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PLANNING BOARD MEETING
TOWN OF COLONIE

COUNTY OF ALBANY

COPY

PUBLIC HEARING REGARDING THE PROPOSED DEVELOPMENT OF THE
PARCEL KNOWN AS 3 AUTO PARK DRIVE

THE TAPED AND TRANSCRIBED MINUTES of the above entitled
proceeding BY NANCY STRANG-VANDEBOGART commencing on
January 27, 2009 at 8:24 p.m. at the Public Operations Center
347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

- JEAN DONOVAN, CHAIRPERSON
- ELENA VAIDA
- MICHAEL SULLIVAN
- THOMAS NARDACCI
- GEORGE B. HOLLAND, JR.
- CHARLES J. O'ROURKE
- TIMOTHY LANE
- PETER STUTO, Jr. Esq., Attorney for the Planning Board

Also present:

- Michael Lyons, Planning & Economic Development
- Joseph LaCivita, Director of Planning & Economic Development
- Kevin Bette, First Columbia
- Chris Bette, First Columbia

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1 CHAIRPERSON DONOVAN: This evening we also have
2 on the agenda First Columbia Office which is 3 Auto
3 Park Drive, which is one of the addresses. It's also
4 known as 14 Park Plaza Drive.

5 Kevin, or Mike, before we go on tonight, there is
6 a process that we have to go through in relation to
7 this. I believe that this has to do with the
8 grandfathering of the concept in the SEQRA; is that
9 correct?

10 MR. LYONS: Yes.

11 CHAIRPERSON DONOVAN: Okay, would you explain to
12 the board, please, where we are now?

13 MR. LYONS: Sure. I'm Mike Lyons with the Colonie
14 Planning Department. This is the First Columbia Office
15 building, which is a three-story, 54,842 square foot
16 general office building proposed at 3 Auto Park Drive.
17 It also could be known as 14 Plaza Drive.

18 Plaza Drive would be a parallel road between a
19 future parallel road to Route 9, between Auto Park
20 Drive and Century Hill Drive. This project initially
21 received concept acceptance at the January 2, 2007.

22 On December 11, 2007 the concept acceptance was
23 extended for one year under the grandfathering
24 provisions to January 1, 2009; earlier this month. The
25 concept acceptance since had lapsed.

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1 In December of 2008, the Town Board again
2 extended the grandfathering clause by one year for
3 projects that had been previously approved under the
4 old zoning law for the capability of moving forward.

5 One of the things about this project in its
6 location is that this is located in what they call a
7 CO, commercial office zoning district. There are no
8 design standards in a CO district. A CO district is
9 virtually almost identical to the business E zoning
10 district which was the zoning district that preceded
11 the currant Land Use Law. So, there were actually no
12 changes that needed to be made to the concept to meet
13 any design standards.

14 CHAIRPERSON DONOVAN: Michael, what you want us
15 to do tonight is to re-adopt the concept for this
16 project and then the SEQRA; is that correct?

17 MR. LYONS: That's what needs to be done before
18 you can entertain an action on final approval.

19 CHAIRPERSON DONOVAN: Before we get into the
20 nitty gritty of what we're going to do tonight, I'll
21 make a motion that we re-adopt the previously approved
22 concept for 14 Plaza Drive. Do I have a second?

23 MR. O'ROURKE: I'll second.

24 CHAIRPERSON DONOVAN: All those in favor?

25 *(Ayes were recited.)*

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1 CHAIRPERSON DONOVAN: Opposed?

2 *(There were none opposed.)*

3 MR. LYONS: Was that for SEQRA?

4 CHAIRPERSON DONOVAN: I'm going to do it separate
5 for you so that you don't have any questions.

6 So, now I'm going to make a motion that we adopt
7 SEQRA which I believe is a Type 1 action, or is it an
8 unlisted?

9 MR. LYONS: This was on a 15 acre parcel.
10 Although, the development was contained to roughly
11 about 4.5 or 5 acres.

12 CHAIRPERSON DONOVAN: I have it here from Kevin
13 that the requested approval is a Type 1 SEQRA action
14 based on the information for the board to determine
15 that the action will not have a significant effect on
16 the environment; so it is a Type 1.

17 MR. STUTO: I hate to interrupt you, but we
18 should probably do SEQRA before we do the concept.
19 Technically, we should vote to rescind on concept and
20 start with SEQRA.

21 CHAIRPERSON DONOVAN: Okay, we'll rescind the
22 concept and we'll put the SEQRA motion on the floor
23 now.

24 I'm going to make a motion that we approve the
25 Type 1 SEQRA action recommendation.

1 MR. HOLLAND: I'll second that motion.

2 CHAIRPERSON DONOVAN: Okay, and all those in
3 favor?

4 *(Ayes were recited.)*

5 CHAIRPERSON DONOVAN: And now I'm going to make a
6 motion that we vote on the previously approved concept
7 for 14 Plaza Drive.

8 MR. O'ROURKE: Second.

9 CHAIRPERSON DONOVAN: All those in favor?

10 *(Ayes were recited.)*

11 CHAIRPERSON DONOVAN: Opposed?

12 *(There were none opposed.)*

13 CHAIRPERSON DONOVAN: So, tonight we are now here
14 for final on this. Is this correct?

15 MR. DELAUGHTER: Yes.

16 CHAIRPERSON DONOVAN: There was a meeting this
17 past Friday that Joe and I attended with the folks in
18 Public Works and there were some issues that we had
19 discussed. I had asked for them to be put in a memo. I
20 really didn't get the memo, but what I did get from
21 you, Joe, was this afternoon some individual comments
22 dated January 22nd, 27th and 20th from the various
23 departments that we'll put into the record this
24 evening.

25 We had gotten a memo from the Planning Department

1 saying that as part of our recommendation, we should
2 address all outstanding department comments of the
3 January 8, 2009 PEDD comment letter and we're not going
4 to do that. We're going to direct the latest comments
5 that were based on the third submission of plans.

6 All right, Mr. Bette, you want to please go ahead
7 with your presentation?

8 MR. CHRIS BETTE: Sure. Thank you.

9 My name is Chris Bette and I'm with First
10 Columbia. With me is my brother Kevin. He's the
11 principal of First Columbia.

12 Some of the board members are new. We started
13 this a couple of years ago and received concept
14 approval, as Mike mentioned. I came back into the board
15 in September just to reacquaint the new board members
16 to this project.

17 Madam Chairman, if you'd like me to just go
18 through a little bit of history, I will.

19 CHAIRPERSON DONOVAN: Sure.

20 MR. CHRIS BETTE: First Columbia is the developer
21 of Century Hill Plaza. Century Hill Plaza consists of
22 the five yellow buildings off of Century Hill Drive.
23 We've been working with the town and through the town
24 the last eight or nine years on the development of
25 those five office buildings. Those office buildings

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total about 300,000 square feet of office space. I think we've been doing a good job on what we've been doing. They're fully leased. We've had some real notable tenants. Our program, I think, went very well in this location.

In 2006 the opportunity to purchase the 18 acres to the south of our development arose and we did exercise that purchase, planned a concept layout of some more office that extended our office park just to the south to the Auto Park side. This is just a concept of what we thought we could do there back in 2006 when we started.

We submitted plans for just one of these buildings - what we're calling 14 Plaza Drive, which is a three-story, 54,000 square foot office building. I have a blow up in the back. This would be a better idea to show you what we're shooting to do. The access of this is from Auto Park Drive.

Through the process, we agreed to the town to make the connection early on in our development of a new roadway that connects Auto Park all the way up to Century Hill Drive so that it would interconnect. That was a requirement or a desire of the fire prevention office. We were happy to do that.

Our plan today is much like it was when we

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1 presented it back in January of '07. It's a three-story
2 office building serviced by municipal utilities and
3 sewer service currently exists at the end of our
4 driveway. I say "our" because our office building is at
5 the Century Hill Plaza buildings.

6 Sewers would be pumped up to the Century Hill
7 pump station and then pumped up to Route 9. Water will
8 be looped in the new road. The Water Department desired
9 that for pressure purposes or just enhanced system
10 capabilities. The stormwater will be managed in the
11 adjacent pond.

12 When the previous owners of what was 3 Auto Park
13 Drive, Saturn of Albany, had a development of about
14 225,000 square feet of auto sales and retail sales and
15 things like that, which was approved on this parcel.
16 Their design also anticipated or expected to use the
17 detention pond that they built with the road Auto park
18 Drive in their improvements that they did at Route 9.

19 So, our plan utilizes the same basin. You've seen
20 the basin from the Northway. Our storm will be managed
21 there, along with the Plaza Drive stormwater, the Auto
22 Park stormwater and then 1 Auto Park stormwater. So,
23 we're still maintaining all of that and meeting today's
24 stormwater regulations.

25 It's pretty cut and dry. It's a simple site plan.

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1 It's a typical layout for our buildings and this is a
2 rendering of what it will look like. We're a
3 multi-tenant office building, center core, access
4 parking meter side. We found that to be a very good
5 recipe for success. Our buildings are leased and our
6 tenants enjoy the atmosphere. It's easy to get to and
7 it's easy to go to the office. We think that this would
8 be a great addition to our park and hope that the board
9 will see it favorably tonight.

10 CHAIRPERSON DONOVAN: Could you put the larger
11 site plan on there please?

12 Could you point out Auto Park?

13 MR. CHRIS BETTE: Just so that everyone knows,
14 the Northway is down here (Indicating), Route 9 is up
15 at the top, Auto Park Drive, the existing cul-de-sac is
16 on the right side of the map and then Century Hill
17 Drive is here (Indicating) on the left side.

18 CHAIRPERSON DONOVAN: One of the things that we
19 have to address is the frontage issue. It would have to
20 be on the dedicated town highway, as you know. I
21 believe that it is 100 foot frontage on the dedicated
22 town driveway. I know Auto Park Drive's cul-de-sac is
23 down there and it's a private road that's owned half by
24 you and half by Mr. Nemith. Actually, I don't want to
25 get into that, but I want you to understand that if we

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1 grant conditional approval tonight, it will be based on
2 you meeting all the comments that were generated at the
3 meeting that we had last Friday on January 23rd and I
4 think, Joe, we can attach those to the findings.

5 Before obtaining a certificate of occupancy from
6 the town, you have to develop adequate frontage on a
7 dedicated town road built to town standards. The road
8 must be developed accordingly and dedicated. I don't
9 know whether this frontage is going to be on Auto Park
10 Drive or Plaza Drive, but that is something that you
11 will have to figure out. The road will have to be
12 dedicated. The town isn't going to be between
13 Mr. Nemith and you and the development of Auto Park
14 Drive.

15 If Plaza Drive will provide the frontage for the
16 site, it must be extending to Century Hill Road; is
17 that correct?

18 MR. CHRIS BETTE: Yes.

19 CHAIRPERSON DONOVAN: Is it Century Hill Road or
20 Drive?

21 MR. CHRIS BETTE: Drive.

22 CHAIRPERSON DONOVAN: And you will have to
23 provide all the easements and the right of ways as
24 required by the town.

25 MR. CHRIS BETTE: Correct, so we'll have to go

1 through a subdivision process which we have agreed to
2 do.

3 CHAIRPERSON DONOVAN: You'll go through the
4 subdivision process and you'll work with the town
5 departments and make sure that all town department
6 requirements are met.

7 I know one of the things that I believe Fire
8 Services had requested a while back - and I know that
9 the Route 9/Boght Road area recent traffic study had
10 suggested it - that a connector road be built between
11 Auto Park Drive and Century Hill, which I'm assuming
12 now is Plaza Drive; is that correct?

13 MR. CHRIS BETTE: Yes.

14 CHAIRPERSON DONOVAN: When I was up at Century
15 Hill Drive today looking around, I was wondering if the
16 road was built to town standards. I asked the question
17 and I found that no, it's not.

18 MR. CHRIS BETTE: Century Hill Drive or my
19 driveway? Century Hill Drive is very bumpy; yes, we
20 know that.

21 CHAIRPERSON DONOVAN: No, I meant built to town
22 standards where the School Board Association is.

23 MR. CHRIS BETTE: That was designed initially as
24 just an access drive. Up to the back of 26 is not built
25 to town standards, but we did build into the next phase

1 of our development to town standards, except for the
2 width. We need to widen the road.

3 CHAIRPERSON DONOVAN: Okay, because if you're
4 going to connect it with Plaza Drive and you're going
5 to have that dedicated to town standards, you'll have
6 to work with the departments as far as the remaining
7 area on Century Hill.

8 I met with John Dzialo this morning and spoke to
9 Bob Mitchell up in engineering and he said that they
10 have not received your finalized stormwater plans yet,
11 which we know is the case. I also know that your
12 stormwater plan that you're promoting relates to an
13 off-site basin; is that correct?

14 MR. CHRIS BETTE: Correct.

15 CHAIRPERSON DONOVAN: I just want you to know
16 that if that doesn't happen and you're not able to get
17 with Mr. Neimith - if you're not able to compromise on
18 that or have any type of agreement, you're going to
19 have on-site stormwater issues that you'll have to deal
20 with and submit the plans for that.

21 Other than that, I really don't have any more
22 comments, but I would just like to know that those
23 things that I just said should be made part of any
24 findings that we do tonight or any recommendations that
25 we do make.

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1 Also, I have a memorandum from Dave McMorris
2 dated January 22nd and he has reviewed the third
3 submission of preliminary final plans and he has a
4 comment to include a note at the EX SMH 11-62. So we'll
5 get you a copy of that to be adopted and also we have a
6 memo and this is from Daniel Sever from Latham Water
7 and they are okay with what you have submitted.

8 Stormwater management, of course, is still not
9 okay because you still have to work with them on that
10 issue.

11 I know that you have done testing out there.

12 MR. CHRIS BETTE: Do you want me to explain that
13 issue?

14 CHAIRPERSON DONOVAN: Sure, if you want.

15 MR. CHRIS BETTE: Let me just tell you what
16 happened and why we are lacking in that at this point.

17 We designed the sites - the full development of
18 our new site to go utilize this basin. We were not
19 aware at the time when we did the design that the
20 seasonably high groundwater was actually a foot higher
21 than what we designed for and we need a foot
22 separation. So, what we have to do now basically is
23 raise the bottom of the basin to get that foot
24 separation from the ground water. That's resulting in
25 us recalculating all the numbers.

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1 What that translates to for the full development
2 is that there is going to be reserve capacity in this
3 pond that was allocated for the full development. Some
4 of that may not be there so when we go for these other
5 sites to do something, we're going to have to relook at
6 our stormwater plans, the capacity of the basin and
7 look to see what we can get into the basin per the SWPP
8 rules and what we can't we'll have to figure out
9 another way to deal with it. That would be another
10 on-site treatment.

11 We apologize for the lack of detail on the
12 stormwater. The groundwater was where it was supposed
13 to be. The unseasonably high ground water was what
14 caught us here and it requires us to raise our basin
15 bottom.

16 CHAIRPERSON DONOVAN: Again, if the board should
17 decide to go forth, it would be conditional approval
18 based on everything that we stated. Of course, we do
19 need the frontage and you will not get a certificate of
20 occupancy unless you're on a road that has been
21 dedicated and built to the town standards.

22 MR. CHRIS BETTE: We understand.

23 CHAIRPERSON DONOVAN: Mike, do you have any
24 questions?

25 MR. SULLIVAN: No, I don't think so.

1 CHAIRPERSON DONOVAN: C.J.?

2 MR. O'ROURKE: The pump station?

3 MR. CHRIS BETTE: The Century Hill Drive pump
4 station?

5 MR. O'ROURKE: The new one.

6 MR. CHRIS BETTE: Mine? I'm on a building with a
7 grinder.

8 MR. O'ROURKE: You're on a grinder now.

9 MR. CHRIS BETTE: I'm a grinder pump now that
10 will be pumping -

11 MR. O'ROURKE: But you're adding another.

12 MR. CHRIS BETTE: No, we're utilizing the
13 existing Century Hill Drive pump station at the bottom
14 of Century Hill Drive.

15 MR. O'ROURKE: And then pumping it up to the top.

16 MR. CHRIS BETTE: That currently comes up through
17 a line that we installed that gravities up to Route 9
18 and then back south.

19 MR. O'ROURKE: Right, so the new one that you're
20 putting in - the new grinder - has that all been
21 spec'ed?

22 MR. CHRIS BETTE: Yes.

23 MR. O'ROURKE: Okay, has the sanitary - has all
24 of our people - - Latham Water and Pure Waters are all
25 right with it?

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1 CHAIRPERSON DONOVAN: I have a memo from Pure
2 Waters here. They were at the meeting on Friday and I
3 don't believe that they had any comments.

4 MR. CHRIS BETTE: In the plans, we specify the E1
5 model type. It's a duplex pumping station. All the
6 model stuff is part of our plan.

7 MR. O'ROURKE: And that will be dedicated to the
8 town?

9 MR. CHRIS BETTE: No, that will be private. They
10 do not want it. That will be private and I will remain
11 the owner of that. We will only service one.

12 MR. O'ROURKE: Only that one?

13 MR. CHRIS BETTE: Correct. Each building will be
14 on its own individual grinder.

15 MR. SULLIVAN: And those will be maintained by
16 the developer?

17 MR. CHRIS BETTE: Yes.

18 CHAIRPERSON DONOVAN: Anything else C.J.?

19 MR. O'ROURKE: I just want to reiterate the GEIS
20 and that the mitigating fees will probably be different
21 than what they were thought to have been.

22 CHAIRPERSON DONOVAN: And in that study they
23 talked about the connector road.

24 MR. O'ROURKE: Right, the unnamed connector road.

25 CHAIRPERSON DONOVAN: Which is Plaza Drive.

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1 MR. O'ROURKE: But this building is going to
2 front Plaza, correct?

3 MR. CHRIS BETTE: Well, it will have frontage on
4 both Auto Park and Plaza.

5 MR. O'ROURKE: I think that you guys have done a
6 great job with that down there as evidenced by your
7 lease rates and some of the companies that are in
8 there. I would just ask that when you do go through it,
9 fix the road down Century. It's horrible. As you come
10 down - - just because the amount of trucks.

11 MR. KEVIN BETTE: We've been trying to get the
12 town to pave it for years.

13 MR. O'ROURKE: You're a funny guy.

14 MR. KEVIN BETTE: It's been like that since we
15 got there. They agreed that after they got done with
16 construction that they would repave it and they never
17 have. Now, were going on the other side of Auto Park.

18 Century Hill Drive is an embarrassment. We bring
19 customers in there from out of the country and out of
20 town and they drive down that road and it's
21 embarrassing. We didn't put it in. It was put in by the
22 C.T. Male guys way back when.

23 MR. O'ROURKE: And I know who put it in, but what
24 I'm saying is that you guys have contributed certainly
25 to the decay of it by building down there; 22, 24, 26.

1 You run concrete trucks over it.

2 MR. KEVIN BETTE: Yeah, but I can show you
3 pictures of it. It's been like that since we started.
4 It really has. We said, okay, let all the trucks get
5 through it and whatnot. It was in bad shape before we
6 started.

7 MR. CHRIS BETTE: DPW has anticipated resurfacing
8 that in the last few years. I think that it just fell
9 off the work program due to budgetary issues.

10 MR. O'ROURKE: Yeah, but for us, the taxpayers,
11 to go in - and you're going to put three more buildings
12 in.

13 MR. KEVIN BETTE: Taxpayers? Do you know how much
14 taxes we generate from there? All of our offices
15 complain to us and we don't have any control over a
16 town road. Like I said, it's an embarrassment to us
17 trying to come in that way. We're happy that Auto Park
18 is going to provide another entrance for it.

19 CHAIRPERSON DONOVAN: Have you spoken to the
20 Highway Department or to Bob Mitchell lately?

21 MR. CHRIS BETTE: Not recently. We've been
22 pushing for this to be repaired for years.

23 CHAIRPERSON DONOVAN: Maybe you can begin that
24 conversation again because C.J. is right. I drove down
25 there today.

1 MR. O'ROURKE: I told you that you'd like that
2 road.

3 CHAIRPERSON DONOVAN: You were right.

4 MR. CHRIS BETTE: A considerable amount of the
5 bumps are related to the fiber optics that seem to
6 weave their way down there.

7 CHAIRPERSON DONOVAN: C.J., I don't mean to
8 interrupt you.

9 If you're going to have your frontage to this
10 property on Plaza Drive, that's the road that you're
11 going to have to develop from your frontage now and
12 say, Auto Park Drive does not work out for you, I don't
13 believe that you will have to connect Plaza Drive to
14 Auto Park Drive until that also becomes a dedicated
15 road. You can bring Plaza Drive down as far as you need
16 for frontage purposes, but it would be my opinion that
17 you wouldn't have to connect it until Auto Park becomes
18 dedicated.

19 Is that fair?

20 MR. O'ROURKE: As long as there is access. When
21 Houser's building burnt down, nobody could get out of
22 those offices.

23 CHAIRPERSON DONOVAN: You can come down Auto Park
24 now and still get to the site. There is no question
25 about that, but I think until Auto Park is a dedicated

1 road that Plaza Drive should be connected to it. We'll
2 have to eventually, obviously.

3 MR. DELAUGHTER: One of the things that we'll
4 have to work out - and we can work this out in the
5 review - is that there would be a need for town
6 vehicles to turn around at the end of the driveway.

7 MR. O'ROURKE: Right; 30 by 30. That's in the
8 notes.

9 CHAIRPERSON DONOVAN: Right, because you can't
10 now when you go down to Century Hill. When I pulled
11 down there by the School Board Association, I said to
12 myself, how would emergency vehicles get through there?
13 I came to the conclusion: not very well. So, this
14 connector road is an important part of the process. If
15 for some reason your access to this is off of Auto Park
16 Drive, as this site develops and you continue to
17 develop here, you're still going to have to build that
18 connector.

19 MR. CHRIS BETTE: We understand. We always talked
20 about a connector even when we were developing the
21 yellow building parcels. The connection was always
22 contemplated between the two and we always agreed to do
23 that.

24 CHAIRPERSON DONOVAN: C.J., anything?

25 MR. O'ROURKE: No, I'm good.

1 CHAIRPERSON DONOVAN: George?

2 MR. HOLLAND: The Auto Park project is a dead
3 issue now.

4 MR. CHRIS BETTE: The former Saturn of Albany
5 project? Yes.

6 MR. HOLLAND: I would suggest then that they
7 change the name of Auto Park Drive. It's lost its
8 significance.

9 MR. CHRIS BETTE: We agree with you.

10 MR. DELAUGHTER: It's easier because it's not a
11 dedicated street yet.

12 CHAIRPERSON DONOVAN: Tim?

13 MR. LANE: I think that C.J. got all the
14 questions that were on my mind, as well.

15 She always goes to you first, C.J.

16 MR. O'ROURKE: I tell her to sometimes go to me
17 last.

18 CHAIRPERSON DONOVAN: Tom is not seated where
19 he's supposed to be seated so it gets me confused.

20 MR. NARDACCI: Just a quick question. Could you
21 just walk us through the green space as part of the
22 site plan? It says 80% and I was just trying to figure
23 that out.

24 MR. CHRIS BETTE: We're developing four acres of
25 an 18 acre parcel. What you don't see - this whole

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1 green area (Indicating) is our land. That is part of
2 the 18 acres. That's how we get to the 80%.

3 CHAIRPERSON DONOVAN: But on this particular
4 site, you must meet 35%.

5 MR. NARDACCI: That was my question.

6 MR. CHRIS BETTE: We haven't delineated a
7 boundary for 14 Plaza, or what we're calling 14 Plaza.
8 Today this lot is 18 acres.

9 CHAIRPERSON DONOVAN: But you're providing
10 stormwater for the four acres, is that correct?

11 MR. CHRIS BETTE: We designed our stormwater
12 system up until this pick up with the unseasonably high
13 ground water to receive our whole 18 acres, the new
14 road connecting Century Hill Drive to Auto Park, to
15 continue taking the flow from Auto Park Drive and to
16 continue taking the flow from 1 Auto Park Drive.

17 CHAIRPERSON DONOVAN: But in the event that
18 doesn't work, you realize that you're going to have to
19 do -

20 MR. CHRIS BETTE: Correct. Whatever capacity you
21 may lose due to the increase of the bottom of the
22 basin, we're going to take away from our stuff here
23 (Indicating) or deal with.

24 MR. HOLLAND: The full build out still has to be
25 35%; you understand that?

1 MR. CHRIS BETTE: Yes.

2 MR. HOLLAND: If each parcel is separate, each
3 parcel needs to be at 35%.

4 MR. CHRIS BETTE: When we submitted this plan to
5 the board back in January '07 or prior to then, we also
6 submitted this overall concept master plan to the board
7 and at that time we also met all those requirements.

8 MR. KEVIN BETTE: When we first developed the
9 buildings that are in yellow there, we never thought
10 that we'd be able to connect. When that property became
11 available - the Saturn dealership became available - we
12 were encouraged by the town to acquire and connect the
13 roads together and build more office buildings. The
14 problem that we have is that we can't anticipate very
15 well what customers are going to want as far as space.
16 That's the next project that I'll show you that has the
17 same problem.

18 We had a customer interested in this project
19 right here (Indicating), and it was thought at the time
20 that it would be quicker to go through the Planning
21 Board with just one building so that we could get that
22 customer in their building. For whatever reason, with
23 all the regulations and all the changes that have
24 happened in zoning, it has taken us three years to get
25 what was told to us would be an easier way to do it in

1 the beginning. Had I known better, I would have
2 submitted the whole thing from day one and then we'd be
3 further along.

4 CHAIRPERSON DONOVAN: It would have been 10 years
5 that way.

6 MR. KEVIN BETTE: I don't know why it's so
7 confusing. Your point about the traffic - if they
8 assume the zoning rather than the use, like you said in
9 the last one, we wouldn't have this traffic problem.
10 The Town of Colonie has so much capacity for traffic.
11 You're letting commuter traffic from Saratoga County
12 eat up the potential for job growth in the Town of
13 Colonie and I don't think that's right. You're saying,
14 hey, all you commuters continue to use this road so
15 that there is no capacity left for anybody.

16 This is one of the last economically substantial
17 pieces in the town. Now we're staring at a really bleak
18 economy and we're going to be wishing that we had been
19 able to accommodate some of the questions. I can't tell
20 you how many customers we've lost and it's frustrating
21 because this is the best location in the Capital
22 District. The Town of Colonie is the best town in the
23 area. We're losing because we can't get on the same
24 page with stuff and that's frustrating. It's a great
25 location. MVP would have been here, half the stuff in

1 the RPI Tech Park would have been here, stuff in
2 Saratoga County would have been here, but we can't get
3 on the same page. We're using traffic commuters from
4 Saratoga County to keep us from developing the capacity
5 in the town of having jobs here and increasing the tax
6 base here.

7 I think that the Planning Board has always been
8 great. Our problem is getting to the Planning Board. I
9 mean if we can get here and talk about these things, I
10 think that we can get things accomplished.

11 MR. NARDACCI: Kevin, as a new board member how
12 do we tweak it? How do we make it better? There is no
13 silver bullet. I think that we all understand that. The
14 TDs are a part of this. I think that there are other
15 things that have to happen that we're trying to do. As
16 far as I can tell, this board is on that page. We don't
17 want to lose jobs to other municipalities and other
18 counties; especially in the tough economy, like you
19 said. We're going to make sure that fortune 100
20 companies come right here to the town.

21 MR. KEVIN BETTE: There are two big job
22 generations in the Capital District right now. One is
23 in Malta and one is SUNY Albany. Those are huge job
24 generators. We are very fortunate in the Capital
25 District that we have those. Other communities are

1 losing jobs left and right. We're smack dab in the
2 middle of that. If we can sell the Town of Colonie, it
3 would win all of these RFP's that we go out for. Our
4 problem is that people know and have said oh, well,
5 you're never going to get it done. That's always the
6 knock against us is that you'll never get it done and
7 I'm saying, we're starting over again and I think that
8 it's good that we've had a lot of conversations
9 recently and there's been some movement. That's just
10 how we got here.

11 I'm almost embarrassed to come in here and say
12 yeah, we've got one building on 18 acres because we
13 thought that would be quicker. We were encouraged by
14 the town to buy that property to put more product on
15 there to create more jobs. When I drive back from
16 lunchtime and all the traffic is backed up - - you know
17 you're saying go ahead and live in Malta and drive
18 right through the Town of Colonie to Albany to your
19 job. It doesn't make any sense. We have to put the job
20 base here and have the traffic come to us.

21 MS. VAIDA: Do you have any suggestions on how to
22 resolve that?

23 MR. KEVIN BETTE: I think DOT's stance on Route 9
24 is that it's an alternative to the Northway, if you're
25 traveling the Northway. So, DOT is saying, town,

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1 reserve that capacity for me because my job is to move
2 commuters. They're saying to you guys and then you're
3 saying oh, well, DOT is says we don't have any more
4 capacity on Route 9. That section of Route 9 has the
5 largest traffic capacity. I used to be a traffic
6 engineer, so I know. It's the largest capacity in the
7 Capital District.

8 You have a four lane highway with a huge median
9 down the middle and you have limited development along
10 that stretch. If that roadway was in any other
11 community, you would see a lot more development there.
12 What's happened is that people have said, well, DOT
13 wants to preserve it for the through traffic. So, you
14 get all the traffic and all the hassle of people
15 driving through without any benefit. Now, those people
16 could easily be on the Northway. Maybe they're going to
17 wait a little bit longer if the bridge backs up but
18 they should be on the Northway. It's like taking Old
19 Loudon Road instead of Route 9. It's the same thing on
20 a smaller scale. I mean people take an alternative
21 route because they don't want to drive where they're
22 supposed to drive.

23 So, I think the suggestion is to sit down and
24 plan with DOT and say, look, this is one of the last
25 areas that we have some traffic capacity and to attract

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1 some jobs in the town. There is one traffic light here.
2 If we had another traffic light at Auto Park Drive and
3 they were synchronized, it wouldn't impede the flow of
4 that commuter traffic one bit.

5 I think that when we did Century Hill Drive, DOT
6 was very nervous that traffic was going to be bad - the
7 lefts coming in because most of our traffic comes up
8 Route 9 and makes a left there. It works out fine. We
9 never miss a cycle. So the level of service isn't
10 really impacted by that turn. With the future
11 development that we're doing with another access point,
12 there shouldn't be a problem. The perception there is
13 that the traffic is bad in that area. The traffic is
14 only bad because we're counting all that commuter
15 traffic against ourselves in the town. We should be
16 saying, hey, if it's a little less convenient with the
17 commuters, maybe they will be on the Northway rather
18 than Route 9. The commuters don't want to stop. They go
19 down Route 9 at 75 miles an hour. They're kind of
20 pissed when hey get to the light at Century Hill that
21 they have to stop. Well, they shouldn't be going that
22 fast and it's not meant to be a commuter route. That's
23 why they go up the Northway. Route 9 used to be a
24 commuter route and then the built the Northway. They
25 don't want to replace the twin bridges, so DOT's main

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1 focus is keeping this stretch between the bridge and
2 the exit as free as possible. That just strangles the
3 development potential in the town.

4 CHAIRPERSON DONOVAN: Thank you.

5 Anybody else from the board?

6 Tom, do you have anything else?

7 MR. NARDACCI: No, that's it.

8 CHAIRPERSON DONOVAN: Anybody from the
9 neighborhood have any comments or questions?

10 *(There was no response.)*

11 CHAIRPERSON DONOVAN: We have the option tonight
12 of granting the applicant, what I would call
13 conditional final approval definitely because of the
14 stormwater and he must have the frontage on the road,
15 just as I had spoken about before. I can go through it
16 again. We can grant conditional final approval based on
17 the developer successfully meeting all of the comments
18 that were generated from the January 23rd meeting that
19 Joe and I attended and Mike was there too.

20 MR. O'ROURKE: I'll make that motion under the
21 conditions stated.

22 CHAIRPERSON DONOVAN: Plus all of the stormwater.

23 MR. O'ROURKE: Right.

24 CHAIRPERSON DONOVAN: Okay. So I have a motion by
25 C.J. Do I have a second for conditional final approval?

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1 MR. LANE: Second.

2 CHAIRPERSON DONOVAN: All those in favor?

3 *(Ayes were recited.)*

4 CHAIRPERSON DONOVAN: Opposed?

5 *(There were none opposed.)*

6 CHAIRPERSON DONOVAN: There you go. Good luck.

7 MR. CHRIS BETTE: Thank you very much.

8 CHAIRPERSON DONOVAN: Motion to adjourn?

9 MR. HOLLAND: Motion to adjourn.

10 MR. LANE: Second.

11 CHAIRPERSON DONOVAN: All right. We're done.

12

13

14 *(Whereas the proceeding concerning the above*

15 *entitled matter was adjourned at 9:07 p.m.)*

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CERTIFICATION

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

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13 

NANCY STRANG-VANDEBOGART

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17 Dated February 13, 2009

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