

**TOWN OF GREENFIELD**

**PLANNING BOARD**

**JUNE 8, 2010**

**REGULAR MEETING**

A regular meeting of the Town of Greenfield Planning Board is called to order by G. Dake at 7:00 p.m. On roll call, the following members are present: Gary Dake, Tonya Yasenchak, Nathan Duffney, Lorna Dupouy, Thomas Siragusa, John Streit, and Michael Gyarmathy, Alternate. Michael Thraikill is absent. Charlie Baker, Town Engineer, is present.

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**MINUTES – May 25, 2010**

MOTION: T. Yasenchak

SECOND: B. Duffney

RESOLVED, that the Planning Board waives the reading of and approves the minutes of May 25, 2010 as submitted.

VOTE: Ayes: Dake, Duffney, Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak,

Absent: Thraikill

Noes: None

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**PLANNING BOARD CASES**

**CAROL TURNEY – Special Use Permit**

North Greenfield Road

Carol Turney is present. A public hearing is opened at 7:01 p.m. C. Turney states that she would like to replace a 35-year-old mobile home with a new one. There being no public comments, this public hearing is closed at 7:02 p.m.

G. Dake states that it is his understanding from the previous minutes that the only outstanding issue is the certification of the septic system.

**RESOLUTION – C. Turney, Special Use Permit**

MOTION: T. Siragusa

SECOND: J. Streit

RESOLVED, that the Planning Board grants a Special Use Permit to Carol Turney to replace an existing mobile home with a new one on property located at 117 North Greenfield Road, TM# 124.-2-9, contingent upon:

- **Verification of septic system**

VOTE: Ayes: Dake, Duffney, Dupouy, Gyarmathy, Siragusa, Streit, Yasenchak

Absent: Thraikill

Noes: None

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**FRANK AKAWI – Site Plan Review**

NYS Route 9N

Dr. Frank Akawi is present and states that he has been in the business for 20 years in Saratoga and Wilton, and he is planning to open another vet clinic. He has made an offer on the building at 3100 NYS Route 9N, which has been accepted. There will be hardly any modifications as it was site planned, designed, and built for a human doctor's office. He states that he went to a ZBA meeting last week and is scheduled for a public hearing for July 6, 2010. G. Dake states that this is on tonight's agenda for a ZBA referral for an area variance for lot size and setbacks. Dr. Akawi states that two acres are required but his property has ½ acre. It is sufficient for what he needs. He states that this is a really nice city, not very far from all the other cities where he has practiced so he thinks it will bring a lot of business to the area, it will restore the building because it is a nice building and bring an increase in employment. T. Yasenchak asks if they will be boarding. Dr. Akawi states that they will not, only as related to medical care, but no kennel. T. Yasenchak asks if they will need outdoor area. D. Akawi states that he is not planning on any, it would only be for hospitalized patients who need to go out for bathroom purposes, that would be on their lawn and they would clean it up. T. Yasenchak states that she thinks that this will be a great use for this location. Dr. Akawi states that the closest clinic is 8 miles away. T. Yasenchak asks what the hours would be. Dr. Akawi states 8:00 to 7:00 during the week, Saturdays until 5:00 and on Sundays he may offer hours just to avoid people having to go to Albany for emergencies. It would be just enough for urgent care. T. Siragusa states that the applicant commented on two other locations. Dr. Akawi states that he successfully sold the other two. He is part owner and Board member of the Northway Animal Emergency Clinic at exit 17. T. Siragusa asks if the goal is to develop this as a clinic and then sell it. Dr. Akawi states that this is his last project then he is retiring. His goal would be to get this up and running and then maybe bring in specialists. He specializes in alternative medicine – acupuncture and herbal medicine. He states that with this amount of space he could have a surgeon, an ophthalmologist, etc. Now people have to travel to Cornell to do that. That is for the future, the space is available and if the opportunity arises. He plans to use the downstairs for patients, the upstairs for office space and storage. Eventually, he will either have more vets and just provide more services or bring in specialists – surgery, ophthalmology, oncology, etc. That would be in the future if he does find qualified persons willing to work for him. B. Duffney questions that if they are going to be doing surgery, with neighbors in close proximity, would there need to be a sound barrier. Dr. Akawi states that the building appears to be well insulated, any animal that was there for surgery would probably be heavily sedated and if necessary, would be referred to the emergency clinic. He states that you cannot hear traffic noise from inside the building. B. Duffney questions that the clinic will do emergency surgeries, like if someone calls at 4:30 in the morning. Dr. Akawi states that they will not, that is why they built the Northway Emergency Clinic. He does not think that is good quality medicine in the first place to come in and do surgery, and leave someone hanging. The Northway Emergency Clinic will be open when this is closed. Dr. Akawi states that when he is off he will talk to his clients, he may give them his cell phone, to guide them in the right direction, but he will not do a surgery at 4:00 a.m. He would refer them and then he could see them the next day. Dr. Akawi states that he used to do that before they opened the Northway, the only emergency clinic they had was the Capital District, so you would have to travel for an hour, then wait for 2 or 3 hours before anyone could see you. He would do his own emergencies, take care of the patient, spend 2 or 3 hours, then go home and have to come back in the morning for his regular shift. It wasn't fair to the patient; not good quality medicine; not fair for him, as he would have to see his regular patients and be fresh and alert. He does not feel that it is good medicine. They decided to open the Northway, they have good quality medicine, and they have good surgeons there. One of the shareholders is a Board Certified surgeon. B. Duffney states that the Town of Greenfield has not had something like this in a long time and he personally thinks it would be a great project. L. Dupouy asks if there is going to be any additional lighting. She asks if they will have the correct Health Department regulations in place for the disposal of any needles, etc. Dr. Akawi states that they will have the OSHA regulated containers that are provided to them, they are picked up monthly and disposed of properly. They will do no chemotherapy. Customers who have a need for syringes for diabetes, etc., will return them to the office to be disposed of. L. Dupouy states that as long as all the regulations are met Dr. Akawi will find that he will be embraced and his business will grow quickly

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in this Town. J. Streit states that he feels extremely positive towards this project and asks about the stormwater management that was supposed to be installed near the front of the property. C. Baker states that there was to be a dry well. G. Dake states that he assumes it was all done as the building was previously occupied. Dr. Akawi states that the landscaping needs some work and he will maintain the property as per the approval. G. Dake states that the Board would need to see the size and location of any sign. He states that, he would assume, if the applicant were going with the exact same size and location, that would be something that the Board would look favorably on. Dr. Akawi states that he would like something like the Town Hall's sign. C. Baker states that he thinks it is a great project as well. His only question is that the application states he could have 12 to 15 employees, he is assuming that is long range, and hundreds of clients. C. Baker states that we all wish he does that well, but if he gets to that point they may need to look at the septic. It is a very small system that was put in there and he thinks that if they get to that point, they may have to take a look at that. G. Dake questions who licenses a vet – Ag & Markets. Dr. Akawi states the State Education Department. Licensing is the New York State Education Department and the permits to actually have an occupied building and have narcotics. G. McKenna's notes are reviewed. He states that the vegetative buffers were previously waived due to the pre-existing nature and proximity to NYS Route 9N. G. Dake states that is something we will have to make sure that we address if the Board is comfortable. M. Gyarmathy states that he had previously given Dr. Akawi a quote for some work on another building in Wilton. G. Dake states that the area variances required are for lot size, front and rear setbacks, as did the previous occupant, as will anyone going into any use in that building. He states that some of us remember when there were gas pumps between the building and 9N. G. Dake states that we will need to have a public hearing and that is scheduled for 7:00 p.m. on June 29, 2010. He states that the applicant should be prepared to clarify signage, if he is going to change anything for exterior lighting on the building, where a dumpster/trash receptacle would be located, etc. Dr. Akawi asks if the Board is interested in painting of the outside of the building, etc. G. Dake states that we do not regulate any of that but if he would like to share that information that is fine. He states that the Board seems very positive to the project and it will be very nice to see the building back in use.

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**JAMES DORSEY – Major Subdivision**

Locust Grove Road

J. Dorsey asked to be postponed to the next meeting, as they have not received the results of the traffic study.

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**ZBA REFERRAL**

**JOHN & HETAL HERZOG** – No Planning Board issues.

**BRIAN WAGNER** – No Planning Board issues.

**Dr. FRANK AKAWI** – G. Dake states that it is pretty obvious that this is a pre-existing location and unless we want them to tear it down, he does not know what we would do other than give them variances. J. Streit states that he views this as a quasi grandfathering. He states that we should look on this positively. The Planning Board is reviewing this application and looks on it favorably, pending public hearing.

**CLYDE & PEARL RONK** – No Planning Board issues.

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## **DISCUSSION**

G. Dake comments that the Board members should review the new list with contact information and let R. Rowland know if there are any changes.

G. Dake states that he received a call from M. Gyarmathy today about a couple of the cases on tonight's agenda. G. Dake thought it would be a good idea to have a brief discussion on when should you or should you not recuse yourself. M. Gyarmathy explains that Dr. & Mrs. Herzog had called him as they were considering taking off the roof of their home, adding a second story and living in the basement during the construction. M. Gyarmathy told the Herzogs that he did not think that was a good idea and thinks that may be part of their reasoning for this application. G. Dake states that on one hand M. Gyarmathy was party to this project. On the other hand, he was actually party to a proposal that is not going to happen and they are doing this instead. G. Dake asks if they have contacted him about bidding on building the new house. M. Gyarmathy states that they have not. The Board members do not feel that he would need to recuse himself. G. Dake states that this was also only a ZBA referral. T. Yasenchak states that at one of the Saratoga County Planning seminars, Mark Schachner stated that if there is a question, before giving your opinion, state how you know the applicant, however you do not believe that that relationship will hinder your reasoning. G. Dake states that if M. Gyarmathy were building the house, he is accepting payment from the applicants and he would lean strongly towards recusing. The other issue was the veterinary hospital. M. Gyarmathy states that Dr. Akawi was looking at a building in Wilton and asked for a quote for remodeling in the fall of 2009 and he has not heard from him since that time. G. Dake states that was another building in another town, it just happens to be the same guy. B. Duffney states that he could just let it be known that the doctor had asked for a quote. He states that he has recused himself several times – once with someone he knew he could not give a fair shot and another couple times when he was involved with a project. G. Dake states that as long as everybody knows what the connection is, that gets rid of 90% of the problem, unless there is direct money changing hands. T. Yasenchak states that M. Schachner also said that one thing Board members have to be careful of is looking at their own biases about certain topics and recusing oneself if they have a negative opinion on something. G. Dake states that is something for all the Board members to remember – for any project that comes before the Board, if you have a definite opinion before hearing the applicant, then you should recuse yourself because you are violating the law. Your responsibility is to weigh the facts in front of you, not have your own opinion when you come in the door.

G. Dake welcomes Mike Gyarmathy to the Board.

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Meeting adjourned 7:41 p.m., all members in favor.

Respectfully submitted,

Rosamaria Rowland