

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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THE SHOPPES AT LATHAM CIRCLE  
790 AND 800 LOUDON ROAD  
SKETCH PLAN REVIEW

6 \*\*\*\*\*

7 THE STENOGRAPHIC MINUTES of the above entitled  
8 matter BY NANCY STRANG-VANDEBOGART, a Shorthand  
9 Reporter, commencing on August 21, 2012 at  
10 7:04 p.m. at the Public Operations Center  
347 Old Niskayuna Road,  
Latham, New York 12110

11 BOARD MEMBERS:

- 12 PETER STUTO, CHAIRMAN
- 13 MICHAEL SULLIVAN
- 14 KATHY DALTON
- 15 LOU MION
- 16 BRIAN AUSTIN
- 17 TIMOTHY LANE
- 18 KAREN GOMEZ
- 19 ELENA VAIDA, Esq., Attorney for the Planning Board

20 Also present:

- 21 Joe LaCivita, Director, Planning and Economic  
22 Development
- 23 Mark Hebert, VP, Grossman Development
- 24 Donald Zee, Esq.
- 25 Chuck Voss, PE, Barton and Loguidice
- Michael Magguilli, Esq., Town Attorney
- Brian Haak, Town Board

1                   CHAIRMAN STUTO: Good evening everyone.  
2                   Welcome to the Town of Colonie Planning Board.  
3                   We'll call the meeting to order. As we do,  
4                   Brian, do you have something here that you can  
5                   help us out with?

6                   MR. AUSTIN: We'd like to recognize a  
7                   guest that we have in our midst. At this time  
8                   we'd like to recognize a Mr. Steven Churchill  
9                   from the Boy Scouts of America Troop 277,  
10                  Latham, New York. He's here as part of a merit  
11                  badge.

12                 CHAIRMAN STUTO: Thank you.

13                 We'll call up the first item on the  
14                 agenda, which could potentially be very  
15                 exciting. The Shoppes at Latham Circle, 790  
16                 and 800 Loudon Road. This is a sketch plan  
17                 review, which means that it's not a public  
18                 hearing and we're not going to take public  
19                 comment tonight. We allow a presentation by  
20                 the applicant and we may ask a few questions,  
21                 but we call it a look see to see what you  
22                 have, and maybe we can make some suggestions  
23                 so that when you do come back for the real  
24                 public hearing, hopefully we can get things  
25                 steered in the right direction.

1 Joe, would you like to give us an  
2 introduction on this?

3 MR. LACIVITA: Sure. The application  
4 before us tonight is the redesign of the  
5 former Latham Mall, soon to be known as the  
6 Shoppes at Latham Circle.

7 As a lot of you know because you're all  
8 here this evening, the Latham Circle Mall was  
9 designed and built back in 1957 as an open air  
10 mall. As the project went on in time, it  
11 became encapsulated or enclosed as an internal  
12 mall back in the early 1970's. As time went on  
13 and new malls came around, unfortunately, this  
14 mall became in a downward decline as tenants  
15 left. That's where it leaves us today. The  
16 mall has long since been abandoned.

17 We have a developer here this evening  
18 from Grossman Development, Mark Hebert and his  
19 design team from CT Male, Melissa Currier and  
20 Martin Zanghi. They're going to talk tonight  
21 about what's going to happen with the mall, as  
22 far as demolition, what it going to remain,  
23 what is going to be redesigned and rebuilt.  
24 There is going to be a couple of out parcels,  
25 but I certainly don't want to steal their

1 thunder. We've been working with them as a  
2 partnership over the past 12 to 18 months.  
3 We're excited to have them here this evening  
4 to show about what potentially could happen at  
5 the Shoppes at Latham Circle. So, I'd like to  
6 turn it over to Mark Hebert.

7 MR. HEBERT: Good evening Members of the  
8 Board, Mr. Chairman. I appreciate you giving  
9 us the time this evening. My name is Mark  
10 Hebert, Vice President with Grossman  
11 Development Group. Our company is a Boston  
12 based real estate development company. We are  
13 in a joint venture partnership with C.B.  
14 Richard Ellis, which is the largest commercial  
15 real estate firm in the country. We have the  
16 luxury of a combination of a small development  
17 group based out of Boston with two major  
18 principals being Howard Grossman, Kyle  
19 Juszczyszyn and myself coming from two major  
20 development firms in Boston; Samuels and  
21 Associates and WS Development.

22 I'd like to give you a sense of what my  
23 development background is. I've developed over  
24 2,000,000 square feet of retail space. I've  
25 developed all kinds of malls and shopping

1 centers; the power centers, the neighborhood  
2 shopping centers and lifestyle centers. Those  
3 were very popular in the late 90's.

4 This type of center that you see before  
5 you is a prime example of a redevelopment that  
6 I just recently finished in Dedham,  
7 Massachusetts. It's a shopping center called  
8 Legacy Place which is a 700,000 square foot  
9 shopping center. It's mixed-use as a grocery  
10 store and it has various dry goods tenants in  
11 it. It has about 70 tenants in total;  
12 entertainment, restaurant, retail, etcetera.

13 So, obviously we're very excited about  
14 this opportunity here. We've been engaged with  
15 the existing owner now for just about a year.  
16 As you can imagine, the timing with what's  
17 going on in the retail industry is a little  
18 bit different pace than what we saw four or  
19 five years ago. Things are moving a little  
20 more slowly. We do have the luxury of two  
21 major tenants that are currently in place who  
22 are tenaciously awaiting our development  
23 plans. One is Lowe's Home Improvement Center,  
24 and the other one is J.C. Penny. So, even with  
25 my history with shopping centers -- the most

1 vibrant type of shopping centers actually have  
2 multiple uses; grocery stores, various  
3 restaurants, fine and casual type of  
4 restaurants and entertainment, etcetera.  
5 Ideally, that's really what we like to see  
6 here as we redevelop the shopping center.

7 Obviously, the center has some history.  
8 The current owner is a joint venture  
9 partnership of ours. He actually had to  
10 foreclose on the previous owner. So, he is not  
11 the owner who has been here for decades. Their  
12 owner, RFP Realty Corp has owned the center  
13 since 2009 and now is in a position to  
14 redevelop the center has engaged us to do so.

15 We've engaged a local team. I think that  
16 it's important that the team be introduced.  
17 From a legal standpoint a shopping center has  
18 multiple needs and uses, etcetera. We have a  
19 legal team of Don Zee and Andy Brick who are  
20 up front and with you tonight. We have a civil  
21 engineer from CT Male, Martin Zanghi and  
22 Melissa Currier. They are just behind them.  
23 From their standpoint, they will be involved  
24 in all aspects of engineering, geotechnical,  
25 environmental, structural, traffic, etcetera.

1           We have two architects that we have  
2 engaged. One is Pullman Architects from New  
3 Jersey. We have had a good sample of history  
4 with Pullman. They are more of a nuts and  
5 bolts type architect. You always need one of  
6 those. We have Allevato Architects, which is  
7 the image type of architect which I have here  
8 to my right (Indicating).

9           The center, as I just kind of discussed,  
10 really has a long history in existence as a  
11 regional mall. It's certainly was large  
12 geographical area in its heyday. But it  
13 ultimately fell on tougher times and it wasn't  
14 able to reinvent itself like some of the other  
15 competitive other retail developments in the  
16 area. The center has since suffered  
17 consequences by being stigmatized by local and  
18 national retailers during this period of  
19 inactivity. As I said, the center has been  
20 able to retain two anchor tenants. They're  
21 both anxious to hear what our development  
22 plans are and at one point, as you know,  
23 Lowe's closed many of their stores nationally.  
24 So, we're happy to know that they are going to  
25 remain and stay in place.

1           The industry, as I said, has been tough  
2           on us and we know that time has not been good  
3           to us. In other words, we've seen better times  
4           five or six years ago. Things are now moving a  
5           whole lot more slowly now. However, any  
6           participation and cooperation that we get from  
7           the Planning Board and the Town staff is going  
8           to be greatly appreciated.

9           As far as tenants are concerned, as I  
10          said, we're making good progress. One of our  
11          biggest selling points really to the tenants  
12          is ultimately proof to them that we can  
13          deliver a space to them in 2013. We have an  
14          existing shopping center that's in dire  
15          straits and at least see an opportunity with  
16          the timeline that we have outlaid for them to  
17          be able to commence construction in the spring  
18          of 2013.

19          Lastly, most importantly, we'd like to  
20          just turn the page on the Latham Circle Mall  
21          with all the history involved and give it a  
22          new name. We think that the name is  
23          significant in the sense that it refers to the  
24          circle with all its history and we'd like to  
25          call it the Shoppes at Latham Circle. What we

1           have done is created an image and I think that  
2           the image has always been important to create  
3           so people have a sense of what we'd like to  
4           see. Obviously, this image can evolve over  
5           time, but it's a good starting point.

6                        So, this building -- I keep calling it  
7           the entertainment building. Essentially, it  
8           would ideally have a cinema, or some type of  
9           entertainment venue on the upper or lower  
10          level with a complementary mix of restaurants.  
11          So, this image to my right is an image that I  
12          hope that you'll all become familiar with, and  
13          we can use it in marketing to the tenants as  
14          well.

15                       With that, I'll turn it over to attorney  
16          Donald Zee and after Don is finished, we'll be  
17          happy to answer any questions that you have.

18                       MR. ZEE: Thank you, Mark.

19                       Good evening. As Mark had indicated, and Joe  
20          LaCivita, this is an old shopping mall and it  
21          needs to be renovated. It needs to be  
22          redeveloped and thankfully to my understanding  
23          this parcel abutted the two parcels that the  
24          Town has designated that really need to be  
25          redeveloped in Town. Grossman Development

1 Group and the property owner have already  
2 signed two letters of intent. That means there  
3 are two tenants that are interested and are in  
4 the process of negotiation leases right now.  
5 Part of the letter of intent has indicated  
6 that we cannot reveal who the names are until  
7 a point in time in the future.

8 We are also happy to announce that just a  
9 couple of weeks ago, we had a national  
10 restaurant chain call Mark up and fly up from  
11 Texas to visit the site. That national chain  
12 is not in this area. We believe it may be the  
13 first one of their restaurants to be in this  
14 area, or in upstate New York. The real estate  
15 people came and looked at Latham Circle Mall  
16 and looked at the Town of Colonie. They're  
17 happy with the location and the area and they  
18 have now decided to take it to their real  
19 estate committee. There is a series of steps,  
20 and going to the real estate committee is a  
21 major step for a national tenant to do. It  
22 really says that they're local people who know  
23 this area, are happy with the site and have  
24 said that we want to be here. That restaurant  
25 chain as I said, is a family entertainment

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1 style restaurant. We hope to hear within the  
2 next four to five weeks as to whether they  
3 have chosen this location.

4 Part of the reason why we're here even  
5 though we've been in discussions as Joe had  
6 indicated for 18 months and Mark's company has  
7 been involved for over a year is now with the  
8 letters of intent and with this national  
9 restaurant chain. They are looking to us to  
10 tell them whether this project is doable  
11 within the time frames in which they need to  
12 be able to tell their people. Their people are  
13 a variety of people. They are the stockholders  
14 and their Wall Street people. A national  
15 tenant that we're dealing with - wants to tell  
16 Wall Street if they're going to open up a  
17 store, or a restaurant and when that is going  
18 to be delivered. So, before they are willing  
19 to make that commitment, they are looking to  
20 us to come before this Board to see really  
21 what kind of feedback we can give them with  
22 regard to what we are proposing.

23 Now, I know that this is something new  
24 and it's a big project in Town so I just  
25 wanted to share with you some of the key

1 elements of the project.

2 What we are proposing here in this area  
3 is having 372,000 plus or minus square feet of  
4 retail restaurant type uses. Now, unlike a lot  
5 of other projects we are in fact reducing the  
6 amount of gross square footage of the property  
7 on what we call the mall lot. There is the  
8 mall lot and there is the Lowe's lot. On the  
9 mall lot, we are reducing the parcel by  
10 approximately 110,000 square feet. The area  
11 that we are reducing it - in this area here  
12 that's cross hatched, there is in fact a  
13 building right now. We propose to demolish  
14 that and redevelop this area with entirely new  
15 facades in this vicinity.

16 CHAIRMAN STUTO: Can you trace JC Penny  
17 for us?

18 MR. ZEE: Sure, it's right here  
19 (Indicating).

20 The cinema is over in this area  
21 (Indicating). Now with the proposal that we  
22 have in demolishing the building, also  
23 proposing to add a 6,000 square foot pad site  
24 here (Indicating). With the tenants that we  
25 have spoken to who are interested in the site,

1 they are requiring additional parking. So, on  
2 this area, we are proposing to add  
3 approximately 339 additional parking spaces  
4 for this area. At the same time, we are  
5 proposing to maintain as much as possible all  
6 of the greenspace that we have on this parcel.  
7 I think that is very important.

8 With the redevelopment of this parcel, we  
9 in fact have existing mature vegetation. Andy  
10 can hand out to the Board photocopies of the  
11 photographs that we took today as to the  
12 conditions of the vegetation at the mall.  
13 Unlike a new project, this is a redevelopment  
14 so we have vegetation. That is rather than  
15 installing young immature trees with 2.5 inch  
16 calipers; we have substantial vegetation here.  
17 So, we want to point out that we want to  
18 maintain it and keep as much as possible the  
19 vegetation here.

20 With regard to the Lowe's parcel, we are  
21 proposing to eliminate two existing  
22 structures. They're located in this area here  
23 and in this area (Indicating). They currently  
24 have approximately 3,800 square feet amongst  
25 these two structures and reducing and

1 eliminating that we want to add a 10,000  
2 square foot pad so that will result in an  
3 increase of approximately 6,200 square feet of  
4 space on the Lowe's pad site. That's on the  
5 Lowe's side of the project. In addition to  
6 adding the 6,200 square feet, we are proposing  
7 to add approximately 14 parking spaces on the  
8 Lowe's side. We are showing these both  
9 together because it is really one application,  
10 but there are two separate and distinct tax  
11 parcels here that we are dealing with. So, I  
12 just wanted to point that out.

13           Once again, timing is very important to  
14 us and we did have a meeting with the  
15 department heads and their planning staff.  
16 They have listed some of their concerns and  
17 questions and I'm not sure whether the  
18 Planning Board has those comments and  
19 recommendations and thoughts.

20           One major concern that we have was that  
21 DOT was at this meeting with the development  
22 staff and with our clients. At that point in  
23 time the representative of DOT had said  
24 something off the top of his head; not as a  
25 recommendation, but just as something in his

1 thought process. Maybe the Town Planning Board  
2 should look at the number of curb cuts and  
3 maybe possibly reduce that - the number of  
4 existing curb cuts to these two parcels.

5 I have to point out that the letters of  
6 intent - what we have from our national  
7 tenants, as well as the prospective other  
8 tenants that we are speaking to - they are  
9 adamant that if there is a reduction in the  
10 number of curb cuts, those are deal killers  
11 for them. We're not saying that we would not  
12 consider changing some of the geometry if it's  
13 beneficial for safety purposes, based on a  
14 review of our traffic consultants, the Town's  
15 Designated Engineer or the Town's traffic  
16 safety people, but at the same time the number  
17 of curb cuts to this site is critical. Unlike  
18 a lot of shopping malls in this area, the  
19 entrances are a little different than getting  
20 into a normal shopping center like Colonie  
21 Center, or Northway Mall. These are spread out  
22 throughout the site and they create different  
23 traffic patterns to get into the site. As I  
24 said, it was a stretch for a lot of the  
25 tenants to feel comfortable with the means of

1           ingress and egress to the site. In fact, we  
2           had to have our consultants lay out how  
3           someone going north on this parcel could get  
4           into the site, how someone leaving the  
5           shopping center going north - how they would  
6           exit and what kind of traffic patterns, so  
7           that people won't get confused.

8                        We understand and we spoke to the  
9           Supervisor and the Planning Staff - because we  
10          wanted to talk to everybody to let them know  
11          that timing is important to us. Their response  
12          was that everybody knows how to get in and out  
13          of Latham Circle Mall. Well, the national  
14          retailers who aren't here on a daily  
15          basis - they don't. That's why the number of  
16          curb cuts is critical to them. So, I just want  
17          to point out that is a comment made by DOT. It  
18          was not a mandate, but that is something that  
19          is really critical to everybody from the  
20          development team side as well as from the  
21          perspective tenant side.

22                       We had submitted to Joe this  
23          morning -- and I'm not sure if Joe had  
24          circulated it to you -- we are looking for a  
25          variety of waivers with regard to some of the

1 elements for this project. For example one of  
2 the waivers that we're looking for - I believe  
3 is from the design criteria. Along the  
4 frontage of this parcel they want some fencing  
5 or certain additional type of landscaping.  
6 That creates some degree of concern by way of  
7 cost, by way of visibility and also with  
8 regard how practical some of that buffering or  
9 decorative type work is going to appear on the  
10 site. My recollection is that as you drive  
11 north on Route 9 here (Indicating), there are  
12 Jersey barriers which precludes someone  
13 driving north who could see the frontage. It  
14 would almost be a waste of money, except for  
15 potentially some of the people going south. As  
16 I said, if you look at some of the  
17 photographs, we do have some mature vegetation  
18 already and we obviously want to keep that.  
19 So, we also, on behalf of the tenants as well  
20 as the developer, would like to talk about and  
21 hopefully get a feel from this Board about the  
22 number of curb cuts. The question is with  
23 regard to whether the Planning Board has some  
24 degree of flexibility and working with us with  
25 regard to some of the design criteria. You

1           have to remember that we are obviously a  
2           pre-existing nonconforming use in the sense  
3           that we existed before some of the HCOR  
4           requirements came into existence. We are now  
5           trying to come more into conformity with what  
6           the HCOR requirements -are by eliminating  
7           almost over 100,000 square feet of building  
8           space. If you try to make it more attractive  
9           to upgrade the site to make it more workable,  
10          you make the traffic patterns safer within the  
11          development itself. All this comes with a  
12          substantial cost. As Mark has commented the  
13          way that banks look at projects and the way  
14          that the retailers look at it, we have an  
15          uphill battle because this retail center has  
16          had a negative image for national retailers as  
17          well as local retailers because this site is  
18          on I believe it's called the dead malls  
19          website - one of the 10 local dead malls.

20                 The retailers are coming to us and saying  
21                 why should we even come here? Why should we  
22                 take the risk of coming here and paying top  
23                 dollar, which we believe ultimately this site  
24                 deserves because its at the cross hairs of the  
25                 Town of Colonie. Honestly, it's a great

1 Town to have businesses located in. Once  
2 again, these are national retailers who don't  
3 know what's happened and what is going on.  
4 They're coming to us saying hold it, this has  
5 been in existence for over 55 years. It's a  
6 dead mall and everybody knows it's a dead  
7 mall. It's listed on the Internet as a dead  
8 mall. Why should we come here? For those  
9 reasons we have economic concerns about  
10 ultimately what will be required for us for  
11 the project. So, at this point in time that's  
12 pretty much what we had to say.

13 Mark did want to hand out a little bit of  
14 information with regard to Grossman  
15 Development Group so that you can have it for  
16 yourself. They've been around for some period  
17 of time and have expertise in redeveloping  
18 malls.

19 We're here to answer your questions and  
20 as I said the concerns that show on the list  
21 of waivers. We'd like to hopefully have a  
22 little bit of discussion tonight. As I said,  
23 we need to report back to certain groups and I  
24 apologize if it's catching the Board off guard  
25 but these are some critical elements for us.

1 CHAIRMAN STUTO: That's fine.

2 Did you want to say something else?

3 MR. ZEE: No.

4 CHAIRMAN STUTO: We have our Town  
5 Designated Engineer here, Chuck Voss, with  
6 Barton and Loguidice. We're not deep into the  
7 review, I understand that.

8 Do you have any preliminary comments,  
9 Chuck?

10 MR. VOSS: Just basically, I note for the  
11 Board's review, there are going to be some  
12 relatively significant waivers to look at;  
13 site organizational waivers, site layout, site  
14 landscape and waivers. Given the fact that  
15 it's a redevelopment site, the Board has in  
16 the past taken those waivers under  
17 consideration for other projects. We've met  
18 with the applicant a few times. We've met with  
19 some of the Town Departments regarding some  
20 infrastructure issues. They're very early in  
21 the process. So, there are a lot of issues  
22 that I think will still need to be sorted out  
23 as they move along. We stand ready to assist  
24 to move the project as quickly as we can.

25 CHAIRMAN STUTO: We'll take comments and

1 questions from the Board Members.

2 MS. DALTON: Let me say that I'm thrilled  
3 that you guys are here. I'm looking forward to  
4 working with you closely to make sure that you  
5 meet your timeframes.

6 Could you explain how you're reducing  
7 your footprint in terms of buildings, but  
8 you're also reducing your greenspace?

9 MR. ZEE: You have to understand that  
10 right now we have 372,000 square feet  
11 proposed. Normal national retailers are  
12 looking for five to five and a half parking  
13 spaces per thousand. If you do that  
14 calculation, we are below the number of  
15 parking spaces that a national retailer wants  
16 for this area. Some of them have certain  
17 criteria because of the ADA requirements for  
18 pedestrian access, we have areas in front of  
19 buildings where in the past you would have  
20 greenspace islands. Because of access  
21 purposes, these national retailers say no, we  
22 need them to be flat so that people can safely  
23 walk from the parking lot to the retail  
24 centers. So, the islands that we have here  
25 that are already existing, we propose to

1 maintain. The area here, we are looking to  
2 demolish those buildings (Indicating). The  
3 parking that we need to put in there, we may  
4 have some limited greenspace. When we talk  
5 about the greenspace there, that is not our  
6 final tally because we did not take into  
7 account all of the foundation plantings that  
8 occur through here. That's right now just an  
9 estimate. We didn't want to mislead the Board  
10 by saying that we're going to note the exact  
11 amount. That's an estimate right now and as we  
12 get into the next level of more detail, we  
13 will have a better calculation. But we think  
14 that because of the need for parking from the  
15 tenant's perspective, we probably could use  
16 another 100 to 200 parking spaces.

17 CHAIRMAN STUTO: With respect to  
18 greenspace, Mike Magguilli, our Town Attorney  
19 is here.

20 Is there anything with regarding to the  
21 greenspace with redevelopment projects like  
22 this?

23 MR. MAGGUILLI: That is always something  
24 that's being looked at, Peter.

25 MR. DALTON: You mentioned the grocery

1 store and between the Fresh Market that we  
2 were just able to accommodate  
3 here -- everybody loves it - our other Price  
4 Chopper and Hannaford - that's kind of a small  
5 area to put another grocery store. I don't  
6 have any market expertise in this area. I'm  
7 just wondering if there is really a thought  
8 that another grocery store chain was a good  
9 idea.

10 MR. HEBERT: Ideally, that's what we'd  
11 like to see. We like to see a mix. A grocery  
12 store is part of our feeling that a shopping  
13 center can be active in all parts. The grocery  
14 store is also complementary to the retailers.  
15 A grocery store is a twice a week thing so  
16 that's why there is value to it. Whether or  
17 not there is a market, I can tell you that  
18 there has been and there is continuing  
19 dialogue on those fronts. We'll leave that up  
20 to the retailers to make a decision on the  
21 market.

22 CHAIRMAN STUTO: Lou?

23 MR. MION: I don't have any questions at  
24 the moment, but I'm very happy to see you  
25 coming in to develop the area. I'm looking

1 forward to working with you.

2 CHAIRMAN STUTO: Brian?

3 MR. AUSTIN: I just had a quick question.  
4 What exactly in that footprint right there is  
5 going to be demolished as far as from Penny's  
6 and the theater over to Lowe's. Is the entire  
7 existing building going to be taken down?

8 MR. HEBERT: You can see it, but  
9 essentially from the theater building all the  
10 way to the interior of the Lowe's building.  
11 The entire interior portion of the mall,  
12 essentially.

13 MR. AUSTIN: And that will all be new  
14 construction?

15 MR. HEBERT: The theater building is  
16 obviously two levels and in addition to the  
17 two levels, it's got the parking deck to  
18 complement the access in the back. That's  
19 something that we're looking to preserve.

20 MR. AUSTIN: I'll be interested to see  
21 how you do that.

22 MR. HEBERT: I will be, too. No, it's a  
23 creative part of the plan and that's why we  
24 kind of earmarked that area. That's sort of an  
25 anchor part.

1 MR. AUSTIN: You said 317,000 square feet  
2 of new space.

3 MR. ZEE: No, that's total space.

4 MR. AUSTIN: That includes JC Penny and  
5 the theater?

6 MR. ZEE: That's correct.

7 MR. AUSTIN: In the new space, how many  
8 perspective tenants are you looking at? Do you  
9 have any idea so far? Is there a number?

10 MR. HEBERT: We don't. It's really going  
11 to be a function of where the market is. It  
12 could be anywhere from six tenants to two  
13 tenants. We really have no sense at this  
14 point. When I say that, I mean the area in  
15 between those two buildings.

16 MR. AUSTIN: I'm very excited as well. I  
17 echo my Board Members affirmations on that.  
18 We're excited to see these go forward as  
19 quickly as possible.

20 CHAIRMAN STUTO: Tim Lane?

21 MR. LANE: Mr. Hebert, I'm very excited.  
22 I want to echo Kathy's comments especially to  
23 see a developer from out of Boston looking at  
24 our area and looking to bring in national  
25 retailers.

1           You mentioned a project - there has been  
2 a lot of redevelopment in Boston over the last  
3 10 years which I've personally witnessed. It  
4 looks fantastic out there. Have you been  
5 involved with any of those projects?

6           MR. HEBERT: The one that I will tell you  
7 is the Legacy Place in Dedham. We just  
8 completed that three years ago. It really has  
9 all the aspects of redevelopment. There is an  
10 old theater building, an office building space  
11 and an old drive-in theater. So, I would say  
12 that's a website that you can look at and get  
13 a sense of what I've been able to accomplish.  
14 It just has all the components that I just  
15 described. It's got a new grocery store,  
16 restaurant and an Apple store. It has a  
17 healthy combination and it's got a parking  
18 deck on top for retail. It's an urban type of  
19 development.

20           MR. LANE: Would it be a similar area to  
21 what you would say this is?

22           MR. HEBERT: There may be some  
23 similarities. In Dedham, we have actually a  
24 movie theater on top of a bowling alley with  
25 restaurants below. Don't ask me whose crazy

1 idea that was, but it ends up being a lot of  
2 similar type of features in the sense that  
3 it's a deeper building.

4 Large scale entertainment absorbs those  
5 types of spaces where a lot of retail and  
6 restaurant spaces don't like to be as deep.  
7 That's been a challenge on this building  
8 because it's so deep to begin with. I would  
9 say that might be something that you might  
10 want to take a look at first.

11 MR. LANE: I'm not sure who you spoke to  
12 in regards to the traffic flows, but people  
13 are very familiar with the mall. You can  
14 probably advise your perspective tenants that  
15 people are very familiar of how it operates  
16 and getting into the site. Of course, you want  
17 new people also.

18 As far as it being listed as a dead mall,  
19 people are excited to see something happen  
20 there. They're chopping at the bit to see it  
21 happen.

22 The one thing that I would say that I  
23 would like for you to take notice is that it  
24 does loom over a neighborhood. We want to be  
25 sensitive to that with the increased traffic

1 and noise and so on.

2 MR. HEBERT: I appreciate the comments.  
3 Thank you.

4 CHAIRMAN STUTO: Mike Sullivan.

5 MR. SULLIVAN: You mentioned that you  
6 plan on keeping the existing cinema and the  
7 existing parking structure.

8 MR. HEBERT: The existing cinema is still  
9 under lease. It's got two more years on the  
10 lease. So, we plan on keeping that cinema  
11 building for sure. We anticipate having some  
12 type of entertainment venue, whether it be a  
13 cinema or something else of that magnitude. We  
14 do anticipate that we'd like to keep the  
15 parking deck and realize that to replace the  
16 parking deck is very expensive. We have been  
17 wrangling with the budget to try to maintain  
18 it and make it fully functional.

19 MR. SULLIVAN: You will be rehabilitating  
20 it?

21 MR. HEBERT: That's the intension.

22 MR. SULLIVAN: It's in poor condition.

23 MR. HEBERT: It's in poor condition; we  
24 realize.

25 MR. SULLIVAN: Is it a possibility to

1 expand on that? Can that be expanded upon? My  
2 other question is dealing with the greenspace.  
3 I'd like to see if you could gain parking  
4 somewhere so that you're not below the  
5 greenspace. I don't expect you to meet the  
6 greenspace requirements, but I certainly don't  
7 expect you to reduce the amount of greenspace  
8 that you have. I'd like to see if you could  
9 possibly in rehabilitating the structure add  
10 capacity somehow.

11 MR. HEBERT: One of our considerations is  
12 actually taking down a section of the deck. As  
13 we get into the nitty gritty details. The  
14 tenants just next to the deck, below the deck  
15 on the lower level - we're realizing that we  
16 have a three-dimensional puzzle here. The  
17 reality here is it is a little bit of a  
18 challenge. That's an option to take down a  
19 section of that. We realize that there is  
20 value in that. At the same time, the ability  
21 to have a tenant come in and park as a  
22 destination on the backside of the center,  
23 like a movie theater is valuable. We're kind  
24 of tangling with something in between.

25 MR. SULLIVAN: Also with the

1 greenspace - my concern is that you say that  
2 you're taking mature trees, but that's also  
3 maintaining the current look of the parking  
4 lot, which I think is not positive. I'd like  
5 to see the greenspace looked at and perhaps  
6 make some of the island larger. My concern is  
7 having a lot of small islands; I believe that  
8 it's hard to keep things living in those. The  
9 heat or whatever kills a lot of the plantings  
10 in those. I would like to see that looked at a  
11 bit more - something done to perhaps enhance  
12 the look and perhaps change the look of that  
13 instead of maintaining everything as it is.  
14 That's my main comment.

15 MR. HEBERT: I appreciate the comments.  
16 Thank you.

17 CHAIRMAN STUTO: Karen?

18 MS. GOMEZ: I don't have any questions. I  
19 would like to say that I'm thrilled to see  
20 this mall becoming alive as opposed to dead. I  
21 was talking to my husband before the meeting  
22 and he is equally thrilled to know that myself  
23 and my daughters will have a new place to  
24 spend money. Thank you.

25 CHAIRMAN STUTO: This is sketch plan so

1 we're not taking comments from the public, but  
2 we will be back for a hearing when the  
3 application formally comes in. We're very  
4 interested in what the public has to say.

5 There is a Town Official here, Brian  
6 Haak. He's a Town Board Member.

7 Brian, do you have any comments or  
8 questions?

9 MR. HAAK: No, other than I know about  
10 the amount of work that my colleagues on the  
11 Planning Board are going to put into this  
12 project. Good luck, and I'm certainly happy to  
13 see this coming about.

14 CHAIRMAN STUTO: I'll offer my comments.

15 We're very excited about this. I think  
16 that you're going to find that we're going to  
17 cooperate in every fashion that we can to go  
18 about this expeditiously. I think that it's a  
19 tribute to our department and we're happy to  
20 have you here.

21 Our Town Supervisor, Paula Mahan and her  
22 administration - she's put an emphasis on  
23 rehabilitating commercial properties that are  
24 dated and old, and I think that this would be  
25 a prime example of something that she has

1 encouraged us to do. I think that we're very  
2 pleased to see it to that extent.

3 One comment, as a piece of advice. Work  
4 with the neighbors and contact the closest  
5 neighbors, particularly those that you border  
6 and impact the most and meet with them, if you  
7 can. This is a big project so I think that it  
8 would be worth your while. Perhaps you have  
9 the resources to do that. Figure out what  
10 their concerns are and have a good  
11 relationship with them. It will make your  
12 first public hearing and those that follow  
13 that much easier. So, I would encourage that.  
14 I think that you'll have an open mind with us  
15 with respect to traffic. You just have to work  
16 it out with our traffic engineers and also  
17 with respect to the waivers.

18 If you need help on the greenspace -- if  
19 you can make it look good architecturally and  
20 aesthetically, I think that you'll have an  
21 open mind with us as well. I don't have any  
22 further comments.

23 Welcome to the Town of Colonie.

24 MR. ZEE: Thank you, very much and I do  
25 want to consider your comments, too. We have

1 met with the Supervisor and met with Mike  
2 Magguilli, as well as Joe LaCivita, and  
3 they've been very helpful throughout the  
4 entire process. In fact, Mark was commenting  
5 on how willing they were able to communicate  
6 with him and our staff and with CT Male over  
7 the entire process of this. We appreciate that  
8 very much.

9 Some of your comments tonight, we  
10 appreciate. I think that they incorporate  
11 things that our perspective tenants are  
12 looking to hear.

13 If we can get the minutes sooner rather  
14 than later, we will be able to present those  
15 to those tenants and as well as perspective  
16 tenants to show them that the timetable that  
17 they want to see is really viable. Thank you  
18 very much.

19 CHAIRMAN STUTO: We'll ask our  
20 stenographer to do that.

21 Thank you. We'll see you next time.

22

23 ***(Whereas the above entitled proceeding***  
24 ***was concluded at 7:41 p.m.)***

25

**CERTIFICATION**

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3  
4            *I, NANCY STRANG-VANDEBOGART, Short hand*  
5            *reporter and Notary Public in and for the*  
6            *State of New York, hereby CERTIFY that the*  
7            *record taken by me at the time and place*  
8            *noted in the heading hereof is a true and*  
9            *accurate transcript of same, to the best of*  
10           *my ability and belief.*

11  
12  
13  
14            \_\_\_\_\_  
                  **NANCY STRANG-VANDEBOGART**

15  
16  
17            ***Dated August 22, 2012***