

1 PLANNING BOARD COUNTY OF ALBANY

2 TOWN OF COLONIE

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4 COLONIE ASC MEDICAL OFFICE  
207 TROY SCHENECTADY ROAD  
APPLICATION FOR CONCEPT ACCEPTANCE

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6 THE STENOGRAPHIC MINUTES of the above entitled  
7 matter by NANCY L. STRANG, a Shorthand Reporter,  
8 commencing on February 9, 2016 at 8:07 p.m. at The  
Public Operations Center, 347 Old Niskayuna Road,  
Latham, New York

9

10 BOARD MEMBERS:  
11 PETER STUTO, CHAIRMAN  
12 BRIAN AUSTIN  
13 TIMOTHY LANE  
14 LOU MION  
15 CRAIG SHAMLIAN

16 ALSO PRESENT:

17 Kathleen Marinelli, Esq. Counsel to the Planning Board

18 Michael Tengeler, Planning and Economic Development

19 Joseph LaCivita, Director, Planning and Economic  
20 Development

21 Brian Sipperly, PE, Sipperly and Associates

22 Rabia Shinaishin, Hyman Hayes

23 Peter Lilholt, PE, CHA

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1                   CHAIRMAN STUTO: Next item on the agenda is  
2                   Colonie AC Medical Office, 207 Troy Schenectady Road.  
3                   This is an application for concept acceptance.

4                   Joe LaCivita, do you have any comments on that  
5                   before we start?

6                   MR. LACIVITA: Sure. Actually, this is  
7                   exciting because this is the final lot of that  
8                   subdivision. It's in a COR zone. We're getting down  
9                   to the last component of that which happens to be the  
10                  ambulatory medical surgery office. We saw this once  
11                  before on August 25, 2015 for a sketch plan review and  
12                  it was before all departments and the Town Designated  
13                  Engineer for DCC on August 12th.

14                  The applicant is here along with his engineer  
15                  so I'll turn it right over to the presentation.

16                  MR. SIPPERLY: Thank you, again, Joe. Good  
17                  evening Chairman and Members of the Board. My name is  
18                  Brian Sipperly with Sipperly and Associates. Just a  
19                  correction - this isn't the applicant. It's the  
20                  applicant's architects, Hinman Hayes Associates who  
21                  are here with us tonight to help present the floor  
22                  plan and the renderings for discussion.

23                  This was in front of the Board for sketch and I  
24                  believe that we presented at that time an advanced  
25                  sketch because as Joe mentioned -- there was a 2006

1 subdivision that put a lot of this in motion in  
2 thinking about access and corridor management.  
3 Through the development of Cumberland Farms on the  
4 corner of Swatling Road and Troy Schenectady Road,  
5 some access arrangements got worked out here with 207  
6 Troy Schenectady Road. Some easements were recorded  
7 and some discussions were had with DOT to make future  
8 planning for this parcel much easier for both  
9 applicants. Basically, we avoided an ODA for the  
10 development of this project, as a result of that.

11 What we have is a 2.25 acre site, rectangular  
12 in configuration. It's undeveloped today and it's in  
13 a COR zone. It's got 238 feet of frontage along Troy  
14 Schenectady Road.

15 From an abutting perspective, as I mentioned,  
16 we have a newly developed Cumberland Farms here. We  
17 have Trustco Bank to the east and to the east of that  
18 is the K-Mart. Across the street we have the new  
19 Salvation Army and really to the north we have a  
20 38-acre undeveloped parcel. It was a PDD and as a  
21 result -- I believe it was at the beginning of last  
22 year it was rescinded back to COR zone.

23 From a topography perspective, we have a gentle  
24 slope from south to north and it slopes off.

25 From a soils perspective, it's generally clay,

1 but it's been filled with about 15 feet of C&D  
2 material over time. So, it's a heavy fill site.  
3 Obviously, care needs to be taken for proper  
4 foundation. It generally consists today of some  
5 moderate grass cover and some secondary tree growth.  
6 There are limited wetlands on the parcel.

7 A couple of things have happened here. By the  
8 deed, the development of 211 and 207 is required to  
9 create an access road up to Swatling Road. When we  
10 did that we noticed a wet condition down here  
11 (Indicating) during a site walk for a week. We did  
12 have it flagged, delineated and it had the Corp  
13 involved and so there is a little growing wetland  
14 complex back here. They flagged a small little finger  
15 of that wetland along the sanitary sewer easement on  
16 the property. So, our proven final submission in the  
17 coming days -- we'll show you that. Although this  
18 plan at the time it was submitted didn't have the  
19 wetland that was identified, that is a new feature of  
20 the site.

21 The utilities are generally available on Troy  
22 Schenectady Road. Again, we have a sanitary sewer  
23 easement running through the parcel, so that's easy to  
24 connect to here. This parcel, as well as the previous  
25 project is in the Boght Road GEIS study area and again

1 subject to the mitigation fees. This parcel is wholly  
2 within the Latham Water District.

3 What we have here from a project perspective is  
4 a 12,000 square foot medical office facility. Access  
5 is going to be shared with Cumberland Farms. This  
6 curb cut has already been worked out and approved and  
7 constructed, so we would be coming off that curb cut  
8 with a loop to the pick up and drop off areas. We, of  
9 course, have secondary access proposed out to Swatling  
10 Road.

11 From a parking perspective 70 spaces is what  
12 meets the Town Code. We have exactly 70 spaces shown  
13 on the print.

14 We are leaving greenspace at close to 50% and  
15 stormwater is going to be handled through a series of  
16 underground detentions and with a bioretention  
17 facility out in the back, straddled along side of the  
18 easement. Again, we get quantity control under the  
19 ground and we get quality control and some other  
20 features out of a bioretention facility out in the  
21 back.

22 We are asking for a waiver for the front yard  
23 setback at 55 feet. Again, the reason why we are  
24 asking for that is the Troy Schenectady Road frontage  
25 is riddled with utility easements and between that and

1 the previously arranged curb cut and how the building  
2 sits, pulling it forward was just not practical.

3 Some of the discussions that I was just reading  
4 here is that when we were in front of the Board last  
5 time - a cross connection to the Trustco Bank was a  
6 desired feature of the project. We talked about  
7 banked parking and overflow parking and I'll talk  
8 about that real quick now.

9 The plan for development is to phase this with  
10 roughly a 7,000 square foot footprint being Phase I.  
11 We're going to present the renderings and the floor  
12 plan for that. Really what we are thinking about -  
13 the stormwater complex has been developed in such a  
14 way where when we build 7,000 square feet, and we only  
15 build the upper tenant parking which happens to be 40  
16 spaces, we have designed it in such a way that the  
17 stormwater system works for the 40 spaces. When they  
18 come back in and add the rest of the pavement, it  
19 continues to work. The stormwater is completely  
20 designed to handle the full build-out of the site.  
21 So, that is something that we're going to attack and  
22 through discussions with the Planning Office, we'll  
23 handle phasing through our preliminary final  
24 submission. We'll show how we're going to phase it.  
25 We'll show the logical terminations of any utilities

1 and parking and we'll also have that be part of the  
2 TDE review and approval of the Town staff.

3 CHAIRMAN STUTO: Can you trace what the  
4 original phase is going to be?

5 MR. SIPPERLY: Can I invite up the architect  
6 and we can throw the renderings up? We can just  
7 casually talk about it.

8 CHAIRMAN STUTO: Can you just trace which part  
9 of the pavement -

10 MR. SIPPERLY: We're going to be here, Peter,  
11 in the southern part of the site (Indicating). So,  
12 it's going to be center to the drop off area.

13 CHAIRMAN STUTO: What part of the pavement?  
14 It's the entrance, obviously.

15 MR. SIPPERLY: Yes, so everything that my hand  
16 is not covering is (Indicating) and the expansion  
17 would be proposed.

18 Here with me tonight is Rabia. He's with  
19 Hinman and Hayes. She is going to present to you the  
20 renderings that were in the Planning Board packet and  
21 the floor plan. We can talk about things like where  
22 the rooftop mechanicals are and how they are proposing  
23 how to screen it and any other general questions that  
24 the Board may have.

25 MS. SHINAISHIN: Good evening. Thank you for

1           having us. I'm Rabia Shinaishin and I'm from Hinman  
2           Hayes Associates. I'm part of the project team for  
3           the Colonie ASC Center. We are here for our first  
4           formal review for the general appearance for the  
5           building. The building that we are discussing, as  
6           Brian has mentioned, is the Colonie ASC Center. Our  
7           part of it is the first phase which is the 7,000  
8           square foot ambulatory surgery center.

9                   CHAIRMAN STUTO: Is that what it is up on your  
10           board?

11                   MS. SHINAISHIN: Yes. I'll start with just the  
12           general appearance of the building and kind of explain  
13           the project in general and then I can open it up for  
14           questions, if needed.

15                   Like I mentioned, the building that we are  
16           discussing is a 7,000 square foot two OR ambulatory  
17           surgery center on Troy Schenectady Road in Colonie.  
18           Essentially, it's providing an out-patient center  
19           right in Colonie so residents don't have to leave the  
20           area for treatment and it keeps something like this  
21           local.

22                   What we are presenting, as Brian mentioned, is  
23           these elevations that have been seen before. They  
24           were submitted as part of the application last fall  
25           and we didn't receive any negative feedback from the

1 Board, so we proceeded based on this design.

2 In general, the design response to the nature  
3 of the facility is cutting edge eye surgery center.  
4 The idea that is that the design ties back into the  
5 focus of the work inside the precision oriented  
6 high-tech laser surgery and eye surgery in general.  
7 Our general design concept as discussed with the owner  
8 was really to have a modern but also warm and  
9 approachable scaled building for the community.

10 The design works with the existing site, but  
11 also connects to the functions within the space and  
12 where the various program spaces want to be in the  
13 building on the site.

14 Essentially, going back to Brian's presentation  
15 is the main frontage, the south frontage of the  
16 building is oriented in the same manner as this plan.  
17 So, our south elevation is along Troy Schenectady  
18 Road.

19 From our point of view, we felt that the main  
20 public entry really wanted to be at the southwest of  
21 the site. This is where we have our waiting room  
22 reception which has an open store-front appearance.  
23 At the back of the northeast is really where we have  
24 the more private OR suite which needs to be private in  
25 general. We also have some semi-private staff areas

1 also along the south of the site and another  
2 semi-private patient zone for the pre and post-op.

3 I believe these are the elevations that were  
4 submitted back in October.

5 For us the key was really to create a more  
6 horizontal design with a low profile building that  
7 would from a scale point of view blend into the  
8 environment, the surrounding community where we're  
9 trying to keep this roof low. We don't have a lot of  
10 high roof lines and such. That horizontal focus in  
11 general is demonstrated through the roof lines as well  
12 as the canopy that covers the entry of the waiting  
13 area. This canopy also duly functions as a sunscreen  
14 for sunlight coming in through your waiting room.

15 As far as materials, the predominant material  
16 is the metal panel and together with fiber  
17 reinforcement cladding material. All of this is  
18 really following that horizontal focus - horizontal  
19 banding elements throughout the scheme.

20 CHAIRMAN STUTO: It's an interesting use of  
21 words. Fiber reinforcement panels - what is the  
22 texture on that?

23 MS. SHINAISHIN: For our purposes on this  
24 project, where you see the darker brown - it's kind of  
25 like a wood-look. It will have a little bit of a

1 wood-look texture and then the larger modules where  
2 you see the lighter gray - that's going to be more of  
3 a smooth panel.

4 CHAIRMAN STUTO: So, the fibers don't really  
5 impact the texture.

6 MS. SHINAISHIN: Correct. They vary from  
7 product to product, but for our purposes we have the  
8 wood look and then the smoother look.

9 The vertical element is with the use of the  
10 stone veneer.

11 As far as colors, the colors are really grays,  
12 browns and we do have some unobtrusive accents. This  
13 is together with the use of earthier colors through  
14 the stone. The overall color scheme is pretty neutral  
15 with grays. We have earth tones through that wood  
16 look that I just mentioned and of course the earth  
17 tone of the stone. As I mentioned, we do have the  
18 accents to really highlight certain features but as  
19 far as colors, there is nothing really flashy or over  
20 the top. It's pretty subdued.

21 In general, we feel that the scale relates to  
22 the surrounding area and the materials are modern but  
23 pretty familiar. The building design is really  
24 modern, but it is approachable. As Brian mentioned,  
25 there seemed to be some concern of an appearance of

1 the rooftop equipment. We do have a rather sizable  
2 rooftop unit that serves the OR suite. So, our  
3 intension really is to screen it with a similar metal  
4 panel material. We're just going to use it to our  
5 general design concept of the horizontal element.  
6 We're just going to try to continue that same  
7 language.

8 I also wanted to point out that these  
9 elevations are from head-on so we're never really  
10 going to see it like this. I think that these were  
11 included as perspective views. You will be able to  
12 see it so we definitely understand the desire of  
13 screening.

14 CHAIRMAN STUTO: Very good.

15 Any questions on the architectural at this  
16 point?

17 MR. SHAMLIAN: It looks nice.

18 MS. MILSTEIN: It looks great.

19 CHAIRMAN STUTO: Nice presentation. Thank you.

20 MR. SIPPERLY: Before I turn it over to the  
21 Board, I was asked to show an aerial photo, just to  
22 point out some cross-connections. So, the best way  
23 that I can show from this aerial image -- you can  
24 envision this being Cumberland Farms. You have the  
25 canopy and the convenience store. Here is the

1 development in question that we are talking about -  
2 the 12,000 square feet. So, the connections would  
3 really be coming out to Swatling Road. You can kind  
4 of see where we are constructing the access drive and  
5 the other desired feature of the project was a  
6 cross-connection to Trustco Bank.

7 CHAIRMAN STUTO: So, we're going to have that  
8 and we're going to have the connection in the back.

9 MR. SIPPERLY: The connection in the back is by  
10 deed. So, there is a requirement. This was something  
11 that was a desired feature, but the applicants have  
12 gone on record with me privately that they do not  
13 support this. I was going to handle that off-line  
14 with the Planning Office and the TDE about how  
15 important the cross connection was to Trustco Bank,  
16 but it is on the Plan as we speak today.

17 CHAIRMAN STUTO: We generally do support those  
18 cross connections.

19 MR. SIPPERLY: I am well-aware of that. I've  
20 made the clients very well aware of the Board's  
21 position and the Town's position.

22 MR. LACIVITA: The other deeded access was the  
23 shared entry point, too.

24 MR. SIPPERLY: I think that it's probably  
25 better shown on the reverse. Subsequent to the 2006

1 subdivision, the ingress/egress easement was wholly on  
2 the side of 211 Troy Schenectady Road. Due to planning  
3 and the correspondence back and forth with DOT, the  
4 suggestion was to move that access point further to  
5 the east and rewrite the access easements to straddle  
6 the property line. Like I mentioned earlier, as a  
7 result of that, we avoided having to go through an ODA  
8 to develop 207. I think that it was a win/win for the  
9 Town to reconcile and to see this from the master  
10 planning of the 2006 subdivision to 10 years later.  
11 All of that planning has kind of worked out well.

12 CHAIRMAN STUTO: While we're on that, I do have  
13 a couple of questions. As you're pulling into the  
14 property, you have that roundabout there. If you're  
15 pulling in from Route 2 and you want to get to  
16 Cumberland, are you directed around the roundabout?

17 MR. SIPPERLY: No. It's 24-foot plus summit  
18 and you can go right on it.

19 CHAIRMAN STUTO: And the TDE agrees that there  
20 is plenty of room for that.

21 MR. LILHOLT: Yes, it's actually just a  
22 drop-off area for patients.

23 CHAIRMAN STUTO: What if you were going to the  
24 parking area in the medical facility? If you were  
25 dropping somebody off, where do you think that you

1 would go?

2 MR. SIPPERLY: There are two options, Peter.  
3 If we think about the actual use today which is an eye  
4 surgery center - if I drive myself, they won't let me  
5 drive home. So, someone is going to come pick me up or  
6 drop me off. The thought is that patients will come  
7 in and this is wide enough to support somebody at the  
8 curb dropping somebody off, somebody else to by-pass  
9 if they wanted to. There is enough room for side by  
10 side movement here. So, you'd swing in and you drop  
11 off and that next individual would find their way out  
12 to a parking space. Other than that, if they were to  
13 come in like an employee, per se, they would come  
14 right on in and take the markings in and follow in and  
15 park.

16 CHAIRMAN STUTO: So, the markings will give you  
17 the options.

18 MR. SIPPERLY: I did talk this over in detail  
19 with Kevin Novak at DOT to see if he had a concern  
20 with the spacing and decision making that people need  
21 to do as soon as they come off of the curb cut and if  
22 there was going to be any issues. His suggestion was  
23 just sign, sign, sign. That's what we've done here.

24 CHAIRMAN STUTO: My other question parking,  
25 since you were talking about that -- the parking in

1 the back toward the deeded easement, is that a  
2 dead-ended parking spot? I know that we have been  
3 told before the connection is made, it will be a  
4 dead-ended parking spot?

5 MR. SIPPERLY: What do you mean by dead-ended  
6 parking spot?

7 CHAIRMAN STUTO: If you were going to circulate  
8 around a building, you could keep going without  
9 backing up. If you got stuck back there -- you'd have  
10 to do a three-point turn to turn around, rather than  
11 just circulate out. I don't know if I can be helped  
12 out by the TDE or anything. I think that Joe Grasso  
13 is the one that has educated us.

14 MR. LILHOLT: I guess the question Brian is  
15 that at what point will that roadway to the rear be  
16 built and who will build it?

17 MR. SIPPERLY: So, it will be built during  
18 Phase I by the applicants.

19 CHAIRMAN STUTO: The roadway will?

20 MR. SIPPERLY: Yes. I get what you're saying.  
21 I was under the assumption that everyone knew that the  
22 access road was part of the Phase I development which  
23 is why I was asking what was a dead end? If that was  
24 your understanding -

25 CHAIRMAN STUTO: Is the rest of the connection

1 going to be made to Swatling?

2 MR. SIPPERLY: That's correct. There has been  
3 arrangements between -- the deed should have had 211  
4 built, then these guys come in and build a portion of  
5 the road but there has been some stuff worked out that  
6 they can do it later and share the costs.

7 CHAIRMAN STUTO: Thank you. That answers my  
8 question.

9 Your drawing does show a cross connection.

10 MR. SIPPERLY: It does. It has always shown  
11 it.

12 CHAIRMAN STUTO: But your saying that you don't  
13 want it now.

14 MR. SIPPERLY: This is as of last night. We  
15 had a conference call with the clients and they just  
16 expressed it.

17 CHAIRMAN STUTO: Is there a reason?

18 MR. SIPPERLY: I think that it has a lot to do  
19 with concessions already made on the site, having to  
20 go to the bank and work out a cross access arrangement  
21 easements, who is going to maintain, what traffic are  
22 you going to bring through my site if I have people in  
23 wheelchairs? They are bringing up a lot of concerns  
24 that they have.

25 CHAIRMAN STUTO: Hopefully, we'll work all that

1 out.

2 MR. SHAMLIAN: Brian, I have a question on the  
3 phasing of the parking. On the eastern side of the  
4 building, is that parking going to be done, initially?

5 MR. SIPPERLY: Let me touch up on that.

6 The parking proposed along the eastern edge is  
7 going to be designated for employees which by the way  
8 will be 10 to 12 employees. There is going to be two  
9 surgical suites. With Phase I parking being 40  
10 spaces, 10 to 12 employees plus a couple of cars an  
11 hour, we think that 40 is going to be overkill for  
12 what it's going to be. So, there will be patient  
13 parking in the back. We've yet to completely land on  
14 how Phase I is going to look, whether or not we build  
15 the parking stalls to the north versus along here  
16 (Indicating) because we're starting to think about  
17 when we come and disrupt to build the footings for  
18 Phase II, you don't want to ruin fresh sidewalk and  
19 other things like that. So, we're going through that  
20 logic but generally, we wouldn't want to build this  
21 and one of these two trees, we'd probably have to hack  
22 off and we're just looking to get rid of 30 spaces to  
23 support the 40 required for Phase I.

24 MR. SHAMLIAN: I'm still not clear. The  
25 eastern part next to Trustco - are they in Phase I?

1                   MR. SIPPERLY: Correct, they'll be in Phase I.  
2                   There are 40 total spaces and think about those 40  
3                   total spaces being centric as possible to the  
4                   building.

5                   CHAIRMAN STUTO: Okay, do you have more  
6                   presentation to do?

7                   MR. SIPPERLY: No, that was it. At this point  
8                   I'll turn it over to the Board.

9                   CHAIRMAN STUTO: We can either do the Board or  
10                  go to the TDE.

11                  MR. LANE: TDE.

12                  CHAIRMAN STUTO: Okay, we'll turn it over to  
13                  Pete Lilholt for your comments. I know that you have  
14                  a letter in the file.

15                  MR. LILHOLT: Yes, thank you.

16                  I'll reference the review letter dated January  
17                  29, 2016 that's included in your packet. We have  
18                  reviewed the concept plan and the applicant and the  
19                  designer should be commended for the all the letters  
20                  of the cross access that have been incorporated into  
21                  the design. We support the interconnection with  
22                  Trustco and of course out to Swatling Road and  
23                  Cumberland Farms which kind of limits forcing people  
24                  who are using the parking lot having to jump out to  
25                  Route 2 to swing back in if they're going from one

1 business to another.

2 The concept plan addresses most of the comments  
3 from the DCC committee meeting of August 12, 2015. We  
4 also agreed with the justification for the waiver for  
5 the front yard setback of 55 feet which is greater  
6 than the maximum required and that's largely because  
7 the front of the parcel is encumbered by a number of  
8 utilities, which I'll talk about a bit later.

9 As Brian pointed out, it's in the Boght area  
10 GEIS and there are mitigation fees that are  
11 applicable.

12 With regard to the easement and the frontage,  
13 because of those utilities, trees and other  
14 landscaping - deep root type trees would be  
15 prohibited, but we still would like to see shallow  
16 root plantings installed along with a decorative fence  
17 within the easement facing Troy Schenectady Road.

18 The Town Attorney's office classified the  
19 project as an unlisted action pursuant to SEQRA and a  
20 short EAF has been provided with the materials. The  
21 architect spoke about screening of the HVAC units  
22 which is something that we like to see incorporated.

23 In looking ahead a little bit, Brian, there is  
24 certainly adequate space depicted on the concept plan  
25 for stormwater management but as noted in the

1 presentation with significant amount of fill, we  
2 question the appropriateness of infiltration  
3 practices. That's something we'll look at more  
4 closely and work with the design engineer when we get  
5 down the road.

6 CHAIRMAN STUTO: The one comment on fencing and  
7 low plantings - does the applicant have any objection  
8 to that?

9 MR. SIPPERLY: No, in fact we talked about this  
10 during the sketch. We'd like to continue the theme of  
11 the decorative aluminum fencing, masonry columns -  
12 we'd like to continue that theme all along and that  
13 seemed to resonate well the last time that we spoke.

14 Pete, real quick, the narrative did state that  
15 when we got into the details - this is pretty much  
16 fully engineered right now and we weren't able to  
17 support that after we did testing. We did preliminary  
18 testing out there to support a little bit of  
19 infiltration and then it just kind of fell apart and  
20 we had to bail on that. So, we are basically going to  
21 do quantity being controlled by underground stuff  
22 here, and then we're going to get our quality out back  
23 with bioretention. So yes, we share your same  
24 concerns and you won't see that.

25 CHAIRMAN STUTO: Okay, I'll just open it up to

1 the Board for comments or questions.

2 MR. LANE: The only thing that I'll say is that  
3 I think that as far as the applicant's easement -- you  
4 made a statement about making concessions. I don't  
5 necessarily look at it that way. We worked out  
6 arrangements that were warranted and worked to the  
7 better of the project. I don't think that you  
8 disagree with that.

9 MR. SIPPERLY: And the concessions aren't with  
10 the Planning Board. There are other site related  
11 things that are part of the discussion. If I set that  
12 impression, I apologize. It has nothing to do with  
13 what you've asked him to do. It's just other things  
14 that have popped up.

15 CHAIRMAN STUTO: You have to negotiate with  
16 every adjacent neighbor.

17 MR. SIPPERLY: And there are some things that  
18 have cropped up, but let me just make sure that I've  
19 made that point clear.

20 CHAIRMAN STUTO: Anything else from the Board?

21 MS. MILSTEIN: You really need 70 parking spots  
22 for this project or is that just because of Code?

23 MR. SIPPERLY: Thank you. The Code requires 70  
24 and I don't want to speak out of both sides of my  
25 mouth. The Planning Board is concerned about when

1           they sell it and when it becomes something else and  
2           what does that support? I totally get it. Obviously,  
3           the doctors who are building this for their use, they  
4           look out in their parking lots and they say, why do I  
5           have to build 70 spaces when I have two ORs and seven  
6           employees? It just doesn't work. They would love to  
7           build as little as they need, provide the 70 as banked  
8           parking so the Planning Board can say, hey, it's there  
9           for future use. If the Planning Board and TDE support  
10          something less than the 40 for phase I, the applicants  
11          would like that.

12                   CHAIRMAN STUTO: We've used banking all the  
13                   time. Which ones would you bank; do you know?

14                   MR. SIPPERLY: So, my discussion before is how  
15                   to get 40 centric to the building such that I'm not  
16                   disturbing new improvements when I put the second  
17                   foundation in. I think that we want to reserve the  
18                   right to think that over. If we were to propose 30  
19                   and then come back and work with that -

20                   MR. LILHOLT: Just a minor point to add onto  
21                   that: What you're doing the land-banking, make sure  
22                   that you do a stormwater management design so that the  
23                   full parking be built so that if the full parking  
24                   needed to be constructed, you account for the  
25                   impervious area.

1                   MR. SIPPERLY: I agree completely and the  
2 stormwater, which you will see the SWPPP is all set  
3 for maximum development of the 12,110 square foot  
4 site.

5                   CHAIRMAN STUTO: Any members of the public  
6 looking to speak on this one?

7                   (There was no response.)

8                   Okay, we have an application for concept  
9 acceptance. I think that the Board was saying to  
10 please strongly consider the cross connection with the  
11 bank.

12                  MR. SIPPERLY: Agreed.

13                  CHAIRMAN STUTO: Do we have a motion?

14                  MR. MION: I'll make the motion.

15                  CHAIRMAN STUTO: Second?

16                  MS. MILSTEIN: Second.

17                  CHAIRMAN STUTO: Any discussion?

18                  (There was no response.)

19                  All those in favor say aye.

20                  (Ayes were recited.)

21                  All those opposed, say nay.

22                  (There were none opposed.)

23                  They ayes have it.

24                  Thank you.

25                  MR. SIPPERLY: Thank you and good evening.

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(Whereas the above entitled proceeding was  
concluded at 8:31 p.m.)

CERTIFICATION

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

\_\_\_\_\_

NANCY L. STRANG

Dated \_\_\_\_\_

