

Meeting of the Zoning Board of Appeals of the Village of Brockport was held in the Conference Room, Municipal Building, 49 State Street, Brockport, New York, Monday, January 27, 2003 at 7:00pm.

PRESENT: Chair Jennifer Skoog-Harvey, Vice Chair / Member Irene Manitsas, Member John Bush, Member Carrie Maziarz, Building/Zoning Officer Scott C. Zarnstorff, Clerk Leslie Ann Morelli.

EXCUSED: Member Charles Switzer

ALSO PRESENT: Frank A. Aloï; Deputy Village Attorney, Mark Edwards, Kevin Nacy, Charles Smith, Marcia Fowler, Pete Maxson, Don Pophel, Libby Caruso, Chriss Andrews (all of Lakeside Memorial Hospital), Joan Hamlin.

CALL TO ORDER: Chair Skoog-Harvey called the meeting to order and led the Pledge to the Flag.

REVIEW OF MEETING MINUTES: November 25, 2002

→ Member Manitsas moved, Member Bush seconded, unanimously carried to approve the minutes of the November 25, 2002 Zoning Board of Appeals meeting as written.

CORRESPONDENCE: Chair Skoog-Harvey shared that Joan Hamlin of 50 Park Avenue submitted a memo of concern regarding Lakeside Health System's parking.

PUBLIC HEARINGS: None – The public hearing for Lakeside Memorial Hospital's applications were held and closed at the November 25, 2002 meeting.

OLD BUSINESS:

1. Application of: Lakeside Memorial Hospital
Address: 156 West Avenue
Tax Map #: 068.08-1-1
Zoning: Business Use District
Purpose: Area Variance to allow a building height of 61' 6" instead of the 35 foot maximum for the construction of a fourth floor onto Lakeside Memorial Hospital
Provision of Zoning Ordinance Appealed: 58-11C

2. Application of: Lakeside Memorial Hospital
Address: 156 West Avenue
Tax Map #: 068.08-1-1
Zoning: Business Use District
Purpose: Area Variance to allow 437 current parking spaces instead of the 509 total spaces required.
Provision of Zoning Ordinance Appealed: 58-21B(2)[d] & 58-21B(3)[1]

Chair Skoog-Harvey read the following:

AREA VARIANCE TEST

New York State criteria:

In making its determination, the ZBA shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

- 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- 3) whether the requested area variance is substantial;
- 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
- 5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The ZBA, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Applicant Presentation:

Kevin Nacy, Lakeside's Chief Financial Officer, introduced himself, CEO Charles Smith, Mark Edwards and the following Lakeside Board Members: Marcia Fowler, Pete Maxson, Don Pophel, Libby Caruso and Chriss Andrews. He shared that four or five years ago they began to conceive plans to bring the operating rooms and obstetrics ward up to date. They currently reside in the 1963 portion of the building on the first floor. The size of the current operating rooms is 360 square feet. Today's standards and space needed for equipment need an operating room of 525 to 600 square feet. Although new mothers have been satisfied with their care, the current OB ward cannot offer labor to delivery to postpartum all in one room. Therefore, many options were looked at to relocate and/or improve the OR and OB units. The proposal to add a fourth floor of 12,000 square feet to the hospital is most acceptable to staff and surgeons.

Continued Board discussion on application:

Member Bush asked if parking was thought of while conceiving the idea for a fourth floor. K. Nacy said what they dealt with more so upon the Town of Clarkson and Village of Brockport's urging was that of drainage work. They did conduct a parking study. However, since the former nursing home (The Cupola) is vacant and there are no plans for it in the near future, staff has been invited to utilize the 42 parking spaces near that facility. He said this has made a big difference. If, in the future, a use is found for that building, they will need to address the parking issue.

Chair Skoog-Harvey said some of the documents provided by the applicant and its representatives show differing numbers regarding parking. These numbers are 417, 437, 497. She asked for clarification on the differing numbers. Mark Edwards said he would try to clarify. He said he had conversations a couple of years ago with the former Mayor and Building Inspector regarding the different types of occupancy of Lakeside Health System. He said a few months ago he met with Mayor Matela, Building/Zoning Officer Zarnstorff and Planning Board Chair Winner to talk about where Lakeside is going and any impact on parking. He said S. Zarnstorff and he broke down the ordinance based on the way the parking spaces are currently used. This is different than how the prior administration interpreted it. He gave an example of the Childcare center. At the time, the Planning Board required a drop off. They have or will add striping parallel to the drop off to create 18 parking spaces. He also shared that the professional office building consists of 16,000 square feet, but has different uses. Medical offices occupy 12,000 square feet and hospital administration offices occupy 3,000 to 4,000 square feet. Gross floor area was used, not net floor area. M. Edwards shared that Erdman Anthony conducted a parking study in 2000 that was then verified by the Village's consultant. The handicapped spaces and Doctor reserved spaces were separated out.

Chair Skoog-Harvey commented that regardless of how they came to the numbers, the community needs adequate parking at their hospital. She questioned how the addition of a fourth floor would not generate more traffic. M. Edwards said the bed count would not be changing with the addition of the 12,000 square foot 4th floor. The space will be better suited for its purposes. Chair Skoog-Harvey asked if they anticipate more outpatient business. M. Edwards said that is the trend with all hospitals.

Member Bush asked if they calculated all but the hallways and the block of space occupied by hospital administration. M. Edwards said yes and said there is also rented office space in the hospital (orthopedics and oncology). These were included in the 5 parking spaces per 1,000 square foot ratio from the code. Member Bush asked the formula used for the emergency room. M. Edwards said they used the 3 parking spaces per bed formula.

S. Zarnstorff elaborated that per the Code, parking for the professional office building is calculated by gross floor area. He said he would consider that detrimental for a building that has large amounts of common area open space. He feels using net floor area is more appropriate and that using gross floor area is overkill. However, it was adopted several years ago and he cannot speak to that administration's reasoning. By code, 509 parking spaces would be necessary. He said he could concur

with the applicant that some ancillary spaces should be deducted.

Chair Skoog-Harvey said per the Code, the width of a parking space should be 10 feet, but Lakeside's parking is striped at 9 feet. She suggested that if the 42 former Cupola parking spaces were not able to be used due to re-use of that building, the parking should be made to conform to the 10-foot width requirement. The remaining 9-foot wide spaces would be considered pre-existing, non-conforming. Chair Skoog-Harvey asked the chances of ALL of Lakeside's parking complying with the 10 foot wide

requirement. M. Edwards said at \$1,300 to \$1,500 per parking space (grading, drainage, material, striping, lighting) it is probably not likely.

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Member Bush asked if the Hospital would be planning ahead, financially, for parking. M. Edwards said they have been in front of enough Boards between Brockport and Clarkson to know that they need to move in that direction.

C. Andrews, Hospital Board Member, shared that having built and owned many of the areas K&K Gas & Food Marts, Brockport is the only community he has worked with that has increased its parking space width requirement to 10 feet. He said cars are getting smaller and 9 feet wide is adequate.

Chair Skoog-Harvey said that Brockport certainly likes having Lakeside Memorial Hospital / Lakeside Health System as an anchor in the community. It is important to have a thriving hospital.

HEIGHT VARIANCE - 4th FLOOR SURGICAL FACILITY

FINDINGS

1. The applicant is a private hospital servicing the community;
2. The hospital complex campus has been part of the neighborhood since 1950;
3. In 1984 a number of improvements and expansions were completed at the hospital;
4. Construction on a total replacement facility of the 1950 building was completed in 1986;
5. In 1998, Lakeside completed a new 120-bed nursing home to accommodate the needs of the aging population in the community;
6. The proposed 4th floor surgical facility would provide significant modernization and upgrading in available equipment and services for out patient surgical treatment;
7. The proposed 4th floor surgical facility will also make possible the modernization and an upgrading in the capacity and services provided by the 1st floor OB GYN birthing center;
8. The proposed construction will not change the footprint of the building;
9. In order to remain competitive with major area hospitals, both in terms of ability to provide state of the art surgical and birthing services (as an alternative to admission at larger area hospitals), and also the retention of essential staff, both high quality physicians and support persons, the expansion of the hospital as requested was and is necessary;
10. The structural height of the proposed surgical center - 61' 6" - exceeds the permitted 35'.
11. The overall size of the present hospital complex is approximately 210,000 square feet; the proposed addition adds 12,000 square feet, a less than 6% increase;
12. The applicant on a prior application involving construction at the site advised the Board of the likelihood of eventually coming back in for fourth floor approval;
13. The structure as built was constructed to eventually accommodate the fourth floor in terms of load bearing capacity (footers, steel, elevators);
14. Alternatives to the 4th floor expansion were explored by the applicant, as summarized in Ex. "E" to the applicant's 12/30/02 submission; all had feasibility problems both in terms of operations and integration into the hospital services; and costs of alternatives were prohibitive;
15. The present Beikirch extended care center on the hospital campus is 63' in height, which exceeds the 61'6" for the proposed surgical center;
16. There will be no significant increase in required governmental services;
17. There will be some increase in traffic but not a significant increase;
18. There is unlikely to be any adverse aesthetic impact from the proposed construction; the visual impact will be insignificant; and there will be no additional noise;

19. The benefit to the applicant if the variance is granted, outweighs any detriment to the health, safety and welfare of the neighborhood or community;

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20. In point of fact, there is no detriment to the community or immediate neighborhood; both will benefit by the improved capacity and care available at the hospital after the proposed renovation;
21. There will be no undesirable change produced in the character of the neighborhood or a detriment to nearby properties by the granting of the area variance;
22. The benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than an area variance;
23. While the height of the proposed facility is some 80% higher than the permitted height, the requested area variance is not substantial in that the added square footage of the structure represents only a 6% addition to the total square footage of the hospital facility;
24. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
25. The alleged difficulty was not self-created; the pace of medical technology, demographics, community requirements, and the competition of larger area hospitals, made necessary the proposed expansion of the Lakeside community hospital;
26. The written materials previously submitted by the applicant in support of the variance applications (at the first meeting of the ZBA considering this application, and as supplemented by additional materials dated 12/10/02) are incorporated into these findings and made a part hereof.

RESOLUTION

→ Member Bush moved, Member Maziarz seconded, unanimously carried resolving that the Zoning Board of Appeals of the Village of Brockport approves the application of Lakeside Memorial Hospital, 156 West Avenue, Brockport, NY, for an area variance in a business use district to allow a building height of 61'6" instead of the 35' permitted maximum for construction of a fourth floor out patient surgical facility onto Lakeside Memorial Hospital [all as per previously submitted plans and drawings].

PARKING VARIANCE

FINDINGS

1. The proposed expansion of the Lakeside hospital facility [4th floor surgical facility, and renovation of 1st floor birthing center] will result in fewer available parking spaces than those required by the Village of Brockport Code.
2. Attached hereto and made a part hereof are prior written submissions from the applicant concerning the computation of available and required parking spaces.
3. By way of summary:
 1. Ex. F of the submission dated 12/30/02, shows 489 spaces required, and 497 spaces available (counting the 42 spaces next door at 122 West Avenue), for an 8 space surplus;
 2. A prior submission by the applicant on 11/20/02 shows 510 spaces required, and 417 available, for a deficit of 93 spaces; (this submission did not factor in the possible availability of 42 spaces at 122 West Avenue);
 3. A prior submission by the applicant on 11/19/02 shows 457 spaces required, and 417 available, for a deficit of 40 spaces; (this submission did not factor in the possible availability of 42 spaces at 122 West Avenue);
 4. Another prior submission by the applicant before 11/19/02 shows 484 required spaces, and 437 spaces available, for a deficit of 47 spaces (this submission did not factor in the possible availability of 42 spaces at 122 West Avenue);
 5. The analysis by the Code Enforcement officer and Building Inspector for the

Village of Brockport shows 509 required spaces, and 437 available spaces, for a deficit of 72 spaces; (this analysis did not factor in the possible availability of the 42 spaces at 122 West Avenue);

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4. The Board has reviewed the various submissions and concludes that the differences in the various submissions are based upon varying assumptions as between Code definitions for parking spaces per square footage of floor area - whether gross floor area, and/or net square footage of usable or actually used floor area (deducting corridors, utility rooms, mechanical rooms, closets, stairs, storage areas, etc.); whether administrative space in the physicians office building is counted for parking requirements; how day-care parking is accounted for; also, varying assumptions concerning the number of beds and the probable patient usage count likely to result from the new surgical facility and the upgraded birthing unit;
5. The Board concludes that the count prepared by the Code Enforcement officer, and Building Inspector, i.e., 509 required spaces, and 437 available spaces, is most likely the most accurate estimate of available and required spaces after the proposed construction and upgrading of the 4th-floor out patient surgical unit, and the 1st - floor birthing unit;
6. The Board credits the statements by the applicant that there will be available to the hospital the 42 spaces at the facility at 122 West Avenue, which is not presently in use;
7. Since the Village Code classifies two or more adjacent parcels under common ownership as one "lot" [sec. 58-8-(A)(10)], and requires parking spaces to be on one lot [sec. 58-22(B)(2)(a)], it is appropriate for the Board to consider the 42 spaces at 122 West Avenue as reducing the parking deficit;
8. Factoring in the 42 spaces at 122 West Avenue, the deficit is 30 spaces;
9. While there is space available on the hospital campus for the construction of additional parking spaces, the Board credits the applicants statements that the cost of making new spaces would be prohibitive.
10. The applicant has advised the Board that the facility at 122 West Avenue will in all probability be put to some new use (by lease, sale, or otherwise) ancillary to the hospital operation in the foreseeable future, and in such event, the applicant may not be able to guarantee the continued dedication of the 42 parking spaces at the site to hospital use;
11. In recognition of the possibility that the 42 spaces may be lost to the hospital in the future, the applicant has by letter dated January 27, 2003, indicated its willingness to accept a conditional approval of a parking variance, and to create new spaces on the campus as necessary to make up the deficit in the future;
12. The Board notes that the code presently requires that parking spaces be 10' in width, rather than the 9' that is used by applicant;
13. With regard to the undersized parking spaces, the applicant has not made any application pursuant to section 58-20 A of the Village of Brockport Code in subd. (1) which provides that "any nonconforming use existing at the time of the enactment of the Zoning Code may be continued, and, upon application to and approval by the Zoning Board of Appeals, the Zoning Board of Appeals may direct the Building Inspector to issue a certificate of occupancy extending said non conforming use within the premises as prescribed by the Zoning Board of appeals to conform as nearly as practical to the requirements for the district in which the building, structure or use is situated."
14. The Board incorporates in and makes a part of these findings all prior written submissions of the applicant, including without limitation the submissions of 11/19/02 and before, the submissions of 12/30/02, and the letter of 1/27/03;

RESOLUTION

→ Member Bush moved, Member Manitsas seconded, unanimously carried resolving that the application of Lakeside Memorial Hospital for an area variance in a business use district to allow 437 current parking spaces instead of the 509 spaces required by code [sec. 58-21(b)(2)(d); 58-21(b)(3)(1)], is hereby approved subject to the following conditions:

1. The continued availability to the hospital of the 42 parking spaces at 122

West Avenue;

2. The undertaking by the applicant to report annually to the Code Enforcement Officer/Building Inspector the continued availability to the hospital of the 42 spaces at 122 West Avenue;

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3. The undertaking by the applicant to report to the Code Enforcement Officer/Building Inspector any circumstance which might (or will, or has) made the 42 spaces at 122 West Avenue, unavailable to the hospital;
4. The undertaking by the applicant in the event the 42 spaces at 122 West Avenue are no longer available for hospital parking, to replace those spaces (minimum 42 spaces) with new spaces in the immediate environs of the hospital campus on a time table to be agreed with the Code Enforcement Officer/Building Inspector;
5. The undertaking by the applicant that it must report to the Code Enforcement Officer/Building Inspector on an annual basis any circumstance which is likely to materially increase the patient, public, and staff usage of the hospital facilities, so as to increase the number of spaces required for hospital use above the 509 spaces which are the basis for this application, and to thereafter cooperate with the Code Enforcement Officer/Building Inspector in alleviating any resultant increase in deficit between the required spaces, and available spaces (over and above the deficit which is the basis for this application); an increase in the required spaces will be deemed material if more than 5% greater than the 509 spaces; as used herein, "cooperate" can mean in the discretion of the Code Enforcement Officer and Building Inspector, the creation of new spaces by the applicant in the immediate environs of the hospital campus as presently constituted.
6. Regardless of when, as, and if the 42 spaces at 122 West Avenue become unavailable to the hospital, it shall nonetheless be the obligation of the hospital to bring all of its parking into full code compliance (both number of spaces, and size of spaces) not later than 5 years from the date of final approval of this variance (all signatures of Board members affixed, and appropriate filing with the Village Clerk).

SEQR will be addressed by the Planning Board upon site plan review.

Adjournment:

- ➔ Member Manitsas moved, Member Bush seconded, unanimously carried that the meeting be adjourned at 7:40pm.

Leslie Ann Morelli, Village Clerk