

**Village of Spencerport
Zoning Board of Appeals
April 15, 2010**

Board Members Present

Chairman John Dole
Michael Flavin

Mark Unvericht
Paul Lane

Board Members Absent

Others Present

Trustee Carol Nellis Ewell
Donna Stassen, Secretary
Attorney Richard Olson
Building Inspector Jack Crooks

George Stefanos M.D.
Stu Chait
Judy Montanari
Karen Bollinger
Patricia Barnes
Harry VanOrmer
Martha Brege

At this time Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Dr. George Stefanos for a special permit for that of an assisted care facility, on property located at 21 Union Hill, Spencerport NY 14559.

Whereas, this use shall be permitted with the granting of a special use permit by the Zoning Board of Appeals pursuant to Chapter 140-18(B) (8).

Such property located in a B-District.

Architect Stu Chait acting as agent for Dr. Stefanos stated that essentially they are looking for the conversion of 21 Union Hill from a business occupancy to assisted care living. By definition of the state code it would be an institutional use because there would be more than 12 people living there essentially we are looking at 10 apartments.

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Units will be 500 square feet each. They would be one bedroom apartments ideally for 2 people, there would be common space on both floors used for assembly, small kitchen and gathering area.

The intention of the assisted living essentially is for people aging in place we are not looking at trying to take care of a certain population with dementia or other disabilities. The units would have a bedroom, bathroom, small kitchenette, living dining area, and all handicap assessable.

As I understand we need a special permit in order for this conversion to happen. There are 25 parking spaces there now again looking at this population most will not be driving which leaves us with 2.5 parking spaces per unit, I am not sure of your zoning but I think the parking requirements would be fine. The utilities to the building are sufficient with the one exception we would have to bring in a new water service because the entire building would need to be sprinkled because of the conversion over to assisted care.

The exterior changes on the building are minimal essentially just new window arrangements based on how we lay out the apartments. We know that we will have to go to the Architectural Review Board.

Chairman Dole: You said there won't be any people living there with disabilities?

Dr. Stefanos: There won't be anyone living there with dementia, this would be an opportunity for older people to be able to stay and age in the community, all of us have issues like this in our family.

Chairman Dole asked if the residents would be allowed to have cars.

Dr. Stefanos stated that yes they would but that the probability of that is low. They would offer shuttle services for the residents for shopping etc.

Attorney Olson: Is this licensed by NYS?

Dr. Stefanos: It will have to be licensed by NYS.

Attorney Olson: And what are some of the facilities around here that compare to this facility?

Dr. Stefanos: The Landing.

Attorney Olson: The same kind of license as the Landing?
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Dr. Stefanos: Yes.

Attorney Olson asked how much staff would be on site.

Dr. Stefanos: Initially it would start with 4 and as the population of tenants increase up to 12. There will be someone on staff 24 hours a day.

Attorney Olson: How about nurses?

Dr. Stefanos: On call.

Mr. Chait: Laundry, kitchen, commissary services will be done offsite. No cooking facility on site. All units have a small kitchenette.

Jack Crooks: Would the parking be shared with Dr. Mariano?

Mr. Chait: Yes.

Jack Crooks: How will you handle dispensing of medications?

Dr. Stefanos: We would have to follow all procedures set in place by Medi-Care.

Paul Lane: How long would the average length of stay be for a resident?

Dr. Stefanos: As long as they are independent they can stay once they need special services they usually need to go to a nursing home. The decision on whether or not they can stay will fall within the guidelines of the DOH those guidelines are constantly being scrutinized and updated.

Attorney Olson: What do you expect your monthly rent will be?

Dr. Stefanos: I anticipate 4 – 5 thousand dollars.

At this time Chairman Dole opened the hearing to the audience for questions and comments.

Edith Able: I would like to know how big the units will be.

Mr. Chait: Between 500 – 600 sq feet.

Edith Able: Will other doctors be allowed to come in and administer to the patients?
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Dr. Stefanos: Yes

Edith Able: When I read the legal it said assisted care and now you are saying assisted living what is the difference?

Mr. Chait: I will be honest I think it is semantics it is one in the same essentially as Dr. Stefanos said this is an intermediate step between having your own apartment or residence before going into skilled nursing care.

Edith Able stated that 500 square feet is very small.

Will there be a common dining area.

Dr. Stefanos: No, there will be catering brought in and they would eat in their apartments.

Edith Able: What about recreation?

Dr. Stefanos: The common area would have tables where they could play bingo.

Edith Able: Would there be a recreation staff to offer crafts and other activities?

Dr. Stefanos: Yes

Harry VanOrmer: I am a member of the board of directors and there are some issues that we are confronted with, the primary one being that we just learned about this conversion when the legal came out and so we were very concerned. There are three other board members present this evening but I am just here speaking on behalf of myself, the board has not really had a chance. But there is a provision in our code we have a very lengthy set of rules and regulations there is one particular code it is found on page 824 of the original plan approved by the Village of Spencerport some 24 years ago which says each office unit shall be occupied and used by respective owners only as an office for the owner or owners or their tenants and for no other reason. The building was designed as an office building; if we have parking problems now this will create more problems that can't be resolved. We don't know how much this will cost the homeowners association because of the common area that the association is required to pay for and this should be of real concern to the association.

Chairman Dole: When you say common area is that in the building?

Mr. VanOrmer: Yes common area in the building there is common area outside which speaks for itself, this is a unique property with an office building in conjunction with Zoning Board Minutes
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residential. I think there are 2 different types of zoning if the maps are correct they show a commercial part and the rest is residential.

Mr. Van Ormer asked Dr. Stefanos if he would be continuing his practice in that building.

Dr. Stefanos: No, but I will still be in Spencerport.

Pat Barnes: We went over the additional parking before; where they want to put the spaces is back where the townhouses are they want to take common area and put these parking spots in there causing much more traffic with the patients using these spaces and I just don't think that will work out.

Mr. Chiat: Again there are 25 spots dedicated just to this building, a study done before shows that this suffices the purpose. We think there will be plenty of parking.

Jack Crooks: While I respect the neighbors concerns. Those concerns that are wrapped around the HOA are between them and Dr. Stefanos as they go forward we are not part of that enforcement. What you need to look at is the impact on the District if it will fit and if it fits the criteria.

Attorney Olson advised Dr. Stefanos to contact his attorney and have him review his title and deed restrictions before he invests a lot of money into this project.

Attorney Olson also expressed his concerns with the parking conditions on this site.

Martha Brege: Does Spencerport already have 2 assisted living facilities already?

Attorney Olson stated that these facilities were different from what Dr. Stefanos is proposing.

Marta Brege expressed the following concerns:

- The quality of care they will be living in halls where will they go outside in the summer.
- Outside catering and laundry services will cause more traffic.
- What if a resident falls?
- Patient will be administrating own meds.
- Will the facility be used for equipment if the apartments don't get rented?
- Facility will need approvals from health department.

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Mr. Chait stated that the hallways were meant for ingress and egress only not for living areas.

Dr. Stefanos stated that all these issues will be addressed and that he will need to be licensed by NYS.

Paul Lane: Are there any outside areas for sitting?

Mr. Chait: There is room on the walkways available, it is a tight site we agree with that but there are some areas to put out benches.

Carol Nellis Ewell: I just wanted to suggest that some consideration be given to the traffic congestion and the safety.

Captain Dole: I still have concerns with the safety and the parking situation.

Jack Crooks: If you have areas of uncertainty you have the right to ask the applicant for more information so that you can make an appropriate decision.

Michael Flavin asked to see plans for the building

John Dole stated that he would be leaving the Public Hearing open and the next meeting for this application will be advertised.

After further discussion the applicant was asked to provide the following information when he returns.

1. Layout of building
2. Traffic flow
3. Staffing
4. Parking requirements
5. Delivery patterns for catering and laundry services
6. Loading zone provided

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At this time the following resolution was offered

Resolution No. 199
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Introduced by Chairman Dole
Seconded by Michael Flavin

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to table the application of Dr. Stefanous for a special use permit for that of an assisted care facility on property located at 21 Union Hill Spencerport NY until the applicant furnishes the following information:

1. Drawings showing layout of building.
2. Details of traffic flows.
3. Details of staffing, hours, number of employees etc.
4. Proof of ability to accomplish parking requirements.
5. Drawing showing delivery pattern for outside catering and laundry services, load zone.

Furthermore applicant was advised to research HOA restrictions before proceeding with application.

Ayes: Dole, Flavin, Unvericht, Lane
Nays: none

Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the minutes of March 18, 2010 as corrected.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:55 p.m.

