

PLANNING BOARD  
TOWN OF COLONIE

COUNTY OF ALBANY

\*\*\*\*\*  
THE PROPOSED PROJECT OF 14 PLAZA DRIVE  
SKETCH PLAN REVIEW  
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THE TAPED AND TRANSCRIBED MINUTES of the above  
entitled proceeding BY NANCY STRANG-VANDEBOGART  
commencing on February 9, 2010 at 9:04 p.m. at the  
Public Operations Center 347 Old Niskayuna Road,  
Latham, New York 12110

BOARD MEMBERS:

CHARLES J. O'ROURKE, Chairman  
TOM NARDACCI  
MICHAEL SULLIVAN  
PAUL ROSANO  
PETER GANNON  
ELENA VAIDA  
TIM LANE

PETER STUTO, Jr. Esq., Attorney for the Planning  
Board

Also present:

Joseph LaCivita, Director, Planning and Economic  
Development

Chris Bette, First Columbia, LLC

Kevin Bette, First Columbia, LLC

1                   CHAIRMAN O'ROURKE: Next on the agenda is  
2 the sketch plan review for Plaza Drive.

3                   Gentlemen, take it away.

4                   MR. KEVIN BETTE: Good evening,  
5 Mr. Chairman and members of the board and  
6 members of the town.

7                   We want to present a revised plan for the  
8 next phase of Century Hill Plaza that we've  
9 been working on.

10                  Right here (Indicating) is 14 Plaza Drive  
11 and thanks to all the efforts, the tenants  
12 will be moving into that building at the end  
13 of the month. We're very excited about that  
14 because it's a corporate headquarters and it's  
15 an R and D center. Most of the jobs are  
16 high-paying, very sophisticated type jobs. It  
17 really is a dynamic company. They have really  
18 grown. We're happy about that.

19                  We're here again because there is more  
20 interest in commercial space in the  
21 marketplace. We're 99% occupied right now in  
22 the existing space that we have. We have  
23 proposals out for two more buildings.

24                  The 16 Plaza Drive and the one in between  
25 Angio Dynamics and the School Board

1 Association is a 180,000 square foot  
2 structure. We sent a proposal out to a firm  
3 earlier this month. I don't know if we're  
4 going to get that or not. One of their main  
5 questions is: When can we get the building  
6 done?

7 Just this morning my lease agent told me  
8 that we had another request for 75,000 square  
9 feet. So there is still some demand in the  
10 market place. We don't have them all, but I  
11 just wanted to relay that we do have some  
12 urgency to try to respond to the market place.

13 In addition, our master plan had a large  
14 building on the east side of Plaza Drive. Here  
15 we thought that we would do a larger five  
16 story structure and we had to conceptually put  
17 in 150,000 square feet. We were just contacted  
18 by a firm that's looking for 140,000 square  
19 feet. We were going to submit this site as  
20 part of that proposal.

21 In the expansion plan here, we had a  
22 concept approval a few years ago. We changed  
23 it a little bit because one of the things that  
24 we recognized is that when we have an office  
25 park, we have a lot of left over parking

1           because the parking code is written for  
2           individual facilities.

3                       When we design parking garages, we also  
4           take a 20% factor that was overselling the  
5           garage because not everyone is there every day  
6           at the same time. That's a typical industry  
7           standard. We kind of have that same situation  
8           when we develop a park. We did that survey  
9           that we attached to our application on the  
10          days that we've counted spaces. We have over  
11          one-third of our parking spaces empty. I think  
12          that's what happens. Also, because we're going  
13          after Fortune 100 type firms and not  
14          necessarily call centers or some of the  
15          high density type of uses that are out there.

16                      Our highest density parking user right  
17          now is the Blue Shield building and that fills  
18          up more on the data processing side. Most of  
19          our facilities have a lot less parking  
20          requirements than is required by the code.

21                      We started out with Angio and we came  
22          back in during September and we asked to bank  
23          some of the parking spaces because a lot of  
24          their spaces in the building are very low  
25          density use of space. It was very important to

1           them.

2                       What we have proposed here is to take a  
3           20% reduction in the overall parking count.  
4           Right now we think that we are over one-third  
5           oversold and rather than building all of that  
6           impervious area and draining all of that  
7           stormwater and having the heat effect and all  
8           the rest of the situations, we wanted to take  
9           advantage of that and try to share our parking  
10          with easements. Because they're all next to  
11          each other, it's very easy.

12                      For instance we have our annual barbeque  
13          in the summertime and we would just allocate  
14          some of the parking with the tenants in the  
15          park so we could feasibly do that if there was  
16          a bigger need for parking. This enables us to  
17          accommodate different size buildings which we  
18          think is important in our park.

19                      The 13 Plaza Drive Building which is here  
20          (Indicating) is along Auto Park Road -- what  
21          we wanted to do there is build a two-story  
22          office and retail structure. So the bottom  
23          core would be retail services mostly for the  
24          tenants in the park so they wouldn't have to  
25          get out onto Route 9 for lunch and for daily

1 needs of tenants. So we try to put in Dunkin  
2 Donuts so that I can get my coffee and dry  
3 cleaner and some of the deli type shops.

4 We want to build a walking trail around  
5 the entire parcel and encourage the employees  
6 to stay within the park as much as possible.

7 Our previous application had a hotel on  
8 the site in that spot. The market for that  
9 right now isn't very good and since we applied  
10 for that, the new hotel was built - the  
11 Holiday Inn Express. We also have the Century  
12 House and the Hampton Inn, so we felt that the  
13 market was being served pretty well with the  
14 motel. So those are the major changes from the  
15 last time from the plan that we had approved.

16 I'll open it up for any questions that  
17 you may have.

18 CHAIRMAN O'ROURKE: I'm very familiar  
19 with that area. My wife worked in one of the  
20 buildings down there and there certainly  
21 always was a lot of parking. I tend to agree  
22 that parking in certain cases needs to be  
23 addressed. Again, whether the number is 20% or  
24 not, I don't know what the number is. But I  
25 think that it makes sense to look at. Again,

1           it helps with SWPPP certainly and it helps  
2           with keeping the area greener. I think that  
3           the better office parks that one sees around  
4           the country have a lot of greenspace and have  
5           the walking trails.

6                     In my opinion, I might caution on some of  
7           the retail. I'd have to think further. I was  
8           thinking maybe a restaurant in the way that  
9           you said retail for the park. There are  
10          terrible restaurants around there.

11                    MR. KEVIN BETTE: The diner is the best  
12          place to go.

13                    CHAIRMAN O'ROURKE: No, we're excited  
14          about Anjio Dynamics. That building looks  
15          great. In regard to that, when is the road  
16          going to be done?

17                    MR. KEVIN BETTE: That's one of the  
18          questions. Kind of the reason that we have  
19          been held up is what's going on with the  
20          neighbors and whether it is a town road or a  
21          private road. We wanted some direction on  
22          that.

23                    When we were planning this out the last  
24          time, it was told to us by Planning to make it  
25          a town road and the town was going to pay for

1           it. We haven't found anyone within the town  
2           that has any means to pay for it. The town  
3           doesn't want to pay for it as a town road.  
4           We'd just rather build it as a private road.  
5           We didn't know where that all stood. I don't  
6           know if that's tied up with our neighbors or  
7           whatever the problem is. What we're trying to  
8           do is build an office park, not necessarily  
9           have a town road going through the middle of  
10          our office buildings. We'd rather have you  
11          come into the park and have all the  
12          landscaping done properly. Like I said, we  
13          haven't gotten any direction from the town on  
14          what they want.

15                 CHAIRMAN O'ROURKE: Whether they build it  
16          to town standards or private standards, what's  
17          the difference?

18                 MR. KEVIN BETTE: Well, as you know the  
19          town standards -- it's a very wide road -

20                 CHAIRMAN O'ROURKE: That's 32 feet.

21                 MR. KEVIN BETTE: That 32 feet will  
22          encourage people to go faster which we don't  
23          really want. We'd rather build it narrower.

24                 CHAIRMAN O'ROURKE: Century Hill is not  
25          32 feet wide?



1                   MR. KEVIN BETTE: It's pretty wide. It's  
2 probably wider than that.

3                   MR. CHRIS BETTE: It's 36 probably.

4                   MR. KEVIN BETTE: Four cars can go by  
5 each other because people are stopping at  
6 their mailbox all the time and people are  
7 passing by them.

8                   MR. CHRIS BETTE: And it gets wider.

9                   MR. KEVIN BETTE: So we didn't know what  
10 the town wanted as far as a road and if it's  
11 included in the impact fees. I guess all that  
12 stuff is up in the air. I don't know what the  
13 Planning Board wants and that's what we wanted  
14 to ask you.

15                  CHAIRMAN O'ROURKE: When you guys had the  
16 perspective with Anjio you knew that there had  
17 to be frontage. I don't care at this point if  
18 we call it a town road or a private road. Just  
19 get the road done.

20                  MR. KEVIN BETTE: It would have been  
21 built. We didn't get our stormwater comments  
22 until Christmas Eve and I couldn't build the  
23 road until I built the stormwater.

24                  CHAIRMAN O'ROURKE: No, I see that you're  
25 working on it now. I was down there.

1           MR. KEVIN BETTE: Our guys are ready to  
2 get at it again. We figured in March that we'd  
3 get back out there. I didn't want to build it  
4 when you had a freeze and thaw because I  
5 didn't want the road to disintegrate.

6           CHAIRMAN O'ROURKE: Trust me, we don't  
7 want to own that road, if you build it.

8           MR. KEVIN BETTE: We will do it right and  
9 it will be built. It's just whether you wanted  
10 it as a town road and if there is  
11 reimbursement in there to do that in the whole  
12 GEIS. We don't know. That's why we're looking  
13 for direction.

14           CHAIRMAN O'ROURKE: Again, I wasn't privy  
15 or part of those meetings with the person you  
16 had the meetings with. I was present here when  
17 we said build the road to town standards,  
18 which you agreed.

19           MR. KEVIN BETTE: Right. We agreed at  
20 that point because we were under the  
21 impression from the Department of Public Works  
22 that it was incorporated in and was going to  
23 be paid for. We went to meet with him after  
24 the meeting and they said, well, we can't  
25 reimburse until the GEIS is passed.

1                   CHAIRMAN O'ROURKE:   When was the last  
2                   date, June?

3                   MR. LACIVITA:    The last date for what?

4                   CHAIRMAN O'ROURKE:   The last date that we  
5                   heard from Joe Grasso. It was sometime in  
6                   June, possibly?

7                   MR. LACIVITA:    I think that it was  
8                   probably November or December.

9                   CHAIRMAN O'ROURKE:   No, I mean recently.

10                  MR. STUTO:       We projected perhaps June.

11                  CHAIRMAN O'ROURKE:   Right, to reach  
12                  final. I know that leaves you guys out but I  
13                  mean if you're developing an office park and  
14                  you want to move forward to Phase II, we got  
15                  to build a road.

16                  MR. KEVIN BETTE:   Right, so how should I  
17                  build it?

18                  CHAIRMAN O'ROURKE:   You're a smart guy.

19                  MR. KEVIN BETTE:   We'd rather build a  
20                  private road. If there's not going to be any  
21                  reason for it -

22                  CHAIRMAN O'ROURKE:   Where are you going  
23                  to get your frontage?

24                  MR. KEVIN BETTE:   What we would like to  
25                  do is treat the park as an entity as a park

1 and not have individual frontage on buildings.  
2 That's the way that you see office parks  
3 developed in other parts of the country is  
4 that the landlord owns all of the internal  
5 circulation and the frontage on the main  
6 highway -

7 CHAIRMAN O'ROURKE: Well, Kevin, I don't  
8 think that anybody is against something like  
9 that, but Anjio is about ready to move in and  
10 you come in with a sketch plan for  
11 Phase II -- you know what I mean?

12 MR. KEVIN BETTE: So we're going to the  
13 Zoning Board to ask for an open space  
14 variance. That's why I wanted to come into the  
15 Planning Board also because we wanted to see  
16 if you were on board. We'd like to plan the  
17 next phase as a corporate office park and not  
18 as it was directed before with a town road  
19 through the middle of some office buildings.  
20 So that's the big change that we wanted to  
21 propose here was to keep it as an office park  
22 but waive the requirement for individual  
23 buildings and have it treated as an office  
24 park.

25 The road doesn't serve anybody but our

1 own tenants. It doesn't serve the public. It's  
2 secondary access to our neighbors but it's not  
3 really meant to drive traffic through from the  
4 neighbors. It's emergency connectivity.

5 CHAIRMAN O'ROURKE: Trust me, we'd rather  
6 not have to plow it.

7 MR. KEVIN BETTE: Right, so I said what  
8 difference is that and Riverhill where Chris  
9 Connors came in and I had to give him an  
10 easement to get to my driveway because the  
11 driveway is on a town road and I said this is  
12 a longer connection but it's the same  
13 principal. I fully support connectivity of  
14 neighboring parcels because it makes traffic  
15 flow better and giving people reciprocal  
16 easements -- but I don't think that it has to  
17 be a town road and town dollars spent to do  
18 that. We'd like to take mitigation dollars  
19 that have already been invested from this  
20 project and others and do some of the other  
21 improvements on the Route 9 corridor and some  
22 of the other traffic improvements that  
23 everybody has been talking about.

24 CHAIRMAN O'ROURKE: I'd be 100% behind  
25 looking at something like that. I know that we

1 met on one occasion with Joe and we talked  
2 about the roundabout.

3 MR. KEVIN BETTE: Right and the DOT spec  
4 change because it was a town road -

5 CHAIRMAN O'ROURKE: No, but you see those  
6 in different office parks in the country.

7 MR. KEVIN BETTE: We'd like to do that  
8 because especially when you have a long  
9 straightaway and it's ultimately flat, you  
10 encourage people to go pretty quick and I  
11 think that putting in that feature plus do  
12 some architectural -

13 CHAIRMAN O'ROURKE: Now, where are you  
14 going to do the walkways?

15 MR. KEVIN BETTE: We're actually studying  
16 that now. First we have to kind of get a  
17 concept for where the buildings are going to  
18 go. What we'd like to do is have a combination  
19 of sidewalk areas maybe along the road, but  
20 also some through the terrain here. We'd look  
21 to do a type of cylinder-type of walkway. Not  
22 in the wintertime but just give people a  
23 different routine. What we're trying to do is  
24 create a couple of different walks of  
25 different lengths. We drew a little map for

1           it.

2                     Right now Marge is our receptionist.  
3           Everyone knows Marge if you call our office.  
4           Every morning she goes out walking. She walks  
5           up Century Hill and she runs across Route 9,  
6           dodging cars.

7                     We want to try to make it safe for people  
8           to walk within the park. A lot of people that  
9           are looking - they want terrain. So, we have  
10          that in and out of some of where our detention  
11          areas are. Not that we'd go through the  
12          stormwater area but around some of that area  
13          and then coming up behind the parcel. We'd  
14          like to connect to the neighboring parcels and  
15          incorporating that too so that you wouldn't  
16          have to cross Route 9. You could walk and our  
17          goal is to take it down to the tennis club or  
18          fitness areas for employees to get back and  
19          forth with some kind of walking trail.

20                    CHAIRMAN O'ROURKE:   Okay, well then the  
21          retail aspect - if you're going to do  
22          everything private -- are you going to be in  
23          the coffee business too, Kevin?

24                    MR. KEVIN BETTE:   When I look at  
25          Corporate Woods, it's a great office park and

1           they did a great job but there's nothing  
2           there. They inserted daycare at the last  
3           minute because Nancy had a kid.

4                   CHAIRMAN O'ROURKE: No, you're right.

5                   MR. KEVIN BETTE: We're trying to plan  
6           for the needs of our users. You can't support  
7           a business off of just office users; you need  
8           to have some commercial viability too. Whether  
9           or not the south side of Autopark is developed  
10          or not, we still think that there is a demand  
11          enough so that we could put in some small  
12          shops. If we didn't fill in the retail  
13          section, we'd use it for office space. The  
14          intent for that building, also, is smaller  
15          footprint space for professionals, attorneys  
16          and accountant positions. There is also a need  
17          for tenants in the park to access those types  
18          of services and right now, again, we're not  
19          trying to make the same mistakes but if we  
20          bury the size of our footprints then the types  
21          of tenants will have more synergy within our  
22          tenants. Right now we can't accommodate a lot  
23          of the smaller users because our footplates  
24          are too big. We want it to be a perfect  
25          application for that so that we can target



1           some companies that have a smaller office  
2           environment and that would blend. You can see  
3           what we're trying to do. We have different  
4           size facilities for different size customers  
5           rather than trying to make all the buildings  
6           the same.

7                     This is a rendering of the 14 Plaza  
8           Building - just a concept (Indicating). We  
9           want to stick with the three materials that we  
10          have which is brick, aluminum panels and  
11          glass. That's just the concept. Then for the  
12          larger building, multi-story - more glass, and  
13          brick; a high-tech type of look.

14                    This is the Angio building nearing  
15          completion here. They wanted the all high-tech  
16          aluminum. We didn't want all the buildings to  
17          look the same. We want to try to vary the look  
18          but be consistent with the types of materials  
19          that were incorporated throughout the product  
20          pool with those three basic materials.

21                    CHAIRMAN O'ROURKE: So are you keeping  
22          Phase II as all of Phase II? How are you  
23          looking to present this?

24                    MR. KEVIN BETTE: We talked about coming  
25          back into the next building. I have a proposal

1 out on this building and this one is the  
2 biggest and we just did it. We'll show you  
3 everything. I don't know how you want us to  
4 handle it. We can come back in with a specific  
5 tenant and work through individual buildings  
6 but things are kind of tied together.

7 CHAIRMAN O'ROURKE: I think that we as a  
8 board -- and I won't speak for the entire  
9 board but I think that we want to see the  
10 entirety of the picture so that we have an  
11 idea of how we're moving; and then  
12 individually.

13 I think that we worked pretty quick with  
14 Anjio. I don't know how you felt but in terms  
15 of what I saw my first year here, that was  
16 like top record speed to get somebody in. I  
17 think that we have shown you the good will and  
18 that we will do that for development that  
19 makes sense; not only for the residents of the  
20 town but for the future of the town. I think  
21 that we as a board have made that commitment  
22 to not only you but to any developer that  
23 wants to develop smartly and for the future. I  
24 think that I would like to see the entirety of  
25 the plan because it may change too. You may

1           need this building done right now. You've got  
2           a tenant and then this one needs to change or  
3           your footprint. So, if we have a general idea,  
4           I think that it keeps everybody aware of  
5           what's going on with what you're looking to  
6           do.

7                       MR. KEVIN BETTE: We agree. This board  
8           has been terrific. I have to admit. When we  
9           came in with Anjio, it was a very quick  
10          process. The tenant is very happy and everyone  
11          is very happy. Before we would not only come  
12          up with concept but we would have to get final  
13          approval.

14                      We don't know exactly how big this  
15          building could be because we have to build it  
16          for our customer. So, I would like to get  
17          concept approval with a concept with the  
18          overall density and the overall parking  
19          requirements and then come back in for final  
20          on an individual basis when we know what we  
21          have. Maybe it's 62,000 feet that the town  
22          wants and then okay, maybe this building  
23          changes a little bit. We'd like to get all of  
24          the engineering out of the way for stormwater  
25          and for traffic, water and for sewer with the

1           concept plan. Then we can come in with the  
2           individual buildings; if you can work that  
3           way. Some attorneys say that you can or you  
4           can't. I think that you can because it's  
5           almost impossible to predict exactly what a  
6           building is going to need to be. There may be  
7           a geometry difference.

8                   CHAIRMAN O'ROURKE: What we're going to  
9           do is Peter is going to look into the  
10          legality. He doesn't think that there is a  
11          problem. When you have a project coming  
12          through and we issue concept for the entirety  
13          of it until it's final, it's concept, it's  
14          conceptual.

15                 MR. LACIVITA: The only question that I  
16          have -- and I think that you guys have been  
17          doing this is the stormwater pond. When you  
18          relocated it up here (Indicating), I think  
19          that you took into account all the remaining  
20          buildings. Correct me if I'm wrong on that.

21                 MR. KEVIN BETTE: Yes.

22                 MR. LACIVITA: Okay, so if we're doing  
23          that concept and we're looking at the  
24          stormwater and everything, we'd just be  
25          looking at the buildings themselves. It would

1 be based on the end use. I think that is a  
2 smart idea.

3 MR. KEVIN BETTE: Call it what you want,  
4 but they gave us an approval for 2.5 million  
5 square feet - that's what we did by the  
6 airport. We'd take a section of property and  
7 come in with a final site plan. The overall  
8 stormwater, traffic, water and sewer - we know  
9 how to handle all of that stuff.

10 CHAIRMAN O'ROURKE: I think that one  
11 thing that I would want to make sure is that  
12 in this town in the past people get things  
13 approved and then they sell them. They sell  
14 sites and that would be one detrimental thing  
15 that I would look at. God forbid something  
16 happened to you, Kevin. But if Mark decided  
17 that he wanted to get out of development and  
18 I'm going to sell it, I think that I would  
19 have a problem with it.

20 MR. KEVIN BETTE: That's one of the  
21 reasons that we wanted to propose the park  
22 this way. All of the land is owned by a common  
23 entity. It's our family that owns all the  
24 property here. Even the School Boards  
25 Association - they own their building but we

1 own the dirt. We plan on continuing to own  
2 that as one entity and doing individual ground  
3 leases. Even if the building went into  
4 foreclosure, the bank couldn't take the land  
5 over. It's one entity. That's the way that we  
6 wanted to propose it to be this way to be an  
7 office park and to take the reductions in  
8 parking. It would be a problem if we sold off  
9 a building and then somebody is short on  
10 parking and the neighborhood is a barrier. So,  
11 that won't happen with cross easements for all  
12 the parking and we'll be on the common  
13 property.

14 MR. LACIVITA: There's no longer a  
15 subdivision on this, right? We got rid of  
16 that?

17 MR. KEVIN BETTE: That's right. All of  
18 the technical stuff that comes along with all  
19 that stuff - it just makes it very simple.

20 CHAIRMAN O'ROURKE: Peter, do you have  
21 any further questions?

22 MR. GANNON: It sounds good to me. Anjio  
23 looks great.

24 CHAIRMAN O'ROURKE: When are you lighting  
25 it up?

1                   MR. KEVIN BETTE: Well, the sign is up.  
2                   We're putting LED lights on now. The lighting  
3                   engineers from RPI want to look at this  
4                   building before they finalize it. It's going  
5                   to look sharp.

6                   CHAIRMAN O'ROURKE: Mike?

7                   MR. SULLIVAN: I did have a few  
8                   questions. One of them is parking the other is  
9                   on traffic. First of all the parking - do you  
10                  know how many spaces your providing with this  
11                  proposed layout?

12                 MR. KEVIN BETTE: About a 20% reduction -

13                 MR. CHRIS BETTE: I think that it's  
14                 around 1,100 spots.

15                 MR. SULLIVAN: I went through a number  
16                 and I just used the 425,000 and I divided that  
17                 by 2.5 for a town standard and I got 1,889  
18                 spaces. You'll only be providing 1,491.  
19                 There's a 400 space difference. I know that  
20                 you're saying that you'd have to put in the  
21                 easements and you'll take the share of the  
22                 parking, but in one particular use is the  
23                 maximum number and taking one per 225 square  
24                 feet. I'm concerned about problems in the  
25                 future.

1           Also, I would prefer to see it handled  
2           the way you did with Anjio Dynamics where you  
3           provided enough space to handle the town  
4           standard for the required number of parking  
5           spaces. If the particular tenant doesn't need  
6           that space, you bank them and you made it into  
7           additional greenspace. I would prefer to see  
8           it handled that way such that in the future if  
9           you need to and you have a new tenant and they  
10          require more spaces, you can supply those  
11          spaces and still keep the 35% greenspace.  
12          Whereas now if we take away those 400 parking  
13          spaces and you're basically maximizing the  
14          footprint of your buildings, you're right at  
15          the 35% greenspace such that in the future if  
16          you needed more parking spaces, yes, you have  
17          some banked with Anjio but would you then be  
18          below the 35% greenspace if you had to go back  
19          then and put in more parking.

20                 CHAIRMAN O'ROURKE: Aren't you going to  
21                 be way over 35%?

22                 MR. KEVIN BETTE: We thought about that  
23                 and the reason that we didn't want to set  
24                 aside additional is because on the original  
25                 phase we have over 300 or 400 parking spaces



1           that are empty right now. So when we take a  
2           look at the overall park, we're higher than  
3           the 285. We think that we're very comfortable  
4           as far as overall parking goes.

5           The comment about banking - we're trying  
6           to get away from that and do cross easements  
7           and have it on one parcel so that there isn't  
8           my spaces versus your spaces and take a look  
9           at it as a park. If I built one giant building  
10          and surrounded it with parking, that's the way  
11          it would be. We just broke it into  
12          multi-tenanted buildings.

13          MR. SULLIVAN: I know that you said that  
14          you did a study with your buildings at Century  
15          Hill and you did it over four days and there  
16          are 30% vacant spots. I work in an office  
17          building as well. I work at 50 Wolf Road and  
18          you do not have enough parking, especially if  
19          there is any snow storms. If they don't truck  
20          away the snow, there is not ample parking. I'm  
21          not saying that that's the case in your  
22          situation but it could happen and I think that  
23          there are town standards for a reason and we  
24          should adhere to them.

25          MR. KEVIN BETTE: I believe that 50 is a

1 much less parking standard than it is now.  
2 They kept on increasing the ratio and from an  
3 engineering standpoint, the problem that I  
4 have is that I'm trying to encourage less  
5 parking and we're trying to encourage public  
6 transportation in the future and all those  
7 kinds of things. The days of just building  
8 more and more parking is the old mentality.  
9 We're trying to take a look at this regionally.  
10 There is only a few spots economically that  
11 you can build this type of product. If we set  
12 aside more green space, you're just pushing  
13 the products further out down Route 9 or  
14 wherever it's trying to go or into a different  
15 community. We think that in this node of the  
16 Northway, you have an opportunity to attract  
17 those types of customers or at least try to  
18 maximize that from a regional standpoint.

19 MR. SULLIVAN: That leads me to a  
20 different question.

21 As you know, Wal-Mart will be your  
22 neighbor. We're concerned about the traffic  
23 there. This will also pad the traffic  
24 especially at the a.m. and p.m. hours. I'd  
25 like to see a distribution of traffic.

1           It's my understanding that you would have  
2           the cross connection so that people could go  
3           out Century Hill if needed; especially if  
4           Wal-Mart doesn't go through or is delayed and  
5           this is still before that. People will want to  
6           get to the signal at Century Hill.

7           I would like to see a distribution of  
8           traffic for a.m. and p.m. and if there is a  
9           signal at Latham Auto Park Drive and if there  
10          isn't because that's not a definite. I'd like  
11          to see how that would work. Assuming that may  
12          happen, that's another reason I think for  
13          building Plaza Drive to the town standard  
14          because it may actually see considerable  
15          traffic.

16          MR. KEVIN BETTE: Well, the traffic that  
17          you'll probably see is the tenants of the  
18          park.

19          MR. SULLIVAN: Right, but that could be  
20          fairly significant if you have 425,000 square  
21          feet of office space.

22          MR. KEVIN BETTE: Right but it's no  
23          different if you're coming out of the driveway  
24          in the park. The town connectivity isn't  
25          necessarily for Wal-Mart. It's for the office

1 users at peak hours to leave.

2 I'll talk about traffic a little bit.

3 First of all our traffic is opposite the peak  
4 hours. So, in the morning rush hour, he's  
5 heading south on Route 9 or south on the  
6 Northway. Our folks are coming north.

7 Then we have the left hand turn to get  
8 into the park. The signal at Century Hill  
9 Drive has been working fine. That's always  
10 been the concern that wouldn't be able to  
11 handle left turn volumes anymore. It's working  
12 out very well. You're going to need a signal  
13 at Autopark eventually and the coordination of  
14 those signals is going to be important. At the  
15 last meeting I was at, some of the concerns  
16 were the adjacent landowners. Putting in duel  
17 signals in there, if they're coordinated,  
18 doesn't impact traffic at all because it just  
19 provides gaps. The gaps will allow the other  
20 users of Route 9 to enter into the traffic  
21 flow.

22 I know that you hear a lot about the  
23 traffic but I used to be a traffic engineer  
24 and I've done a lot of work there and living  
25 up at Century Hill, I really understand the

1 problem. Traffic flow is kind of like fluid  
2 through a pipe. You can fit so much fluid  
3 through a pipe until the pipe overflows.

4 MR. SULLIVAN: I'm an engineer as well. I  
5 understand but I disagree with you. You are a  
6 developer. I would think that you would say  
7 that traffic is not a problem but I believe  
8 that it is. We're doing studies on Route 9 -

9 MR. KEVIN BETTE: Let me finish my point  
10 here. The studies that everybody is doing on  
11 Route 9 are studying the peak hour. Our peak  
12 hour is distorted.

13 The traffic is like water through a pipe  
14 and a signal is like a sink. When you put the  
15 stopper down the water fills up and then the  
16 light turns green and the water goes down.  
17 There are two periods of a day that a fire  
18 hose from Saratoga County comes and fills up  
19 the sink.

20 We have a tremendous amount of commuter  
21 traffic that hits us at the peak hour. You  
22 can't solve all of that problem. There are  
23 five lanes of traffic across the Mohawk River.  
24 There are thousands of vehicles a day that  
25 come across those five lanes. That's the

1 problem with the traffic in this area.

2 When I sit on Route 9, I can count the  
3 cars that go by any time other than peak hour.  
4 We have a huge traffic capacity in the Route 9  
5 corridor in Latham. It's huge. That's why  
6 we're there. It's the biggest traffic capacity  
7 that we have in the Capital District except  
8 for the commuters that go through in the  
9 morning and go home at night. As things get  
10 approved in East Greenbush and down in Albany  
11 and Bethlehem, we continue to funnel that  
12 commuter traffic through Latham. Just like the  
13 people on Latham Ridge don't want extra  
14 traffic burdening their road, we don't really  
15 want extra traffic burdening the road that we  
16 live on. We understand that's the reality of  
17 today. I don't think that we can design  
18 everything to handle the commuter traffic. I  
19 think that what we need to do is sit down with  
20 DOT on a regional basis and take a look at how  
21 to address the problem.

22 The capacity is there when our customers  
23 need it. The right hand turns to get out of  
24 our park - it's south when everybody else is  
25 coming north in the afternoon. The office

1 traffic loads pretty well. We'll get into all  
2 the details, studies and figure all the  
3 engineering out.

4 I'm watching all of this go on with  
5 traffic and I'm saying you're really missing  
6 the boat. It's the commuters that distort  
7 everything and really spike everything in the  
8 utilization of that road area during those  
9 hours. We have to decide as the residents of  
10 the town if we think that it's more important  
11 that people that serve our county get home  
12 faster, or we have sufficient tax base in the  
13 Town of Colonie.

14 MR. SULLIVAN: I have a few more  
15 questions, C.J.

16 Are you saying that the people that work  
17 in your building would be walking to work?  
18 Won't they be coming from Clifton Park and  
19 East Greenbush? I mean, I don't think that you  
20 can blame it all on the commuters that are  
21 passing through town. Many of them are coming  
22 from sources or are leaving sources from our  
23 town. I don't think that we can just say that  
24 it's all commuters and it's at peak hour.  
25 That's when those people are trying to use the

1 road during the a.m. or p.m. hour trying to  
2 get to work or get home from work. This will  
3 impact it.

4 MR. KEVIN BETTE: We're trying to put the  
5 office park closer to where people come from.  
6 So, whether they continue to just drive  
7 through Colonie to maybe Albany or someplace  
8 else, they can have their office right in  
9 Colonie. That's the big selling point for our  
10 tenants. You're right, they're already coming.

11 The portion that are stopping at Century  
12 Hill is a minute fraction of the commuter  
13 traffic. It's not like all of those people are  
14 coming across and stopping in Colonie. I would  
15 guess that it's less than a single digit  
16 percentage of people that are coming across  
17 that commuter traffic that are staying in  
18 Colonie.

19 MR. SULLIVAN: I would like to see a  
20 traffic count.

21 MR. KEVIN BETTE: Okay.

22 MR. SULLIVAN: I would like to see them  
23 incorporated with Wal-Mart.

24 MR. KEVIN BETTE: Absolutely. I'm doing  
25 that. I'm just trying to point out



1           conceptually - because that's what we're doing  
2           here - this is how I perceive the problem.  
3           It's a commuter problem. It's a peak hour  
4           problem.

5                        When you look at the weekend numbers for  
6           Wal-Mart, it's level of service B. It's the  
7           4:00 traffic when the commuters are coming  
8           through and if we strip the commuter traffic  
9           out, we'd have a level of service A.

10                   MR. SULLIVAN: You are going to build an  
11           office park.

12                   MR. KEVIN BETTE: Correct.

13                   MR. SULLIVAN: What will the work hours  
14           be?

15                   MR. KEVIN BETTE: Eight to five, usually.

16                   MR. SULLIVAN: What are the a.m. and p.m.  
17           peak hours?

18                   MR. KEVIN BETTE: Right, but our peak  
19           hours are opposite the flow.

20                   MR. SULLIVAN: You don't know where  
21           they're coming from. They could come from  
22           Clifton Park; they could come from the south.  
23           I don't think that you can say our people  
24           won't effect traffic.

25                   MR. KEVIN BETTE: I'm not saying that we

1 don't have an impact on traffic. We're going  
2 to have 1,000 parking spaces here when we get  
3 done. We're going to have traffic. I'm saying  
4 that we're not contributing to the problem as  
5 much as people think. The huger portion of the  
6 traffic impact are commuters that are coming  
7 through the five lanes going across the Mohawk  
8 River. That's all I'm saying. Percentage wise,  
9 we have a smaller impact than people may  
10 think. You've been looking at peak hour  
11 traffic and treating it as a static thing. All  
12 I'm trying to point out is that the numbers  
13 are all distorted because this is a unique  
14 situation.

15 If I was on Wolf Road and I want to build  
16 an office building and I can work out the  
17 traffic on Wolf Road so that the level of  
18 service wasn't diminished, you would say fine.  
19 But for when the Northway stops and Wolf Road  
20 backs up - the Planning Board says don't build  
21 the office building because once in awhile the  
22 Northway backs up. Other areas aren't as  
23 impacted as we are right in Latham because  
24 that's where the bridges are. We are directly  
25 impacted by that commuter traffic more than

1 anybody. With 787 and 87, everything comes  
2 across Route 9 and 87 in a very tight window  
3 right there. So we absorb all of that traffic.

4 I'm just saying that we generate a lot of  
5 traffic. Traffic is good if it's jobs in our  
6 community. It's tax base for our community and  
7 then the traffic is good. As long as it  
8 doesn't impact the neighbors and the other  
9 businesses, I'm saying that if we strip out  
10 the commuter traffic we wouldn't be having  
11 this discussion about traffic. It would work  
12 fine because the capacity is there right now.

13 MR. SULLIVAN: If we strip that out but  
14 the fact is that it's there and it's going to  
15 be there. Route 9 was designed to carry that  
16 traffic and so was I87. There is nothing that  
17 we can do about that. We have to live with  
18 that.

19 MR. KEVIN BETTE: Actually, 87 was  
20 designed to carry that traffic. Route 9 was  
21 not designed to carry that traffic, but  
22 they're using it for that purpose.

23 MR. SULLIVAN: Prior to the building of  
24 87, Route 9 was the main north/south route in  
25 this area.

1                   MR. KEVIN BETTE: I know. I grew up in  
2 Clifton Park when there was no crossing the  
3 bridge in 1964. There wasn't a lot of commuter  
4 traffic by then. Route 9, like many other  
5 communities is the local major connector road  
6 for all of the service development; just like  
7 20 years ago when Route 9 went to  
8 Poughkeepsie. It was not meant to be a  
9 commuter road. That's what DOT is using it for  
10 right now, which is fine. I'm not saying that  
11 we're trying to get rid of the commuters. All  
12 I'm pointing out is that conceptually, you  
13 asked me about traffic and that's how I see  
14 the problem is that we're distorted it hugely  
15 when you just look at peak hours.

16                   I'd like to show you daily traffic flow  
17 and show you how much that volume drops off  
18 and how easy it is to get in and out of our  
19 office park because I do it every day. We  
20 never wait to get in and out of the office  
21 park. We don't hold up anybody. The traffic  
22 from our development doesn't impact much on  
23 the surrounding community. They suffer at peak  
24 hours when the roads are full of the  
25 commuters.

1                   MR. SULLIVAN: My concern is for the  
2 residents of this community who might be  
3 living in Dutch Meadows who have to go through  
4 there every day. It will be affected every day  
5 at p.m. and a.m. peak hours. They're trying to  
6 get to work and they're trying to get home  
7 from work. They will be effected every day and  
8 this will make it worse. I don't know how much  
9 it will make it worse. I'd like to know.  
10 That's why I want the traffic counts.

11                   MR. KEVIN BETTE: Absolutely. Will do.

12                   MR. SULLIVAN: Thank you.

13                   MR. LANE: This is just a sketch so the  
14 placement of the buildings, the parking  
15 lots -- and it still seems as though you  
16 weren't sure whether it was going to be a town  
17 road or a private road so they're still set up  
18 to look like there is frontage. So, is there  
19 any possibility that as you move  
20 forward -- you know, you want a reduction in  
21 the paved area and then probably you'd want to  
22 enlarge the building, which would work well  
23 for you. It's still seems to me a very  
24 pedestrian type thing. You know you want to do  
25 this one and this one, but you want to have

1 everyone to have some type of connectivity to  
2 each other. I'm not seeing how that's  
3 happening with this plan.

4 MR. KEVIN BETTE: With Plaza Drive, we  
5 want it to be a spine road that goes through  
6 the middle of the park, but is a collector of  
7 all the buildings to run on. It's a linear  
8 park with a spine road. That's the way that  
9 it's designed. It would just progress as you  
10 go down the Northway. I wish that we had more  
11 land where we could do some more features to  
12 it, but the geometry and the spine road seems  
13 to be the best way to go. It is a concept plan  
14 and what we had hoped was we'd get a TDE or  
15 planning staff or whoever you wanted us to  
16 work with to sit down and go through all of  
17 those types of discussions on how we could set  
18 it up.

19 MR. LANE: There are always ways that you  
20 can shift buildings or relocate the parking  
21 and so on and so forth but I thought that I  
22 was hearing initially that you were going to  
23 have some sort of central connectivity with  
24 walking paths and things like. I'm not seeing  
25 how that's going to fit in.

1                   MR. KEVIN BETTE: Right, that's what  
2 we're going to overlay if we did the concept  
3 on it. Part of the problem is that you want me  
4 to build a road.

5                   CHAIRMAN O'ROURKE: You said that you'd  
6 build the road, Kevin.

7                   MR. KEVIN BETTE: Right, I know.

8                   CHAIRMAN O'ROURKE: I just want you to do  
9 what you told me that you'd do.

10                  MR. KEVIN BETTE: We're going fast. We're  
11 just trying to keep up with things. I think  
12 that if we get some direction on the overall  
13 concept here, we'll come in with all of the  
14 details. That's what we want.

15                  MR. LANE: I'm not a landscape architect  
16 but it's thinking out of the box type stuff.  
17 You want to get this project to the tenants  
18 and you want to make this feeling.

19                  To go back to the parking thing - you  
20 want to reduce the parking. You want to  
21 possibly have some sort of a connecting theme  
22 between neighboring buildings when this is all  
23 done.

24                  MR. CHRIS BETTE: Have you been through  
25 the park?

1 MR. LANE: Yes, just a quick look.

2 MR. CHRIS BETTE: If you drive down that  
3 driveway, you'll see the landscape and the  
4 attention to detail. We're also sensitive to  
5 the needs of our tenants and we try to balance  
6 the park and the side of the building.

7 Mike says that at 50 Wolf Road and they  
8 have 10 spots out front and five million out  
9 back. Those people don't want to park in those  
10 five million spots along the Northway. They  
11 want to park close to the building. So, we try  
12 to balance it.

13 Unfortunately with the configuration to  
14 our lot, it lends itself to this linear  
15 looking design as opposed to being a stagnant  
16 building.

17 MR. LANE: That's what I mean.

18 MR. CHRIS BETTE: We understand that. I  
19 think that we can take a look at that.

20 Certain uses will allow us to change.  
21 Anjio didn't want parking in certain places so  
22 we were able to change that around to give it  
23 a better look. These buildings, again, the  
24 sketch plan - how do you get something that  
25 will work for the tenants and work for us?



1                   CHAIRMAN O'ROURKE:   Elena?

2                   MS. VAIDA:   I don't think that I have any  
3                   questions other than when you're talking about  
4                   the pathways and walkways and you're talking  
5                   about the circumference around the buildings.  
6                   That's where you would try to place that?

7                   MR. KEVIN BETTE:   We own all the way to  
8                   Century Hill Drive. So, from Century Hill  
9                   Drive all the way -- if we can encourage our  
10                  neighbors to continue to the south, we'd like  
11                  to be able to walk as far as the tennis  
12                  facility. That's what we're trying to  
13                  accomplish through that. On our particular  
14                  parcel from Autopark to Century Hill Drive, we  
15                  would give you a nice walk through.

16                  MS. VAIDA:   Are there sidewalks  
17                  throughout the complex so that the person in  
18                  the farthest building who wants to walk down  
19                  to the building that you were talking  
20                  about - I'm talking about the retail. They  
21                  could get a sandwich and they could walk down  
22                  the sidewalk to get there?

23                  MR. KEVIN BETTE:   What we were trying to  
24                  do is put a sidewalk along the spine road and  
25                  have some pathways that go through some of the

1 grass areas and around some of the parking  
2 lots too. It doesn't have to be all a mixture  
3 of things.

4 Most people want to do a mile loop or  
5 they want to do a certain distance of a walk  
6 every day. We're going to try to section that  
7 off. It's kind of like the Crossings, although  
8 I could never figure the thing out when I run  
9 there. But we'd like to put dots on there  
10 saying how far you've gone and try to  
11 encourage people to be healthy. Certainly we'd  
12 like to have them along the spine to get down  
13 to the retail and certainly between the  
14 buildings.

15 One of the things that's important to us  
16 is as a company grows, they may take space in  
17 other buildings so we do need some  
18 connectivity between buildings for that  
19 purpose. We haven't gotten to that point with  
20 the plan here. It's more that we wanted to  
21 come in and say, do you agree with us and the  
22 parking? Do you agree with us on the concept  
23 and these types of buildings? If so, then  
24 let's sit down and get an engineer appointed  
25 and come up with a real good plan that would

1 incorporate all of those things.

2 MS. VAIDA: Is the purpose of reducing  
3 the parking requirement to make the buildings  
4 larger?

5 MR. KEVIN BETTE: That's just the result  
6 of it. We want to use the land when we look  
7 out the windows and we see all of these empty  
8 parking spots all generating and all draining  
9 stormwater, we start to think: Why is that and  
10 why aren't we using the right ratios?

11 MR. LANE: If you having a lot of  
12 technical business in there, a lot of people  
13 work from home now a days, that might  
14 contribute.

15 MR. KEVIN BETTE: I just think that the  
16 current customers that we're attracting are  
17 mostly Fortune 100 companies. They're more  
18 executive type jobs like the School Board  
19 Association which is not a big high density  
20 user. They have four meetings quarterly and  
21 they use parking in our building or whenever  
22 they have a lot of people come in for  
23 conferencing. So that doesn't use a lot of  
24 room for parking. They have conference rooms  
25 the size of this room right here.

1 Bank of America is there and a private  
2 banking group so they don't have a lot of  
3 offices and they're not a high density user  
4 either.

5 There are a number of insurance companies  
6 in the park; ING, Met Life, New York Life and  
7 those tend to be not on the high density side  
8 of things.

9 I just think that with this type of  
10 tenant that we're attracting - and we probably  
11 will continue to attract - we don't have a  
12 high density parking need. It's not practical  
13 to build all of these parking spots.

14 MS. VAIDA: Why not make more greenspace?

15 MR. KEVIN BETTE: We could make more  
16 greenspace. Like I said, from an overall  
17 planning standpoint, we think that this is a  
18 very low density development to start with. I  
19 talked to you C.J. I compared it, and you go  
20 to some of the high-tech areas; down in  
21 Raleigh or down in Austin and you'll see a lot  
22 of high density development along an  
23 interstate and a major collector road like  
24 Route 9. If you're down in Florida, that same  
25 scenario where you have parallel

1           roadways - you'll see much higher density  
2           development because it's easy to attract folks  
3           in and out of the park.

4                     We just think that it's a better  
5           utilization plan. We think that the 35% green  
6           area does look very good and we can use that.  
7           We've been doing that for awhile. We think  
8           that ratio works out very well to make it  
9           attractive. So, increasing that to 45% or  
10          whatever it would be - we didn't think that  
11          was going to add value. You'd think otherwise  
12          and that's why we're here. You have to balance  
13          the economics too. We work in a lot of  
14          different communities.

15                    The Town of Colonie is very fortunate  
16          because you have a big tax base. A lot of  
17          other communities are really looking for these  
18          jobs because they need the tax base. I do  
19          think that we're going to be challenged in the  
20          future, fiscally. All the problems that are  
21          going on in the higher level governments are  
22          going to end up in your lap. The Planning  
23          Board is really responsible for revenue for  
24          the town. What you approve generates real  
25          property tax and sales taxes. Those are all

1 revenue sources for the town. As a resident  
2 here, I want to try to have the good stuff in  
3 the Town of Colonie that's going to be good  
4 tax paying jobs. I think that this node is a  
5 good area.

6 From the way that I look at planning, I  
7 think that we do a good job to maximize within  
8 the normal flavor of the Town of Colonie and  
9 not to overdevelop it. We're not trying to  
10 become one of these really high-tech areas but  
11 I think that the types of products that we're  
12 building are very appropriate to the town and  
13 we'd like to continue with that ratio. We  
14 think that it's good planned use to turn empty  
15 parking spaces into tax paying buildings.

16 MR. GANNON: Are you guys applying for  
17 any lead rating with the Angio building?

18 MR. KEVIN BETTE: Yes. It's silver and it  
19 may even get gold. It's going very well. The  
20 tenant didn't know anything about it when we  
21 started the process. They're totally on board  
22 with recycling. Everything that's in the  
23 interior is done that way. It's a very  
24 exciting project. We're trying to do all the  
25 buildings that way.

1 MR. GANNON: That was my next question.

2 MR. KEVIN BETTE: We really believe in  
3 that because we have to make things more  
4 sustainable. Part of that principal is maximum  
5 utilization of the land and not wastefulness.  
6 That's why we look at the parking as being  
7 wasteful. So, we're trying to consolidate  
8 that. We'll still make sure that we have  
9 enough and I do think that with the empty  
10 spaces that we have in Phase I - even if this  
11 next building here (Indicating) for some  
12 reason had a huge parking demand, the School  
13 Board has lots of spaces . With this entire  
14 parking lot on the side - there has never been  
15 any parking there.

16 CHAIRMAN O'ROURKE: No, nobody is there.  
17 That's my wife's old building. And New York  
18 Life - those guys never work so you can pull  
19 right in the front. I'm telling you that I can  
20 pull in the front spot and my wife says, you  
21 can't park there. These guys don't even work.

22 Paul, nothing?

23 MR. ROSANO: No.

24 MR. SULLIVAN: I did have one more  
25 question.

1                   CHAIRMAN O'ROURKE: Go ahead Mike.

2                   MR. SULLIVAN: What is going on with lot  
3 40? Is that going to be built at the same  
4 time?

5                   MR. KEVIN BETTE: Yes. Thank you for  
6 asking that, Mike. We had that covered up. I  
7 forgot about that. We bought 40 in case Blue  
8 Shield expanded. It doesn't look like their  
9 going to add any more jobs. The good news is  
10 that they're not going to lose any jobs.

11                  MR. SULLIVAN: So what are you planning  
12 there?

13                  MR. KEVIN BETTE: A 22,000 square foot  
14 building. We have a customer who may want to  
15 move there from one of our other buildings.

16                  MR. SULLIVAN: Thank you.

17                  CHAIRMAN O'ROURKE: Well, I think that  
18 you got some feedback. This is why we wanted  
19 to start the sketch plan review process. It  
20 certainly gives you guys some things to bite  
21 on.

22                  Joe, I would ask you from your  
23 department's perspective to take a look at the  
24 overall plan and get the TDE involved as soon  
25 as these guys have something to you. Let's



1 fill them up.

2 MR. KEVIN BETTE: I have one more  
3 question. We got a check list from the  
4 Planning Department and they said with the  
5 reduction and close parking to  
6 177 spaces -- this is for the Angio  
7 building - a parking waiver of 67 spaces would  
8 be required from the Planning Board. Please  
9 refer to Local Land Use Law Article 10A(12)  
10 for the criteria. You will need such a waiver.

11 I thought that we did that.

12 MR. LACIVITA: You did.

13 MR. KEVIN BETTE: This letter is  
14 December 18 and we did the banking  
15 September 8<sup>th</sup>.

16 CHAIRMAN O'ROURKE: Who sent that?

17 MR. KEVIN BETTE: Mike Lyons.

18 MR. LACIVITA: Can we have a copy of  
19 that?

20 CHAIRMAN O'ROURKE: Fax it to Joe.

21 MR. LACIVITA: I'll scan it and send it  
22 back to you.

23 MR. KEVIN BETTE: Our neighbors had some  
24 issues with us going into the stormwater. As  
25 you know even though we had the rights to it,

1 we didn't want to get sued. We came in and  
2 asked the board and yes, you guys did a good  
3 job proving it. We didn't receive comments  
4 until December 23<sup>rd</sup> from the stormwater folks,  
5 which is the reason why the road didn't get  
6 built. I didn't get comments. I couldn't build  
7 the stormwater basin and I had to do this  
8 first. They took two months to give me  
9 comments and they came every day this winter  
10 to inspect the frozen ground out there. I  
11 don't know what these guys do but they had  
12 more than enough time to come out and inspect  
13 and bust everybody's chops and they can't  
14 review plans. Something has to change.

15 CHAIRMAN O'ROURKE: It is.

16 MR. KEVIN BETTE: Now they're making us  
17 put a drain in the bottom of the basin that we  
18 built. We're maintaining the drain so that you  
19 can drain it. We have to maintain it. The  
20 drains never work. We just pump them out if we  
21 have to work on it.

22 MR. LACIVITA: The drain wasn't  
23 identified in the TDE review though.

24 MR. KEVIN BETTE: I know. One of these  
25 last minutes - go throw a drain in the bottom

1 of this stormwater basin -- we cooperate with  
2 everybody -

3 CHAIRMAN O'ROURKE: Have you noticed  
4 change?

5 MR. KEVIN BETTE: Yes.

6 CHAIRMAN O'ROURKE: So bear with us.  
7 We're a work in process.

8 MR. KEVIN BETTE: I just don't want to  
9 get hung up when we go in for a CO and these  
10 guys are going to say you haven't put the  
11 drain in yet.

12 CHAIRMAN O'ROURKE: No. Just put the road  
13 in.

14 MR. LACIVITA: I'll scan this, Kevin and  
15 send it back.

16 MR. KEVIN BETTE: Does the Planning Board  
17 have a problem if it's not a town road and we  
18 go with the overall open space thing?

19 CHAIRMAN O'ROURKE: I would say no, but  
20 I won't speak for everyone.

21 MR. SULLIVAN: You're looking for banked  
22 parking with town standards.

23 CHAIRMAN O'ROURKE: No, this is the road.

24 MR. SULLIVAN: I'd like to see the road  
25 built to town standards.

1                   CHAIRMAN O'ROURKE: Built to town  
2 standards, but they can own it?

3                   MR. SULLIVAN: Yes.

4                   MR. STUTO: The Town Board might have a  
5 different opinion on that or the Town  
6 Attorney's might want to look at that.

7                   MR. CHRIS BETTE: The town standard is  
8 not only a width thing it's also a thickness  
9 thing.

10                  MR. LANE: What would be the difference?

11                  MR. CHRIS BETTE: Instead of the road  
12 width, we'd put the sidewalk next to the  
13 smaller road.

14                  MR. SULLIVAN: My concern is the  
15 condition of the existing Century Hill Road.  
16 I'd like to avoid that again.

17                  CHAIRMAN O'ROURKE: I brought that up  
18 though. C.T. Male was supposed to - they were  
19 saying we're not going to do it because the  
20 concrete trucks are going over it and  
21 everything else and the town got screwed on  
22 that.

23                  MR. LACIVITA: There was an active  
24 resolution that was passed at the end of 2007  
25 that this road was actually being built to

1 residential standards. The intent was that it  
2 was going to be a private road, but it was  
3 built at residential standards and not  
4 commercial standards.

5 MR. STUTO: You're saying Plaza?

6 MR. LACIVITA: Plaza, right.

7 MR. CHRIS BETTE: The Town Board passed a  
8 resolution to allow a reduction in width from  
9 36 to 32 and also granted us the ability to  
10 use whatever residential road sections that  
11 they have. They said because of the light  
12 traffic, you can go to the smaller section.

13 MR. LACIVITA: Part of that intent is  
14 that it was initially intended as a private  
15 road.

16 CHAIRMAN O'ROURKE: But again here's the  
17 issue that I have. We were promised that with  
18 Century Hill. As you guys go through, I'd much  
19 rather have you own it than the town own it to  
20 run your concrete trucks as you build however  
21 many square footage. Why do we want a road  
22 built on that material when you're going to  
23 run all those concrete trucks? They're  
24 carrying 12 yards. They're not carrying nine.  
25 They're all running over it.

1           Like Mike said, Century Hill got so beat  
2           with the amount of construction traffic.

3           MR. CHRIS BETTE: As I said the last time  
4           I talked to you about this, the fiber optics  
5           that came down that road eight years  
6           ago -- that's the bumps we're feeling.

7           CHAIRMAN O'ROURKE: Part of that, Mark,  
8           is true but Mike has a valid point. It has  
9           always bothered me that road had potholes and  
10          everything and it's from the heavy equipment.

11          MR. KEVIN BETTE: Even before we started  
12          C.J., that road has never been fixed.

13          CHAIRMAN O'ROURKE: Right, because Bob  
14          Mitchell lied.

15          MR. KEVIN BETTE: And they said, okay  
16          when you guys are done we'll pave it. When we  
17          got done with that whole section, they still  
18          didn't pave it.

19          CHAIRMAN O'ROURKE: No, nobody has paved  
20          it. They want us to pave it as a town.

21          MR. KEVIN BETTE: The original Century  
22          Hill Drive, yes, because it hasn't been paved  
23          in 30 years.

24          I don't think it's the construction  
25          traffic because even before we started it was

1 in bad shape. Chris is right when they cut it  
2 up for fiber optics, they butchered it. It is  
3 too wide.

4 CHAIRMAN O'ROURKE: We gave them all  
5 their bond money back.

6 MR. KEVIN BETTE: I'm trying to find the  
7 technical things that I got from the Planning  
8 staff that said to build the road to town  
9 specs and that we're not going to have the  
10 road done just because of timing so we're  
11 going to ask for a temporary CO. We're going  
12 to the Zoning Board and I just want to ask the  
13 Planning Board -

14 CHAIRMAN O'ROURKE: Part of the condition  
15 of the approval of Angio Dynamics was that you  
16 had to have that 100 foot of frontage on the  
17 road.

18 MR. KEVIN BETTE: So can we -

19 MR. STUTO: Can I just stop you for one  
20 second? There is a provision in the Town Law  
21 and I forgot the section. It's 273 or  
22 something like that which is applied  
23 differently than what it reads. It's like the  
24 paper streets and the Open Space Law. We have  
25 to go through that same process. We make a

1 recommendation to the Town Board and then the  
2 Town Board makes the final decision. Those are  
3 the procedural steps.

4 MR. KEVIN BETTE: So can you make that  
5 recommendation or do you have to do something  
6 different to do that?

7 MR. STUTO: I mean I think you want to  
8 hear from the TDE first.

9 CHAIRMAN O'ROURKE: I want to do some  
10 research. Give me until the next meeting.

11 MR. KEVIN BETTE: That's fine. I just  
12 want to bring that up to you.

13 CHAIRMAN O'ROURKE: No, I have no issue  
14 doing a statement of findings in regard to  
15 that.

16 MR. STUTO: There is a legal way to do  
17 it, but you may want some TDE input.

18 CHAIRMAN O'ROURKE: Right, and we were  
19 just meeting for sketch planning.

20 I hope everybody got something to chew on  
21 tonight. Thank you gentlemen.

22 MR. KEVIN BETTE: Thank you very much.

23 ***(Whereas the proceeding concerning the***  
24 ***above entitled matter was concluded***  
25 ***at 10:08 p.m.)***



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**CERTIFICATION**

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

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**NANCY STRANG-VANDEBOGART**

*Dated February 15, 2010*

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