

**PLANNING BOARD MEETING - NOVEMBER 15, 2021  
CALLED TO ORDER BY: CHAIRWOMAN DENISE MAYRER AT 7:00 p.m.**

**PRESENT**

Denise Mayrer, Chairwoman  
Wayne Johnson, P.E.  
John LaVoie  
Lawrence D'Angelo  
Andrew Aubin, P.E.  
James Shaughnessy, P.E.  
Stephanie Leonard  
Nadine Fuda, Director  
Attorney Craig Crist, Esq.  
Richard Laberge, P.E. Planning Board Engineer  
Melissa Knights, Assistant to Director

**MEMBERS ABSENT**

**APPROVAL OF THE DRAFT MINUTES FOR NOVEMBER 1, 2021**

Johnson moved, LaVoie seconded that the draft minutes be approved as amended, as the official minutes of this meeting.

6 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Mayrer, Shaughnessy

Late: Leonard

**PUBLIC COMMENT**

None

**Site Plan /Special Permit**

**Public Hearing**

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**Nadine Fuda read the hearing notice(s) as published in the Troy Record:**

Albany off the leash published November 5, 2021

**Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).**

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Public Hearing Opened at 7:02 p.m.

Public Hearing Closed at 7:06 p.m.

Albany off the leash

2021-33/RA/191-2-5.11

128 Boyce Road

Proposed - Site Plan Modifications

Steve Hart, Hart Engineering was present for this meeting.

Mr. Hart stated he highlighted the two existing buildings on the plans that will be rebuild on the same footprint. Building one is for the virtual dog training studio and the other will have offices. The applicant is proposing to paint the buildings grey with white accent pieces. They received a Laberge letter dated November 10, 2021 to the applicant, and he will be happy to address any comments in the letter.

Mr. Johnson asked about the PDF that was forwarded to the planning office.

Mrs. Fuda stated she couldn't forward it to the members. But it was just the rendering like what Mr. Hart was showing.

Mr. Hart stated it was just showing the color scheme of the buildings.

Laberge Letter Dated November 10, 2021

## **2<sup>nd</sup> Minor Site Plan Modification & Special Permit Review**

Ali Dog Retreat

SPB # 2021-33

We are in receipt of additional application materials for the above referenced project and offer the following comments:

1. The project requires minor site plan modification approval.
2. The project requires a modification to the special use permit under zoning as a kennel for the additional accessory uses which will require a public hearing.
3. After further review and comment from the Planning Board attorney, the project is considered a Type II action under SEQRA since it involves the construction of less than 4,000 sf. of gross floor area, and it does not involve a change in zoning or a use variance. No further SEQRA action is necessary, other than for the Board to declare it has determined the action is Type II.
4. Rensselaer County Department of Health approval is needed for the sanitary waste connection to the septic system.
5. A note should be added to the plan indicating that the virtual training building will be "spray foamed" to attenuate noise.

If there are no substantive comments received by the Planning Board at the Public Hearing, we recommend the Board approve the project conditioned upon item numbers four (4) and

five (5) being resolved prior to signing of the final site plans. If the Board is so inclined, we recommend the following course of action:

- A) Classify the action as Type II under SEQRA.
- B) Approve the Special Use Permit for the additional kennel uses, which include the office and virtual training studio, subject to the following condition:
  - a. Sound proofing shall be incorporated into the design of the virtual training studio structure to the satisfaction of the Code Enforcement Officer.
- C) Approve the Site Plan conditioned upon satisfying the outstanding issues identified in numbers four (4) and five (5) above, as well as all other administrative items.

#### **LEAD AGENCY**

Leonard moved; Aubin seconded that the Planning Board declare itself to be **LEAD AGENCY**

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

#### **TYPE II ACTION**

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA. No further action is required.

Johnson moved; Shaughnessy seconded.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

Waive the reading of the Notice of Decision / Resolution

#### **Concerning the SPECIAL PERMIT APPROVAL**

Aubin moved, LaVoie seconded to waive the reading.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: None

STATE OF NEW YORK

TOWN OF SCHODACK

PLANNING BOARD

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In the Matter of the Application

of

NOTICE OF DECISION/RESOLUTION

ALBANY OFF LEASH K9 TRAINING, INC.

File No. 2021-33

191-2-5.111

For a Special Use Permit

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**WHEREAS**, Applicant, ALBANY OFF LEASH K9 TRAINING, INC., was granted a special permit by this Board at the February 1, 2021 meeting following Applicant's prior application for a special use permit/special permit ("special permit") to allow the operation of dog training operation and associated kennel, to be located at 128 Boyce Road in the Town of Schodack, Tax Map 191-2-5.111, which property is located within a Residential Agricultural (RA) District; and

**WHEREAS**, Applicant seeks now to add two commercial buildings which will be a commercial office and a virtual training center, thereby seeking to amend the existing Special Use Permit;

**WHEREAS**, the Zoning Schedule of Use Regulations of the Town Code permits such activity within a RA district by special permit; and

**WHEREAS**, all special permit application procedures have been followed and a public hearing, on appropriate and timely notice, was held on November 15, 2021; and

**WHEREAS**, following the aforesaid public hearing, at its November 15, 2021 meeting, the Planning Board resolved that the subject minor site plan modification is a Type II action (the original site plan was a issued a Negative Declaration under SEQRA); and

**WHEREAS**, at its November 15, 2021 meeting thereafter, the Planning Board found and determined the following;

1. Applicant was previously granted a special permit to establish and operate a dog training operation and associated kennel for the housing of only those dogs that are then training at Applicant's proposed operation only on Applicant's 128 Boyce Road in the Town of Schodack, Tax Map 191-2-5.111 facility, which is to include the kennel building proposed to be constructed thereon, which property is located within a Residential Agricultural (RA) District. Applicant's approval was that it shall have no more than 18 dogs on site at one time.

2. Applicant now seeks to add two commercial structures, one of which is to be an office and the other of which is to be a virtual training studio. As such activity is permitted at such location by special permit, Applicant now seeks to amend its existing special use permit to allow the aforementioned additions.

3. The procedural history of the prior application is also set forth in the previously adopted Negative Declaration and is incorporated herein by reference. The subject application was filed on September 19, 2021, and the public hearing was conducted on November 15, 2021.

4. In granting the prior special use permit, the Planning Board noted that Applicant had been operating at other locations outside of the town and had furnished evidence that it had operated such facilities in a manner that is not disturbing to its neighbors.

5. Taking into consideration the objectives set forth in Section 219-71 of the Schodack Town Code, the proposed amendment of the existing special permit to allow the construction of the subject two buildings and utilization of same as an office and virtual training facility, as well as the previously approved use, will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood.

4. It is hereby determined that the proposed area and usage thereof is in harmony with the development of the district, will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof. At a minimum, the objectives as set forth in Section 219-71 and 219-72 are met, in that it is determined that the subject use will promote the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular, all for the reasons set forth herein, as well as the reasons set forth in the accompanying contemporaneous other decisions and determinations made. Notably the Board has especially considered the following statutory criteria (in bold):

**The Planning Board shall take into consideration the public health, safety and general welfare, the comfort and convenience of the public in general and that of the residents of the immediate neighborhood in particular. The Planning Board may attach such reasonable conditions and safeguards as it deems appropriate as part of its approval. The Board shall take into account the special conditions set forth in this Article for any use requiring Planning Board authorization in addition to the following general objectives:**

**A. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the use and the location of the site with respect to the existing or future streets providing access shall be in harmony with the orderly development of the district.** As was more fully detailed in the previously adopted Negative Declaration, the Board previously found that the subject operation of the then proposed business, including the training on-site of the dogs and kenneling them at the site was not intense, especially factoring in the size and location of the parcel of land involved. The addition of an office and the virtual training studio does not change this. The number of dogs to be housed on the entire site at one time as well as may be

boarded in the kennel overnight is still limited to eighteen (18), per the applicant, as same has been supplemented/amended.<sup>1</sup>

**B. The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.** As amended, only three buildings will be located on site. They are the previously approved one which was approved at 25 feet in height, 60 feet in width and 25 feet in length. The office is to be 23' by 30' and the virtual studio, which is to be a one-story wood building, with the existing 23' x 50' barn being removed. The Board find that all buildings will blend with the property and in the neighborhood and will be in harmony with the orderly development of the district. The kennel building shall still be 500 feet or more from adjacent properties and the Dog Training Field and Dog Area from the southern property line are 300 feet and 100 feet to the northern property line, where there are no adjacent residences.

**C. All proposed traffic accessways shall be adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and meet similar safety considerations.** The Board previously found, and once again finds, all accessways both adequate and not excessive. The prior approved required that a crusher run driveway is to be provided to access the kennel building parking area which will be paved and that a 12' wide crusher run walkway to the Dog Training Field will also provide emergency vehicle access to that area.

**D. Adequate off-street parking and loading spaces shall be provided to prevent parking in public streets of vehicles of persons connected with or visiting the use and the interior circulation system shall be adequate to provide safe accessibility to all required off-street parking and loading.** This factor is not applicable because all parking will be on-site as a crusher run driveway and asphalt parking area is on-site and will accommodate same.

**E. All parking and service areas shall be reasonably screened at all seasons of the year from the view of adjacent residential lots and streets, and the general landscaping of the site shall be in character with that generally prevailing in the neighborhood. Such landscaping shall include the preservation of existing trees to the maximum extent possible.** The site layout and landscaping and signage will not be more objectionable to

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<sup>1</sup> The procedural history and the findings and determinations in the previously adopted Negative Declaration and Determination of Environmental Non-Significance and all other contemporaneously adopted determinations and decisions concerning the property that is the subject of this application are incorporated herein with full force and effect.

nearby properties than other permitted uses and will not adversely affect the general welfare of the inhabitants of the Town of Schodack, including those of the neighborhood. It was previously determined, and it is once again determined, that the parking and service areas are reasonably screened during all seasons of the year from the adjacent residential lots and streets. The general landscaping of the lot will be still predominantly wooded, with approximately 14 acres being transformed from wooded to a meadow. It is noted that a housing development could be located at the site.

**F. The character and appearance of the proposed use, buildings, structures and/or outdoor signs shall be in general harmony with the character and appearance of the surrounding neighborhood, shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use and shall not adversely affect the general welfare of the inhabitants of the Town of Schodack.** The proposed use is in general harmony with the surrounding neighborhood. The Board notes that there is at least one other kennel in the Town, on Simons Road, which is located much closer to the adjacent properties than the proposed use. The Board, as more fully detailed in the previously adopted Negative Declaration/Determination of Environmental Non-Significance, which is again incorporated herein, found and once again finds that there will not be objectionable noise (it is noted that the kennel is to be soundproofed). Noise will occur when dogs are outside and Applicant has represented that they will always be accompanied by trainers who will control the noise when necessary. It is also noted that there is a noise ordinance in the Town. Moreover, no vibration or flashing lights are proposed. In fact, all lighting will be full cutoff, down lighting. It is noted that traffic is expected to be minimal and relegated to the construction of the proposed improvement for a relatively short period of time and the employees and customers dripping off and picking up their dogs. The addition of the office and virtual training site will not change any of this.

**G. All proposed buildings, structures, equipment and/or material shall be readily accessible for fire and police protection.** This Board, as well as the engineer for the Board, had previously reviewed the proposed plans for the subject project and determined that it is readily accessible by all emergency vehicles, including the fire and police. The addition of the office and virtual training site will not change any of this.

The Board further notes that Applicant's application has included a diagram, to scale, which displays the kennel building(s) and all other neighboring parcels with inhabited dwellings in the vicinity, information on buffers, number and type of animals and any other information deemed appropriate. The subject kennel is a minimum of 500 feet from adjacent properties and the maximum number of animals to be on the property at any time is eighteen (18). The addition of the office and virtual training site will not change any of this.

**THEREFORE, PLEASE TAKE FURTHER NOTICE THAT,** the Planning Board of the Town of Schodack has **GRANTED** the Applicant an Amended Special Use Permit to allow the utilization of the subject property as a dog training facility and associated kennel and the construction and utilization of an office and virtual training facility, subject to the following conditions:

1. that the application for a Special Use Permit be granted for the same initial period of thirty-six (36) months, which runs from, and continues to run from, the grant of the original Special Use Permit on the express conditions set forth herein, including:
  - a. sound proofing shall be incorporated into the design of the kennel structure and virtual training studio to the satisfaction of the Code Enforcement Officer; and
  - b. there shall be no tree cutting beyond that shown on the approved site plan;
2. Although dogs may of course be boarded outside of the stated hours of operation (Monday – Saturday 7:00 a.m. – 5:00 p.m.) no training is to occur outside of said time period.
3. The satisfaction of all conditions as contained in the Laberge Group letter of November 10, 2021.

**Approve this Special Permit**

Leonard moved, LaVoie seconded to approve the adoption of the aforementioned Special Permit.

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

**Approve this Site Plan Modification Application**

LaVoie moved, Leonard seconded to approve this site plan modification application.

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

**Site Plan /Special Permit**

**Public Hearing**

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**Nadine Fuda read the hearing notice(s) as published in the Troy Record:**

**Anthony Monette/Kasselman Solar published November 5, 2021**



**Chairman Mayrer directed the affidavit(s) of publication be made part of the hearing record(s).**

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Public Hearing Opened at 7:07 p.m.

Public Hearing Closed at 7:09 p.m.

Anthony Monette/Kasselman Solar  
3005 NY Rte. 150

2021-40/RA/190.-3-1.2

Proposed - ground mount and roof solar on barn Special Permit

Loreen Harvey, Kasselman Solar was present for this meeting

A resident asked if there were any drawings or plans for this solar project. Ms. Harvey went to the back of the room to show 3 residents the map or plans where the solar array will be installed.

Leonard moved; D'Angelo seconded to close the public hearing.

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

#### **LEAD AGENCY**

Aubin moved; Johnson seconded that the Planning Board declare itself to be **LEAD AGENCY**.

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

#### **TYPE II ACTION**

Be it resolved that the Planning Board hereby classifies the proposed action as a Type II Action under SEQRA. No further action is required.

LaVoie moved, Johnson seconded.

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

#### **APPROVE**

Shaughnessy moved; Leonard seconded **APPROVAL** of **SITE PLAN**

7 Ayes. Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

**Recommendation to ZBA**

Ann Griffin and Bruce Adams  
1489 Maple Hill Road  
Proposed - Area Variance

Z804-21/R-20/199.-4-4.15

Ann Griffin & Bruce Adams, applicants were present for this meeting.

Mr. Adams stated they are looking to have up to 3 horses.

Mrs. Fuda stated this property sits in the R20 zone; this is the old farmhouse with barns and white horse fence with 5.54 acres across from Maple Crest. according to our code with 5 acres you can have 3 horses.

Mr. Johnson asked if this property entirely in the R2 zone.

Mrs. Fuda stated yes.

Mr. Shaughnessy asked if they wanted 1 or 3 horses.

Ms. Griffin stated 3 that's what the code states.

**RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; D'Angelo seconded a "**POSITIVE**" recommendation to the Zoning Board of Appeals.

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

**Recommendation to ZBA**

Michael Smith  
2633 Brookview Road  
Proposed - Side yard setback

Z805-21/R20/177.-8-13

Michael Smith, applicant was present for this meeting.

Mr. Smith stated they are looking to put a 3-season room on the south side of their home. Right now, they have 8x12 wood deck on that side of the house and it currently encroaches on the neighbor's property, what they want to do is get rid of the deck and in its place put the 3-season room that will be completely on their property.

Mrs. Fuda stated the first page shows the deck encroaching over the property line, they will be removing that and put on the 3-season room that will be right on the property line at the front part of the home. He will not be over his coverage the applicant will still have a little over a 100 sq. ft.

Mr. Shaughnessy stated it is a pre-existing non-conforming and the new structure will actually make the situation a little better.

Mr. Johnson asked if the applicant had asked the neighbor to purchase property giving you a larger sideyard.

Mr. Smith stated yes, when they first purchased the property, their attorney had tried to contact the neighbor or the neighbor's attorney and that went nowhere. He has never even seen the neighbor; he doesn't live in NYS.

Mr. Aubin asked when the house was purchased.

Mr. Smith stated in 2019

#### **RECOMMENDATIONS TO THE ZBA**

Shaughnessy moved; LaVoie seconded a **"POSITIVE"** recommendation to the Zoning Board of Appeals.

6 Ayes. 1 Noes. Motion carried.

Ayes: Aubin, D'Angelo, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose: Johnson

#### **Site Plan /Special Permit**

Muslim Community of Troy

2021-34/RA/177-8-1.112 & 41

2655 Phillips Rd.

Proposed - Cemetery Special Permit

Gavin Vuillaume, RLA from Environmental Design Partnership, and Asher Ata, Mustafa Thaleb, Haroon representatives from Muslim Community of Troy were all present for this meeting.

Mrs. Fuda stated they are here to be scheduled for a public hearing on December 6, 2021 and to update the board.

Mr. Vuillaume stated he just wanted to update the board with some changes, and they are, the layout is similar, they are looking to only develop about 15 to 20 of the 105-acre site

this will be phase 1. So, in approximately a 100 years, they will be going into the other part of the cemetery but as for now the only focus is on the front part of the property. in going over the plan the access to the site is on Phillips Road. there will be a parking area for about 80 vehicles, one of the comments from the board and Laberge was to centralize the location of where people would gather prior to the burial. The members for the Muslim Community of Troy should you have any questions. In phase 1 they are looking at about 1450 burial plots in the 3 areas shown on the plans, they will be preserving vegetation and landscaping along Phillips Road. The property will be left natural.

Mr. Johnson stated your going to own property on the other side of the Niagara Mohawk power lines.

Mr. Vuillaume stated correct.

Mr. Johnson stated you are showing one future access, wouldn't it make since to have 2 access points.

Mr. Vuillaume stated it's a little difficult there is a ravine on the other side of the property.

Mr. Ata stated they will be using this area, Phase 1 for the next 70 to 80 years there is no need to access the other side of the property. they would like it to stay wooded.

Mr. Vuillaume stated if it was decided a second access was needed, they could do it off of the one cul-de-sac.

Mr. Johnson stated in the future it would make it easier for construction of the roads for the next phase if they had a second access. A second access was mentioned in the Laberge letter.

LaVoie, moved, D: Angelo seconded for this application go for a public hearing on December 6, 2021

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

**Subdivision/ Lot Line**

Marra Subdivision

Schoolhouse Road

Proposed - 2 lot

2021-41/RA/201.-2-50.121

Mr. Marra, Applicant was present for this meeting.

Mr. Marra stated his family owns approximately 84 acres of land and he is looking to break off about 2 acres with 250 to 300 feet for frontage. It will be private sewer and water.

Mr. Johnson stated for the attorney's information questions # 10 & 11 on the EAF should have answered NO, for public sewer and water.

Mr. Marra agreed to the change from yes to no for questions 10 & 11.

Mr. Johnson stated he was going to let the surveyor know that the site map on the plans is upside down.

Mr. Marra stated he will have that looked at.

LaVoie, moved, D: Angelo seconded for this application go for a public hearing on December 6, 2021

7 Ayes. 0 Noes. Motion carried.

Ayes: Aubin, D'Angelo, Johnson, LaVoie, Leonard, Mayrer, Shaughnessy

Oppose None

### **ADJOURN**

Leonard moved, LaVoie seconded that the Planning Board meeting be adjourned. There being no objections, Chairwoman Mayrer adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Nadine Fuda

Director of Planning & Zoning