

1 PLANNING BOARD COUNTY OF ALBANY  
2 TOWN OF COLONIE

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5 THE PROPOSED SHAKER VETERINARY HOSPITAL PROJECT  
6 CONSTRUCTION OF A 12,000 SQUARE FOOT  
7 OFFICE/TRAINING FACILITY - PRESENTATION OF AMENDED  
8 CONCEPT PLANS  
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11 THE TAPED AND TRANSCRIBED MINUTES of the above  
12 entitled proceeding BY NANCY STRANG-VANDEBOGART  
13 commencing on October 27, 2009 at 7:09 p.m. at the  
14 Public Operations Center 347 Old Niskayuna Road,  
15 Latham, New York 12110

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17 BOARD MEMBERS:

18 CHARLES J. O'ROURKE, Acting Chairman  
19 ELENA VAIDA  
20 TIMOTHY LANE  
21 TOM NARDACCI  
22 MICHAEL SULLIVAN  
23 PETER STUTO, Jr. Esq., Attorney for the  
24 Planning Board

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27 Also present:

28 Joseph LaCivita, Director, Planning and Economic  
29 Development

30 Tom Andress, ABD Engineers

31 Kevin DeLaughter, Planning and Economic Development

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1           ACTING CHAIRMAN O'ROURKE: This evening  
2 we have Shaker Veterinary Hospital, 213  
3 Maxwell Road; construction of a 12,000 square  
4 foot office/training facility, presentation of  
5 amended concept plans. This is for discussion  
6 only.

7           Kevin, would you like to bring everybody  
8 back up to speed on this?

9           MR. DELAUGHTER: If I could, I would, but  
10 I'm not really familiar with this status of  
11 this project.

12           MR. LACIVITA: I think the last this was  
13 before you, the board had concerns about  
14 parking on the private road. They had concerns  
15 about the accessory building being over to the  
16 west of the site. There were concerns about  
17 the height of the building and so on. I know  
18 that there have been a number of conversations  
19 from ABD regarding the change to it and the  
20 additional parking being put in the back. So,  
21 what they're looking for tonight is to come  
22 before the board and kind of show you how they  
23 have addressed the concerns that this board  
24 has had prior - at least an idea to go before  
25 the Zoning Board before they put anything on  
paper.

          ACTING CHAIRMAN O'ROURKE: Okay, go  
ahead.

          MR. ANDRESS: I'm Tom Andress and I'm  
here before on behalf of the members of the  
Shaker Veterinary Hospital.

          We were before this board in June. At  
that meeting we had a lot of discussion. There  
was a lot of concern with reference to where  
the building was being proposed.

          There was a lot of concern in reference  
to the parking that was out there. I know that  
Mr. Grasso has brought in some pictures of  
that and the access from the houses in the  
rear.

          So, this is just a quick summary. We have  
the veterinary practice in the front  
(Indicating). We have the three residential  
houses behind it. The first residential house  
is actually on the parcel of the veterinary  
practice. Then there are two additional houses

1 behind that. There is actually another lot  
2 behind that owned by the veterinary practice  
3 also. But there is not a house on it. So, this  
4 access that goes through the property has an  
5 easement to allow the private residents that  
6 are behind it.

7 We had an opportunity to go out there in  
8 the last few weeks. If you have, I think that  
9 you would be presently surprised. The road is  
10 clear. There has been parking assigned. There  
11 is an area that is defined very clearly for  
12 the parking for the staff at the hospital.  
13 There is plenty of parking in front of the  
14 building for the clients as they are coming  
15 in. So, since June, there has been a lot of  
16 work out there. We tried to clean things up  
17 which was directed by this board and to come  
18 back with a plan that we would want to speak  
19 to this board about before we go through the  
20 process of getting zoning variances. We had  
21 come before this board with some variances for  
22 the building and the grade that we had there.  
23 We now have to go back and get them again for  
24 the changes that we're proposing.

25 You all have a copy of the plan. Here is  
the outline of the area that we are now  
proposing to be all included in the  
veterinarian practice. Previously we had not  
included the residential lot with the  
residential house that's owned by the  
practice. Now, we encompass that into this  
with the changes of this map. This is the map  
that you had in your project file.

The building - you see this black area  
here (Indicating)? That was where the building  
was proposed. The building is now being  
proposed as additions to the existing  
building.

Right here with the existing building  
(Indicating), there would be a box that would  
be on the right side. This is again, something  
new that we did not have with the plan.

So overall, we're looking at a single  
building that's existing and a two story  
addition to the right side and a shed type  
addition off of the back here.

1 Maxwell Road is being changed. It's  
2 actually being changed as we speak. There is  
3 going to be new access in from Maxwell Road.  
4 The existing Maxwell Road is a dead end so  
5 we're hoping to go to the Zoning Board and our  
6 intent is to put in two rows of parking. Right  
7 now we only have a single row of parking. We'd  
8 like a double row of parking in front. We have  
9 more of a need there because that's where the  
10 main entrance to the building is.

11 Along with that, we're looking to modify  
12 the smaller parking area and make the  
13 principal area for all the staff from the vet  
14 and the overflow parking to the right here  
15 (Indicating). This would give us many more  
16 spaces which is significant and greater space  
17 than what we've been working with in the past.

18 Everything has been moved to the front.  
19 We simplified the design. We made it a lot  
20 easier for access. We have now improvements  
21 inside of the water district to eliminate all  
22 of the issues that we had with the water  
23 district. Since the building is all attached,  
24 we no longer have the issues with the fire  
25 hydrants. There have been all kinds of  
discussions about fire access to the building.  
We now have access around it and we'll take  
trees down. All of those things have now all  
gone away.

We're here tonight really to discuss any  
comments that you might have before we go back  
to the Zoning Board of Appeals to start this  
process again.

MR. NARDACCI: What was the square  
footage of the other plan with the new  
building?

MR. ANDRESS: This, I believe was right  
around 10,000. So, this square footage of this  
is similar. It's just that this was a single  
one-story and this is a two-story.

MR. NARDACCI: And the current  
configuration meets the similar needs that you  
had laid out for the other building?

MR. ANDRESS: It does. Some of the  
programs are being reduced down. That was set  
up for the warehouse. There was a lot set up

1 for training type programs. We're eliminating  
2 some of those things.

3 This building here would be for all  
4 surgical (Indicating). The second story would  
5 have - right now it's not fully designed yet  
6 but we will have conference rooms and some  
7 storage space and then in the rear area there  
8 would be some additional day care.

9 MR. NARDACCI: You'd still be doing the  
10 off-site storage? That was a problem that you  
11 mentioned before.

12 MR. ANDRESS: No. We will have enough  
13 room. Even though it will not be a lot, to use  
14 the second floor for storage. We'll have an  
15 elevator in the building so obviously we'll be  
16 able to provide storage for the second floor.  
17 We will be able to condense some.

18 ACTING CHAIRMAN O'ROURKE: Do you have  
19 information on -- I'm troubled every time  
20 somebody says that we're going to do a shed  
21 addition. Can you further explain?

22 MR. ANDRESS: I should say a single slope  
23 roof. This elevation would be the front that  
24 would face Maxwell (Indicating). This is the  
25 existing building. This would be the new  
26 building. This would be the side as you drive  
27 into the residence. You can see the  
28 two-story and then you would see the rear as a  
29 single-story. This area here would look like  
30 the rest of the building but the slope - you  
31 would actually have a slope roof here rather  
32 than a pitch off the side. A lot of that is  
33 being done for drainage issues. So, it's not a  
34 shed, per se. It's more of a single slope  
35 building.

36 ACTING CHAIRMAN O'ROURKE: Can we ask why  
37 you're encompassing the lot that's owned by

38 the principals?

39 MR. ANDRESS: We've had some discussions  
40 with the Bob Cordell from the Building  
41 Department and we have agreed to update that  
42 area right there. It's being used currently.  
43 Bob has inferred that we bring this back in  
44 and that we need to go for a variance to use  
45 that because we have a residential use on the

1 property. So, we had some discussions with  
2 them. What we're going to do is combine this  
3 together but that eliminates the property line  
4 between here (Indicating) so that we can make  
5 this look better and take some of this out and  
6 make room there for green. We'd still have to  
7 go to the Zoning Board of Appeals, but we will  
8 have to ask for a variance to allow the  
9 residential houses, say, in the commercial use  
10 property.

11 ACTING CHAIRMAN O'ROURKE: I guess that's  
12 what I'm getting at. What are you going to use  
13 the house for?

14 MR. ANDRESS: There is someone that is  
15 currently living there. We would not be using  
16 that. I mean, the Zoning Board of Appeals came  
17 back and told us that they didn't want us to

18 continue -

19 ACTING CHAIRMAN O'ROURKE: Is it a rental  
20 property?

21 MR. ANDRESS: I believe that it is rented  
22 out, yes.

23 ACTING CHAIRMAN O'ROURKE: I don't know  
24 how the rest of the board feels, but I'm  
25 having a little bit of a problem with that.

26 First, it's encroaching on those other  
27 neighbors. I guess why the dog walk couldn't  
28 be at the other end of the parking lot instead  
29 of -- I understand that it's only a couple of  
30 houses but again, I think that we have an  
31 obligation to those residents who have lived  
32 there and own those properties. If we take  
33 that and make it a commercial property then  
34 you're going to ask the Zoning Board to leave  
35 it as residential for the home?

36 MR. ANDRESS: To utilize the home as  
37 residential - right now it is commercial. It  
38 is commercial property. It just happens to  
39 have a residential house on it. So, it's all  
40 zoned commercial.

41 ACTING CHAIRMAN O'ROURKE: Right, but  
42 there are variances that you need to operate  
43 commercially next to the residences.

44 MR. ANDRESS: No, because that's an  
45 existing house. I believe that if you wanted

1 to change it to non residential use, then we  
2 would be able to change it to non residential  
3 use. We want to maintain it as a residential  
4 use.

5 ACTING CHAIRMAN O'ROURKE: I'm not  
6 understanding that.

7 MS. VAIDA: Is it in a residential use  
8 because that person has something to do with  
9 the hospital? Is it a caretaker?

10 MR. ANDRESS: The person utilizing it is  
11 associated with the hospital.

12 MR. NARDACCI: Is there currently a  
13 variance there now that allows residential  
14 use?

15 MR. ANDRESS: No, it's just preexisting  
16 in a commercial zone.

17 Joe, you'd have to tell me - I don't know  
18 under the new zoning if they allow -

19 MR. LACIVITA: It's grandfathered.

20 MR. LANE: Yeah, I believe so, if you  
21 don't mind me saying. I have seen examples of  
22 this. It's possible to have a residential  
23 within a commercial zone. That's not really  
24 unusual within the town.

25 MR. DELAUGHTER: I think that under  
current zoning, if this was a new site, a  
residential use is not permitted. But as an  
existing residence, it is considered a  
conforming use and it can continue. There is a  
question with the mixed residential and  
commercial use and that's where the variance  
comes in.

ACTING CHAIRMAN O'ROURKE: That's what  
I'm getting at. If he goes for that zone  
change, then the grandfathering clause on that  
property will be gone, no?

MR. DELAUGHTER: The variance request  
would be to allow the residents to remain with  
the commercial use along with it to allow a  
mixed use of property, rather than strictly  
residential.

ACTING CHAIRMAN O'ROURKE: But that's  
against the Land Use Law.

MR. DELAUGHTER: And that's why a  
variance would be required.

MS. VAIDA: But for the house, the  
residential use, there is no variance that's

1 needed? The buildings conform with the current  
2 law.

3 ACTING CHAIRMAN O'ROURKE: They are  
4 separately deeded right now.

5 You're going to combine them?

6 MR. ANDRESS: We're going to combine them  
7 together, that's correct that they are  
8 separately deeded.

9 ACTING CHAIRMAN O'ROURKE: So it's a  
10 separate deed and it's grandfathered under the  
11 new land use. But then when you move them in,  
12 it will not be a conforming use. That's what  
13 you need the variance for. Am I understanding  
14 that correctly?

15 MR. ANDRESS: Yes, that's correct.

16 MS. VAIDA: Is the residential use - is  
17 it because you need somebody there? I know  
18 that some of these hospitals have 24-hour care  
19 for patients. Is it for somebody to live there  
20 to provide that service or are the people that  
21 live there totally unrelated?

22 MR. ANDRESS: They are unrelated but it  
23 is not being used as someone who is a  
24 caretaker for 24 hour service. It could be,  
25 but it currently is not.

MR. SULLIVAN: What is the use of that  
lot, currently?

MR. ANDRESS: It's a dog walk area.

MR. SULLIVAN: And there is a fence up?

MR. ANDRESS: Yes, there is a fence up  
and there is screening. The buildings  
themselves provide screening so we certainly  
want to leave those up. If we take those down  
it would open up the adjoining house. I  
believe that the adjoining house was actually  
a barn that was associated with this house  
here (Indicating). It's pretty much right on  
the property. But the house and the existing  
garage acts as a buffer.

ACTING CHAIRMAN O'ROURKE: Would the dog  
walk - is that conforming now, Kevin?

MR. DELAUGHTER: To my knowledge, there  
was never an approval for that use of the  
property, which would have been required. It's  
essentially a commercial use. It's an  
accessory to the hospital and there should  
have been an approval for it.



1 MR. DELAUGHTER: As far as I know, there  
2 has not been a commercial approval for that  
3 property.

4 ACTING CHAIRMAN O'ROURKE: I'm having a  
5 little difficulty. Again, I like this idea.  
6 Don't get me wrong. I like the idea 100%  
7 better than what was brought to us in June. My  
8 concern is the encroachment, which is already  
9 on-going. I'm only speaking for myself. I  
10 would not be for that zoning variance. I don't  
11 like the encroachment. Even though the person  
12 now is affiliated and rented from the  
13 veterinary practice, they could then change it  
14 to something different.

15 MR. ANDRESS: No, it would have to stay  
16 residential because of the residential use. I  
17 think that if we don't go for a variance for  
18 that, it's very simple. We can take that down  
19 and we can bring our commercial to whatever  
20 the requirement is - 10 feet from the property  
21 line. So, we can use it all for commercial use  
22 because it's a commercial zone and it would  
23 allow for commercial use. I don't see how it  
24 would have to go through this board for  
25 approval. I think that we're looking to  
maintain status quo back there by allowing the  
resident to stay. It's something that we would  
have to make our argument to the Zoning Board  
of Appeals.

The issue of the dog walk is that we  
think that it's an appropriate area. If you  
move it anywhere else, you're going to take  
out a lot more woods and end up probably  
moving it closer to the residents.

MR. LACIVITA: Was the dog walk on the  
last time?

MR. ANDRESS: It was. It's in exactly the  
same position that it was before.

MR. LACIVITA: So that commercial  
approval then must be out there somewhere.

MR. ANDRESS: I don't know.

MS. VAIDA: Did you have an archeologist  
look at it? I know I saw in the prior papers  
that an archeologist will be reviewing the  
site in the spring.

1 MR. ANDRESS: We have a full  
2 archeological report and everything is fine.

3 MR. LANE: For tonight this is just for  
4 discussion. We're not voting on this. I agree  
5 with you that this plan is much better than  
6 the prior plan. You're just presenting this to  
7 us to get our acceptance. It hinges on more on  
8 as you move forward. We say, this is a good  
9 plan and then you go to your next step which  
10 you will seek the variance and then you will  
11 come back to us with your final plan; am I  
12 correct?

13 MR. ANDRESS: We just didn't want to go  
14 to the Zoning Board of Appeals and spend the  
15 money and then come back and find out that the  
16 board didn't like this design. We didn't  
17 expect that to happen but we wanted to come  
18 here first and share this first.

19 MR. LANE: But we shouldn't get hung up  
20 on that portion of it. Like you said, this is  
21 a preferable plan and I like it a lot better  
22 too. If the Zoning Board okays it, then we go  
23 from there.

24 MR. LACIVITA: How many more parking  
25 spots came out of this with the moving of the  
26 building, do you know?

27 MR. ANDRESS: I think that we were in the  
28 80-something area.

29 ACTING CHAIRMAN O'ROURKE: It was almost  
30 30, I think.

31 MR. LACIVITA: So that will hopefully  
32 assist with the other concern of the off-  
33 street parking.

34 ACTING CHAIRMAN O'ROURKE: And the  
35 parking has been much better.

36 MR. ANDRESS: And it's a little more  
37 logical. Now we have parking that will really  
38 serve the clients coming into the building.

39 MS. VAIDA: What I'm wondering is if you  
40 don't use that house as a residence anymore  
41 and it was going to be used as part of the  
42 veterinary operation, is that legal or is that  
43 a problem?

44 MR. ANDRESS: We could use it for storage  
45 or training in it. Those are all conforming.

46 MR. DELAUGHTER: It may require an area  
47 variance if it doesn't meet the setback

1 requirements for the commercial use in that  
2 district.

3 MR. ANDRESS: Possibly because it's a  
4 change of -

5 MR. DELAUGHTER: From residential to  
6 commercial. There is a provision in that  
7 situation if it doesn't conform to the current  
8 standards, a variance would be required.

9 MR. LANE: You chose to combine the lots.  
10 Would the plot, if it's ever sold down the  
11 road - because their combined - does that

12 variance go along with the sale of property?

13 MR. DELAUGHTER: The variance runs with  
14 the land.

15 One thing that I'd like to point out, if  
16 this does come back to the Planning Board, if  
17 a variance is granted - there would be a  
18 requirement for a parking setback waiver at  
19 two locations. One at the front and one along  
20 the National Grid power line. The front  
21 typically requires a 15 foot parking setback.  
22 The side would be a 10 foot minimum and there  
23 would be waivers required in both locations.

24 ACTING CHAIRMAN O'ROURKE: What is that  
25 front one now, Kevin?

MR. DELAUGHTER: If you looked at the  
light gray area - that's the existing  
pavement. The dark gray is the proposed. It  
looks like the current is maybe 20 or 25 feet.  
The proposed is about five, I would guess.

MR. ANDRESS: Yes. What we're doing is to  
a certain degree, we're taking advantage of  
Maxwell Road ending here (Indicating) so that  
we can get a double load in. We're still  
within our property line. If this were to  
become all green land - so you don't have the

21 traffic flowing so close to it.

22 ACTING CHAIRMAN O'ROURKE: I won't speak  
23 for anybody, but I don't have any problem with  
24 either of those waivers.

25 MS. VAIDA: Have you ever had any  
complaints from the neighbors? This has been  
used for a dog walk, for instance, for awhile.  
How do the neighbors feel about this?

1 MR. ANDRESS: I know that there are some  
2 neighbors here that were here the last time  
3 that we did a presentation that did have some  
4 concerns.

5 MR. NARDACCI: I think that the new plan  
6 addresses a lot of the concerns that the  
7 neighbors brought up. What's presented here is  
8 a little more compact. It's not as direct an  
9 impact, visually. When you walk out of your  
10 door there's not steel building or a back of a  
11 warehouse.

12 My feeling on the variance is that it's  
13 status quo. I think that was the right term.  
14 You used the right term. I do understand the  
15 concerns about encroaching to the residential.  
16 The current configuration -- it's not cookie  
17 cutter. There are a lot of different things  
18 going on here. I'm not as concerned about  
19 that. I think that the Zoning Board is going  
20 to have to do their due diligence.

21 ACTING CHAIRMAN O'ROURKE: Moving forward  
22 would you have any problems with those  
23 waivers?

24 MR. NARDACCI: I don't actually. I don't  
25 have a problem with that, especially with  
26 Maxwell Road ending. If Maxwell Road didn't  
27 end that would be a different story.

28 I don't know about National Grid.

29 Kevin, have we had other situations where  
30 setbacks on a right of way - is that something  
31 that has ever come up before as an issue and  
32 communications with Grid about stuff like  
33 that?

34 MR. DELAUGHTER: I don't think that they  
35 have an issue, as long as there is no  
36 encroachment on their right of way. It looks  
37 like again, there is probably a five foot  
38 setback proposed versus the 10 that's normally  
39 required.

40 As far as the purpose of that setback  
41 being a buffer area, you've got a National  
42 Grid corridor largely serving that purpose.

43 MR. NARDACCI: No, I don't have a problem  
44 with either of those.

45 MR. LANE: I have no problem with the  
46 waivers.

47 ACTING CHAIRMAN O'ROURKE: George?

1 MR. HOLLAND: Nothing at this time.

2 ACTING CHAIRMAN O'ROURKE: Elena?

3 MS. VAIDA: I don't have any other  
4 questions. I'm just not 100% sure about  
5 keeping the resident or residents. That  
6 wouldn't be our problem. I was just thinking  
7 in the future, who would want to move in there  
8 being so close?

9 ACTING CHAIRMAN O'ROURKE: There is  
10 commercial value, but it's pretty landlocked.

11 MS. VAIDA: But if they keep it  
12 residential -

13 ACTING CHAIRMAN O'ROURKE: But it's zoned  
14 commercial. All that land is zoned commercial.

15 MS. VAIDA: So if they have a variance  
16 for that to stay a residence, can you change  
17 that back to commercial without any  
18 applications to any department?

19 MR. ANDRESS: You could abandon the  
20 residential use by taking it down.

21 MS. VAIDA: What if you didn't take it  
22 down?

23 MR. ANDRESS: I think that the question  
24 that would come into play would be that you  
25 might have to go get a variance to use it for  
another use.

MR. NARDACCI: And right now there are  
separate deeds, right?

MR. ANDRESS: Right now there are three  
separate parcels. There is a parcel where the  
vet currently is, there is the parcel behind  
it and then there is this large parcel here  
(Indicating). All three will be combined  
together so that we don't have any of those  
issues or items along the property lines.

ACTING CHAIRMAN O'ROURKE: Mike?

MR. SULLIVAN: The future cul-de-sac,  
will that run all the way down to the Times  
Union or will that follow what will be old  
Maxwell Road? Do you know?

MR. ANDRESS: It's my understanding that  
it will be outside of the main access, but  
we'll be able to come down to this point  
(Indicating).

MR. SULLIVAN: And the driveway will have  
access?

1 MR. ANDRESS: We will have the driveway  
2 coming in off of this (Indicating). For the  
3 people that really screwed up and forgot to go  
4 the other way, I guess they could come through  
5 and come back over here (Indicating). We  
6 certainly aren't going to be encouraging that.  
7 I think that the design of the whole Maxwell  
8 Road onto Albany Shaker is to encourage people  
9 to stay on Maxwell and Albany Shaker and not  
10 utilize this (Indicating).

11 ACTING CHAIRMAN O'ROURKE: I see a  
12 problem with that. There will be people  
13 cutting through.

14 MR. ANDRESS: I think for awhile, maybe.  
15 But after they get used to it, they won't.

16 MR. NARDACCI: Between Maxwell and  
17 Service Tree Road - there is no road there  
18 anymore, right?

19 MR. ANDRESS: Right now there is.

20 MR. NARDACCI: So the road will go to  
21 where the first driveway is and then you can  
22 take a left to that future connection to  
23 Maxwell, right? If you come down Maxwell, you  
24 can take a left onto this connection

25 (Indicating).

MR. ANDRESS: This is Maxwell down here.  
The town will be building this road -

MR. NARDACCI: But that's just an access.

MR. ANDRESS: An access to get into the  
site.

ACTING CHAIRMAN O'ROURKE: He's talking  
about the cul-de-sac on the other side.

MR. ANDRESS: That driveway there will  
remain.

ACTING CHAIRMAN O'ROURKE: Anybody in the  
audience wish to comment on this project?

FROM THE FLOOR: So, the dog walk is  
going to remain where it is, correct?

MR. ANDRESS: That's what we're  
proposing, yes.

FROM THE FLOOR: And that area there  
where the property line is, will those woods  
remain there or are they going to take them  
down?

MR. ANDRESS: The woods will remain as  
much as we can keep them. Our initial grading

1 was trying to maintain a line back here  
2 (Indicating). Our intension is to keep these  
trees here.

3 FROM THE FLOOR: That will be a barrier  
then?

4 MR. ANDRESS: We want to keep some of the  
natural trees there.

5 FROM THE FLOOR: What about the  
stormwater?

6 MR. ANDRESS: The way that this is being  
7 designed is that we're hoping to deal with all  
the stormwater back in this area to try to  
8 keep it away from back there. It's our intent  
to try not to go back that far.

9 FROM THE FLOOR: Because there are  
wetlands back there.

10 MR. ANDRESS: The wetlands are behind  
here.

11 FROM THE FLOOR: Who is going to do the  
plowing? Will the town do it in the winter?

12 MR. ANDRESS: We will be setting up  
plowing that way.

13 FROM THE FLOOR: The area in front of  
us - will that be plowed or no?

14 MR. ANDRESS: This whole area here will  
be plowed (Indicating). I don't know what the  
15 arrangement is with the front of your house.

16 FROM THE FLOOR: The residential housing  
that you're talking about that you're going to  
17 be incorporating into the three parcels into  
one -

18 MR. ANDRESS: It will be this house right  
here (Indicating).

19 FROM THE FLOOR: If that were to be torn  
down, would we be notified first? After this  
20 is all done here, can that house be torn down?

21 MR. ANDRESS: That house can be torn down  
at any time with a demolition permit. We would  
22 be able to put something back in that place  
but we would have to come back to this board  
23 for site plan approval. It's not the intension  
to tear it down. We don't want to do that.  
24 It's a buffer but it's a source of income to  
them too.

25 FROM THE FLOOR: I'm a little concerned  
with the possible intent to tear that down.  
Tomorrow, if you get a demolition permit and

1 tear this all down and extend the dog walk  
2 there, you're in my back yard.

3 MR. ANDRESS: That's why we're going to  
4 the Zoning Board of Appeals to allow it to be  
5 residential. I would think that you would want  
6 to support the residential.

7 FROM THE FLOOR: So the dog walk isn't  
8 going to expand any further?

9 MR. ANDRESS: There is no expansion  
10 proposed for the dog walk.

11 ACTING CHAIRMAN O'ROURKE: anything else?  
12 **(There was no response.)**

13 ACTING CHAIRMAN O'ROURKE: I think that  
14 you've got a gist of the board's feeling in  
15 regard to the project. I think that overall,  
16 you've done a Yeoman's job changing the plans  
17 to move forward.

18 MR. ANDRESS: And we appreciate that very  
19 much. Thanks.

20 **(Whereas the proceeding concerning the**  
21 **above entitled matter was adjourned at**  
22 **7:43 p.m.)**

23 **CERTIFICATION**

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

31 -----  
32 **NANCY STRANG-VANDEBOGART**

33 **Legal Transcription**  
34 518-542-7699  
35 518-374-1061



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*Dated December 2, 2009*