

**TOWN OF SWEDEN
Planning Board Minutes
January 13, 2020**

An organizational meeting of the Town of Sweden Planning Board was held on Monday, January 13, 2020, at the Town Offices, 18 State Street, Brockport, New York, commencing at 7 p.m.

Members present: Richard Dollard; David Hale; Craig McAllister; Matthew Minor; Arnie Monno; David Strabel.

Absent: Wayne Rickman

Also, present: Nat O. Lester, III, Planning Counsel; Jim Oberst, P.E., MRB; Eric Drazkowski, Excel Engineering, A.J. Barea, PLS, Dr. Hany Nissiem, Nevin Nissiem, Abby Duncan, Kevin Comden, Scott Colucci, Teri Von Esch, John Von Esch, Matt Lester, Genie Banker, Louis Popovski.

Chairman McAllister called the meeting to order at 7 p.m. and asked everyone present to say the Pledge of Allegiance.

Moved by Mr. Hale, seconded by Mr. Minor, that the Planning Board Schedule and Rules and Regulations for 2020 be approved.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Strabel – Aye*

Moved by Mr. Monno, seconded by Mr. Dollard, that the minutes of December 9, 2019, be approved.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Monno – Aye
Mr. Minor – Aye
Mr. Strabel – Aye*

Correspondence was passed to members for review.

Mr. Monno excused himself from the meeting.

Moved by Mr. Strabel, seconded by Mr. Dollard, that the regular meeting be adjourned to the public hearing.

*Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Strabel – Aye*

The Public Hearing began at 7:03 p.m.

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Redman Heights Resubdivision. 5230, 5240, 5250, 5260 Redman Rd. 083.03-1-5, 6, 7, 8.

Mr. A.J. Barea addressed the Board and public. The applicant, Arnie Monno, Planning Board Member, has excused himself from the meeting. He is proposing to combine four lots on Redman Road into one lot.

Chairman McAllister asked if anyone had any questions, comments or concerns.

Genie Banker, 5161 Redman Road – Ms. Banker asked if Mr. Monno’s application would have any impact on the new water district proposed. Ms. Banker wondered since the fee for the water district is based on the number of parcels, would the cost be increased by the reduction of the number of parcels. Chairman McAllister stated that could be the case. Chairman McAllister stated the project details were handled by the Town Board.

Mr. Monno returned to the meeting.

WellNOW Urgent Care Clinic Site Plan. 6555 Fourth Section Road. 083.02-1-18.

Mr. Eric Drazkowski, Excel Engineering, addressed the Board and public on behalf of WellNOW Urgent Care Clinic. The proposed clinic is located at 6555 Fourth Section Road, on the south side of the road. The 3,500 sq. ft. urgent care clinic is a redevelopment of the old Friendly’s site. Existing water services are anticipated being used and a new sanitary lateral is proposed as the existing one will be abandoned. The site will have 38 parking spaces. There is a shared access easement; the access has an island. The Fire Marshal has requested the island be removed and striping be added to accommodate any ladder trucks entering the site, NYSDOT agreed. The existing site will be re-paved and drainage patterns will remain the same. A photometric lighting plan for the parking lot is included which shows the lighting levels.

Chairman McAllister asked if anyone had any questions, comments or concerns. If so, please state your name and address first.

Dr. Hany Nissiem, 6565 Fourth Section Road – Mr. Nissiem’s comment letter was submitted as part of the record and is on file in the Planning Department. A summary follows below.

Dr. Nissiem thanked the Board for the opportunity to state his concerns as he has served the Brockport community for over 15 years and has practiced medicine for 58 years.

Dr. Nissiem stated while he welcomes friendly competition and doesn’t have anything negative against WellNOW Urgent Care, he is opposed to the construction of WellNOW in the current proposed location for the following reasons:

- The proposed location is insufficient and will cause miscommunication, confusion, anger, and will put patients’ lives at risk. WellNOW shares the same vehicle entrance as ASAP Urgent Care. Operating two urgent care facilities side by side will create mass confusion not only among patients who are in distress and seeking immediate medical attention, but more importantly, it will also confuse emergency medical professionals. Transferring patients with life threatening conditions from urgent care to the ER by ambulance will be very confusing, and every minute matters for the patient’s survival in these situations.
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- Looking to the population of Brockport, 7 to 8 thousand in a one-mile radius, currently stands at 6573. Currently, as Brockport's sole urgent care, we serve an average of 16 patients per day (based on statistics from 2017 and 2018). Two urgent cares serving such a small population at a singular location is not addressing or serving the community's needs properly.
- The proposed location over saturates a single area and leaves surrounding areas beyond the reach of urgent medical care access. It would be in the community's best interest that WellNOW relocates outside of ASAP Urgent Care's 3-mile radius to better disperse urgent care services throughout the surrounding community.
- Allowing two urgent cares to exist side by side with a shared entrance is a poorly strategized use of Brockport's land. Urgent Care is an essential landmark within the community. A strategic location is crucial for medical services to be as accessible and successful as possible unlike fast food, coffee shops, and banks where competing businesses can co-exist side by side.
- Lastly, the WellNOW will negatively impact Brockport's local economy. It is well known that small independently owned businesses directly invest more money back into the community than larger businesses do.

I urge you to reconsider the proposed location of WellNOW. I strongly suggest other possibilities that will benefit Brockport's residents, the community, and both WellNOW and ASAP urgent cares. I suggest that WellNOW pursue a more strategic location beyond ASAP's 3 to 5-mile radius.

Abby Duncan, 144 East Avenue – Ms. Duncan explained she is a patient of Dr. Nissiem. Without discussing her medical history, she feels it's complex and dangerous. When her doctor retired two years ago, no other doctor in the network would take over her care because it was too complex, but Dr. Nissiem said he would. ASAP, both office and emergency care, has seen her at her worse due to pain over the years. She has never seen a doctor, his wife and staff so compassionate and caring. She feels as a community, we owe it to Dr. Nissiem to be considerate of what they are asking, which is not unreasonable. She feels as caring as they are that we pay that forward for them. In addition, she would encourage that the Board look at any and all statistics of having two urgent care facilities side by side. Do we need this in our town? Could it be located somewhere else, more accessible to others? There are many open buildings and vacant land in town. Traffic is busy. She apologized for taking so much time, but Dr. Nissiem and staff are very important to her.

Scott Colucci, Willowbrook – Mr. Colucci agrees that friendly competition is great, keeping all businesses on their toes. It really doesn't make sense to put an urgent care right next to another urgent care that share the same driveway and parking lot. It seems like a conflict of necessity for what the community needs in Brockport. The proposed location for the WellNOW was not well planned.

Theresa Von Esch, 153 Ledgestone Pass – Ms. Von Esch stated living off Fourth Section Road in that area, it is extremely busy, getting busier each day. There have been quite a few accidents already right in the area of the urgent care. Ms. Von Esch agrees with Mr. Colucci that competition is great, but not in the same parking lot.

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John Von Esch, 153 Ledgestone Pass – Mr. Von Esch would like confirmation from Mr. Drazkowski, who presented the project, that the driveway for both urgent cares would be shared. The answer was yes. He asked if there have been any adjacent areas looked at to provide access to the site. The answer was that NYSDOT only permitted one driveway to the two properties. Currently, there is one drive aisle in and one aisle out. With the number of accidents already happened in that area, has the NYSDOT reviewed the project. Chairman McAllister explained the various agencies are reviewing the project now. The Board receives comments from each one, i.e., NYSDOT. The minutes from each meeting are mailed to NYSDOT and put on the Town's website so they will be able to read the public's comments; the Board looks for their comments/input first especially when they have jurisdiction. Will other agencies with an interest in the urgent care review the project? The Fire Department does through our Fire Marshal, but not sure about Monroe Ambulance Service. The Board will investigate whether they receive the comments.

Mr. Strabel asked Dr. Nissiem if when he opened ASAP Urgent Care, was a certificate of need required by the DOH. Dr. Nissiem doesn't remember that request being required.

Matt Lester, 1242 Lance Road, Webster, NY – Mr. Lester (no relation to Planning Counsel Lester) asked what the hours are currently for the ASAP Urgent Care. Dr. Nissiem explained initially the urgent care was open extended hours, but based on what was observed, the hours were changed from 1 p.m. to 9 p.m., Monday through Friday, and close at 5 p.m. on the weekend with flexibility, if the need arises, from the community. Mr. Lester confirmed with Dr. Nissiem that ASAP Urgent Care is two separate offices/entities, primary and urgent care.

Dr. Nissiem had one last comment. Regarding the certificate of need, it is his understanding, it is the Sweden Planning Board's responsibility to determine the need, not the health department. Mr. Strabel stated that this Planning Board does not determine the need for any business, but whether the site that is selected meets planning and zoning code requirements of the Town.

Moved by Mr. Hale, seconded by Mr. Strabel, to adjourn the public hearing to the regular meeting.

Chairman McAllister – Aye
Mr. Dollard – Aye
Mr. Hale - Aye
Mr. Minor – Aye
Mr. Monno - Abstain
Mr. Strabel – Aye

The Public Hearing ended at 7:35 p.m.

WellNOW Urgent Care Clinic Site Plan. 6555 Fourth Section Road. 083.02-1-18.

Chairman McAllister continued review of the application.

MRB Comments – dated December 30, 2019

1. Construction sequence updated to be site specific.
2. Signature line updated to remove MCWA separate signature line. Once plumbing plans are done, they will be submitted to MCWA for review and approval as well as the backflow preventer.
3. Survey has been updated with title information for shared access. The easement area is represented by the crosshatching on the plan. The driveway width will remain the same, only the island removed.

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4. Exterior door locations have been indicated on the plan.
5. Sign approval note has been added to the plan that separate sign approval should be obtained.
6. Tax map ID number has been added to the site information table.
7. Handicap stall number updated.
8. Doors have been added to the dumpster on the north side.
9. Wide line indicating new pavement has been removed.
10. FD comments have been received and addressed later.
11. Existing drive entrance/intersection signs will remain as is. Important to note this property is zoned B-1, Retail-Commercial. If not a clinic, a business could still locate there and affect traffic.
12. NYSDOT ROW permits will be applied for by contractor. Plans have been submitted to DOT for review/approval.
13. Stabilized-construction entrance shown on the plans by hatch areas.
14. Utility notes updated to show how utilities will connect, water service and sanitary.
15. Owner is videotaping existing sanitary line to verify proposed site drains to existing location. Two-thirds of the site drains toward the SW to a catch basin which is full of water. Existing drainage pattern is staying the same. Important to note the open greenspace has been increased from 24 percent to 32.7 percent where 30% is required. Additional work needs to be done to flush out the catch basin. Mr. Strabel noted that 18 parking spaces are required, but the site shows 38 spaces. Mr. Drazkowski stated 3 parking spaces are required per ADA for a healthcare provider. Chairman McAllister suggested land banked spaces as an option. Once the number of parking spaces are shown to be compliant, the decision to install them now or bank them until needed is an option. Mr. Lester explained that the existing 42 locations have proven that the 38 parking spaces will be used which include employee parking spaces.
16. Proposed sanitary line material shown on plan and cleanouts changed to 4”.
17. Existing sanitary line type changed and updated; existing survey legend updated.
18. Updated note regarding vertical separation and clearance for water and sanitary lines.
19. Added dimension and note for distance to nearest fire hydrant which is 225 ft. across the street.
20. Water service information shown on plan.
21. Updated existing note regarding water services onsite.
22. Accessibility symbol updated to international symbol of accessibility as required by NYS.
23. Pavement cross section detail added showing the existing to the proposed.
24. Water service details added.
25. Sweden sanitary lateral details added.
26. Detail showing concrete washout detail has been added.
27. Sediment log detail has been replaced with Compost Filter Sock Detail.
28. Storm manhole over existing pipe detail added, doghouse unit over existing manhole.
29. Foot candle contours have been added.
30. Calc zone #1 has been removed from the schedule and added max/avg. to the schedule and layout adjusted.

Mr. Strabel recommended showing the concrete washout upfront where they are more likely to use it than the proposed location. Mr. Drazkowski agreed.

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DRC Comments – dated December 27, 2019

1. Plumber is working on engineer's report regarding backflow preventer. Mr. Strabel requested a copy of the backflow preventer submission when it's forwarded to the County.
2. Monumentation checked – good.
3. PW-2 form will be completed by the plumber and submitted with final plans.
4. Note added to the plans that a DOT work permit is required.

Fire Marshal Comments

1. Driveway entrance/exit has been updated on the plans to show the removal of the existing curb island and replace with asphalt and striping per request.
2. Knox box note added to the plans.
3. Note indicating nearest fire hydrant added to the plans.
4. Note regarding 4" building address numbers on front of building added to the plans.

Building Inspector/Stormwater Manager Comments

Separate sign permit approval required – note added to the plans.

Highway & Sewer Superintendent Comments

1. Sanitary sewer connection detail added to the plans.
2. Note added permit is required for sanitary connection.
3. Note added site contractor is responsible for plugging the abandoned sanitary sewer lateral inside existing manhole. Owner videotaped sanitary line which was filled with water and will need to be flushed. Not sure of reason for water at this point.
4. Title search did not include a sanitary main easement running across the property. The highway department is not opposed to having a sanitary easement in case repairs need to be done. Applicant should provide a legal description and exhibit map of sanitary easement to Planning Counsel for review and approval.

ECB Comments – noted positive comments.

Chairman McAllister asked for Planning Counsel to check regarding whether a certificate of need is required from the State. Counsel Lester agreed.

Mr. Minor questioned the shading shown on the plans for the parking lot. Mr. Drazkowski confirmed that the dark shading is for heavy duty asphalt, to the west is a lighter asphalt, and the white is lawn. Property line is to the edge of the walk which is where the water is running to. Existing pavement with parking spaces will be removed.

Mr. Dollard asked for clarification regarding the ownership of the property which states 6555 Fourth Section Road Brockport LLC (applicant). The LLC is Mr. Lester and one other person. Caliber Commercial is the brokerage company owned by Mr. Lester. WellNOW will be the tenant leasing the property.

Mr. Minor asked if there was a dumpster detail on the plan. Mr. Drazkowski stated there will be one on the architectural drawings when submitted. It was confirmed that it was on the plan. The dumpster should match in color and material to the building. The color is beige and will match the building.

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Mr. Drazkowski asked what his next steps are. Counsel Lester will confirm a certificate of need is not required. Chairman McAllister stated MRB should be all set with requested changes and ready to sign. Easements will have to be reviewed and approved by Planning Counsel. Caliber Commercial on signature block should be changed to 6555 Fourth Section Road Brockport LLC.

Chairman McAllister thanked Dr. Nissiem for his comments and that the Board understands. The Board has heard similar comments when Unity Medical Center made application and then when you made application for ASAP Urgent Care. Dr. Nissiem agreed, however, their main concern is that there will be two urgent cares sharing the same driveway entrance and potentially causing life-threatening confusion for emergency vehicles and patients. It is not about the business as much as the care for patients.

Mr. Lester added that the WellNOW Urgent care will be open from 8 a.m. to 8 p.m., 365 days. They never close. They will focus on urgent care and occupational therapy only. The site is zoned properly for an urgent care with low traffic impact.

Dr. Nissiem asked what is best for the community. Having two urgent care facilities side by side is probably not in the best interest.

The meeting was adjourned on motion at 8:30 p.m.

Respectfully submitted,
Phyllis Brudz – Planning Board Clerk