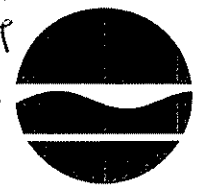


Fax/email
to J Mc Mullen
to G Ursprung
to J Lipinsky
G. Leavelle



New York State Department of Environmental Conservation
Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, New York 12306-2014
Phone: (518) 357-2069 • FAX: (518) 357-2460
Website: www.dec.state.ny.us

February 26, 2007

William K. Herbert
Vista Development Group, LLC
302 Washington Avenue Extension
Albany, NY 12203

Re: DEC Application #4-0199-00023/00001
401 Water Quality Certification
Vista Technology Park
Bethlehem (T), Albany County

Dear Mr. Herbert:

This is in response to the permit application you submitted for the above referenced project, and our meeting with you, your project team, and Heidi Firstencel of the Corps of Engineers at this office on February 2.

During the meeting we discussed your applications for a federal wetland permit and for a state water quality certificate. Your applications acknowledge unavoidable impacts to 2.366 acres of federal wetlands on the property and the creation 3.2 acres of new wetland as compensatory mitigation. Further, a deed restriction precluding future development of 155 acres of the property is also proposed. It is my understanding that based on our discussions at the meeting, your consultants, Terrestrial Environmental Specialists, Inc. will be providing both the Army Corps of Engineers and this office with the additional information regarding the ecological values associated with the wetlands that will be impacted.

During our meeting we also discussed the various aspects of the project related to the overall development of the site and the town of Bethlehem's role as the SEQR lead agency, which is currently receiving comments on the DEIS that was prepared for the project.

It was acknowledged that prior to any construction commencing at the site, the towns of Bethlehem and New Scotland will need to reach an accord with regard to distribution of water resources and apply for and obtain a water supply permit from this office to extend water services to the property. Further, the towns will need to obtain their respective approvals for the sewer extension. It is my understanding that those approvals will be sought after the completion of the SEQR review process.

We also discussed the preliminary Stormwater Management Report that was included in the DEIS that was prepared for this project. The report assures that the overall site can, and will be developed in accordance with stormwater management regulatory requirements. Mr. Ursprung acknowledged that the overall development of the site will likely occur over a period of several years and that a final Stormwater Pollution Prevention Plan will be developed for each phase of the project as it occurs, and final plan approvals will be sought at those times.

It was acknowledged that archaeological investigations were conducted on the site and that the report of the investigations is under review by the state Office of Parks, Recreation and Historic Preservation, and a final sign-off on the findings of the report is necessary from that office.

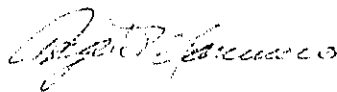
The department received a copy of the DEIS prepared on for this project and the document identifies and addresses key impact areas related to this department's jurisdiction, which we discussed during the meeting.

Based on the plans and information provided in the application we believe that the project can meet the regulatory requirements for issuance of a 401 Water Quality Certificate. This assumes that during the course of the permit review period no changes are made to the plans which will result in a significant increase in the amount of wetlands to be filled.

At this time your application is considered incomplete until such time as the additional information is received with respect to the wetlands, OPRHP issues their final approval/recommendations regarding the archeological report and the SEQR process is completed.

Please free to contact me with any comments or questions you may have related to the department's involvement with this proposal.

Sincerely,



Angelo Marcuccio
Environmental Analyst

c: Heidi Firstencel, Army Corps of Engineers
Joseph McMullen, Terrestrial Environmental Specialists, Inc.
Carol Lamb-LaFay, Region 4 Div. of Water
Teresa Bakner, Whiteman, Osterman, Hanna, LLP