

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

3
4 *****
5 THE PROPOSED SHAKER VETERINARY HOSPITAL ADDITION
6 REVIEW AND ACTION ON FONT YARD PAVEMENT SETBACK
7 WAIVER AND CONCEPT ACCEPTANCE
8 *****

9 THE TAPED AND TRANSCRIBED MINUTES of the above
10 entitled proceeding BY NANCY STRANG-VANDEBOGART
11 commencing on June 8, 2010 at 7:14 p.m. at the Public
12 Operations Center 347 Old Niskayuna Road,
13 Latham, New York 12110

14 BOARD MEMBERS:

- 15 CHARLES J. O'ROURKE, Acting Chairman
- 16 ELENA VAIDA
- 17 TIMOTHY LANE
- 18 TOM NARDACCI
- 19 PAUL ROSANO
- 20 MICHAEL SULLIVAN
- 21 PETER STUTO, Jr. Esq., Attorney for the
22 Planning Board

23 Also present:

- 24 Joseph LaCivita, Director, Planning and Economic
25 Development
- Tom Andress, ABD Engineers
- Ken Wolfe, Shaker Veterinary Hospital
- Rosemary Puckett
- Barbara Shevlin
- Mark Winne

1 CHAIRMAN O'ROURKE: Next on the agenda is
2 the Shaker Veterinary Hospital addition,
3 223 Maxwell Road.

4 Joe, you want to bring us up to date?

5 MR. LACIVITA: Sure. The Chief of the
6 Veterinary Hospital was before the board on a
7 couple of occasions. They made some
8 significant changes to the project since it's
9 been here. Clough Harbour had actually been
10 the designate engineer for the project. It is
11 a 15,000 square foot addition and some changes
12 to the site.

13 CHAIRMAN O'ROURKE: Thank you.

14 For the applicant this evening?

15 MR. ANDRESS: Tom Andress with
16 ABD Engineers and Surveyors. Also in the
17 audience is Ken Wolfe.

18 I think that most of you were probably on
19 the board. There may be a slight change.

20 In October of last year we came before
21 this board with a revision to the original
22 concept plan that was submitted. I'm talking
23 three-quarters of a year before that.

24 Originally, the plan was to put a separate
25 building in the northern portion of the site.

1 There were a lot of concerns with that. We
2 came back October 27th of last year and
3 presented that plan. It did require a waiver
4 for an apartment setback. It's also required a
5 lot of variances just because of the way that
6 it was set up. So, from that point, we went
7 back to the Zoning Board of Appeals, obtained
8 those variances, and since that time we've
9 been going through the procedure with DCC and
10 the now hopefully with the concept approval.

11 What we're proposing to do is to have the
12 existing Shaker Vet building. We're proposing
13 to do two additions. There is a two-story
14 addition to the side. That would be
15 approximately just under 11,000 square feet.
16 There would be a one-story addition in the
17 rear which would be a 2,000 square foot one
18 story addition of a shed-type building. There
19 were a lot of concerns at one of the meetings
20 before.

21 Mr. Grasso brought in a picture showing
22 issues with the parking. We had a lot of
23 issues with the parking. This plan, I think,
24 has addressed all of those issues. We've
25 created now, I think, 110 spaces for the site

1 versus the 60-something that we had
2 before. The whole parking lot area is really
3 set up for the police, adding some additional
4 parking in the front to make it more
5 convenient for the clients coming in. Along
6 with this is of course the relocation of
7 Maxwell Road.

8 Maxwell Road of course is very close to
9 this property and though Maxwell will be
10 relocated hundreds of feet away, the existing
11 road is going to end up at a cul-de-sac just
12 right at our entrance.

13 It works better for us to be able to add
14 additional parking in the front of the
15 building.

16 With the property line, we'll need a
17 waiver for this (Indicating). That allows us a
18 row of parking at the main entrance of the
19 facility.

20 Everything has been simplified on this
21 plan. Before we had to do a water district
22 extension, we had to do sewer work. They had
23 to bring in new water lines. All of those
24 items have been taken care of. This will be
25 internal. As part of the DCC, we're going to

1 be putting in a back-up device on the existing
2 water system. That's the only problem that
3 Latham Water has with this. The existing sewer
4 that's there has already been dedicated to
5 Colonie's Pure Waters, which is going to be
6 put into writing.

7 Stormwater, again, we have tried to
8 redesign the site to simplify it. We've been
9 speaking with the TDE in reference to that at
10 the DCC meetings in reference to trying to use
11 porous pavement. That, or something along that
12 line to be able to maintain the run-off and
13 manage it in an area so that we don't have to
14 disturb ponds and things like that. The
15 overall plan has been simplified.

16 CHAIRMAN O'ROURKE: Joe?

17 MR. GRASSO: We considered the revised
18 plan a substantial improvement over the
19 previous proposal and I know that in their
20 concept resubmittal they have addressed many
21 of the comments that we brought up in the DCC
22 review.

23 We did issue a letter on May 21st and
24 I'll go through those comments.

25 Consideration should be given at

1 providing a high quality fence along the east
2 side of Coyote Avenue to soften the approach
3 to the residential properties to the north.
4 Additional foundation planning should be
5 provided along the proposed building addition
6 southern and eastern sides, and the proposed
7 planning along the east side of Coyote Avenue
8 should be shifted easterly so not to be
9 located over the existing water line.

10 The dumpster enclosure at the rear of the
11 building should be screened with vegetation.

12 The location of the down light cutoff
13 fixtures should be shown on future plan
14 submittals.

15 We're looking for clarification regarding
16 the stormwater management approach because the
17 narrative stated that it would be accomplished
18 by an infiltration basin. The concept plan
19 depicted in the area reserved for mature open
20 air more conventional type of basin and then
21 the stormwater feasibility study indicates the
22 use of porous pavement and grass filter strips
23 for stormwater management.

24 All these methods are probably
25 appropriate for the site. It's just a matter

1 of deciding which one is suited for the site
2 and what they're going to use for the final
3 design.

4 CHAIRMAN O'ROURKE: Could it possibly be
5 a combination?

6 MR. GRASSO: It could be a combination
7 depending on what the calculations show and
8 what your final grading plan shows.

9 MR. ANRESS: It could be a combination.
10 This stormwater management area was just a
11 circle put there to indicate that's where it
12 was. It didn't indicate that it was any
13 specific type. Again, we were looking at the
14 infiltration. Some of the narrative might not
15 have been changed from the very beginning. We
16 wouldn't be looking to be putting in the very
17 big basins in the rear, but it would be the
18 accommodation of something that would be
19 working in the back. That was really just for
20 concept for where it was.

21 MR. GRASSO: I think that we will be in
22 good shape moving forward with stormwater
23 management.

24 The quantity of the proposed water usage
25 should be clarified. There was an

1 inconsistency between the narrative and what
2 was shown on Latham Water District's concept
3 submission form.

4 Tom had mentioned the backflow prevention
5 within the building. It's our understanding
6 that the Division of Pure Waters is going to
7 require a 30-foot utility easement over the
8 existing sewer main. I don't think that will
9 be an issue.

10 MR. ANDRESS: It actually does exist.

11 MR. GRASSO: Oh, there is one there now?

12 MR. ANDRESS: Yes.

13 MR. GRASSO: It appears that the
14 relocation of the existing overhead electric,
15 telephone, and cable along the western side of
16 Coyote Avenue will be required to accommodate
17 the proposed two-story building addition. The
18 design engineer should coordinate these
19 relocations with the respective utility
20 company.

21 Lastly, the proposed project appears to
22 be an unlisted action pursuant to SEQRA, and
23 as such, a coordinated review is optional. The
24 only involved agency appears to be the Town of
25 Colonie Planning Board. The Planning Board may

1 wish to accept lead agency status. Since the
2 project appears not to involve significant
3 impacts, the board can consider an issuance of
4 a negative declaration pursuant to SEQRA. This
5 can either be issued at this time, based on
6 the information provided, or at a later date
7 when final plans have been prepared; as the
8 Planning Board desires.

9 That's all we have at this time.

10 CHAIRMAN O'ROURKE: Thanks, Joe.

11 Tom?

12 MR. NARDACCI: Can you refresh my memory
13 and maybe inform the board members that may
14 not have been here with regard to the home
15 that Mr. Wolfe owns? That's part of this site
16 plan. Was the zoning residential? I thought
17 that the Zoning Board had to take action on
18 that.

19 MR. ANDRESS: Yes, in fact there are a
20 number of homes. There are three homes and
21 then a vacant lot. The first home is owned by
22 the ownership that owns the practice. There
23 are two additional homes there that are
24 private. All of those homes are in the
25 commercial zone.

1 As part of the zoning variance, there
2 were, I believe, three or four different lots
3 that made up this whole parcel that is
4 outlined in the pink. We have combined all of
5 those that are shown here and I think that
6 most of them already have been consolidated
7 into one lot. This then created a situation
8 that we had a residential house use on a
9 commercial use lot. So, when we went to the
10 Zoning Board of Appeals, we did get a use
11 variance to allow that residential house to
12 remain there. Along with that, that
13 residential house didn't meet the current
14 setback requirements for the side yard so we
15 had to get side yard variances for those also.
16 The Zoning Board did allow the use of that
17 house as a residential use with the rest of
18 the site being commercial.

19 MR. NARDACCI: That was a way for you to
20 be able to utilize the back yard for dog care
21 and walk area?

22 MR. ANDRESS: Yes, as part of that we
23 have the dog walk area that we also changed as
24 part of that so that would become part of the
25 overall commercial development.

1 MR. NARDACCI: So the dog walk area and
2 the day care area - there seems to be a number
3 of dogs out there maybe going to the bathroom.
4 What are the plans to ensure that area is
5 maintained? Not just pooper scooped, but for
6 the lifetime of the property?

7 I lived in Hoboken, New Jersey at one
8 point and there were a number of dog parks in
9 the city. It was quite extensive care that was
10 required for those areas. Is the current area
11 just grass now?

12 MR. ANDRESS: The current area is grass.
13 We're not actually proposing to expand that
14 area. That's staying exactly the same that it
15 currently functions as. The one nice thing
16 that you have here that you might not have in
17 a park is that there is never a dog out there
18 without an employee. The dogs are not allowed
19 to just be out there. There is always an
20 employee out there. So that is for picking up
21 waste, as well as controlling any issues that
22 the dogs might have.

23 MR. NARDACCI: Is there any specific
24 long-term care that you need to incorporate
25 into this? It's one thing to have a dog that

1 you own in your back yard, but another thing
2 to have a commercial facility with dozens of
3 dogs. I'm just curious about the long term
4 care that's needed in that area.

5 MR. ANDRESS: It will be maintained as
6 grass, so the grass is cut. There are not
7 other services there. It will stay as grass.

8 MR. NARDACCI: Could you just run me
9 through the use? How many dogs are going to be
10 there every day in the course of a year? What
11 are we looking at? I mean, you have a big
12 practice.

13 MR. WOLFE: The animals within the
14 facility - we have close to 100 animals at any
15 time and they go out three times a day. During
16 the summer months, the boarding is higher. The
17 staff members, after each walk, clean up the
18 waste after the walks. They also put lime down
19 as well. We do that often during the summer
20 months but not during the winter months.

21 MR. NARDACCI: What I'm trying to get at
22 is having been around dog parks and
23 understanding how they change over the fall
24 that's in the park and replace it at certain
25 levels, it just seems like there is a high

1 impact use here. This is a main area where
2 dogs are going to be outside and there is a
3 lot of waste. There is clean up each time. I'm
4 just wondering if in five years do you have to
5 replace the turf, or the soil, or anything
6 like that?

7 MR. ANDRESS: Ken, you've been using this
8 for how long? Ten years?

9 MR. WOLFE: At least 10 years.

10 MR. ANDRESS: We're not looking to change
11 the size. When you walk out there it is grass.

12 MR. NARDACCI: I'm just trying to
13 understand if there is any other use for an
14 area such as this and the answer is that there
15 isn't.

16 MR. ANDRESS: And there doesn't appear as
17 though there has been any problem that's been
18 created that we need to change it.

19 MR. NARDACCI: Is the dumpster masonry
20 enclosed?

21 MR. ANDRESS: We had proposed it on the
22 side. We would have it matching the siding.

23 MR. NARDACCI: So it would be enclosed?

24 MR. ANDRESS: The siding is actually
25 going to be a hardy pine. It would just match

1 the siding. It's a concrete mix. It's like a
2 siding, but it's made out of a concrete mix.

3 MR. NARDACCI: Let me re-ask the
4 question. Both the PEDD staff and the town
5 designated engineer had put in their notes
6 with regard to the dumpster. Is what you're
7 proposing meeting what they're talking about?

8 MR. ANDRESS: Joe, I think that would
9 meet what you were looking at.

10 MR. GRASSO: Yes, and the PEDD said that
11 it should reflect the architecture of the
12 building. It's fine as long as based on a
13 construction details we think that it's going
14 to hold up to the abuse that those areas
15 typically take. I guess a solid screen hardy
16 siding type enclosure would be fine. That's
17 something that we can look at the details that
18 come with the final plans.

19 MR. NARDACCI: The last question is,
20 since you're here, can you just let us know
21 and the public know what the plans are with
22 regard to doggy door locks?

23 I happen to know the folks that know
24 Luna, the deaf dog. Since you're here I think
25 that it would be important to understand with

1 this building how that is going to be
2 prevented in the future?

3 MR. WOLFE: Luna was very persistent in
4 trying to get out. The news crew came in and
5 they wanted to see how she did that one. They
6 are solid wood doors. They are commercial
7 grade. She actually had to grab the handle,
8 pull it down and pull it towards her in order
9 to get out. She not only had to do that with
10 one door but she had to do that with two other
11 doors. I can tell you that within an hour that
12 she did get out, they did put dead bolts on
13 the front doors to prevent that again.

14 MR. NARDACCI: Going forward deadbolts
15 would be on all the doors?

16 MR. WOLFE: Well, they're on the doors
17 now. We've never had a dog get out the way
18 that she had. After talking to the owner, she
19 does that at home, too. She figures out how to
20 open up the doors.

21 MR. NARDACCI: Thank you.

22 I like the plan. I think that with all
23 the changes from June of last year when we
24 first looked at this there have been quite a
25 few changes made.

1 CHAIRMAN O'ROURKE: Thanks, Tom.

2 Paul?

3 MR. ROSANO: Being new to the board, I
4 never thought that I'd be following a pooper
5 scooper line of questioning and talking about
6 Luna the dog.

7 I do have a question about the existing
8 home that's on the property that belongs to
9 Mr. Wolfe. Is there ever a chance in the
10 future that home would be put up for sale?

11 MR. ANDRESS: Now it can't be put up for
12 sale because it was on its own parcel and it's
13 now being combined. It would be part of this
14 now so it would not be able to be sold.

15 MR. ROSANO: So you're saying that it
16 could not be sold.

17 MR. ANDRESS: The only way to sell that
18 house would be to sell the whole property.

19 MR. ROSANO: So, no easement would have
20 to be involved or anything like that?

21 MR. ANDRESS: Correct, because you
22 wouldn't be able to see that house on its own.
23 If you went through the whole subdivision
24 process to subdivide it back out, you could
25 possibly do that. That would effect our

1 operations.

2 CHAIRMAN O'ROURKE: Just for factual
3 purposes, I want to make sure that the board
4 understands that it in fact could be.

5 MR. ANDRESS: It could be, but it would
6 need an action by your board to subdivide it.

7 CHAIRMAN O'ROURKE: Not before this
8 board.

9 MR. GRASSO: It's all one deed. They
10 would need to file for a subdivision
11 application, I think, to cut it back off. It
12 used to be a separate parcel.

13 CHAIRMAN O'ROURKE: It would be a minor,
14 though, right?

15 MR. ANDRESS: It would create additional
16 issues because if you were going to subdivide
17 that, first it would have to have frontage on
18 a public road and you would have that whole
19 issue of not having any frontage on a public
20 road because Coyote is a private road. Right
21 now, those are preexisting.

22 MR. GRASSO: I think that you're right.
23 It probably could be submitted as a minor.

24 MR. ANDRESS: But then you also have the
25 issues of where you make a property line and

1 that would have an effect on the operations.
2 I'm not making an argument for or against it.

3 CHAIRMAN O'ROURKE: That's really not
4 true because now the Zoning Board has granted
5 you the use variance of residential in that
6 commercial zone, right?

7 MR. ANDRESS: No, residential on this lot
8 (Indicating). We've always had residential in
9 a commercial zone.

10 CHAIRMAN O'ROURKE: Right, because it was
11 preexisting.

12 MR. ANDRESS: Right. But they granted us
13 the use of this property for residential use
14 within the context of this lot.

15 CHAIRMAN O'ROURKE: I guess it's in the
16 record now, but that's not the way that I read
17 the Zoning Board of Appeals.

18 MR. ANDRESS: The only entrance that we
19 would have in the future would be to purchase
20 the additional residential houses. I don't
21 think that we're interested in trying to sell
22 some of the property that we have.

23 CHAIRMAN O'ROURKE: No, I understand, but
24 things can happen with practices. All I'm
25 saying is that we have to be careful about the

1 facts that we use. I differ in opinion.

2 MR. ANDRESS: I think that we would have
3 to defer to the Building Department because I
4 believe that based on those variances, we
5 wouldn't be able to sell that.

6 CHAIRMAN O'ROURKE: Right and then you
7 said that it would have to come back before
8 this board and that, in fact, is not true
9 because it would be a minor application which
10 would be handled internally through Planning
11 and Economic Development.

12 MR. ANDRESS: You'd have to look to your
13 counsel because since it's part of the site
14 plan, it's a modification to the site plan. I
15 believe that would have to come back before
16 this board. I can't believe that we would be
17 able to modify an approved site without coming
18 before this board.

19 CHAIRMAN O'ROURKE: I'm sorry, Paul. I
20 just wanted to make sure we had the facts.

21 MR. ROSANO: My crystal ball is a just a
22 little foggy and I couldn't see the future
23 five years out or ten years out. I've seen
24 enough in Colonie to know that I need to ask
25 that question.

1 CHAIRMAN O'ROURKE: Thanks, Paul.

2 Elena?

3 MS. VAIDA: Could you just refresh our
4 recollection. The new building that's being
5 built - is that to replace the current
6 building that's there? My recollection is that
7 there is a veterinary office right now where
8 services are provided.

9 MS. ANDRESS: That's correct. It's an
10 existing veterinary practice. This whole new
11 wing will have specialty surgery. It will
12 provide additional surgery suites.

13 The second floor is set up with a
14 conference room and the rest of it is actually
15 storage. It has an elevator and access for
16 storage. It was one of the compromises for not
17 having that big building up there, but the pet
18 products like the food and so forth will be
19 stored there and currently are stored off-site
20 at other warehouses. This will allow them to
21 have the storage there at this facility. The
22 first floor, however, will have the surgical
23 suites.

24 MS. VAIDA: Isn't that for the storage of
25 the pet products and medicines and things like

1 that?

2 MR. WOLFE: They will also store the
3 medical records and medicines that we use in
4 the pharmacy.

5 MS. VAIDA: Where are the medicines
6 stored right now?

7 MR. WOLFE: They are currently in the
8 pharmacy. It is in a controlled area.

9 MS. VAIDA: You also store biotech
10 products there that have to be stored such as
11 chemicals? I believe that was in your
12 application.

13 MR. ANDRESS: I'm not aware of any. I
14 think that the application was just speaking
15 about - there were some questions that the
16 planning staff had. In the beginning, we
17 stated that medicines are stored in access
18 controlled areas. Chemicals are stored in
19 cabinets in the practice. Some materials such
20 as the used medical items and needles are
21 stored in regulatory required containers. The
22 sharps containers were what we were speaking
23 of. There was a concern of how the medical
24 waste was stored. It's being stored in the
25 same way that you would store it in a hospital

1 setting for human patients.

2 MS. VAIDA: I know that at the last
3 meeting I think that there was an issue raised
4 by some of the neighbors about walking the
5 dogs outside in an area and the noise factor.

6 MR. ANDRESS: We do have the residents
7 here. I know that they were here at the Zoning
8 Board of Appeals. We've been working with them
9 the whole time.

10 MS. VAIDA: I'm just wondering has that
11 been addressed somehow?

12 MR. ANDRESS: We feel that it has been,
13 but we would certainly give them the
14 opportunity to speak and if there are any
15 questions, we could answer them from there.

16 MS. VAIDA: What did you do differently
17 since you were here last time regarding that
18 issue?

19 MR. ANDRESS: Nothing from that
20 standpoint. It was really from the previous
21 design when we had that whole issue with the
22 large dog walk that was on the other side of
23 the big building. Since then with this design,
24 I know that we have been working with the
25 neighbors and we went through the Zoning Board

1 of Appeals. There were some questions, but I
2 think that everything was generally satisfied.

3 MS. VAIDA: Are the hours of operation
4 going to be different with this new plan?

5 MR. ANDRESS: I don't think that there
6 are any changes in the hours of operations.

7 MS. VAIDA: And the number of employees?

8 MR. ANDRESS: I think that there could be
9 up to four additional employees.

10 MS. VAIDA: I don't have anything else.

11 CHAIRMAN O'ROURKE: Tim?

12 MR. LANE: One of the items that came up
13 previously was the parking issue. I see at
14 least one new parking sign. I think that the
15 residents were concerned with parking on the
16 street. Is that what we are doing to address
17 that? Is there more than one? I only spot one.

18 MR. ANDRESS: I don't think that on this
19 plan we show the no parking signs.

20 MR. LANE: There is one that I can see
21 that is actually between the two entries to
22 the parking lot.

23 MR. ANDRESS: It must be that the survey
24 picked up a no parking sign. I know that the
25 areas have been signed. I believe that there

1 hasn't been a problem since we were here last
2 time.

3 MR. LANE: So that's not an issue at this
4 point?

5 MR. ANDRESS: No.

6 MR. LANE: The other question I had was
7 with regard to the stormwater management.
8 Right now it's just designated as the area.

9 MR. ANDRESS: It's our intension to sheet
10 flow this over and if we could use permeable
11 pavement, we will. It would then flow into
12 this area (Indicating). We show that area
13 because you need to show on a concept plan the
14 stormwater area. We didn't show the specifics
15 of it.

16 MR. LANE: But you do know what type?

17 MR. ANDRESS: Yes.

18 MR. LANE: The other question that I had
19 was that there was a mention in reference to
20 the utility lines and that they would have to
21 move because of the two-story building.

22 MR. ANDRESS: The power lines run right
23 along the edge of the building. We already
24 have a person who has been working with NIMO
25 throughout the past three months or so. They

1 still have to be moved to the other side of
2 that area there. It's a process and we're
3 already working on that.

4 MR. GRASSO: Are those just for your site
5 or do they serve the residents?

6 MR. ANDRESS: They serve the houses in
7 the back.

8 MR. LANE: And it's still wide enough so
9 that emergency vehicles can get through?

10 MR. ANDRESS: Yes, the problem right now
11 is that they are too close to the building.
12 There are certain restrictions, depending on
13 the lines that they have to move.

14 CHAIRMAN O'ROURKE: Can I ask you a
15 question? Why not just go underground.

16 MR. ANDRESS: You still have to move
17 them.

18 CHAIRMAN O'ROURKE: I understand that,
19 but why fool around with poles?

20 MR. ANDRESS: You're going to fool around
21 either way. You're going to spend the same
22 amount of time. With the underground, you're
23 going to pay more money.

24 CHAIRMAN O'ROURKE: Yeah, but you go
25 underground once.

1 MR. ANDRESS: It's something that I don't
2 think justifies the dollars. It's so
3 expensive. If it was only the service to our
4 building, yes. But the problem is that you're
5 putting underground primary in. It's a whole
6 different thing than bringing in a secondary
7 service. This is primary. It's much more
8 complicated too. In both instances it's going
9 to take the same amount of time to go through
10 that whole process.

11 MR. LANE: That's all I had. Thank you.

12 CHAIRMAN O'ROURKE: Mike?

13 MR. SULLIVAN: On the new access road. It
14 appears that there is a turn around in front
15 of the landscaping area. Is there a turn
16 around there?

17 MR. ANDRESS: That's being proposed as a
18 turn around by the county as part of the
19 construction because I believe that this is
20 going to be owned and maintained with a turn
21 around here by the town. So this is not a
22 driveway. People use it as that, but it will
23 actually be town maintained.

24 MR. SULLIVAN: So that would be for
25 snowplows?

1 MR. ANDRESS: This would all be designed
2 on the construction plans for the Maxwell
3 relocating plan. The town would maintain that.

4 MR. SULLIVAN: My only concern is that
5 people may park there and then back out into
6 traffic that's trying to exit coming down
7 Coyote.

8 MR. ANDRESS: We didn't design it and we
9 could certainly put a no parking sign there,
10 but I believe that we were setting this up so
11 that we could still have the stormwater there
12 (Indicating). We're not really anticipating a
13 parking issue that was there.

14 MR. SULLIVAN: I have one other concern
15 and I don't think that it would be an issue,
16 but I'm concerned about traffic passing
17 through your front parking lot and getting to
18 the cul-de-sac. I guess that you could put
19 speed bumps in if there was an issue.

20 MR. ANDRESS: There was discussion of
21 that and I'm sure that it's going to happen.
22 In the beginning it took people some time to
23 get used to making that turn. They are
24 renaming this. I can't remember the name.
25 Hopefully that will eliminate some of the

1 confusion. They're also going to put a sign at
2 the beginning of this that it's a dead end.

3 MR. SULLIVAN: If it were an issue, you
4 could put speed bumps in, if needed. Hopefully
5 everyone will use the new Maxwell Road. It
6 would be more efficient as a roundabout.

7 I confer with the TDE recommendation that
8 high quality fencing should be installed along
9 the border so that it can screen the
10 commercial from the residential at the end of
11 Coyote.

12 MR. ANDRESS: Actually the TDE comment
13 wasn't addressing this area. It was addressing
14 here (Indicating). We had discussions during
15 the DCC meeting and it was agreed that we were
16 not going to put that in. Latham Water did not
17 want that in because it was actually for the
18 water lines. We added additional plantings
19 through that area. We have modified the
20 service slightly to accommodate that. I think
21 that the general consensus was just having a
22 fence sitting in the middle there. Where the
23 power will be and also where the water line
24 hits - Latham water didn't want it there.

25 MR. GRASSO: Just to clarify, we still

1 have it as a comment. That came after your
2 formal concept submission. We still have it.

3 MR. ANDRESS: We made a formal response
4 to it.

5 MR. GRASSO: The Planning Department also
6 recommended an edge row of arborvitaes and
7 solid fence of the neighbor's choice along the
8 common property line - from the rear of the
9 property line to help mitigate parking and dog
10 impacts.

11 MR. ANDRESS: We noted that because it
12 was noted in the DCC comments.

13 MR. SULLIVAN: I wanted to add the buffer
14 along the northern property line there. Also
15 along Coyote Avenue - if very few people
16 parked along the side of the road. I know that
17 we're going to have no parking signs now but
18 people are creatures of habit and they
19 currently park along side of that road. The
20 fence may discourage them from doing that.

21 MR. ANDRESS: We are proposing the trees.
22 We are not proposing the fence. Latham Water
23 didn't want the fence. It doesn't work there
24 for them.

25 MR. SULLIVAN: Thank you. I had no

1 further questions.

2 CHAIRMAN O'ROURKE: Thanks, Mike.

3 What are the mitigating fees?

4 MR. GRASSO: I don't believe an estimate
5 was provided for those, yet.

6 MR. ANDRESS: I know that the comment has
7 been carried through that the mitigation fees
8 are going to be done, but I haven't seen the
9 breakdown.

10 CHAIRMAN O'ROURKE: When you got the
11 variance for the dog walk, that was a
12 non-conforming use.

13 MR. ANDRESS: Right because the dog walk
14 was severed from what was existing, and now
15 it's been brought into as part of it. It's now
16 a conforming use. It's allowed in the CO zone
17 as part of this parcel.

18 CHAIRMAN O'ROURKE: You have to slow down
19 for me.

20 MR. ANDRESS: The dog walk was on a piece
21 of land that was owned by the group that owns
22 this property, but it was on a piece of land
23 that was going to be used for residential use.
24 It was a piece of land from here to there
25 (Indicating) and had a house on it. It was a

1 commercial use on a lot that was used for
2 residential. We made a proposal and it went
3 through the zoning verification process.
4 It went to the ZBA. They're all consolidated
5 into a single parcel. Once it became that, now
6 the underlying zoning is CO. What that did
7 create is the issue that we then had a house
8 in the CO zone where it was part of the parcel
9 that was being made into commercial but it was
10 still residential. The rest of the uses there
11 now conform to the CO zone.

12 CHAIRMAN O'ROURKE: Joe, how do we go
13 about the wells? What happened with the wells
14 on the adjoining neighbor's -?

15 MR. GRASSO: I don't know. What was the
16 issue that was raised?

17 MR. ANDRESS: There is an existing
18 waterline to the summit and I believe one of
19 the houses is still on a well. That was a
20 whole issue and we had the building closer and
21 the development over there (Indicating). Since
22 we moved the building and everything away from
23 it, we're leaving it as it is.

24 There is waterline there. They have the
25 opportunity to hook up if they want to. If

1 they don't want to hook up, I guess they don't
2 have to.

3 CHAIRMAN O'ROURKE: So then again, this
4 will be another dead end? It won't be looped?

5 MR. ANDRESS: Correct, it won't be
6 looped. Before we were doing all kinds of
7 improvements to bring the water line in and
8 now there is no change.

9 CHAIRMAN O'ROURKE: But that affects the
10 quality of the water in the entire system.

11 Mr. Frazer has been before this board on
12 numerous occasions to say dead end only when
13 it's the only way.

14 MR. ANDRESS: These are all water
15 services. The main water is out on Maxwell or
16 whatever it's going to be called now. Those
17 are water services coming in. Those are
18 private lines.

19 We're going to have a six or eight-inch
20 line and you want to loop it around so that
21 it's not a dead end - doesn't apply to this
22 because these are water services coming in.

23 CHAIRMAN O'ROURKE: So that's all you
24 have is a one-inch service line?

25 MR. ANDRESS: There is an individual

1 water service to the back house.

2 CHAIRMAN O'ROURKE: Joe, what's the water
3 service line? It's a one-inch for that whole
4 area?

5 MR. GRASSO: There are multiple services.
6 There is a separate private service for the
7 vet and then there is another service, I
8 think, for one of the residences and then the
9 other one in the back is served by well. I
10 think that the concern was the extension of
11 the public water main into the site and then
12 creating a dead end of the public line.
13 Generally, as long as there are only private
14 services and they're pulling water off the
15 end, the town is fine with those longer
16 laterals.

17 MR. ANDRESS: I think that is between
18 this proposal and the previous. The previous
19 needed that waterline extended in because -

20 CHAIRMAN O'ROURKE: Because of the
21 hydrant.

22 MR. GRASSO: For fire protection.

23 MR. ANDRESS: This doesn't have that, so
24 there is no extension of the line coming in.

25 CHAIRMAN O'ROURKE: Any thought on

1 sprinkler systems? No sprinklers?

2 MR. WOLFE: At the DCC meeting there was
3 some discussion as to whether or not that was
4 required. They didn't indicate that it was.

5 CHAIRMAN O'ROURKE: Joe, do you know that
6 to be a fact?

7 MR. GRASSO: I don't believe that it's
8 required based on what they're showing right
9 now. There wasn't a concern raised by Fire
10 Prevention for it.

11 Rick, I guess one thing for the board to
12 consider is because they're doing improvements
13 to the site and they're going to widen that
14 access road to 24 feet - is there cost
15 involved for the land owner in the back to
16 extend the water service to their property
17 that's currently on a well? It's probably
18 something that they may want to do in the
19 future. Obviously, there is going to be an
20 increase cost involved to that landowner if
21 they so choose to bring in water service
22 because they're going right through that
23 access road. We may want to consider
24 provisions to get a private water lateral to
25 the back, or at least talk to those landowners

1 to see if they are interested in hooking up. I
2 know that Latham Water won't allow a service
3 to go in and be dead ended. If the landowner
4 back there does want public water, now would
5 be the time to do it.

6 CHAIRMAN O'ROURKE: Along those lines, I
7 noticed the water usage seemed to be
8 different.

9 MR. GRASSO: There was a discrepancy.

10 MR. ANDRESS: One was three and one was
11 five foot.

12 MR. GRASSO: I think that one was updated
13 and one wasn't.

14 MR. ANDRESS: I think that the older one
15 was the original one.

16 CHAIRMAN O'ROURKE: I'm absolutely in
17 favor of the porous pavement. I think that
18 this is a perfect project for something along
19 those lines.

20 That being said, I still find some of the
21 variances that were granted by the ZBA
22 troubling. Again, I just differ with some of
23 the things that were mentioned this evening.
24 Now you say that it's all one now?

25 MR. ANDRESS: I believe that these two

1 were combined. I'm not sure if the
2 consolidation has happened. It's a condition
3 of the final approval.

4 CHAIRMAN O'ROURKE: It's a condition of
5 the ZBA?

6 MR. ANDRESSS: It's a condition on your
7 final approval for the site plan.

8 CHAIRMAN O'ROURKE: Okay. Can you also
9 just go over the waivers that you're looking
10 for and explain them to the board?

11 MR. ANDRESS: There were parking setbacks
12 along both the NIMO and along this property
13 line (Indicating). I believe that the front
14 yard is 15 feet -

15 MR. GRASSO: Adjacent to National Grid,
16 you're looking for a waiver from 10 feet down
17 to five feet.

18 MR. ANDRESS: Right, and then the front
19 is 15.

20 MR. GRASSO: And that's down to 4.3.

21 MR. ANDRESS: Right, so a 10 foot side
22 yard and a 15 foot front yard. We are adjacent
23 to National Grid here (Indicating) and it's
24 obviously less than the 10 feet. Because of
25 the way that this was all redone with Maxwell

1 moving there, there was a logic in being able
2 to get more parking in.

3 CHAIRMAN O'ROURKE: I tend to agree with
4 Joe.

5 MR. GRASSO: We didn't bring up any
6 comments because we really don't have any
7 concern. We do feel that it's a good solution
8 rather than put more parking in the back and
9 move it up front away from the residences.

10 MR. ANDRESS: There actually was a poll
11 done at that last meeting. I think that
12 everyone was in favor because we wanted to
13 make sure that after we went to the ZBA and
14 came here that we would not have a problem
15 with it.

16 MR. GRASSO: But that's a waiver by the
17 Planning Board that they should include in any
18 motion.

19 CHAIRMAN O'ROURKE: Okay, is there
20 anybody on the board that has anything
21 further?

22 ***(There was no response from the board.)***

23 CHAIRMAN O'ROURKE: Anyone from the
24 audience?

25 Yes, ma'am.

1 MS. PUCKETT: My name is Rosemary Puckett
2 and I live at 6 Coyote. I have a quick
3 question. I'm the one at the last house there.
4 If I hook into the water now versus hooking
5 into it in two years from now, what is going
6 to be the big difference?

7 MR. GRASSO: The issue that you could
8 face is if you extend a water service at some
9 point in the future, after the site plan is
10 modified, there is going to be a winding road
11 there. There is going to be utility poles on
12 the east side of the drive. There is going to
13 be additional landscaping and maybe a fence
14 there. The cost to install that water service
15 to your house could be much higher in the
16 future than it would be if it was done
17 together with the construction of the site
18 plan.

19 MS. PUCKETT: Wouldn't I be hooking off
20 of theirs?

21 MR. GRASSO: No. You would need a new
22 lateral all the way out to Maxwell Road. There
23 is a water main right there on your side of
24 Maxwell Road now.

25 MS. PUCKETT: When you're talking about

1 the telephone poles being moved, are they
2 going to move them all or just a couple?

3 MR. ANDRESS: Just this one here
4 (Indicating).

5 MR. GRASSO: That's also something that
6 we would ask the applicant to notify you about
7 because it is your service line, as well.
8 Those would be impacted. They'll have to
9 coordinate with you as well.

10 CHAIRMAN O'ROURKE: Anyone else in the
11 audience?

12 Yes, ma'am.

13 MS. SHEVLIN: First I need to apologize
14 for being late. You may have already gone over
15 this point.

16 Currently when I look out my door, I'm
17 barely able to get out my driveway. I'm not
18 sure how to explain this.

19 CHAIRMAN O'ROURKE: Would it help if we
20 give you a plan so that you could show us?

21 MS. SHEVLIN: So here is my house
22 (Indicating). When I'm looking out the window,
23 I see all of this parking where it used to be
24 trees. If I'm not mistaken, aren't you going
25 to make it over here now? (Indicating)

1 MR. ANDRESS: No. This extension would be
2 coming across here (Indicating). We are
3 attempting on the plan to maintain some of the
4 trees to this area, and then obviously put an
5 additional row of trees along there.

6 MS. SHEVLIN: So where is the extra
7 parking?

8 MR. ANDRESS: Well, the parking that you
9 have right now is down in this area right here
10 (Indicating).

11 MS. SHEVLIN: Well, when I look out the
12 window of my house, I see the parking right
13 there (Indicating).

14 MR. ANDRESS: I'm not sure which way
15 you're looking. If you're looking straight
16 out, there is no parking there at this time.

17 MS. SHEVLIN: At the corner of my house
18 there is parking.

19 MR. ANDRESS: That's the change.

20 MS. SHEVLIN: I don't understand. I want
21 to know what the change is.

22 MR. NARDACCI: Can you explain the trees
23 that you're going to plant along the left side
24 of that extended parking lot?

25 MR. ANDRESS: Yes. There are two things.

1 This is still wooded here (Indicating). The
2 existing parking gravel area is down in here.
3 There is the extension across. It's not going
4 to extend across the line that projects out
5 from your house.

6 MS. SHEVLIN: When I look out of my
7 window, right there is the parking lot which
8 is exactly what I'm talking about
9 (Indicating).

10 The reason why I bring it up is I'm all
11 for growth. That's really great. Good for you.

12 MR. WINNE: Excuse me, but the parking
13 lot is here right now (Indicating). That's the
14 parking lot you have right now. But this is
15 moving over, correct?

16 MR. ANDRESS: That's moving further away.

17 MR. WINNE: Moving further away from our
18 house.

19 What kind of trees are you going to
20 plant?

21 MR. ANDRESS: I don't know if it would be
22 an arborvitae, but it would be some kind of
23 spruce because they could grow a little
24 higher.

25 MR. NARDACCI: Before final, we'd like to

1 see the landscaping plan.

2 MR. ANDRESS: Final would have all of the
3 species, size, caliper, and everything on it.

4 MR. NARDACCI: If the neighbors would
5 prefer something hardier there, I'd like to
6 see what we could do there.

7 CHAIRMAN O'ROURKE: Joe, why don't we
8 make a note?

9 MR. GRASSO: The fence that we were
10 talking about actually was extending around
11 the parking area. It wasn't right along
12 Coyote Avenue. It was further in to make sure
13 that there was a solid fence there. We were
14 worried about headlights. I know that there
15 are going to be trees faces every 10 or
16 15 feet and it's going to be eight feet in
17 between the trees. It's something that we can
18 work on during final with the applicant and
19 come back with more details. We just don't
20 have that level of detail right now.

21 MR. NARDACCI: Just so that the neighbors
22 understand the process - when we come back for
23 the final, they're going to submit to us and
24 show the public the landscaping plan, which
25 will include the exact plantings.

1 MR. WINNE: What happens if a stockade
2 fence is there for 20 years? What happens when
3 that falls over? Who replaces that?

4 CHAIRMAN O'ROURKE: The applicant
5 replaces it.

6 MR. GRASSO: That's something that we can
7 clarify because right now it's the neighbor's
8 fence. Obviously, the use with the impact is
9 probably the commercial use. We should
10 probably make it a condition of approval, if
11 the applicant is willing to do it, that
12 replacement of the fence should be on the
13 applicant's property and at their cost. That's
14 if what the board so chooses.

15 MR. ANDRESS: We wouldn't have any
16 objection to that.

17 CHAIRMAN O'ROURKE: Just so long as you
18 don't knock it down every year and expect a
19 fence.

20 MS. SHEVLIN: No, it's been there
21 20 years.

22 You folks probably live wherever you live
23 in your little areas. You're used to certain
24 cars. You know that a certain neighbor has
25 that car and then one other has another car. I

1 look out and there are all different cars all
2 the time. I must say that when that starts,
3 I'm getting scared. I don't know who is out in
4 those cars. I've never seen those cars before.
5 I probably might never see them again. That's
6 all I'm saying. I can't go to my front door in
7 the nighttime because I'm afraid. I don't know
8 what you could do about it. I'm not saying
9 that you shouldn't grow. You should grow. I'm
10 happy for that, but I'm afraid and I can't go
11 to my front door at night.

12 CHAIRMAN O'ROURKE: I can understand what
13 you're saying but again, this is a
14 commercially zoned area that unfortunately,
15 your residence sits in. I'm sure that
16 Dr. Wolfe would probably buy your home.

17 MS. SHEVLIN: I didn't buy into that.

18 CHAIRMAN O'ROURKE: Again, when you
19 purchased your home, it was a commercial area.

20 MS. SHEVLIN: It was also said that those
21 woods were going to be there and nobody was
22 going to touch them.

23 CHAIRMAN O'ROURKE: Unfortunately, in
24 real estate transactions, it's been zoned that
25 way for a long time.

1 Tonight they are looking for waivers and
2 for concept. Does anybody have a motion from
3 the board?

4 MR. LACIVITA: Motion on the waivers
5 first?

6 CHAIRMAN O'ROURKE: Yes.

7 MR. LANE: I'll make a motion on the
8 waivers.

9 MR. NARDACCI: Second.

10 CHAIRMAN O'ROURKE: There are actually
11 two waivers, correct, Joe? One is on the NIMO
12 easement and one on the front yard.

13 MR. GRASSO: Yes.

14 MR. LANE: The motion will be for both
15 waivers.

16 MR. NARDACCI: Second.

17 CHAIRMAN O'ROURKE: All those in favor?

18 **(Ayes were recited.)**

19 CHAIRMAN O'ROURKE: All opposed?

20 **(None were opposed.)**

21 CHAIRMAN O'ROURKE: You have your
22 waivers.

23 Do I have a motion on the concept?

24 MR. SULLIVAN: I'll make the motion.

25 MR. NARDACCI: Second.

1 CHAIRMAN O'ROURKE: All those in favor?

2 ***(Ayes were recited.)***

3 CHAIRMAN O'ROURKE: All opposed?

4 ***(None were opposed.)***

5 CHAIRMAN O'ROURKE: Your concept is
6 granted. We look forward to working with you
7 hopefully in a timely fashion.

8

9

10

11

12

13 ***(Whereas the proceeding concerning the***

14 ***above entitled matter was adjourned at***

15 ***8:09 p.m.)***

16

17

18

19

20

21

22

23

24

25

CERTIFICATION

1
2
3
4 **I, NANCY STRANG-VANDEBOGART, Notary**
5 **Public in and for the State of New York,**
6 **hereby CERTIFY that the record taped and**
7 **transcribed by me at the time and place noted**
8 **in the heading hereof is a true and accurate**
9 **transcript of same, to the best of my ability**
10 **and belief.**

11
12
13
14 -----
15 **NANCY STRANG-VANDEBOGART**

16
17
18 **Dated July 6, 2010**