

TOWN OF GREENFIELD
PLANNING BOARD

November 13, 2018

REGULAR MEETING

A regular meeting of the Town of Greenfield Planning Board is called to order by Tonya Yasenchak at 7:00 p.m. On roll call, the following members are present: Tonya Yasenchak, Butch Duffney, Michael Gyarmathy, Charlie Dake, Robert Roeckle, Stanley Weeks and Karla Conway alternate. Charlie Baker, Engineer is present. Gerry McKenna is present.

Minutes

MINUTES – September 25, 2018

MOTION: R. Roeckle

SECOND: B. Duffney

RESOLVED that the Planning Board waives the reading of and approves the minutes of September 25, 2018 with minor corrections.

Ayes: B. Duffney, C. Dake, M. Gyarmathy, R. Roeckle, S. Weeks, T. Yasenchak,

Noes: None

Abstain: K. Conway

Absent: None

MINUTES – October 9, 2018

MOTION: S. Weeks

SECOND: B. Duffney

RESOLVED that the Planning Board waives the reading of and approves the minutes of October 9, 2018 with minor corrections.

Ayes: B. Duffney, K. Conway, M. Gyarmathy, R. Roeckle, S. Weeks, T. Yasenchak

Noes: None

Abstain: None

Absent: C. Dake

MINUTES – October 30, 2018

MOTION: S. Weeks

SECOND: B. Duffney

The minutes will be reviewed at the next meeting.

DNS Capital Ventures Case #620
TM# 152.-1-12.12

Minor Subdivision
45 Braim Road

Matthew Webster is present for the applicant. T. Yasenchak states at the last meeting the Board asked the applicant to clarify the site distance. That and it be shown on the map. They did not have a letter stating the state standards, the Board asked for that to be clarified. That has been provided to the Board. She thinks this was forwarded to C. Baker and asks if he

has reviewed it. C. Baker states that he received a letter and supporting documentation, and he is satisfied. The evaluation was done for a 45 mph speed limit and they verified that it is posted at 45 mph speed limit. It conforms to the AASHTO requirements. T. Yasenchak asks if the letter was satisfactory. C. Baker states correct. The Board reviews SEQRA. T. Yasenchak states that the Board reviews Part I of SEQRA, completed by the applicant has done and Part II. The Board reviews part III and checks the second box. The applicant has provided the Board with all the materials that have been asked for.

Resolution-DNS Capital Ventures--SEQRA

MOTION: B. Duffney
SECOND: M. Gyarmathy

RESOLVED, that the Planning Board completes Part II of the Short Form SEQRA. All questions are answered and the second box is checked, indicating that this will not result in any significant negative environmental impacts for the Site Plan Review of DNS Capital Ventures for property located at 45 Braim Road, TM# 152.-1-12.12.

Ayes: K. Conway, C. Dake, B. Duffney, M. Gyarmathy, R. Roeckle, S. Weeks, T. Yasenchak
Noes: None
Abstain: None
Absent: None

Resolution-DNS Capital Ventures, Minor Subdivision

MOTION: C. Dake
SECOND: B. Duffney

RESOLVED, that the Planning Board hereby grants a Minor Subdivision to DNS Capital Ventures for property located at 45 Braim Road, Case #620, TM# 152.-1-12.12:

Ayes: K. Conway, C. Dake, B. Duffney, M. Gyarmathy, R. Roeckle, S. Weeks, T. Yasenchak
Noes: None
Abstain: None
Absent: None

Isles, M. S. Case #624
TM# 136.-1-21.1

Site Plan Review
660 Coy Road

Michael & Stacey Isles are present. T. Yasenchak states that the Board had asked for additional information. S. Isles states that the Board asked them to provide topography, which the surveyor added. The Board asked to see the parking spots on the site plan and the surveyor forgot to add that on. The surveyor attached the site distance and the parking in the letter. They provided the site distance of 975' and 904'. He put the car parking right in front of the barn and trailer parking off to the side. He measured from the well to where they keep the manure and it is 240'. The only other thing the Board asked about was if this would be recreational or private and she believes G. McKenna provided the Board with a determination letter. T. Yasenchak states the Board did receive a letter from G. McKenna stating that the applicant has no intention of offering horseback riding to the public. He did ask for written clarification from the applicant that there be no trail riding, because that is something that is on their website. S. Isles states that trail riding is different from riding on a trail. T. Yasenchak

states that is a technicality that the Town Code says "trail riding". S. Isles states that there will not be trail riding for the public. M. Isles asks if that is something that they need to prepare and present. T. Yasenchak states that it could be in the form of a letter that it is not their intent to offer trail riding. G. McKenna states yes, no trail riding will be offered to the public. T. Yasenchak states the Code is not specific and they mentioned this before, it is not specific about the difference between when something is recreational or when it is a private stable. The gray area is when they have people that are not the owner and have people from the public who are paying for a service on to their site. The Code does not differentiate from that. The Board needs something to clarify, and something that states they will not be offering riding lessons. If the applicant gets someone that wants the applicant to board their six horses, will they offer, if they are trained, offer horseback riding. M. Isles asks that the Board would like that clarify and spelled out. T. Yasenchak states just so the Board knows that it is not being offered on their site. If someone boards their horses and brings in a trainer to work with them, that is something that is different than someone who decides to board six horses and then offer lessons where people are coming in and riding their horses. It helps to cover that so they all know what is happening. The Board understands that the applicants don't intend to have a lot of people coming it just helps to clear it up. As they move forward the Board will need to see that additional information that they provided in the letter, the parking spaces, on the large plan. That is something they need all shown on the plan. T. Yasenchak asks C. Baker if he had an opportunity to review the site distance or does he need a letter stating that it should be meets standards. C. Baker states that he just reviewed it and it does not say that it conforms to AASHTO, but he knows even if it is a 55 mph speed limit there, which he does not know. B. Duffney states it is 40 mph speed limit there. S. Isles states 40 or 45 mph. C. Baker states that the measured distances are well over. T. Yasenchak states they don't have any concerns with that distance being excessive. They are not going to ask for anything. She wants to clarify for the record for any future applicants that because of that long site distance that is why the Board is not requiring a letter from an engineer. They do have substantial distance. T. Yasenchak asks G. McKenna because there will be people coming from the public do they need to have handicap accessible restrooms or the barn because it is offered to people leasing stalls. How does the Board deal with that? In Site Plan Review it does state the Board should be reviewing for handicap accessibility. G. McKenna states that he would have to look at the plans. Everything is at grade. The bathroom is handicap accessible. T. Yasenchak states as far as access to the barn, because once they get into the building that is where their purview stops. The lot is accessible, but whether or not they have met the correct building codes for handicap accessibility. That is something that would have to be looked at from G. McKenna's perspective. As long as the building is that is where their purview ends. T. Yasenchak states that the Board does not need to review SEQRA for this project. C. Baker agrees. T. Yasenchak states that the Board did not notice a public hearing because they were waiting on additional information. With a Site Plan Review it is not a shall, it is a may. The Board sets a public hearing for November 27, 2018 at 7:00 p.m. S. Isles asks if the Board needs the updated site plan and the letter as soon as possible. T. Yasenchak states yes.

Akawi, F. Case # 626
TM# 138.1-2-25

Special Use Permit
3100 Route 9N

Dr. Frank Akawi is present. T. Yasenchak states the applicant is here for a Special Use Permit. Dr. Akawi states that it has been 9 years that they have been open. She discloses that she is a customer of Dr. Akawi's and has wrestled with recusing herself, because the application is to extend his hours and she would benefit from that. However, she would not benefit financially from it. If it didn't happen nothing would change how she does her job on the

Planning Board or how she would interact with Dr. Akawi. Usually she sees another vet. She feels she can act objectively on this case. C. Dake discloses the same and feels the same. D. Akawi states that he appeared before the Board in 2010 when he first bought the building. The project was amazingly successful. They are benefiting a lot of pets and clients because of the location. However, as the Board is aware he is an alternative medicine/functional medicine doctor. In 2013 he wanted to add to the project to complete it. He decided to build a rehab center for dogs with physical therapy. He applied for a loan with the UDAG Committee and they were nice enough to offer \$200,000.00 to add to the building so he could have underwater treadmills, physical therapy, therapy pool, and laser. Part of his presentation to the UDAG Committee and to the Town Board to justify repaying the money he would adjust the hours to 9:00 – 9:00. Previously his hours were 9:00 -7:00 seven days a week. 20 hours of operation increased during the week so he could make more money to pay off the loan. That is what he did. UDAG Committee said that it was conditional pending the Town Board's approval. He received an email from James Lee. Although J. Lee put in the email that he was approved he did not realize he had come before the Planning Board. He had the closing and thought everything was approved. He checked with G. McKenna about the sign. It is plastered everywhere on the building, hours of operation are 9:00-9:00, 7 days a week. He really thought he was approved since the Town Board approved the hours, until recently. G. McKenna told Dr. Akawi that he needed to go to the Planning Board to correct this. Since they started having those hours he not only is paying the loan on time, G. McKenna has never had any complaints. Most of the people they see between 7:00 and 9:00 are sick animals. They are not making any noise or causing any trouble. When he first opened he had 6 employees now he has 26. They started with 0 patients and now they have 15,000 dogs and cats since 2010. They have 10,000 active clients so far. That is why he is in front of the Board hoping to correct the 9:00-9:00 7 days a week. He honestly thought the Town Board approved it. T. Yasenchak states that she does not have any questions and feels that it is a good benefit to the community. Knowing that general practitioners and veterinarian practices work they have limited hours and people have to go to the emergency vet this kind of fills in that gap for people. She feels it is great to have something like this as a business in Greenfield. She does not have an issue with the extended hours. Also it is on a busy street not really residential. It does not increase the traffic. Dr. Akawi states that they don't charge an emergency fee. Their exam is \$49.00, the Emergency Vet is \$128.00 just to show up. If anyone comes on Saturday from 12:00-5:00 they have free exams. T. Yasenchak states that she does not feel the extra hours impact the neighborhood. S. Weeks states that his only confusion is whether the pool already installed. G. McKenna states yes, Dr. Akawi received a Special Use Permit to expand the use in 2013. Dr. Akawi states they went through the Zoning Board of Appeals. It is an in-ground pool. T. Yasenchak states that it is inside. Dr. Akawi and G. McKenna state yes it is. S. Week states when it was written up it stated that it was going to be to the north of the building and that is what confused him. G. McKenna and Dr. Akawi state yes that is correct. Dr. Akawi states that he added 800 square feet to the north of the building and put the pool in. G. McKenna states that you don't notice it. It blends right in with the building. Dr. Akawi states he increased the septic too. R. Roeckle does not have any problems. B. Duffney asks if there have been any complaints from the neighbors. G. McKenna states never. Dr. Akawi states that J. Lee will testify that the loan has been paid on time. B. Duffney states that he is glad to see a business of this size come into this town. Our town needs small businesses like this. Dr. Akawi states thank you, they are saving lives. Like T. Yasenchak stated other vets are closed by the time people get home from work. Dr. Akawi states they are saving lives and making it reasonable. C. Dake thinks this is great. It's a lot of good and no harm. K. Conway agrees and he has increased his employee base which is good to see. Dr. Akawi has hired people with the money from the town, this is important too. We have borrowed money from the town, have hired at least 20 employees and the town is making money on the interest. K. Conway feels it is a good sign for Greenfield. M.

Gyarmathy agrees as well, he thinks it's great and does not have a problem with the additional hours. He is very happy Dr. Akawi is doing well. C. Baker states he thinks it is great as well but has to ask about the septic system. He knows that it is very limited area there to expand or do anything. Dr. Akawi mentioned that he has 29 employees and is hiring more and has the pool that has to dump somewhere. His only concern is to make sure he has it checked. Dr. Akawi states what he did was install an additional 2000 gallon water tank, in addition to the septic, that is dedicated to the pool and the underwater treadmill. Basically, when they are not using it, it goes and recycles back into that tank. It is never dumped into the septic system. If there is ever any dirty water from the treadmill it goes separately into the septic without affecting the entire water tank. Because they have grown and gotten big that is why they expanded the septic. They have limited land the only way they were able to do it was to go under the parking lot and that was expensive. G. McKenna kept him on his toes with that. The only facility that has something like this is Cornell University so Greenfield has to be proud of that. Rehab and physical therapy for dogs. He is very proud of that. The Board states they are too. T. Yasenchak states that because this is a Special Use Permit the Code states that a public hearing is required. When they have a public hearing they can take action that evening. The Board sets a public hearing for November 27, 2018 at 7:00 p.m. Dr. Akawi apologizes, if he had known that the Planning Board had to approve of the times in addition to the Town Board he would have done it five years ago. T. Yasenchak states they understand. Congratulations on a job well done. They are proud to have him in the town.

DISCUSSION

R. Roeckle states that K. McMahon was mentioning their second meeting in December falls on Christmas. T. Yasenchak states thank you for mentioning that and thought that everyone would get that as well. They will only have one meeting in December and that will be December 11, 2018. They will not be having their second meeting because it falls on Christmas. She asks if they have pending applications. They have applicants that have stated they would bring things in before the deadline but haven't done so yet. Because of the Thanksgiving Holiday the cut off is November 14, 2018. G. McKenna states that is tomorrow. T. Yasenchak states correct because it is 7 business days. They have everything for Isles, and they had everything ahead of time and that made it easier for their review. Making them wait even though they brought things in after the deadline and asked to be put on. K. McMahon, and G. McKenna and she are trying to be more steadfast about that. The deadline is there to help the Boards review. Ultimately, if their review is better, more precise and they have more time it makes the process go quicker for the applicant. They are not coming to a meeting and trying to review it at the same time. It showed very well with the Isles case. That will be the same case for anyone coming in.

Meeting adjourned at 9:30 p.m. All members in favor.

Respectfully submitted,

Kimberley McMahon
Planning Board Secretary