and comment on that specific project by CDTA.

As stated above, the 2011 Update includes comments and suggestions made by CDTA during the preparation of the study. The intent of the statements made regarding funding transit service is that if it is determined that a project will generate a substantial need for transit service or if the Town through its review of a project determines that transit service is required, that it be handled through agreements between CDTA and the applicants during the individual project’s review process. In general it is the CDTA’s preference to operate on the mainline rather than detouring to specific developments, which increases their operational costs. Although the 2011 Update evaluates potential impacts on the ability to provide transit service, mitigation measures for inclusion in the list of capital improvements should be limited to physical improvements such as bus shelters, pedestrian improvements near shelters, etc. We do not believe it is appropriate to address funding operating costs with GEIS mitigation fees as these are one-time costs and not an indefinite continued revenue source.

The current list of transportation related improvements includes \$250,000 for transit accommodations. This cost will be apportioned to projects that are expected to create additional demand for transit facilities such as bus shelters, sidewalks, pedestrian crossings, etc.

CS18. Comment:

Christian Thomas Sorensen:

Why does the project report address traffic only during evening peak hours, while ignoring morning peak hour traffic?

Response:

The traffic study primarily focuses on the PM peak hour of traffic because this is a typical time period that will have the most traffic related impacts, congestion, etc. Standard traffic planning methodology is to assess the impacts of and provide mitigation for the worst time period of traffic. Because Route 9 is utilized heavily by commuter traffic, the PM peak hour has been determined to be the most critical period of analysis. That said, other periods of heavy travel (AM peak hour, Saturday afternoon peak hour) are taken into consideration as mitigation measures are developed and implemented.

CS19. Comment:

Christian Thomas Sorensen:

On page 4 of the CME Report, the authors state that “traffic growth has been relatively stable over the last several years.” They define the “last several years” as May 2008 to January 2010, a period of approximately 21 months. Twenty-one months does not qualify as, “several years.” Why has the Town accepted this premise?

Response:

The study states “A review of historical traffic counts in the project vicinity indicates that traffic growth has been relatively stable over the last several years. Therefore, the 2008 traffic volumes are reflective of existing 2010 traffic conditions.” Although reference is made to a two year period between when the traffic counts were completed and when the analysis was performed, traffic volumes have been stable for a much longer period.

CS20. Comment:

Christian Thomas Sorensen:

Figure 2 of the CME Report seems to show that the Eastbound traffic volume at the intersection of 9R/Old Loudon Road, (hereafter OLR) during the evening peak hours period is 968 vehicles, with 87 vehicles turning North on OLR and 92 vehicles turning South on OLR. The report is unclear as to the period represented by these counts. Are these counts for the entire 4:00 PM to 6:00 PM peak hour period, or are they vehicle counts-per-hour?

Response:

The traffic volumes shown on Figure 2 are for the PM peak hour (generally 4:30 to 5:30 PM).

CS21. Comment:

Christian Thomas Sorensen:

The period beginning in May 2008 and ending in January 2010 is a period of severely decreased economic activity due to the economic recession in effect at that time. How can the Town accept the traffic volumes shown in CME Figure 2 as reliably representative of normal traffic volumes?

Response:

A review of historical traffic counts in the project vicinity indicates that traffic growth has been relatively stable over the last several years. As such, use of that data is appropriate for traffic planning purposes. Existing traffic count information is only used to establish baseline conditions, and is not the only factor in determining appropriate traffic mitigation measures, which is based more on average vehicle delay, ability to make safe turning movements, traffic congestion, etc. Significant research was also completed on historical volumes dating back to the 1989 GEIS to understand and validate volume trends.

CS22. Comment:

Christian Thomas Sorensen:

A traffic study performed by me, personally, in June 2006, a period of normal economic activity, shows the total volume of eastbound traffic entering the intersection at 9R/OLR during evening peak hours to be 955 vehicles per hour and 1126 vehicles per hour, respectively on the two days during which the counts were performed. (A copy of this study is included in with the comment letter). If the CME traffic volumes shown in Figure 2 are for the entire peak period, do not the volumes shown in my June 2006 bring the CME volumes into serious dispute for forward planning purposes?

Response:

The traffic volumes shown on Figure 2 are for the PM peak hour (generally 4:30 to 5:30 PM). The total volume of eastbound traffic at the 9R/OLR intersection is 1143 and at the Route 9/9R intersection is 1174 vehicles, so your traffic data is consistent with that used for the analysis.

CS23. Comment:

Christian Thomas Sorensen:

On page 7 of the CME report, for the segment distance from Sparrowbush Road to Boght Road, the authors state that, "Overall, the operating speed of northbound traffic was measured to be 31 mph while the total travel time is approximately 3 minutes and 53 seconds." Figure 3 on that same page shows the total distance between these two endpoints to be 1.86 miles, (0.3+0.3+0.3+0.96). Given these two parameters, the

average speed works out to be 28.73 mph (9821 ft./233 sec. = 42.15 fps). (42.15 ft/sec x 3600 sec/hr x 1 mile/5280 ft = 28.73 mph). Is the actual average travel time slower than represented in the report?

Response:

The text in the report should read 3:25 not 3:53, which equates to the 31 mph speed (see revised pages 7 and 28 in Appendix 4 Exhibit C, attached herewith).

CS24. Comment:

Christian Thomas Sorensen:

If the vehicle counts shown in the CME report are not representative of actual normal traffic flows during times of normal economic activity, it is likely that traffic congestion and delay times shown are understated. If so, can any projections based on the data shown be relied upon?

Response:

We believe the traffic volumes presented are accurate and have been previously deemed acceptable for use by the Town of Colonie Planning Board, CDTC and NYSDOT.

CS25. Comment:

Christian Thomas Sorensen:

Page 11 of the CME report states that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR would be considered only if it presents an overall benefit to network operations in the area. The Connector Road to this intersection from the intersection of Route 9R/Johnson Road is the proposed solution to the “overall benefit to the network” requirement. In fact, the proposed Connector Road exacerbates network delays and congestion, by bringing in significant new traffic volumes to the network from the development of parcel 28. Page 32 of the report anticipates a reduction in the 45 mph speed limit at Route 9/Latham Auto Park Drive/OLR due to pedestrian crossing requirements. While the CME report does not offer a specific figure, it is likely that the speed limit would require a reduction to 30 mph or 35 mph to accommodate pedestrian traffic. In addition, a significant signal delay would be required to allow time for pedestrians to traverse the 80 feet crossing distance. Given the increased vehicle volumes from the development of Parcel 28, the necessary reduction in speed limits, and the necessary signal delay time for pedestrians, network vehicle traffic will likely back-up on Route 9 from the Route 9/Latham Auto Park Drive/OLR intersection back through the Route 9/Route 9R intersection, back through the Route 9/Sparrowbush Road intersection, and back to the Route 9/Cobbie Road intersection. The proposal for the installation of a traffic signal is the sine qua non for the development of Parcel 28 and those parcels on Latham Auto Park Drive. It is the key element necessary for commercial development of these parcels, and has nothing to offer to abate existing network traffic flow problems, as the average transit speed from Sparrowbush Road to Boght Road would necessarily decrease, and the transit time would thereby increase.

Response:

The intent of the connector road, and all of the identified improvements, is to address traffic related impacts from future development, not necessarily improve current traffic conditions and operational deficiencies. Installation of additional traffic signals along Route 9 and additional traffic from new development would likely result in additional congestion along the corridor. Various improvements are proposed to mitigate the negative impacts to the extent practical including new traffic signals, turn lanes, signal adjustments, construction of the connector road, etc. The studies have shown that congestion and delay would be significantly worse without the proposed improvements and that some degradation of operations is expected at some locations with all the development and all of the various improvements. The implementation of the improvements will provide an overall benefit to the transportation network by building in additional reserve capacity and providing more options for travel. There is an expectation that additional development will result in increased pedestrian activity, and in order to provide a “complete streets” traffic planning approach, non-motorized forms of travel are being accounted for in the analysis and list of improvements.

CS26. Comment:

Christian Thomas Sorensen:

Table 3 of the CME report shows no significant change to Level of Service for any intersection under the Null, Alt. 1 and Alt. 2 scenarios, for either the Short-Term 2015 period or the Long-Term 2020 period, except for the Route 9/Route 9R/I-87 access intersection. Under the Alt. 2 scenario, LOS is improved only at the Route 9/Route 9R/I-87 access intersection. This improvement requires a \$5-\$6 million dollar initial investment to achieve modest estimated improvement. No estimates are offered for on-going maintenance or operating costs. This is further evidence that the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR has but one purpose. That purpose is the development of Parcel 28 and the parcels on Latham Auto Park Drive, not overall benefit to network operations.

Response:

As stated previously, the intent of the connector road, and all of the identified improvements, is to address traffic related impacts from all future development, not necessarily improve current traffic conditions and operational deficiencies. Overall vehicular delays would more than triple without the improvements (See Table 7 of the 2011 Update). The list of projects, rate of development, and planning periods have already been reviewed and deemed acceptable by the Town of Colonie Planning Board. It is important to understand that the Traffic Update was initiated as a result of a series of development proposals in the Boght Road-Columbia Street GEIS study area.

CS27. Comment:

Christian Thomas Sorensen:

Table 7, “Measures of Effectiveness on Route 9,” of the CME Report, hereafter MOE, shows significantly higher delay times under Null, Alt. 1 and Alt. 2 scenarios for both the

2015 period and the 2020 period over the 2010 Existing period. The key element in the Null and Alt. 1 scenarios is the installation of the proposed traffic signal at the Route 9/Latham Auto Park Drive/OLR intersection. Alt. 2 adds the Connector Road to the Alt. 1 scenario. Curiously, the Alt. 2 scenario in the 2015 period shows a 26% increase in delay times, but a 2% improvement in travel times. This seems to defy logic. In addition, under the 2020 Null scenario, with an additional traffic signal installed, overall speed on Route 9 is estimated to decrease by 28% from 2010 existing levels, and does not approach 2010 levels until Alt. 2 is adopted. There is no benefit to overall network operations from adoption of any of the proposed alternatives. The only purpose of the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is to facilitate and justify commercial development in the area.

Response:

Part of the additional delay is because there are additional vehicles on the network when comparing the alternatives for the existing conditions. When comparing Alternatives 1 and 2 in the 2015 Planning Period, implementation of the connector road (Alt. 2) results in an 11% improvement in delay times and a 6% improvement in travel times. This level of consistency is expected.

We agree that implementation of the connector road (Alt. 2) results in significant improvement in traffic operations and has been demonstrated in the analysis.

CS28. Comment:

Christian Thomas Sorensen:

The obvious conclusion to be drawn from the CME Report is that the existing geometry of the road network in the area covered by the Report precludes any development, which would significantly add to existing traffic volumes during peak hours. That the Report does not address morning peak hours, when Westbound traffic volumes on Route 9R into the Route 9/Route 9R/I-87 Access intersection are greater than evening peak hours Eastbound traffic volumes from that intersection onto Route 9R is a serious concern. The difference in traffic volumes appears in evening peak hour Northbound traffic volumes on Old Loudon Road of approximately 450 vehicles per hour. Add to that the approximately 260 vehicles per hour of Southbound on Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road during evening peak hours, and there are approximately 710 vehicles per hour using Old Loudon Road as an alternative to Route 9 during normal economic conditions. If development of Parcel 28 and the parcels on Auto Park Drive proceeds as proposed, and the proposed traffic signal at Route 9/Latham Auto Park Drive/OLR is actually installed, more traffic volume will opt for using Old Loudon Road as an alternative to Route 9. This will result in significant depreciation of the residential nature of this area due to increased noise, litter, foot traffic, opportunity for increased crime, and the need for more traffic signals at intersections, where none can be justified at present.

An alternative development scenario would be for Parcels 4, 16, 17, 28 and 30 to be developed in a manner in which no significant new traffic volume would be added to the network during morning or evening peak hours.

Response:

There are very minimal changes being made to the functional characteristics of Old Loudon Road. The various improvements being made along Route 9 and Route 9R are intended to allow traffic to use the existing arterials as much possible, thereby minimizing the use of alternative routes such as Old Loudon Road. Although there may be more traffic on Old Loudon Road due to additional traffic in the area, and some from additional residential development, the Traffic Update demonstrates that significant impacts are not expected to occur. Correspondingly, there are not expected to be negative impacts on noise, litter, crime, etc.

For the most part, the Traffic Update used known development proposals to determine the number of trips to be generated for the 2015 and 2020 year Planning Periods. Where development proposals were not known, the Town Planning Department was consulted to establish likely development densities, taking into consideration known constraints such as wetlands, etc. All of the development proposals for Parcels 4, 16, 17, 28 and 30 are in conformance with the underlying zoning districts, so that even if the projects are modified or developed on a modified schedule, the results of the analysis will still be valid for traffic planning purposes.

APPENDIX 4

EXHIBIT A

Current Boght Road – Columbia Street Area Mitigation Fee Account Information

Town of Colonie
 Boght Mitigation Summary
 From Inception to 4/30/12

	<u>Transportation</u>
Assessments	\$ 2,752,120.70
Interest	<u>350,768.98</u>
	<u>3,102,889.68</u>
Transportation	
EMS Station intersection	57,678.84
Elm St. By-pass	230,484.69
Boght/St. Agnes Hwy/Johnson Rd	795,135.45
Boght Ballfield intersection	444,758.44
Boght/Haswell Rd study	2,788.50
Traffic engineering	194,722.97
Traffic GEIS update	<u>67,262.83</u>
Total	<u>1,792,831.72</u>
Balance	<u>\$ 1,310,057.96</u>

Town of Colonie
Boght GELS Transportation Assessments
Inception to 4/30/12

<u>Date</u>	<u>Payee</u>	<u>Check No.</u>	<u>Development</u>	<u>Amount</u>
01/04/91	Albany Equipment Management Assoc.	CK 2715	AEM Associates; 1001 Loudon Rd	1,572.00
08/23/95	Archmont Inc.	CK 380	Archmont Knolls	37,752.00
08/23/95	Archmont Inc.	Credit	Archmont Knolls	
02/03/97	Archmont Inc.	CK 468	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	2,081.33
08/27/97	Archmont Inc.	CK 509	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	4,162.67
03/16/98	Archmont Inc.	CK 0554	Archmont Knolls Phase 2; Swatling & Haswell Rd.'s	3,568.00
12/23/97	Archmont Inc.	CK 530	Archmont Knolls Phase 2B; Swatling & Haswell Rd.'s	7,136.00
10/25/99	Archmont Inc.	CK 0652	Archmont Knolls Phase 3	17,245.00
02/08/00	Archmont Inc.	CK 686	Archmont Knolls Phase 3	8,623.00
12/12/06	Archmont, Inc.	CK 1031	Archmont Knolls Phase 4; Marne and Verdun St.'s	16,270.41
02/02/07	Archmont, Inc.	CK 1031	Archmont Knolls Phase 4; Marne and Verdun St.'s	17,737.63
10/09/07	Archmont, Inc.	CK 1065	Archmont Knolls Phase 4; Marne and Verdun St.'s	14,060.96
08/08/11	Micheli Construction	CK 37221	Archmont Knolls Phase 5; Fort Vaux Ln & Champagne Ct.	13,472.00
08/08/11	Micheli Construction	CK 37214	Archmont Knolls Phase 5; Fort Vaux Ln & Champagne Ct.	13,472.00
11/10/93	Artco Equipment Sales, Inc.	CK 2584	Artco; 1217 Loudon Rd	1,803.71
03/25/94	Artco Equipment Sales, Inc.	CK 3385	Artco; 1217 Loudon Rd	3,607.41
03/12/90	Elizabeth & Daryl Barra	CK 1768	Barra Dentistry; 1070 Loudon Rd	-
06/27/90	Elizabeth & Daryl Barra	CK 2054	Barra Dentistry; 1070 Loudon Rd	-
07/21/98	Elias Weis	CK 2990	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.34
07/21/98	Elias Weis	CK 2991	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.33
11/30/98	Elias Weis	CK 3389	Bergen Woods; 647, 655 & 657A Boght Rd	11,893.33
09/23/10	Cillis Builders	CK 17099/cash	Boucharard Resubdivision; 11 Misty Morning Ln	981.00
03/20/07	Cillis Builders, Inc.	CK 12553	Boucharard Subdivision; 243 Boght Rd	981.00
06/26/07	Cillis Builders, Inc.	CK 12553	Boucharard Subdivision; 243 Boght Rd	1,962.00
03/11/98	Georgia D. Calamaras	CK 160	Candlewood Gardens Addition; 514 Old Loudon Rd	1,924.00
05/25/90	Candlewood Gardens	CK 101	Candlewood Gardens; 514 Old Loudon Rd	400.00
10/09/90	Candlewood Gardens	CK 109	Candlewood Gardens; 514 Old Loudon Rd	800.00
09/27/95	Capital Comm. FCU	CK 49049	Capital Comm. FCU; 4 Century Hill Dr.	9,474.00
04/30/96	Capital Comm. FCU	CK 051244	Capital Comm. FCU; 4 Century Hill Dr.	4,738.00

09/24/93	J.B.H., Inc. d/b/a Carpetmaster Cleaning	CK 2801	Carpet Master; 1200 Loudon Rd	1,884.96
08/04/06	Center for Family Practice	CK 1940	Center for Family Practice; 8 Century Hill Dr.	8,520.00
12/26/06	Center for Family Practice	CK 2358	Center for Family Practice; 8 Century Hill Dr.	4,260.00
12/15/98	Chrysler Realty	CK 109135	Chrysler; 965 Loudon Rd	35,280.00
06/09/99	Chrysler Realty	CK 239224	Chrysler; 965 Loudon Rd	17,640.00
09/21/02	Columbia Plaza, LLC	CK 1140	Columbia Plaza; 935 Loudon Rd (O'Hern Bank & Retail Ctr)	13,759.19
05/16/03	SEFCU	CK 5050159	Columbia Plaza; 935 Loudon Rd (O'Hern Bank & Retail Ctr)	11,401.21
06/30/06	NYS Thruway	CK 2895	Construct new industrial access road	2,576.47
12/21/09	R. Marini Builders	CK 2613	Cornerstone Meadows Phase 1; 448 Boght Rd	5,894.00
07/12/10	R. Marini Builders	CK 5610	Cornerstone Meadows Phase 1; 448 Boght Rd	11,788.00
06/27/97	Add Development & Management	CK 10014	Crossroads Plaza Phase 1; 1 Johnson Rd.	5,933.60
03/26/97	Add Development & Management	CK 1775	Crossroads Plaza Phase 3; 1 Johnson Rd.	28,479.68
09/03/99	Allied Area Realty, Inc.	CK 670	Crossroads Plaza Phase 3; 1 Johnson Rd.	29,049.00
01/18/00	Allied Area Realty, Inc.	CK 704	Crossroads Plaza Phase 3; 1 Johnson Rd.	15,011.00
02/02/00	Allied Area Realty, Inc.	CK 713	Crossroads Plaza Phase 3; 1 Johnson Rd.	40.00
09/18/96	Add Development & Management	CK 1409	Crossroads Plaza Phases 1 to 3; 1 Johnson Rd	29,667.00
10/07/98	Best Body	CK 5523	D&D Manor; 140 Dunsback Ferry Rd	1,486.66
06/19/00	D&D Manor Construction	CKs 1007	D&D Manor; 140 Dunsback Ferry Rd	1,486.67
06/20/00	D&D Manor Construction	CKs 1008	D&D Manor; 140 Dunsback Ferry Rd	1,486.67
06/20/90	D.O.C. Motors, Inc.	CK 5816	D.O.C. Motors Addition; 1114 Loudon Rd	447.14
11/21/91	D.O.C. Motors, Inc.	CK 7604	D.O.C. Motors Addition; 1114 Loudon Rd	223.57
12/20/93	Terry Gagner d/b/a Gagner Comm. Prop	CK 5294	Dansk Addition; 921 Loudon Rd	7,476.86
08/22/94	Stephen & Mary Davidson	CK 172	Davidson Garage Addition; 9 Century Hill Dr.	903.46
08/20/04	NYS multi-modal funds	CK 5773	Deposited to HWY and moved to Boght GEIS	8,969.89
04/23/96	Elias Weis	CK 98	Dutch Meadows Subdivision; 669 Boght Rd	38,896.00
09/13/96	Elias Weis	CK 513	Dutch Meadows Subdivision; 669 Boght Rd	14,353.00
07/09/99	K & T O'Hearn	CK 516	Eckerd Retail Center; 933 Loudon Rd	27,440.00
07/12/99	K & T O'Hearn	CK 129	Eckerd Retail Center; 933 Loudon Rd	27,440.00
04/12/91	David & Paula Mantey	CK 134	Emery Subdivision; 53 Haswell Rd	200.00
07/25/91	David & Paula Mantey	CK 153	Emery Subdivision; 53 Haswell Rd	200.00
11/13/91	David & Paula Mantey	CK 9341	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
06/11/03	Adirondack Dev. Group	CK 9341	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
08/18/03	Adirondack Dev. Group	CK 8153	Fielding Ln Subdivision; 251 Boght Rd	4,251.00
03/03/04	Adirondack Dev. Group			

07/15/02	First Columbia Century-30, LLC	CK 138	First Columbia Office Bldg; 30 Century Hill Dr.	45,040.66
09/01/09	First Columbia, LLC	CK 16071	First Columbia Office; 3 Autopark Dr	
02/26/10	First Columbia, LLC	CK 16406	First Columbia Office; 3 Autopark Dr	149,719.00
07/13/01	First Columbia, LLC	CK 1892	First Columbia Offices; 20 Century Hill Dr.; bldg 20	50,198.00
07/13/01	First Columbia, LLC	CK 1892	First Columbia Offices; 20 Century Hill Dr.; bldg 24	71,204.00
12/28/01	First Columbia, LLC	CK 2004	First Columbia Offices; 20 Century Hill Dr.; bldg 24	
12/28/01	First Columbia, LLC	CK 2005	First Columbia Offices; 20 Century Hill Dr.; bldg 24	35,602.00
02/21/06	Christopher J. Bette	CK 116	First Columbia Offices; 20 Century Hill Drive Bldg A	11,648.00
07/21/06	First Columbia	CK 13239	First Columbia Offices; 20 Century Hill Drive Bldg A	34,960.00
05/27/05	First Columbia	?	First Columbia Offices; 20 Century Hill Drive Bldg A	43,056.00
02/21/06	Christopher J. Bette	CK 117	First Columbia Offices; 20 Century Hill Drive Bldg C	11,431.00
02/18/00	First Columbia, LLC	CK 1058	First Columbia Offices; 20 Century Hill Drive Bldg C	29,100.00
02/18/00	First Columbia, LLC	CK 1143	First Columbia Offices; 26 Century Hill Dr.	19,171.76
08/31/00	First Columbia Century-26, LLC	CK 117	First Columbia Offices; 26 Century Hill Dr.	29,100.00
12/03/01	First Columbia, LLC	CK 1971	First Columbia Offices; 30 Century Hill Dr.	90,081.32
04/18/00	Team Goewey	CK 54356	Goewey Dodge of Latham; 571 Columbia St.	
09/08/04	Team Goewey	CK 72887	Goewey Kia; 1213 Loudon Rd	4,084.08
05/19/08	Chiwill, Inc.	CK 5601	Gupitil Holding Co.; 1085 Loudon Rd	
08/22/94	Chiwill, Inc.	CK 606	Gupitil Ice Cream Stand; 1085 Loudon Rd	1,782.90
05/29/90	Kevin & J. Timothy O'Hearn	CK 192 & 194	Hampton Inn Addition; 981 Loudon Rd	51,397.33
12/28/90	Kevin & J. Timothy O'Hearn	CK 286	Hampton Inn Addition; 981 Loudon Rd	25,698.67
04/11/91	Kevin & J. Timothy O'Hearn	CK 331	Hampton Inn Addition; 981 Loudon Rd	
04/09/03	A. Casale	CK 0093	Hess Mart; 951 Loudon Rd	15,292.66
09/18/03	A. Casale	CK 1098	Hess Mart; 951 Loudon Rd	7,646.33
08/06/98	K & L Hogan	CK 2583	Hogan Resubdivision; 96 Dunsbach Ferry Rd	892.00
03/06/96	Keith & Lisa Hogan	CK 1555	Hogan Subdivision; 68 Dunsbach Ferry Rd	2,574.00
07/22/05	Paulsen Development	CK 11145	Hogan Subdivision; 85 Dunsbach Ferry Rd	981.00
08/22/07	Add Development & Management	CK 22968	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	22,529.00
07/25/08	Add Development & Management	CK 23765	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	83,108.00
02/18/09	Add Development & Management	CK 24133	Holiday Inn Express/Restaurant; 400 Old Loudon Rd	40,498.00
01/14/05	Hudson Preserve		Hudson Preserve; 136 Troy Sch. Rd	
06/09/09	Anjo Construction	CK 22401	Hunter's Ridge; 662 Bought Rd	4,210.00
05/17/10	Anjo Construction	CK 23166	Hunter's Ridge; 662 Bought Rd	4,210.00
07/22/11	Anjo Construction	CK 24088	Hunter's Ridge; 662 Bought Rd	4,210.00

04/12/90	The Michaels Group	CK 21005	Hunter's Run; 495 Columbia St.	16,000.00
01/31/91	The Michaels Group	CK 1087	Hunter's Run; 495 Columbia St.	8,000.00
01/11/00	JBA Golf Complex	CK 12295	JBA Golf Complex; 183 Troy Sch. Rd	12,606.00
12/20/00	JBA Golf Complex	CK 3066	JBA Golf Complex; 183 Troy Sch. Rd	
12/29/00	NSF check for JBA Golf Complex	CK 3066	JBA Golf Complex; 183 Troy Sch. Rd	
06/25/01	JBA Golf Complex		JBA Golf Complex; 183 Troy Sch. Rd	
06/30/01	Excelsior Credit Union	CK 220724	JBA Golf Complex; 183 Troy Sch. Rd	
07/12/01	Excelsior Credit Union	CK 221516	JBA Golf Complex; 183 Troy Sch. Rd	
08/03/01	Excelsior Credit Union	CK 222820	JBA Golf Complex; 183 Troy Sch. Rd	
10/09/01	JBA Golf Complex	TOC reimb	JBA Golf Complex; 183 Troy Sch. Rd	8,023.00
06/20/02	JBA Golf Complex	Cash	JBA Golf Complex; 183 Troy Sch. Rd	6,000.00
07/10/02	Excelsior Credit Union	CK 243615	JBA Golf Complex; 183 Troy Sch. Rd	500.00
08/21/02	JBA Golf Complex	Cash	JBA Golf Complex; 183 Troy Sch. Rd	500.00
10/09/02	Excelsior Credit Union	CK 246485	JBA Golf Complex; 183 Troy Sch. Rd	500.00
08/13/04	Santino's Restaurant	CK 1631	JBA Golf Complex; 183 Troy Sch. Rd	4,491.00
12/29/03	NYS School Board Assoc.	CK 5747	Kansas Eye Group; 24 Century Hill Dr	10,650.00
05/28/09	R. Marini Builders	CK 50253	Lake Ridge Subdivision; 279/279A Watervliet Shaker Rd	
02/23/10	R. Marini Builders	CK 4138	Lake Ridge Subdivision; 279/279A Watervliet Shaker Rd	
02/02/93	Joseph & Margaret Assini	CK 2046	Lands of Assini Subdivision; 218 Boght Rd	
07/07/95	Lisa & Keith Hogan	CK 0001	Lands of Hogan Subdivision	1,800.00
08/18/95	Lisa & Keith Hogan	CK 120	Lands of Hogan Subdivision	1,144.00
04/22/99	New Country Motor Car Group, Inc.	CK 3387	Lexus of Latham; 999 Loudon Rd	2,288.00
06/19/91	Lexus of Latham	CK 145	Lexus: 999 Loudon Rd	4,822.00
01/11/91	Lexus of Latham	CK ?	Lexus: 999 Loudon Rd	7,316.10
05/22/91	Lexus of Latham	CK 100	Lexus: 999 Loudon Rd	7,316.10
06/05/97	Lutz Cichy Selig & Zerona, LLP	CK 5072	Lutz, Cichy, Selig & Zerona; 33 Century Hill Drive	8,277.33
11/05/97	Bank Check	CK 5644	Lutz, Cichy, Selig & Zerona; 33 Century Hill Drive	4,138.67
11/01/05	Manchester Assoc	CK 11197	Manchester Heights Phase 2; 300-307 Boght Rd	31,392.00
12/16/05	Manchester Assoc	?	Manchester Heights Phase 2; 300-307 Boght Rd	15,696.00
05/08/09	Manchester Assoc	CK 12077	Manchester Heights; 300-307 Boght Rd	8,420.00
05/31/09	Manchester Assoc, returned check	CK 12077	Manchester Heights; 300-307 Boght Rd	(8,420.00)
06/08/09	Manchester Assoc.	CK 12102	Manchester Heights; 300-307 Boght Rd	16,840.00
05/04/10	Manchester Associates	CK 12295	Manchester Heights; 300-307 Boght Rd	8,420.00
12/26/91	Lawrence & Ann Marie Buckley	CK 812	Meineke Muffler; 992 Loudon Rd	654.59

12/31/91	Lawrence & Ann Marie Buckley	CK 813	Meineke Muffler; 992 Loudon Rd	654.59
06/30/92	Spring Hill Properties, LTD	CK 167	Meineke Muffler; 992 Loudon Rd	655.76
06/15/05	Millview of Latham	CK 5731	Millview of Latham; 514 Old Loudon Rd	11,146.00
06/21/06	Millview of Latham Realty Holdings Co.	CK 1029	Millview of Latham; 514 Old Loudon Rd	5,573.00
12/21/09	R. Marini Builders		Mincsak Subdivision; 464 Boght Rd	2,526.00
07/12/10	R. Marini Builders	CK 5610	Mincsak Subdivision; 464 Boght Rd	2,526.00
11/10/10	R. Marini Builders	CK 6676	Mincsak Subdivision; 464 Boght Rd	2,526.00
09/08/05	Rosewood Home Builders, LLC	CK 2789	Morning View Farms; 257 Boght Rd	29,430.00
11/17/06	Rosewood Home Builders, LLC	CK 3645	Morning View Farms; 257 Boght Rd	14,715.00
06/23/00	Anjo Construction	CK 13855	North Point Estates: 550 Columbia St.	33,107.33
12/29/00	Anjo Construction	CK 14442	North Point Estates: 550 Columbia St.	16,553.67
07/19/01	Northeast Acura	CK 14669	Northeast Acura; 942 Loudon Rd	8,133.00
12/21/95	Fernada & Michael Padolifu	CK 150	Pandoifo Beauty Salon; 1090 Loudon Rd	2,038.00
10/20/04	Rosewood Home Builders, LLC	CK 1003	Ridgefield Commons Phase 1; 80 Boght Rd	21,582.00
02/28/05	Rosewood Home Builders, LLC	CK 1805	Ridgefield Commons Phase 1; 80 Boght Rd	10,791.00
10/17/01	Elias Weis	CK 5546	Rose Hill Subdivision; 39 Johnson Rd	13,742.67
03/26/03	Elias Weis	CK 4639	Rose Hill Subdivision; 39 Johnson Rd	6,871.33
02/27/90	J.V. Associates	CK 127	Same Day Surgery; 7 Century Hill Dr.	14,628.67
11/19/90	J.V. Associates	CK 1026	Same Day Surgery; 7 Century Hill Dr.	7,314.33
11/07/02	First Columbia, LLC	CK 2316	Smith Plaza; 980 Loudon Rd, Bldg 2	11,202.40
11/07/02	First Columbia, LLC	CK 2315	Smith Plaza; 980 Loudon Rd, Kimberly's	27,002.80
06/11/03	First Columbia, LLC	CK 2409	Smith Plaza; 980 Loudon Rd, Kimberly's	13,501.40
06/25/90	Smith Pontiac-GMC Truck Center, Inc.	CK 57164	Smith Pontiac Addition; 976-982 Loudon Rd	147.78
04/30/92	Skaarland Homes	CK 7598	Spring Meadow Phase 3A; Haswell Rd	13,141.50
03/07/93	Skaarland Homes	CK 7949	Spring Meadow Phase 3A; Haswell Rd	6,658.50
05/04/94	Mountain View Apartments	CK 4179	Spring Meadows Phase 3B; Haswell Rd	35,600.00
01/18/95	Mountain View Apartments	CK 4695	Spring Meadows Phase 3B; Haswell Rd	17,800.00
07/23/91	St. Nicholas Redevelopment	CK 149	St. Nicholas Russian Orthodox Church; 1077 Loudon Rd	423.36
08/02/96	Unifirst	CK 353005	Unifirst; 157 Troy Schenectady Rd	11,550.00
10/24/91	Charlotte Van Vranken	CK 3590	Van Vranken Subdivision; 309 Boght Rd	200.00
08/05/98	J. & J. Van Vranken	CK 5678	Van Vranken Subdivision; 309 Boght Rd	400.00
05/30/01	Elias Weis	CK 5236	Vandenburgh Estates Cluster; 532 Old Loudon Rd	58,718.67
12/07/01	Elias Weis	CK 5598	Vandenburgh Estates Cluster; 532 Old Loudon Rd	29,359.33
02/09/93	Nemith Motors Corp	CK 5939	Walfrid Office Addition; 950 Loudon Rd	11,550.00

06/01/93	Walfred Associates	CK 10241	Walfred Office Addition; 950 Loudon Rd	28,461.40
09/08/93	Terry Gagner d/b/a Gagner Comm. Prop	CK 5074	West Point Pepperell Addition; 921 Loudon Rd	237.16
02/25/00	NYS multi-modal funds	CK 24608		16,179.16
05/03/00	NYS multi-modal funds	CK 25167		33,017.79
11/03/00	NYS multi-modal funds			33,478.77
02/16/01	NYS multi-modal funds			23,096.55
08/01/01	NYS multi-modal funds			20,172.04
02/12/02	NYS multi-modal funds	CK 9738.4		9,738.49
05/01/02	NYS multi-modal funds	CK 31488		21,697.83
07/25/02	NYS DOT		1150 New Loudon Rd	1,013.75
08/01/02	NYS multi-modal funds			8,393.08
11/01/02	NYS multi-modal funds	CK 32113		7,327.49
02/12/03	NYS multi-modal funds	CK 33053		6,379.40
08/01/03	NYS multi-modal funds			21,437.82
08/18/03	NYS multi-modal funds			214,965.29
12/18/03	NYS multi-modal funds	ACH 362945		190,451.15
03/01/04	NYS multi-modal funds	CK 37487		7,305.77
02/28/05	NYS multi-modal funds	CK 2613		7,274.92
05/27/05	NYS Department of Transportation	CK 68568803		945.00
				<u>2,752,120.70</u>

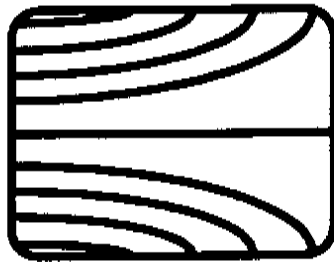
APPENDIX 4

EXHIBIT B

**Albany County Airport Area
Generic Environmental Impact Statement
Implementation of the Mitigation Cost Program
CDTC Review Procedure**

**ALBANY COUNTY AIRPORT AREA
GENERIC ENVIRONMENTAL IMPACT STATEMENT
IMPLEMENTATION OF THE MITIGATION COST PROGRAM**

CDTC REVIEW PROCEDURE



**ALBANY COUNTY AIRPORT AREA
GENERIC ENVIRONMENTAL IMPACT STATEMENT
IMPLEMENTATION OF THE MITIGATION COST PROGRAM**

CDTC REVIEW PROCEDURE

**Prepared by the
Capital District Transportation Committee

for the
Town of Colonie Planning & Economic Development Department
and
Albany County Department of Public Works**

**May 5, 2007
(second revision)**

**Albany County Airport Area
Generic Environmental Impact Statement
Implementation of the Mitigation Cost Program**

CDTC adopted its Public-Private Highway Financing Policy in 1989 and completed its Wolf Road and Airport Area studies by 1990, addressing existing and future congestion in a key commercial and retail center near the Albany County Airport (re-named Albany International Airport). The Town of Colonie and Albany County then jointly conducted a Generic Environmental Impact Study (GEIS) in 1991 to refine the land use plan for the Wolf Road/Airport area and establish an implementation plan for highway and other infrastructure elements. CDTC staff helped craft the GEIS statement of findings by leading the town in identifying the maximum feasible and desirable transportation plan, and scaling the amount of development over the next fifteen years to fit the plan's capacity. The plan calls for some projects to be publicly financed, some privately and some jointly.¹

The Town of Colonie pioneered the use of GEIS mitigation costs for implementation of the plan.¹ Using SEQR as the legal basis for the costs and carefully calculating each development's contribution to the need for mitigation allows Colonie to avoid the legal prohibition (established in the Guilderland case in the 1980's) against generic "impact fees". Notably, the approach also eliminates the need for significant traffic mitigation studies of each and every development in the area.

Mitigation costs are calculated based on the development's percentage consumption of new peak-hour, peak-direction traffic capacity by link and the cost by link of creating that capacity. An even-handed application of this process has included Colonie assessing itself mitigation fees when it constructed two town buildings and the Crossings Town Park in the FGEIS area.

Innovative features of the mitigation fee program include CDTC staff involvement in the review of each development application in the study area (under an annual contract to the town), and CDTC staff calculation of the appropriate transportation mitigation cost for use by the town. The staff also identifies arterial management actions and site circulation issues, thus linking MPO principles to real-world implementation. Demand management is also incentivized.

¹ The study's Financing Task Force explored alternative ways to implement the improvements recommended in the FGEIS. The task force recommended an approach that is based on the CDTC's 1989 report *Procedures for Public/private Highway Financing in the Capital District*. The Financing Task Force included representatives from NYSDOT, CDTC, Town of Colonie, Albany County, and other business and residential community. The full report is included in Appendix A.

GENERALIZED APPROACH USED BY CDTC TO CALCULATE THE PRELIMINARY MITIGATION COST FOR DEVELOPMENT IN THE AIRPORT FGEIS AREA.

The traffic impact of each development proposal is reviewed from the perspective of the *Albany County Airport Area FGEIS/Statement of Findings*, the *Town of Colonie Comprehensive Plan*, and CDTC's *New Visions Transportation Plan*.

Using a ten-step process, the approach outlined in this memorandum determines the mitigation, or proportionate-share, cost of transportation improvements for both public and private development projects in the Airport FGEIS area of the Town of Colonie.

1. **Review Development Project Narrative:** The Town of Colonie Planning Department transmits the development proposal to the CDTC staff. CDTC staff reviews the proposal to determine if it contains sufficient information to undertake a traffic review. At a minimum, information on development location, type, size, and layout is necessary for CDTC to complete the FGEIS review. A site design plan that clearly shows the proposed traffic and pedestrian access features is also necessary.
2. **Calculate Development Trips:** The second step of the process involves estimating the number of trips that would be generated by the proposed development. The number of vehicle trips generated by the development are used to determine mitigation cost. The output from this step is the total number of trip ends -- that is, trips entering and leaving the proposed development. The total number of trips is dependent upon the trip generation rate used.

Each land use type in a development proposal is assigned an estimated number of pm peak hour trips according to the methodology established by the *Institute of Transportation Engineers*. The most recent edition of ITE's *Trip Generation Manual* is used to calculate the pm peak hour vehicle trips for a specific land use. Locally derived rates will be used instead, if they are available. Locally derived rates are sometimes lower than the nationally derived rates published by ITE.

For developments such as shopping centers, restaurants, banks, service stations, and convenience markets, adjustments to the trip generation estimate to account for pass-by trips is usually appropriate. Pass-by trips are attracted from traffic passing the site on the street that contains direct access to the development. The pass-by adjustment is based either on information compiled by ITE or on actual surveys conducted by a qualified traffic planner or engineer in accordance with an accepted transportation planning methodology.

For redevelopment, the trip generation estimate is adjusted for traffic generated by the previous development. The credit should be based on traffic counts compiled for the former land use, if available. If actual traffic data is not available, then the credit can be based on trips calculated from the *ITE Trip Generation Manual*.

3. **Determine How Vehicle Trips are Distributed to/from the Development:** The third step in the process estimates the origins and destinations of all trips entering and exiting the proposed development. Trip distribution patterns are determined using CDTC's STEP model. The CDTC *Systematic Traffic Evaluation and Planning (STEP) Model* is a travel demand model which utilizes VISUM software. It has been demonstrated that the relationships between land use and travel remain reasonably stable over time, thus enabling the forecast of future travel patterns based upon a future land development pattern.

STEP model distribution patterns can be adjusted if specific, documented information about travel patterns are provided by the project sponsor.

4. **Assign Vehicle Trips to the Roadway Network:** Using CDTC's STEP model, traffic generated by the development is assigned to study area roadways using the distribution pattern identified in Step 3. The output of this step is the number of vehicle utilizing each link of the arterial street and highway system. The decision which route a vehicle takes is based on a process that seeks to minimize delay or travel time, including considerations of roadway capacity and congestion effects.
5. **Determine Available Capacity and Costs of the Improved Facilities:** *Available Capacity* is defined as the existing 1990 unused capacity plus the additional one-way peak direction capacity of the reconstructed or new facilities, and total approach capacity for intersections. Capacity values were calculated based on guidelines developed by CDTC and reported in the memorandum *CDTC Standards/Criteria for Highway System Evaluation Recommended for Use in Regional and Subarea Traffic Studies*, and capacity values used in CDTC's STEP model.

The cost of each planned roadway improvement includes design, right-of-way acquisition, construction, and supervision expressed in current dollars. These costs are actual costs or costs developed from typical roadway and transit projects built to AASHTO standards, based on the procedure described in NYSDOT's Project Cost Estimation Process for Use in Systems Planning. The cost of the New Karner Road project reflects only the cost of new construction – the cost of repaving existing pavement is not included. Costs related to the Albany Shaker Road and Watervliet Shaker Road projects are actual costs. Project costs shall be updated annually according to a cost escalation index. Construction, engineering, and management costs will be indexed according to NYSDOT's construction price trends.

Table 1 lists the FGEIS recommended roadway and transit improvements and shows available capacity values and total costs for each of the improvements. costs of arterial management actions recommended in the NY 7 Transportation & Land Use Plan (supplemental FGEIS study) are reflected in Table 1, but costs related to roundabout construction and other capacity and safety actions are not yet included.

6. **Calculate Available Capacity Consumed:** The amount of available capacity used by traffic generated by the proposed project is calculated by dividing the development traffic by the total available capacity for each improvement impacted by the project. The value is

calculated to three decimal places but rounded to 7 one place in the published table that is submitted to the Town.

7. **Calculate Development Cost Share:** Development cost share is based on the amount of available capacity consumed by pm peak hour trips generated by the new development. It is calculated by multiplying the amount of capacity consumed by the cost for each transportation improvement impacted by the project. Mitigation costs are calculated for new trips only.
8. **Determine TDM (Travel Demand Management) Costs and Credits:** The FGEIS/Statement of Findings for the Albany County Airport Area recognized that without aggressive actions to maximize the use of transit services and other ridesharing options, and/or shift in travel demand from the peak travel period, limited widening of existing roadways and intersections would not be adequate to ensure future acceptable levels-of-service. As a result the FGEIS recommended the development of a comprehensive travel demand management program for the area. The transit element of the program calls for expansion and support of CDTA's Shuttlefly service. TDM cost share is based on a planned mode split of 10 percent. Single occupant travel is reduced by an equal amount, thus reducing the overall travel impact and mitigation cost. The cost of Shuttlefly implementation is fixed at \$12.5 million over the plan design period. The equivalent vehicle capacity provided by the service over the life of the plan has been estimated at 12,000 vph.

Project sponsors submitting a plan to further reduce vehicle travel during the peak travel period shall be eligible for further trip reduction credits. Estimated trip reduction under such a plan must be verifiable.

9. **Determine Appropriate Construction Credit:** A project sponsor that implements any part of the plan, either through right-of-way donation or construction, shall be eligible for a credit against the preliminary mitigation cost. The Town and County, in consultation with the project sponsor, will be responsible for determining the amount the credit.
10. **Conduct a Supplemental Review:** If new information about the proposed development is provided after CDTC's review process is complete, the CDTC staff will review the information and recalculate the mitigation cost. A supplemental review will be completed by CDTC only at the request of the Town or County.

TABLE 1

**ALBANY COUNTY AIRPORT AREA FGEIS CORRIDOR IMPROVEMENTS:
TOTAL AVAILABLE CAPACITY & ESTIMATED 2007 COSTS USED
IN CALCULATION OF TRANSPORTATION MITIGATION COST**

Corridor/Location of Improvement	PM Peak Hour Direction of Travel	Total Available Capacity (Vehicles Per Hour)	Estimated Total Cost (2007 \$)
ALBANY SHAKER ROAD/WATERVLIET SHAKER CORRIDOR			
New Albany Shaker Road			
NY 7 - British American Blvd	Northbound	1,770 vph	\$ 11.6 M
British American Blvd - Cornell Rd	Southbound	1,770 vph	\$ 4.4 M
Cornell Rd - Watervliet Shaker Rd	Southbound	1,770 vph	\$ 9.2 M
Watervliet Shaker Rd - Old Albany Shaker Rd	Southbound	1,770 vph	\$ 3.0 M
Watervliet Shaker Rd Widening			
New Albany Shaker Rd - Airline Dr	Westbound	1,710 vph	\$ 5.6 M
Airline Dr - Sand Creek Rd	Westbound	1,710 vph	\$ 6.9 M
Sand Creek Rd - New Karner Rd	Westbound	1,710 vph	\$ 7.9 M
Watervliet Shaker/Sand Creek Rd Intersection Improvements	N/A	2,190 vph	\$ 1.5 M
British American Blvd Extension	Westbound	1,000 vph	\$ 2.9 M
NEW KARNER ROAD CORRIDOR			
New Karner Road Operational Improvements			
NY 5 - Consaul Rd	Southbound	1,660 vph	\$ 2.5 M
Consaul Rd - Watervliet Shaker Rd	Northbound	1,660 vph	\$ 10.1 M
NY 5/New Karner Road Intersection Improvements	N/A	2,940 vph	\$ 3.9 M
New Karner Rd/Watervliet Shaker Rd Intersection Improvements	N/A	2,735 vph	\$ 3.2 M
ROUTE 7 CORRIDOR			
Route 7 Arterial Management (South Side)			
Vly Rd - British American Blvd	Westbound	3,600 vph	\$ 1.6 M
British American Blvd - Albany Shaker Rd	Westbound	3,600 vph	\$ 1.7 M
Albany Shaker Rd - Pinegrove Rd Area	Eastbound	3,600 vph	\$ 0.9 M
Pinegrove Rd Area - Mill Rd	Eastbound	3,600 vph	\$ 0.5 M
Wade Rd Area	Eastbound	3,600 vph	\$ 4.3 M
Route 7 Arterial Management (North Side)			
Rosendale Rd - Ronald Drive Area	Westbound	3,600 vph	\$ 1.2 M
Keeler Motor Car - Mill Rd	Eastbound	3,600 vph	\$ 3.7 M
Route 7/Wade Road Intersection Improvements	N/A	1,035 vph	\$ 1.5 M

Table 1 (Continued)

Corridor/Location of Improvement	PM Peak Hour Direction of Travel	Total Available Capacity (Vehicles Per Hour)	Estimated Total Cost (2007 \$)
Wade Road Extension	Northbound	1,200 vph	\$ 3.0 M
Sparrowbush Rd Operational Improvements	Eastbound to Northway; Westbound to Rt 9	1,200 vph	\$ 4.1 M
I-87 Exit 6 Addition of 1 lane on Exit 6 bridge	Eastbound	1,000 vph	\$ 3.5 M
WOLF ROAD CORRIDOR			
Wolf Road East-Side Service Road Extension of Aviation Rd:			
Sand Creek Rd - Computer Drive East	Northbound	2,480 vph	\$ 2.2 M
Metro Park Rd - Albany Shaker Rd	Northbound	2,480 vph	\$ 2.8 M
Wolf Road West-Side Service Road			
50 Wolf Road - Sand Creek Rd	Northbound	2,480 vph	\$ 2.1 M
Cerone Dr - Exit 4 Ramp/ASR	Northbound	2,480 vph	\$ 4.1 M
Old Wolf/Watervliet Shaker Road Intersection Improvements	N/A	1,810 vph	\$ 2.1 M
Sand Creek Road Roundabout	N/A	370 vph	\$ 1.0 M
New Maxwell Road	Northbound	865 vph	\$ 3.0 M
Maxwell Rd/Albany Shaker Rd Roundabout	N/A	1,815 vph	\$ 4.2 M
TRAVEL DEMAND MANAGEMENT (TDM)			
CDTA Shuttlefly Support	N/A	12,000 vph	\$ 12.5 M

APPENDIX A

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

October 1992

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE REPORT

Background

The Airport Area Transportation Financing Task Force was established to explore ideas that might lead to a workable consensus regarding financing of transportation improvements identified in the Statement of Findings for the Albany County Airport Area Generic Environmental Impact Study (GEIS). The task force was convened to examine alternatives to the Transportation Development District (TDD) described in the Statement of Findings. Task force members are listed in Attachment 1. Dick Carlson of NYSDOT Region 1 and Brad Oswald from the NYSDOT Public-Private Finance unit also assisted in the discussions of the TDD concept. The task force attempted to work cooperatively in identifying issues, sharing perspectives, and seeking workable strategies.

The group has met six times. In addition, four subcommittees were formed which investigated airport, county, state and federal funding sources.

This report presents the work of the task force in several areas. The report seeks to articulate:

- * concerns of the business community;
- * information received from NYSDOT regarding TDD experience;
- * available alternatives to a single TDD;
- * consideration for full public funding of some improvements;
- * suggested avenues for exploration.

Concerns of the Business Community

Exploration of alternatives to the TDD as laid out in the Statement of Findings is necessary because of concerns expressed by the property owners and developers who would be asked to finance a majority of the transportation improvements in the TDD. While not a comprehensive list, the concerns include the following items. These concerns should be addressed in any follow-up work undertaken by the town or county.

1. There is a concern that there has not been enough consideration of the use of on-going taxes in the financing of improvements. Fiscal impact of development should be more thoroughly examined. Credit should be given for tax proceeds that exceed the fiscal impact of development before the transportation fees or assessments are calculated.
2. There is a concern that the benefits to a property (on one side of the ledger) and assessments against the property (on the other side) are only weakly-connected in circumstances in which the property is at one end of the proposed district and the improvement is at the other end. Property owners along NY 7, for example, do not see a logical connection between their traffic impacts and the proposed improvements at the airport or along Wolf Rd. This limits the potential support for a single TDD as a funding mechanism for all improvements.
3. There is a concern that the large and unknown cost for the Exit 3 or Exit 4 improvements and airport connector roadway presents the potential for an uncapped and unrealistically-high assessment level. Task force members believe that, if large-scale improvements are to be included in a TDD, a cap or ceiling on potential assessments may be appropriate.

4. Some members also expressed a concern that the potential for toll revenues has been dismissed too easily. If appropriate, tolls or an equivalent means of charging for access (for example to airport property) might offset the need for high property assessments in a TDD.
5. Members also expressed a concern that the Exit 3 or Exit 4 improvements and the airport connector are more appropriate for reasons of regional economic activity than for local traffic mitigation. The concern is that an interchange between an interstate highway and a regional airport should not be the subject of public-private financing discussions.

It can be safely stated that the task force members have not enthusiastically embraced the TDD as described in the Statement of Findings. However, the task force does not recommend discarding the TDD concept. The TDD concept offers opportunities that other funding approaches do not.

The task force also does not consider the option of prohibiting further development palatable. A fair and workable financial arrangement, even at the cost of non-traditional private contributions or assessments is preferable to no development.

Information from NYSDOT regarding TDD experience

Information from the New York State Department of Transportation (NYSDOT) regarding the state's limited experience with TDD's to date also provides insight into refinements or revisions to the proposed TDD concept. The information indicates that two of the key assumptions of the Transportation Development District (TDD) concept of the Albany County Airport Area Generic Environmental Impact Statement (GEIS) Statement of Findings are at odds with current New York State Comptroller policies. These are:

1. **The intention of having a higher annual assessment for post-GEIS development than for existing development.** This concept was suggested in the Statement of Findings in order to relate perceived benefit to the level of assessment. (All property owners would benefit from improved access, but new developments would be perceived as benefiting more because the improvements clearly mitigate the developments' incremental impacts and allow the developments to proceed.) However, the TDD concept derives from sewer and water district practice, and there appears to be no precedent for setting differential rates in sewer or water districts.

Eliminating this provision and pursuing a TDD would create a situation in which an owner of an existing office building, for example, would pay the same annual assessments as the owner of a new office building. Such a TDD may not be supported by owners of existing development, because of the perception that the new development is receiving a greater benefit from the improvements than the existing development.

2. **The intention of having a single, neatly-defined improvement district for all highway improvements.** The recommendation of a single district resulted from the consultant's technical work which compared total improvement costs to total development trips in the study area, allowing a single impact fee per trip value. The Statement of Findings converted the impact fee concept into an equivalent annual assessment. However, the Comptroller requires identification of a separate benefit district for each improvement. (Again, this is a result of using the sewer and water district legal framework for transportation districts.)

Shifting from a single district to multiple districts would complicate the administration of the process. It would also require investigation of properties outside the study area boundary to determine their contribution to traffic on the improved facilities.

It must be kept in mind that NYSDOT experience with TDD's to date is limited to smaller-scale improvements in districts in which the funds raised through assessments typically provide a minority share of the funding to match state funds, and which are located in areas in which potential new development overshadows existing development. In these cases, developers can easily see the benefit to be gained by agreeing to a minor contribution to the project cost. Existing property owners do not bear the majority of the private contribution and are apparently willing to go along. The Airport-Wolf Rd Area TDD application would depart significantly from previous practice in New York.

Alternatives Available to a Single TDD

Given the Comptroller's policies regarding improvement districts, there are three choices available in pursuing equitable public-private cost sharing in the mitigation of traffic impacts identified in the FGEIS. These are:

1. **Pursue the TDD concept as described in the Statement of Findings.** This would imply challenging the Comptroller's policies by documenting (a) that new developments *do* benefit more from the improvements than existing developments and (b) that the study area *is* a fair representation of the benefit area for each improvement identified in the FGEIS. A new legal precedent would have to be established.
2. **Accept the Comptroller's policies and selectively pursue individual districts for certain improvements, with annual assessments based upon traffic load on the affected facilities.** The assessments would be set at equal rates for comparable new and existing development. Each district would require separate approval through property owner referendum and acceptance by the Comptroller. District boundaries may extend beyond the FGEIS study area.
3. **Other public/private funding approaches.** "Mitigation fees" have been created to assess impact fees under authorization of SEQRA. If courts support legality, this will become an alternative way to involve developers in supporting infrastructure cost. In certain areas this approach may be appropriate.

While the single TDD cannot be ruled out without further legal and financial investigation, task force members believe that a combination of alternatives #2 and #3, combined with consideration of increased public financing, is more practical and equitable.

Consideration of Full Public Funding for Some Improvements

Full public funding of certain improvements can be considered in any of the three TDD/mitigation fee approaches.

TDD assessments or traffic mitigation fees are intended to assign costs to properties based on their traffic contribution. Public funding is to be used for costs attributable to non-local traffic and to the creation of reserve capacity. Beyond this level of public sector obligation, it may be appropriate to commit additional public funds, if:

1. the warrant for the improvement is primarily to serve existing and new through traffic and not primarily to service local development-related traffic; or
2. the warrant is related to addressing high-priority existing or future traffic congestion or access issues; or
3. the improvement serves regional or statewide commerce or economic development interests that would exist with or without local development activity; or

4. the cost of the improvement per unit of capacity created far exceeds reasonable expectations of a annual property assessment or one-time mitigation fee *and* the development is consistent with regional and community development objectives. (The qualifying statement about consistency is to avoid publicly subsidizing the traffic mitigation costs of incompatible land use.)

These four criteria are a logical basis for identifying appropriate costs to shift from the public/private agenda to a 100% public sector obligation. These criteria may be met by many candidate public-private financed improvements; however, the argument for full public funding is persuasive only if the characteristics are *clearly* in place. Given these criteria, the Exit 3 or Exit 4 interchange improvements and the airport connector roadway are prime candidates for full public funding.

Recommended Avenues for Exploration

Figure 1 is a schematic that represents transportation improvements listed in the Statement of Findings. The task force found it useful to examine the proposed package of improvements in this fashion, and offers recommendations for funding each improvement. The best approach may be one which fits a fair and equitable funding arrangement to each improvement, rather than finding a single funding arrangement that fits all. The task force suggestions attempt to reflect the business community's concerns expressed above, the Comptroller's approach to TDD's, and the opportunities for full public funding for certain improvements. Further financial and legal investigation will be required to refine many of these concepts.

The recommendations are listed below. Numbers refer to Figure 1 and represent an approximate sequence or staging of improvements.

1. **Albany-Shaker Road, Airport to NY7:** A strong argument could be made for greater public financing of this facility, due to its importance to the regional airport. This facility should be considered for inclusion in the National Highway System (NHS) which is currently being identified by the state. However, the development pressures and urgency of making these improvements suggests that waiting five or more years for federal aid is not practical. The task force recommends that *the County work with British American, Metroplex and other developers in the corridor to negotiate the roadway location, design and shared cost arrangement to allow the project to proceed in the early timeframe that the County desires. The County should examine the availability of state infrastructure bond funds for partial funding, due to the industrial activity in the corridor.*
2. **Old Wolf and Watervliet Shaker Rd. intersection:** Improvements to this intersection have been identified by the town as mitigation actions related to developments in the airport area. Mitigation fees that have been collected are sufficient to make the improvements. *No further funding is required.*
3. **Wolf Road Service Roads:** Full construction of service roads, connections to Wolf Rd. and realignment of the Albany-Shaker Rd. / Maxwell Road intersection with the service road *may be an appropriate application of the TDD concept.* With a TDD boundary crafted to include properties that would benefit, the base of properties may be large enough to keep individual assessments to modest levels. This TDD, if acceptable to all parties, would logically be administered at the town level and, if possible, include property within the village limits along Wolf Rd.

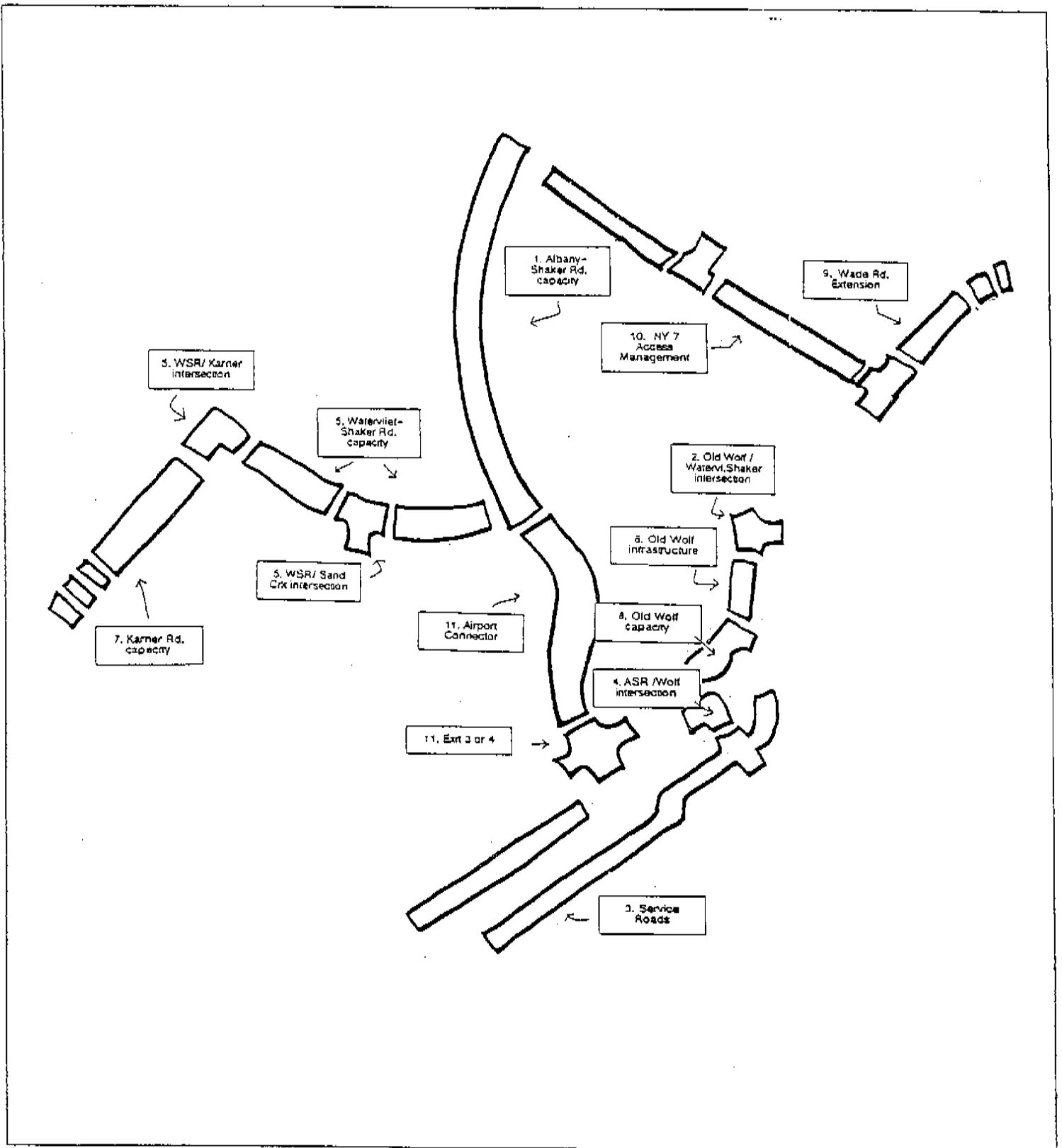


Figure 1.

Highway Improvement Groupings

4. **Wolf Road / Albany-Shaker Rd. intersection:** Limited widening at this intersection is intended as a short-term strategy until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. *No further private funding is required.*
5. **Watervliet-Shaker Rd. widening or relocation:** Intersection improvements are warranted in the short-term as a remedial action. *These should be progressed by the county either with county funds or with federal aid (Surface Transportation Program funds) through programming action by CDTC.* Pursuing federal aid may delay such projects for several years until the funding is available, unless the county is willing to trade federal funds earmarked for other projects (such as Everett Rd.) for this work. The widening or relocation can be expected to be a difficult and time-consuming project to advance; it may be best considered a long-range project, to be funded by county funds in combination with mitigation fees to be collected from any major developments in the Watervliet Shaker Rd. corridor.
6. **Old Wolf Rd. infrastructure work:** Planned remedial infrastructure work along Old Wolf Rd. *should be progressed by the county without private contributions.*
7. **New Karner Rd. capacity work:** *Widening this corridor may be an appropriate application of the TDD concept.* Owners of both new and existing developments may recognize the benefit of the improvement and accept significant funding responsibility. This TDD may be logically linked with a TDD for improvement of New Karner Rd. south of Central Avenue and may be best administered at the county level. As in the Wolf Rd area, support of existing property owners is essential.
8. **Old Wolf Rd., Exit 4 off-ramp to Albany-Shaker Rd.:** Limited widening is planned as a near-term improvement until an Exit 3 or Exit 4 project is ready. NYSDOT has committed funds for the intersection project, which is listed on CDTC's Transportation Improvement Program. *No further private funding is required.*
9. **Wade Rd. Extension:** Extension of Wade Rd. north of NY 7 to connect with Sparrowbush Rd. and/or (Alternate) NY 7 is cited in the Statement of Findings. *This project may be appropriately advanced through a local area TDD, through mitigation fees or through negotiated agreements in connection with developments in the area.* Staging is dependent upon the pace of development in the area.
10. **NY 7 Access Management:** The current NY7 reconstruction project improves the arterial function of that road. To protect that function, implementation of service road(s) paralleling NY7 should be pursued in conjunction with development fronting NY7. Intersection improvements at NY7 and Wade Rd. and NY7 and Old Niskayuna Rd. are also called for over time, in conjunction with development. *These improvements should be tied to development along NY7 and roads feeding NY7 through a local area TDD, through mitigation fees or through negotiated agreements in connection with developments in the area.* Staging is dependent upon the pace of development in the area.
11. **Exit 3 or Exit 4 interchange improvements and the airport connector roadway:** This is a long-range improvement. As planned, NYSDOT should immediately advance the analysis of environmental issues and design alternatives. Because of the potential high cost of the project and its importance to regional and statewide economic interests, *federal or state funding should be sought for the entire cost of the improvements.*

The task force further recommends that the town and county proceed with a financial plan to refine the fee structure for the implementation of improvements that involve a private fee or assessment. The goal should be to reduce current fees significantly through recalculation of private contributions based upon the

recommendations above. This effort could be funded through federal aid earmarked in CDTC's Transportation Improvement Program or through mitigation fees already collected by the town. The plan should address procedural requirements, legal issues regarding TDD boundaries, and consideration of on-going taxes in calculation of fees and assessments. Any use of mitigation fees should be predicated upon a formal determination of their legality.

Because of known historic area and wetlands issues affecting several of the projects, the town, county and state should involve NYSDEC, the US Army Corps of Engineers, the NYS Office of Parks, Recreation and Historic Preservation, the Shaker Heritage Society and others in roadway location and design considerations at the earliest opportunity.

Finally, the task force encourages regional and local efforts that would help promote demand management and ridesharing. These programs are essential, in order to minimize the amount and cost of highway construction required and extend the useful life of any improvements.

ATTACHMENT I

AIRPORT AREA TRANSPORTATION FINANCING TASK FORCE

DELEGATE

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APPENDIX B

PUBLIC/PRIVATE HIGHWAY FINANCING PROCEDURES ADOPTED BY CDTC

~~SECRET~~

PROCEDURES
FOR PUBLIC/PRIVATE HIGHWAY FINANCING
IN THE CAPITAL DISTRICT

Capital District Transportation Committee
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*This document was accepted by the Capital District
Transportation Committee on September 21, 1989 for
distribution to municipalities and other parties in the Capital
District for purposes of application, review and refinement.*

PART ONE

**WORKING PRINCIPLES
FOR PUBLIC/PRIVATE HIGHWAY FINANCING
IN THE CAPITAL DISTRICT**

Background

Public/private partnerships in financing highway improvements on public roads have become increasingly common in recent years. Various methods of negotiation, assessment and exaction have been developed throughout the nation; the Capital District has been no exception.

The New York State Department of Transportation's draft "Handbook on the Public and Private Financing of Roadway Improvements" (January 19, 1989) is a first step at establishing guidelines and procedures for use across the state. It seeks to establish criteria for determining which highway needs (on the state system) are appropriately New York State's responsibility (Category 1 projects), which should be shared with the private sector because of rapid local development (Category 2), and which should be entirely the private developer's responsibility (Category 3). A Category 4, relating to economic development, is also discussed.

Within the general context of NYSDOT's approach, there is sufficient latitude for specifying working principles and procedures for determining an equitable public/private partnership that implements necessary improvements. The discussion below offers practical, comprehensive guidance for use in the Capital District.

Working Principles

The following principles serve to guide the identification of needed highway improvements and to determine appropriate public/private shares of project cost. These principles are generally directed at needs that would fall into NYSDOT's Category 2 and Category 3 for both the State system and the non-State system. These principles also offer potential for public/private cooperation on needs that otherwise would fall into NYSDOT's Category 1. The principles are as follows:

1. Highway improvements, demand management and effective land use planning are all integral to the ability of responsible agencies in the Capital District to maintain acceptable traffic levels-of-service.
2. Appropriate highway improvements are best determined within an examination of cumulative development, demographic change and traffic growth that is as broadly-

based as possible. Corridor-level, community-level, county-level and regional changes and alternative actions should be examined to the maximum practical extent. Such a perspective assures integration of concern for mitigating short-term impacts (such as those resulting from a specific development proposal) into planning for long-range system adequacy and appropriate community development.

3. Public financing through traditional sources cannot be assumed to be available at levels necessary to accomplish, in a timely fashion, all improvements warranted by expected change throughout the Capital District. Available public financing for highway capacity improvements should be directed toward high priority needs, as defined through comparative analysis of needs throughout the region.
4. Private financing¹ is appropriately assessed in conjunction with development through one of the following methods:
 - a) based on a fair share of the cost of implementing comprehensive highway improvements necessary to meet expected traffic levels at an appropriate planning horizon; or,
 - b) based on the entire cost of one phase of the comprehensive set of improvements, as long as the phase mitigates the incremental impact of the development and is consistent with the overall plan for highway improvements in the area.

The choice between method (a) and method (b) is determined by the availability of and priority for use of public resources and the appropriate timing for implementation of the full set of recommended actions. [In general, the "fair share" can be expected to be based upon each development's use of new capacity created -- a very specific implementation of the impact fee (or continuing impact assessment) concept. However, in certain circumstances, an overlay property tax district may be appropriate instead of or in addition to the use of impact fees. These circumstances are discussed on page three.]

¹ The term "private" financing describes highway financing in conjunction with development. This may or may not imply private sector funding. In some cases, a municipality may choose to take responsibility for the development share of highway improvement costs in order to encourage the development.

Basing costs on each development's use of capacity provides a clear incentive for demand management. (That is, any documented reduction in development-related traffic below ITE-based estimates would allow a reduction in the development's financial share of traffic mitigation efforts.)

5. Private financing is appropriately assessed for impacts only within a reasonably-defined catchment area or distance from the development; traffic impact beyond such an area is the responsibility of the public sector regardless of its magnitude or the rate of growth it implies for any facility.
6. Private financing is defined as that obtained through contribution, negotiated agreement or impact fee or special district assessments. Public financing is defined as that obtained through bonding, user fees, federal aid, or other sales, income, excise and municipal-wide property taxes.

Appropriate Use of Special Property Tax Districts

Given the historic lack of congestion in the Capital District, there is little sentiment generally to use a taxing mechanism that charges one property owner for the cost of mitigating the impacts of his neighbor's development. In such an environment, ad valorem property tax assessments, applied within a specified district, may be feasible and politically practical only under the following circumstances:

1. *Where a significant existing capacity deficiency exists, and property owners in the district recognize that their traffic has contributed to the deficiency and believe that they will directly benefit from the highway improvements.*
2. *Where the recommended improvements are considered essential to economic development, and a consensus exists among property owners in the district to this effect.*
3. *Where the recommended improvements are of such magnitude (such as an Exit 26 bridge) that it is unrealistic to expect to raise a significant share of the resources through impact-related fees or assessments.*

A combination of these conditions, perhaps the existence of all three simultaneously, would make special district property tax assessments a potential source for a significant portion of the resources needed for improvement. The key is the existence of a consensus that existing property owners in a given district have a reasonable responsibility for, and can be expected to benefit from the improvements. To a certain extent, special district property taxes can be viewed as a method of raising the "public sector" share of improvements

when there is support for generating these resources from a specific group of property owners (in the district) instead of from the general tax base.

The remainder of this document focuses on impact-oriented fees and assessments. The procedures and formulas described in the following sections assume that the fees are charged only to new development. *It should be noted, however, that the procedures could be used in a similar fashion to assess all properties (existing and new) for a share of the cost of highway improvements, if one of more of the circumstances described above are present. Appendix D describes this application of the procedures.*

Implications of the Principles

These working principles have certain implications for the highway planning and site access development process. The most significant of these is the expectation that any highway recommendations will be consistent with a comprehensive plan for long-range needs. Thus, the need for a consistent approach to traffic forecasting and accepted assumptions about regional and local demographic and development change are necessary. In the Capital District, CDTC's TMODEL2-based Systematic Traffic Evaluation and Planning (STEP) modeling process is designed to establish a consistent approach and an accepted set of forecasts. The regional long-range planning effort using the STEP model is expected to produce regional plans and standards from which corridor-level plans can be developed. Following the principles set out above, all traffic forecasting and alternatives evaluation would be tied to the consensus STEP model, either through use of a local version of the STEP model directly or through modification of base-line traffic forecasts from the STEP process in conjunction with other modeling tools. NYSDOT project development forecasts, cumulative development study traffic forecasts, and single-site access forecasts would all be performed in the context of a consistent forecasting method that projects out to an appropriate planning horizon (determined by the highway improvement type being considered).

Secondly, these principles imply coordination of planning and decision-making at multiple levels of government. The determination of appropriate highway improvements, the assessment of private financing shares, the collection of private funding and the design and implementation of improvements may involve town, county, MPO and state officials in cooperative discussion with private developers and consultants.

Third, the principles clearly imply a continuing private contribution to the cost of meeting mobility objectives.

Scenarios of Application of the Principles

Scenario 1. Highway Project Development in Conjunction with Land Use Development

NYSDOT (or county) project development activities toward addressing a high priority need (whether a capacity need or a infrastructure reconstruction need with some capacity issues) would proceed as under current procedures, with modifications to accommodate the working principles above.

If a corridor or sub-regional plan has been prepared previously for the area, the project development effort would provide an opportunity to refine the plan. If no plan has been prepared previously, the highway project would "trigger" the analysis. The activities would include: use of STEP-model traffic forecasts as a base-line set of forecasts for the NYSDOT project design year; development of a range of land use development scenarios for the project corridor in conjunction with the municipality(ies) in which the project is located; testing of alternatives and selection of a comprehensive "game plan" of highway improvements for the area for both low and high traffic forecast levels; and calculation of the public and private shares for implementing the comprehensive plan. At that point, NYSDOT would proceed with detailed design of the entire plan, if the timing is right for implementation and private development is pending (so as to contribute financially to the solution).

In this scenario, with concurrence with the municipality(ies) in question that the development in the corridor is very likely to occur and is consistent with community development plans, the highway project would be advanced with cooperative public/private financing. The private share would be determined by the accepted formula and the private contribution would be obtained up front as part of project approval stipulations. The municipality(ies) would contribute the balance of the private share (the amount attributable to projects not currently in the approval stage), and arrange to recover the municipality's up front expense through fees or assessments.

Scenario 2. Highway Project Development in Advance of Land Use Development

The choice to implement the entire "game plan" at once would be highly dependent upon the scale and expected timing and likelihood of the private development. If the majority of the private development that is accommodated by the comprehensive plan is five or more years away and the project can be phased in over time as development occurs, then the following approach is more appropriate: pursue the project development process as outlined in Scenario 1; calculate the public/private shares of the comprehensive plan; and design and implement that part of the plan that meets the needs of the baseline forecasts and allows for later implementation of other aspects of the plan in conjunction with later private development.

In this arrangement, the highway project may be advanced entirely with public resources. On the state system, the project may be advanced entirely with state/federal resources if the private share for the baseline project is estimated at less than 25% of the project cost (similar to NYSDOT's proposed Category 1). If higher private shares are calculated under the baseline forecasts, the municipality(ies) may be required to put up that portion of the project cost and recover it through fees and assessments as in Scenario 1.² If and when development occurs in the corridor, developers would contribute in one of two ways:

- * by a direct financial contribution (based on the accepted formula) to reimburse the state or municipality for up front expenses for implementing the baseline improvement; or
- * by implementation of a latter phase of the comprehensive plan, as long as incremental traffic impacts of the development are mitigated by the improvement and as long as the magnitude of the improvement is at least as large as the development's formula share of the comprehensive plan.

The choice between the two options would be made by the agency with jurisdiction over the highway (the state in this scenario) and would be based on whether the development's traffic impacts could be accommodated by the improvements made as part of the earlier public project or whether additional improvements are required.

Scenario 3. Land Use Development in Advance of Highway Project Development

In this scenario, the priority and/or timing for a public investment in highway improvement does not warrant public highway development activities within five years. In such a case, any land use development activity (individually or in aggregate) that has the potential to noticeably affect intersection or arterial levels-of-service would trigger the development of a comprehensive corridor plan as described in Scenario 1. Existing corridor and sub-regional transportation plans would be reviewed and refined if necessary. If no plans exist, development approval would be withheld by the municipality until the comprehensive plan is developed and the developers' shares of the highway solution identified.

In this scenario, public and private shares would be calculated through the accepted formula. However, development approval cannot be withheld indefinitely if the public share is not available. Developers would receive development approval based on contribution to the comprehensive solution in one of two manners:

- * Through direct contribution to a "highway improvement fund" earmarked to match public funds at a later date to implement the comprehensive set of improvements; or,

² The local contribution requirement can be handled administratively in much the same fashion as that used for obtaining local match on a federal-aid project off the state system. Local commitment would be secured prior to approval of project specifications for bid.

- * Through implementation of improvements, as long as three criteria are met -- (1) immediate development-related traffic impacts are mitigated, (2) the magnitude of the improvements are at least as great as the development's formula share of the comprehensive solution, and (3) the improvements are consistent with the comprehensive plan.

The choice between the two types of contribution is based on the magnitude of the development's impact. A six-acre development of single family homes may not have noticeable impacts on traffic levels-of-service by itself; the developer may be asked to contribute on a formula basis to future improvements. A 300,000 square-foot office complex can be expected to have noticeable impacts by itself; the second option, similar to NYSDOT's Category 3 approach, would be appropriate.

Collection of contributions to a highway improvement fund that has no timetable or certainty of being used (because there is no guarantee that public funds will be set aside in a reasonable timeframe) requires careful administration. The fees would necessarily be held in an escrow account and returned to the individual developers if the improvements were not forthcoming in a reasonable time (perhaps ten years).

At the time that public funds are available, the plan would be updated and implemented using public funds and the resources in the highway improvement fund. If several years have passed since the development of the plan, the plan update may proscribe new public/private shares. The new formula would be applied to any development occurring simultaneously with or subsequent to the public highway improvement.

Benefits of Adopting the Principles

If the state, counties, and municipalities in the Capital District incorporate the working principles into the highway project development and land use development approval processes, significant benefits would result:

- * Highway system integrity would be maintained by taking a broad perspective on all traffic needs. Incremental traffic mitigation decision-making would be discouraged.
- * Developers would be faced with fair, logical, predictable, and consistent requirements for traffic impact mitigation.
- * The "rational nexus" test for impact assessment would be clearly met by directly associating the cost of improvements with those properties benefiting from such improvements.
- * Development could be directed to appropriate corridors through the availability of public funds. That is, development in areas in which no public investment is scheduled may be required to pick up a higher-than-formula cost to mitigate impacts, and/or may wait indefinitely for the public improvement.

- * Local government, which maintains the lion's share of development approval power, would carry a financial responsibility for development impacts on the highway system.
- * Demand management would be encouraged by means of formula credits for documented reductions in vehicle trip making below accepted ITE-based rates.

Requirements for State Enabling Legislation

New state enabling legislation would be helpful in establishing clear authority for municipalities to require contribution toward traffic mitigation in the manner proscribed above. Enabling legislation allowing creation of special property tax districts (transportation development districts) would be particularly helpful for circumstances in which tax districts are appropriate instead of or in addition to impact fees and assessments.

However, such legislation is not absolutely necessary in order to implement the impact fee procedures outlined below. Currently, major developers are subject to NYSDOT's Category 3 requirements prior to access approval on state roads. Similar requirements are made by many municipalities (and counties in cases in which they have direct jurisdiction) on a case-by-case basis; individual enactments under current procedures may exceed the levels implied by the principles. Clifton Park's localized impact fee process has been successfully pursued without special enabling legislation.

New York's State Environmental Quality Review (SEQR) process permits the examination of cumulative impacts and the development of a comprehensive strategy for their mitigation; the procedures described above would fit neatly within the SEQR umbrella. The keys to successful implementation without additional state legislation may lie in fairness, technical credibility and general application across the region. In other words, if it is a defensible process rooted in the municipality's, county's, and state's existing rights and obligations regarding providing for public health and safety, then it is very possible that no new state legislation is required to allow its implementation. Implementation would be considered simply a significant improvement in the current method of doing business. The direct tie between private enactments and a comprehensive plan for improvements; a deadline for holding private contributions in escrow; and a fair formula that connects costs with benefits would all serve to avoid or turn back legal challenges similar to those directed at other impact fee processes.

PART TWO

SUGGESTED FORMULA FOR PUBLIC/PRIVATE SHARING OF THE COSTS OF CAPACITY IMPROVEMENTS

General Principles

The following principles guide the specific equations for calculating public and private shares of the costs of capacity improvements.

1. Ideally, general revenues and user fees and taxes collected by the state, counties, and municipalities might be sufficient to accommodate all appropriate highway capacity improvements in a timely manner; however, reality indicates that this is not currently the case, and is not likely to be the case in the foreseeable future.
2. Government, however, still maintains a fundamental responsibility to protect public health and safety, and these may be jeopardized by approval of land development that produces unacceptable congestion and delay (and by extension, produces increased accident potential).
3. Therefore, it is necessary and appropriate to require mitigation of traffic impacts in conjunction with approval of specific developments.
4. Given the lack of adequate public resources to address all capacity needs, it is appropriate to seek full mitigation of traffic impacts by developers at the development site and within a reasonably-defined catchment area away from the site.
5. Impacts beyond the catchment area, regardless of magnitude, are the responsibility of the public at large.
6. The use of a formula and the integration of exactions, fees or assessments into a comprehensive public/private strategy for improvements is the most equitable means of sharing costs between the public and private sectors and among private developments of varying sizes.
7. The formula must allow credit for demand management efforts that serve to reduce vehicle trip making below otherwise expected rates.
8. The formula must give credit for improvements financed by the development that are part of the comprehensive plan of improvements and are not essentially related to site access.

9. The formula must not give credit for highway work that essentially serves to allow access into and out of the site or is not designed to materially advance the comprehensive plan of improvements.³ Such cost should be excluded from the cost basis used in determining public and private shares.
10. The formula must also exclude the cost of highway maintenance, renewal or reconstruction from the cost basis used in determining public and private shares. This work is the responsibility of the public at large.

The Suggested Formula

Step One: Define a study area on the basis of the availability of land for development, with consideration for existing and expected traffic patterns. Select an appropriate design horizon and determine the baseline and alternative development scenarios for the area in question. Examine highway capacity needs and evaluate alternative improvement strategies. Cooperatively select a comprehensive plan of actions.

Step Two: Identify the cost for the improvements by link and intersection. Exclude the cost of highway maintenance, renewal or reconstruction from the cost basis to be shared; this would be solely the responsibility of the public sector. Exclude the cost of site access from the cost basis to be shared; this would be solely the responsibility of the developer. Include only those costs attributable to creating more carrying capacity on the facility -- additional lanes or flush medians, improved intersection geometrics or signalization, creation of parallel roads, etc.

Step Three: Identify the design hour (this will generally, but not always, reflect PM peak hour conditions). Identify the number of additional vehicle trips to and from each parcel which would be produced by the expected development over the planning horizon. Give appropriate credit for "pass by" traffic in adjusting trip generation estimates.

Step Four: Within the study area, group parcels by type (residential vs. office vs. retail, etc.) and quadrant. Large parcels can stand alone as groups by themselves. For each group, identify its contribution to the net increase in traffic volume on each link and at each intersection.

³ For example, an arterial constructed through a development site to serve both local and through traffic may qualify as a credit toward the development's assessment. On the other hand, a two-lane subdivision street with little through traffic function would not be considered for credit.

Step Five: Identify the total increase in traffic on each link and at each intersection and the reserve capacity of each link and intersection at the planning horizon. Identify the net change to reserve capacity at each intersection and link (with capacity defined at a low level-of-service (LOS) "D", the minimal acceptable LOS).

Step Six: Proportion the costs of improvement for each link and intersection as follows:

$$\begin{array}{rclcl} \text{Private Share} & = & \text{Cost} & \times & \frac{\text{Additional Development Trips}}{\text{(Total New Trips + Add'l Reserve Cap.)}} \\ & & & & \frac{\text{(New Non-Dev. Trips + Add'l Res. Cap.)}}{\text{(Total New Trips + Add'l Reserve. Cap.)}} \end{array}$$

Shares would differ for each group of parcels and for each intersection and link in the catchment area; the catchment area would be defined based on the study area and should extend to include all intersections and street segments for which traffic mitigation measures are warranted by development traffic alone or for which development traffic will consume 25% or more of necessary new capacity. (See Appendix A.)

"Reserve Capacity" is defined at LOS D. That is, reserve capacity is the amount of additional traffic that could be handled with a LOS no worse than D under current geometry. For links, reserve capacity is based on a one-directional mid-block LOS D capacity of 800 vehicles per hour (vph) for two lane highways, and 1,000 vph per lane for multi-lane highways. (See Appendix C.) The difference between existing (or forecast) volumes in the peak direction in the highest peak hour and the low D volume is reserve capacity.⁴ (Reserve capacity can be negative, if LOS is E or F.) Reserve capacity for intersections can be found by performing Highway Capacity Manual operational analysis inflating or deflating all traffic movements proportionately until the critical (low D) intersection volume is found, and then comparing the total intersection volume at that level against the existing (or forecast) volume.

⁴ For example, a four-lane arterial will show a mid-block LOS D at 2,000 vph in either direction. If the forecast shows 1,600 vph in one direction and 1,900 in the other direction in the AM peak hour and 1,800 in one direction and 1,650 in the other direction in the PM peak hour, reserve capacity is defined as 100 (2000-1900).

Step Seven: Sum the costs for each parcel (or group of parcels) over all intersections and links. Sum the public share over all intersections and links. For specific development proposals, the private share would equal the sum of the costs for that parcel. For generic or speculative development, calculate a cost per peak hour trip by dividing the sum of the costs for a particular land use type and geographic quadrant by the number of peak hour trips forecast to be produced by that land use type and quadrant. These per trip rates would serve as the impact fee schedule for later development proposals. Credit any development for the value of right-of-way, engineering services and construction funded by the developer that qualify as essential elements of the public plan. (The value of improvements solely or primarily needed for site access are not considered credits against the formula share.) See Appendix B for a discussion of credits.

APPENDIX A. DEFINITION OF A CATCHMENT AREA

Issues

The definition of a study area is guided by the highway network design, traffic patterns and the availability of land for development. Definition of a "catchment area" within which developers will be held responsible for a share of traffic mitigation efforts is more complicated. On the one hand, the catchment area should be broad enough to ensure that the developer is contributing sufficiently to mitigation efforts necessitated by traffic to and from his or her development. On the other hand, the catchment area should not extend so far as to imply developer contributions of a minimal share to traffic needs miles away from the development site.

Suggested ITE Guidelines

Proposed recommended practice by the Institute of Transportation Engineers ("Traffic Access and Impact Studies for Site Development", *ITE Journal*, August, 1988) recommends the following definition for a site impact analysis area:

"All roads, ramps and intersections thorough which peak hour site traffic composes at least 5% of the existing capacity on an intersection approach, or roadway sections on which accident potential or residential traffic character is expected to be significantly impacted." (p.18)

This represents a very aggressive policy from a public standpoint if applied to cumulative traffic analysis in the Capital District. Many intersection approaches in the Capital District have capacities of 1,000 vph or less and the suburban street network in the Capital District is very sparse. A single site may add 50 or more trips (5% of capacity) to intersections as far as three or four miles from the site. If all locations through which site traffic (from any one site) composes at least 5% of existing capacity were included in the catchment area, the catchment area could grow to several times the size of the study area. The "reasonableness" of such a large catchment area is questionable.

Using a catchment area that is significantly larger than the study area causes its own problems. Based on the formula, a developer may be asked to contribute 5% to the cost of widening a facility four miles from the site, although the primary need for the widening may be occasioned by development outside the study area -- development not currently under examination. The scope of such improvements would be very tentative until further analysis of that development were performed.

Suggested Guidelines for Capital District Application

The following guidelines are suggested for use in the Capital District in cumulative traffic assessments for purposes of applying the public/private cost sharing formulas:

The catchment area shall be defined based upon the additional traffic load generated by development in the defined study area. The catchment area shall include all roads, ramps and intersections for which the expected additional traffic load from development in the study area by itself warrants mitigation measures. The catchment area shall also include roads, ramps and intersections for which the combination of existing deficiencies, development-related traffic and additional through traffic warrants mitigation measures if the combined private share (associated with development in the study area) of the mitigation cost equals at least 25% of the total cost. The catchment area shall also include roadway sections on which accident potential or residential traffic character is expected to be significantly impacted.

APPENDIX B.
SUGGESTED TREATMENT OF
CREDITS IN CDTC'S PROCEDURES

At length, CDTC's working group explored the issue of credits for other taxes paid by property owners. The issues centered around equity and practicality. That is, if property owners will pay for traffic mitigation through other taxes, then it is fair and equitable to offer credits for such payments against any impact fee or assessment designed for the same purpose. On the other hand, if calculating such credits proves to be a difficult and imprecise exercise and identifies only negligible credits, then the exercise can be considered impractical.

Appendix A of CDTC's *Draft Procedures for Public/Private Highway Financing in the Capital District*, draft of May 18, 1989, sought to identify all possible sources for tax credit against traffic impact mitigation fees and assessments. The exercise proved to be imprecise because of the following reasons:

- 1. New York is a general revenue state. Thus, the sources of revenue used for transportation purposes are not neatly related to fuel taxes, etc.*
- 2. The proportion of state transportation funds devoted to capacity purposes in the Capital District at the present time is very small and it is difficult to estimate an expected proportion over a 15 or 20-year future (necessary to calculate tax credits).*
- 3. County and local governments devote almost no highway taxes or general revenue toward capacity work; these funds are devoted to ongoing maintenance and rehabilitation.*

These three reasons cast doubt on the practicality of calculating meaningful values for indirect credits to be applied against impact fees and assessments. A fourth reason, however, suggests that no indirect credits are appropriate in the Capital District:

- 4. Neither the state, nor the counties, nor local governments currently raise revenues to mitigate the incremental traffic impacts of identifiable land developments within a reasonable (catchment area) distance from the development, nor do any of these units of governments intend to pursue taxing structures to do so in the future.*

The precedent, practice, and policy of governmental units in New York is to apply whatever limited funding is available for capacity work to situations in which the traffic concern is not being caused by identified development. For example, Albany County's recent bond issue, raising several million dollars for capacity work to implement a portion of the Krumkill/Blessing Rd. study recommendations (Schoolhouse Rd. improvements), is not directed at mitigating traffic impacts of identified development within a reasonable

catchment area. Instead, the County's bond proceeds are directed at that portion of the cost that cannot reasonably be assessed to developers through impact fees or assessments. Similarly, any new state taxes and/or dedicated fund structures that provide additional funds for capacity work in the future will *assume the existence of some form of private cost sharing to cover the identified impacts of new development*. The only exceptions to these practices are for economic development projects such as those involved with NYSDOT's Industrial Access Program, in which identifiable impacts are accommodated with public funds.

For these reasons, it is suggested that the consideration of credits in CDTC's *Procedures* be limited to direct contributions in the form of planning and engineering services, right-of-way, or construction.

Application of credit for taxes against formula impact assessments will be reserved for consideration only in those circumstances in which both an impact fee and a special property tax district are employed simultaneously. In such circumstances, it may be appropriate to consider a partial reduction in impact assessments based on the amount of supplemental property tax to be paid for the same purpose.

APPENDIX C. DEFINITION OF LINK CAPACITY

Background

The procedures point to the use of Highway Capacity Manual (HCM) techniques for calculation of LOS D intersection capacities. This implies use of 1985 *HCM* procedures unless there is a compelling reason to use the old 1965 procedures. Readily available software may be used to consider the effects on intersection capacity of traffic volumes, vehicle composition, lane assignments, and traffic signal timing and phasing.

For highway links there is no comparable procedure. The 1985 *HCM* arterial level-of-service procedures assume that intersection capacity controls throughput of highway links; that is, mid-block capacity is a moot issue if the intersection is the main bottleneck. The *HCM* provides sensitive procedures only for uninterrupted-flow two-lane and multi-lane facilities; these procedures are not applicable to urban and suburban collectors and arterials -- both side friction from adjacent land uses and accelerating/decelerating friction to and from intersections imply that mid-block arterial capacities are significantly lower than those for uninterrupted-flow facilities.

In lieu of applicable procedures, rules-of-thumb have developed over time. NYSDOT's Project Development Bureau uses a value of 800 vph in the peak direction as the minimum value at which they would consider supporting a proposal for widening a two-lane facility to four lanes. They use 1,100 vph in the peak direction as the maximum value at which they would consider maintaining a two-lane facility at its current design. Traffic volumes between 800 and 1,100 are examined on a case-by-case basis.

Also, NYSDOT's current effort to comprehensively identify all state highway links with LOS E or worse is using a value of 9,960 AADT per lane (equivalent to approximately 1,100 vph in the peak hour, peak direction [60% of an assumed 10% peak hour share]) to identify LOS E conditions on arterials. Calculations of delay on state highway links are being performed based on hourly traffic distributions as part of this analysis. These calculations use a value of 864 vph per lane as the LOS E threshold for arterials with 60/40 green time split at the intersection; 1,008 vph per lane for those with a 70/30 green time split.

CDTC's own research with regard to two-lane urban and suburban arterials indicates that it is desirable (perceived mid-block level-of-service in the LOS C-D range) to limit two-way volumes to about 1,000 vph (one-way volumes in the range of 600 vph).

Suggested Mid-Block Capacities

Based on the values shown above, the following schedule of mid-block capacities is suggested for use to represent the maximum design capacities (mid to low LOS D) for highway segments in the Capital District:

Two-lane facilities: 800 vph in the peak direction

Two-lane facilities with a continuous median: 1,000 vph in the peak direction

Multi-lane facilities: 1,000 vph per lane in the peak direction

These capacity values should not be used to overrule other considerations in the selection of the scope of improvements. They are intended to provide consistent estimates of "reserve capacity".

APPENDIX D.

USE OF THE PROCEDURES AND FORMULAS FOR ASSESSING COSTS TO ALL DEVELOPMENT (EXISTING AS WELL AS NEW) IN A TRANSPORTATION DEVELOPMENT DISTRICT

Background

Certain situations may lend themselves to consideration of a more broadly-based assessment of traffic mitigation costs than one which includes levies only against new development. In some circumstances, it may be appropriate and desirable to seek a method of raising transportation improvement revenue from existing as well as new development. As discussed on pages 3-4, the circumstances include significant existing traffic deficiencies, acceptance by property owners of their contribution to the deficiencies and their belief that they stand to benefit from the highway improvements planned, and an understanding that the magnitude of improvements is too great to expect to raise a significant portion of the needed funds through fees against new development.

In such a situation, the choice may be made to raise a portion of the total cost of the improvements through annual assessments against all property owners in a defined district. The assessments may be based on property value or may be assessed more directly based on assumed benefit. If the intention is to associate the annual assessment to assumed benefit, then the principles and procedures described in this report can be used to identify assessments for each parcel or group of parcels in the district.

Modification and Application of Formulas

In order to use the procedures in this way, one would carry out the calculations of the formulas with the following changes from the practices described in Part Two of the report and shown in the Example:

1. Include all development trips (both existing and new) expected over the planning period in the place of "additional development trips" in the formulas and include all through trips in the place of "new non-development trips". (In other words, use the formulas as one would if all the development and all the through trips were expected to occur in the future.)
2. Use final reserve capacity in the place of "additional reserve capacity" in the equations.
3. Spread the "private share" calculated by the formulas over time for the existing development. (The share associated with new development could be spread over time or collected up-front)

as a mitigation fee.) The share should be spread in such a way as to amortize the public debt necessary to fund the project.

To demonstrate this approach, assume a single highway link which must be widened from two lanes to four to alleviate current congestion and accommodate additional development and growth in through traffic. Assume that the shares of trips forecast to use the facility in the peak direction in the peak period are:

Existing Development:	700 trips
Existing Through Traffic:	400 trips
Additional Development:	200 trips
Additional Through Traffic:	300 trips

Using values of 800 for existing capacity and 2,000 for the total final capacity, the "final reserved capacity" is (2,000 - 1,600), or 400.

Thus the shares can be calculated as follows, using modified formulas:

$$\begin{aligned} \text{Private Share} &= \text{Cost} \times \frac{\text{Development Trips}}{(\text{Total Trips} + \text{Final Reserve Cap.})} \\ \text{Public Share} &= \text{Cost} \times \frac{(\text{Total Through Trips} + \text{Final Res. Cap.})}{(\text{Total Trips} + \text{Final Reserve. Cap.})} \end{aligned}$$

With the values given above, the private share would thus be: $(700 + 200) / ((700 + 200) + (400 + 300 + 400)) = 45\%$. The public share would be: $(400 + 300 + 400) / ((700 + 200) + (400 + 300 + 400)) = 55\%$.

Since Total Trips + Final Reserve Capacity = Final Capacity, the modified equations can be simplified to read:

$$\begin{aligned} \text{Private Share} &= \text{Cost} \times \frac{\text{Development Trips}}{\text{Final Capacity}} \\ \text{Public Share} &= \text{Cost} \times \frac{(\text{Final Capacity} - \text{Development Trips})}{\text{Final Capacity}} \end{aligned}$$

In the example, if the cost of the improvement were estimated set at \$2,000,000, then the shares would be \$900,000 private and \$1,100,000 public. The private share would also represent \$1,000 per trip in the peak direction, peak hour ($\$900,000 / 900$ trips). If the private share were to be recovered through annual assessments to pay off a 15-year bond at 7%, for example, annual payments of \$105,120 (\$117 per trip) would be required to cover the \$900,000 private share.

Existing development in the defined district could then be assessed \$117 annually for each trip it contributes to the traffic on the highway segment in question. New development could be assessed a single mitigation fee equal to the parcel's entire share (\$1,000 per trip) or could be enlisted in the annual assessment process. As in the case of impact fees alone, the public sector is forced to pick up the private share attributable to future development at the time of the highway improvement, and to seek recovery through charges as the development occurs.

CDTC is the designated "Metropolitan Planning Organization" (MPO) for Albany, Rensselaer, Saratoga and Schenectady counties. Under federal law, CDTC is the forum for cooperative decision-making about transportation, dealing with a wide range of highway and transit concerns and their influence on regional economic vitality, environmental health and quality of life. CDTC is responsible, together with NYSDOT and CDTA, for a long-range regional transportation plan meeting social, environmental, economic and travel needs of the area. It is also responsible for a "transportation improvement program" which assigns federal transportation funds to specific projects. The federal government will not entertain projects in the Capital District unless they are consistent with the plan and have been assigned funds through CDTC.

For more information please contact:

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APPENDIX 4

EXHIBIT C

**Connected Pages of
Final Technical Memorandum
Boght Road GEIS – Route 9 Update
(Pages Revised September 25, 2012)**

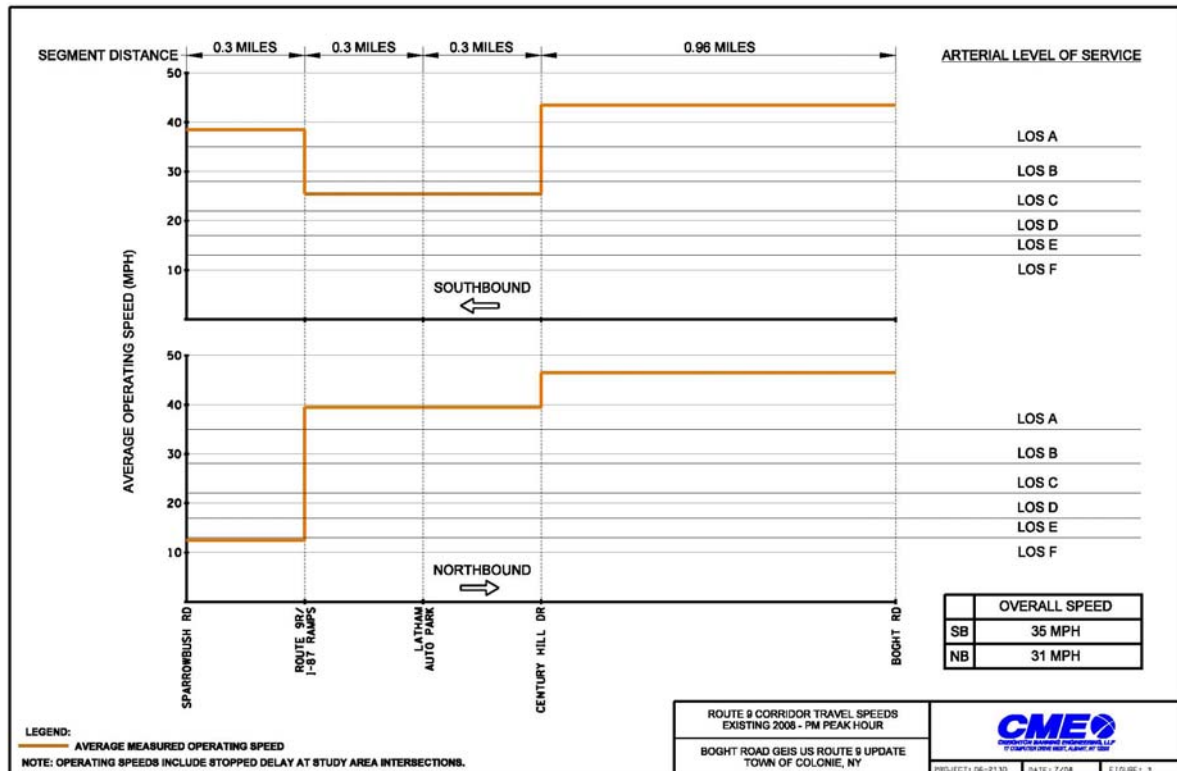


Figure 3 – Route 9 Overall Operating Speeds

This analysis shows that traffic generally moves well in the southbound direction with an overall operating speed of 35 mph and all segments operating at an arterial level of service (LOS) of C or better (*2000 Highway Capacity Manual*). In the northbound direction, traffic moves well between the intersections of Route 9R/I-87 Access and Boght Road at an arterial LOS A. However, between Sparrowbush Road and Route 9R/I-87 Access, northbound traffic moves much slower and experiences longer delays (arterial LOS F). Overall, the operating speed of northbound traffic was measured to be 31 mph while the total average travel time is approximately 3 minutes and 35 seconds.

Land Use Evaluation and Traffic Forecasts

a. Land Use Revisions

Meetings were held with the Town on May 6, 2008 and January 7, 2010 and with the Boght Road Technical Committee on January 26, 2010 and January 28, 2011 to document and confirm the latest land use information in the *2005 Study* area. Table 1 and Figure 4 provide a summary of the current anticipated development in the Town as compared to the *2005 Study*.

Table 7 – Measures of Effectiveness on Route 9

Measure of Effectiveness	PM Peak Hour						
	2010 Existing	2015			2020		
		Null	Alt. 1	Alt. 2	Null	Alt. 1	Alt. 2
Total Delay (Hours)	38	91	54	48	121	78	61
Travel Time (Seconds)	222	282	231	217	304	272	227
Performance Index	47.7	110.6	69.7	65.0	142.1	100.5	80.2
CO Emissions (kg)	17.5	24.4	21.6	21.4	27.6	25.7	23.7
Fuel Consumed (gal)	250	349	309	306	395	367	339
Overall Speed (mph)							
NB	32	25	30	32	23	26	31
SB	32	26	30	29	24	28	27

Overall, Table 6 shows that the MOEs along Route 9 will degrade through 2015 and 2020 conditions with and without improvements. However, the Alternative 2 condition with the connector road for the Short-Term and Long-Term design years result in less diminishing impacts.

Figure 14 shows the average operating speeds along Route 9 under 2010 and 2020 conditions. The average *measured* operating speed represents Existing 2010 conditions obtained from the Speed & Delay Study (also shown on Figure 3), while the average *calculated* speeds for 2010 and 2020 conditions are results from the *Synchro* 6 Software. Overall, the 2010 measured and calculated speeds on Route 9 are comparable in the northbound and southbound directions indicating that the model reasonably replicates existing conditions. For example, the average northbound travel time measured from the Speed & Delay Study was 3 minutes and 35 seconds while the average northbound travel time generated by the Synchro model was 3 minutes and 42 seconds. These existing speeds correspond to an existing arterial level of service of C or better in the northbound and southbound directions from the Route 9R/I-87 Access intersection to Boght Road. However, the segment of Route 9 from Sparrowbush Road to Route 9R/I-87 Access (northbound) operates at a LOS F under existing conditions.

Overall with the additional Long-Term development and without roadway improvements, average travel speeds along Route 9 will be reduced by approximately eight (8) to nine (9) miles per hour with the average calculated travel time in the northbound direction increasing to 5 minutes and 4 seconds. With the recommended improvements for Alternative 1, speed reductions will be less (ranging from four to six miles per hour depending on the direction) and will result in average calculated travel times of 4 minutes and 31 seconds in the northbound direction. With the recommended improvements for Alternative 2 (preferred alternative), speed reductions will be even less (ranging from one to five miles per hour depending on the direction) and will result in average calculated travel times of 3 minutes and 47 seconds in the northbound direction. The benefit of the improved traffic operations at the Route 9/Route 9R

Latham Auto Park Drive and Century Hill Drive and should be constructed as part of the next development project in the area. Additional connections have been identified that will benefit overall circulation and traffic operations in the corridor as growth occurs. These connections should be completed with development of specific sites in the future. Several letters are included as Attachment K that show support by landowners for the traffic signal on Route 9 at the Latham Auto Park Drive/Old Loudon Road intersection and interconnections between parcels to access the new signal.

Short-Term and Long-Term transit related improvements were also identified which include providing crosswalks and safe waiting areas and/or bus shelters along existing and new transit routes. In addition, pedestrian accommodations should also be provided along study area roadways to ensure that adequate access and connectivity is available to existing and future land uses from the proposed bus stops. These improvements are shown graphically on the large scale map attached to this memo.

The overall cost of the improvements in the area is estimated at \$14.554M. The methodology for determining a fair share contribution from public agencies and private developments was developed to assign the cost of highway improvements to those who use the roadway capacity. Based on this assessment, the public/private split was determined to be \$3.979M/\$10.575M. The resulting private share is incorporated into the Boght mitigation formula.