

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON SEPTEMBER 13, 2023 AT 6:00 P.M.

RESOLUTION #18-307/2023

To approve Special Use Permit No. 2023-032 for a proposed dog daycare and boarding facility to be located at 65 Saginaw Drive.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Sefranek

WHEREAS, Cademery Properties, LLC, doing business as Central Bark of Rochester (the "Applicant") has applied for Special Use Permit No. 2023-032 pursuant to the Henrietta Town Code at Section 295-25[A](16) for the development and operation of a dog daycare and boarding facility comprising a 6,673 +/- square foot industrial/commercial building and 2,250 +/- square foot fenced in yard on a 1.02 +/- acre parcel (the "Project") on property at 65 Saginaw Drive, Tax Map No. 162.11-1-17, (the "Property"); and

WHEREAS, public hearings relative to the Project were held on August 30, 2023 and September 13, 2023 at public meetings at Town Hall, at which time feedback and concerns from neighbors, residents, and Town Board members were heard and considered; and

WHEREAS, the Town Board has carefully considered all relevant documentary, testimonial, and other evidence submitted, including but not limited to the Special Use Permit application, and other materials and information submitted by the Applicant, and any correspondence and oral testimony from the public, State, County and local agencies, and other information; and

WHEREAS, the Town Board has considered each of the criteria for granting of the requested Special Use Permit approvals, all as set forth in Town Code Section §295-54; and

WHEREAS, this project is categorized as a Type II action in accordance with the New York State Environmental Quality Review Act ("SEQR"), and is thus not subject to SEQR, however, the Town Board did nonetheless review potential adverse impacts pursuant to its special use permit review authority, assessed the mitigation efforts offered by the developer, and, as set forth herein, determined that there are no remaining unmitigated or otherwise potential adverse impacts remaining for the Project..

THEREFORE, BE IT RESOLVED, that in assessing each of the criteria for granting of the requested Special Use Permit approvals, all as set forth in Town Code Section §295-54, the Town Board makes the findings set forth at Exhibit "A" attached hereto, incorporated herein, and made a part hereof.

BE IT FURTHER RESOLVED, that, given the conditions imposed herein, and for the reasons discussed during public meetings, and set forth as part of the Town Board's review of the Special Use Permit criteria attached hereto as Exhibit A, the Town Board finds that criteria set forth at Town Code Section §295-54 are satisfied for the Project, supporting approval of the same.

BE IT FURTHER RESOLVED, that Special Use Permit Application No. 2023-032 allowing the remodeling of the building and permitting the operation of a dog daycare and boarding operations, comprising 6,673 +/- square foot industrial/commercial building and 2,250 +/- square foot fenced in yard on a 1.02 +/- acre parcel, is approved, subject to the following conditions:

1. That this special use approval is limited to that use specifically applied for in accordance with and detailed in the application materials, including, as proposed by applicant:
 - a. That this facility shall be limited to a maximum capacity of 91 dogs total, including both daycare and boarding, and including both indoors and outdoors.
 - b. That the outdoor yard shall be limited to a maximum capacity of 40 dogs total, with no more than 40 dogs permitted in the outdoor yard at any point in time.
 - c. That the garage doors are to be limited in use such that they only be used for deliveries to the facility necessitating use of the garage doors, and shall otherwise remain closed.
 - d. That the facility will operate in accordance with Code, such that it is operated in a manner that complies with the prohibition against noxious, offensive or injurious conditions, including odors. In order to comply with such Code, the applicant, as proposed, will operate such facility in a manner to be kept clean of urine, feces, or other waste (including regular removal of waste both indoors and outdoors), so as to both protect the dogs at the facility and to minimize or eliminate odors emanating from the waste materials.
2. The outdoor yard will have an opaque fence installed around its perimeter with a minimum height of 6-feet tall +/-, all for the purposes of facilitating the mitigation of any potential visual or sound impacts of the dogs in the outdoor yard.
3. Prior to obtaining a building permit or otherwise using the outdoor yard area for dogs, the existing surface of the area to be used as a dog yard will be excavated, and a permeable base of stone, gravel, sand, and/or other similar material of at least 6-inch depth will be installed beneath a permeable artificial turf in the yard, allowing surface runoff (e.g., from rain) to dissipate into the ground, all subject to review and approval by Director of Engineering and Planning. Should the Director of Engineering and Planning determine that a revised drainage solution would be more appropriate and/or effective, the applicant shall implement the same subject to approval of the Director of Engineering and Planning. The excavation is implemented to address dog safety, and the drainage plans are to protect against outdoor yard run-off from carrying onto nearby properties.
4. Prior to commencing operations, the floors in the building will be cleaned and sealed with a dog-safe surface coating, tiling, or similar floor treatment, so as to benefit the safety of the dogs, all as offered by the applicant and pursuant to its application materials.
5. Prior to commencing operations, sound insulation shall be installed in the building, all as offered by the applicant during the public hearing(s) and pursuant to its application materials.
6. The existing vegetative/wooded buffer to the north shall not be removed, as it will act as a visual/noise buffer.
7. The facility shall operate in accordance with the Town's noise ordinance.

Duly put to a vote:

Councilmember Sefranek	Aye
Councilmember Bolzner	Aye
Councilmember Page	Aye
Councilmember Bellanca	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

Exhibit “A” - Special Use Permit Assessment by the Henrietta Town Board for “Central Bark” of Rochester

The Henrietta Town Code requires as follows:

§ 295-54 **Granting or denial of special use permits.**

In considering an application for a special use permit, the Town Board shall make its decision based upon the following factors. The Town Board may impose conditions, including in order to resolve any issues identified via its assessment of said factors.

Give the application as proposed, and the conditions to be imposed a part of the approval resolution, the Town Board finds that assessment of the special use factors supports approval of the proposal for those reasons set forth herein, including that the applicant’s September 8, 2023 letter (the supplemental applicant “Letter”), which is incorporated herein and made a part hereof, supports such a finding.

- A. Whether the proposed use is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the subject zoning district and neighborhood or will otherwise impair such uses due to inconsistency.

The proposed development is permitted under the Town of Henrietta Zoning Code via §295-25 A(16) “uses permitted in a commercial district and not prohibited by §295-26” of the Industrial I Zoning District in which the building is located. More specifically, the proposal is allowed as “permitted in a commercial district” via the Commercial B-1 Zoning District’s §295-14 B(6) “other business or commercial uses not specifically enumerated herein and not herein specifically prohibited,” and thus is allowed upon obtaining a Special Use Permit. As part of the proposal, a fenced in dog yard will be added to the rear of the building, but it will be entirely located on the subject parcel and is at a scale that is consistent with the scale and character of the zoning district.

Given that the proposed use is permitted pursuant to the Town’s Zoning Code, there is a presumption that it is in harmony with the Code and that it will not adversely affect the neighborhood – the Town Board finds that this presumption holds true here, particularly given that the subject property is surrounded by other permitted commercial and industrial businesses and given that the proposal is re-using an existing building and thus retaining said building’s scale and size, with additional use of the outside area.

Moreover, it is notable that another doggy day care facility – Camp Bow Wow – is also located in an industrial district in Town. The proposed doggy day care would be consistent with the existing operation of a doggy day care in the Industrial District in Town. In addition, for all the other reasons set forth herein, the Board finds that the proposal will not impair other uses due to inconsistency.

- B. Whether the proposed use aligns with the vision, goals and recommendations of the Comprehensive Plan and other applicable plans and studies conducted by or on behalf of the Town.

The Saginaw Drive area is an important part of the primary industrial/commercial districts in the Town of Henrietta. This area has long had a mix of industrial and commercial uses and this mix was further strengthened in 2021 and 2022 as it was made easier to bring commercial ventures into the Industrial Zoning Districts in this portion of Town dominated by the Jefferson Road corridor.

The proposal is consistent with the Town's Zoning Code (in that it is a specially permitted use) which is consistent with the Town's Comprehensive Plan.

Moreover, see the remaining assessment herein relative to studies supporting approval.

- C. Whether the proposed use aligns with the purpose, intent, and applicable design and development standards of the zoning district(s) in which the use is proposed to be located.

This would be the second “doggie daycare” type facility to be located within an industrial district in Henrietta. The building is an existing building that does align with the applicable design and development standards of the Industrial I Zoning District in which it is located.

Moreover, see paragraphs “A” and “B” above.

- D. Whether the proposed use will be a nuisance in law or in fact due to its being materially noxious, offensive or injurious by reason of the production of or emission of dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions, or will contaminate waters.

There were concerns raised with regards to the potential of creating an adverse condition with respect to noise (dog barking) and odors (dog waste). These potential adverse conditions have been sufficiently addressed, including via certain conditions included as part of the

Special Use Permit approval. See the remaining assessment herein, including paragraph “F,” for further considerations.

- E. Whether the proposed use will create material hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of vehicles, or other causes.

The proposed use presents no material hazards or dangers to the public or persons in the vicinity from any of the listed conditions or other causes. The specific use does not require any increase in parking above the current parking available, but the developer has nonetheless identified area that will be land-banked for parking on the site plan, under the oversight of the Planning Board, such that it is in full compliance with parking requirements. See the remaining assessment herein, including paragraph “I,” for further considerations.

- F. Whether the proposed use will create materially adverse impacts that cannot be adequately mitigated, such as to adversely impact natural resources or the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA).

See paragraph “A” above, and remaining assessment herein, for further considerations.

In addition, although this reuse of an existing building is a Type II Action, and thus, SEQR is not required, the Town has solicited input at public hearings as well as conducted its own assessment, and has identified the following potential adverse impacts, each of which have been found to have been mitigated or otherwise found not to constitute adverse impacts:

1. **Noise from Dogs** – A concern was raised that with a large number of dogs, both inside and out, barking could create an adverse noise impact, including to surrounding businesses. The facility will have a maximum capacity of 91 dogs total with no more than 40 dogs total outside in the yard at any one time, thus limiting the potential amount of barking. Moreover, sound insulation will be installed in the building, further limiting noise. Both of these are conditions of the SUP approval.

Moreover, the subject building is surrounded by industrial and commercial buildings and trees which appear to create a buffer to residential properties, further limiting noise. With regard to the nearby industrial and commercial operations, those operations generally appear to be indoor operations which should limit noise impacts, and some operations themselves would appear to create noise themselves (e.g., a

welding business, and a car wash just to the north), which would be consistent with the proposal.

Additionally, the applicant provided detailed information via its September 8, 2023 letter (the supplemental applicant "Letter"), which is incorporated herein and made a part hereof by reference, which further addresses potential noise. The Town Board finds this information to be relevant and supportive of a finding against potential noise impacts, particularly given the inclusion of noise studies, which include the assessment of another, similar,¹ doggy daycare in Town, Camp Bow Wow, which is also in an Industrial area (approximately 2 miles away), and, upon information and belief, apparently has had no history of nuisance complaints. The proposal here will apparently have less dogs than Camp Bow Wow and smaller play groups of dogs, further limiting potential noise impacts.

The applicant has provided a number of noise analyses via its Letter which demonstrate that the noise levels of the proposed doggy care are expected to be within generally acceptable levels, including given that the proposal is within an industrial district. Those studies including assessing nearby Camp Bow Wow and another doggy day care in Town, Green Valley K9, demonstrating that the noise from those doggy day cares, which doggy day care facilities are comparable to the proposal² and which include an outside area, is within generally acceptable levels, all as more specifically set forth in the Letter.³ The Town finds these noise analyses relevant, compelling and

¹ There has apparently been a contention that the proposal is not similarly situated as compared to Camp Bow Wow. First, both facilities are within the industrial zoning district.

Additionally, the proposal appears to be surrounded by an oil filter service/distributor, a retail furniture store, a retail kitchen and bath store, two fabricating shops, and a balloon distributor.

Camp Bow Wow appears to be surrounded by what appears to be a flooring distributor, retail PetSmart and retail Home Depot, a retail furniture store, a retail beer store, and appears in the same building as furniture store with a showroom. Moreover, the Camp Bow Wow building fronts an area of Mushroom Boulevard with a mixture of other uses. In sum, both the proposal and Camp Bow Wow are situated amongst and in the vicinity of mixed retail and non-retail/industrial/industrial-related uses.

Furthermore, the Camp Bow Wow outdoor area is in the rear of the building, away from the fronting road, and nearby the rear of some of the retail uses (such as Home Depot), and the proposed use is also situated in an area towards the rear of the nearby buildings and away from the fronting road, and, in addition thereto, unlike Camp Bow Wow, is substantially surrounded by a treed buffer, offering additional noise and visual protection. Thus, the Board finds Camp Bow Wow and the proposal to be sufficiently similarly situated for purposes of comparison.

² In some ways, the proposal is better situated against potential noise as compared to the other doggy day cares. For example, Camp Bow Wow uses a chain link fence with tarps, while this proposal will use a solid fence, to better protect against noise.

³ Noise levels are generally expected to be within expected/acceptable levels for industrial districts, as further detailed in the studies set forth in the Letter. More specifically, per the 2004 Noise Study submitted by the Applicant, it was concluded that the exterior courtyard of a doggy day care might be expected to have noise levels of 62 to 71 decibels.

informative relative to the potential noise to be generated here, especially given that inclusion in the noise analysis of a local doggy day care in the Town's industrial district, and the Town Board thus finds that, based upon the same, the potential noise is not expected to be materially adverse.⁴

The applicant has provided that it will utilize trained staff and rotating, small groups of dogs, as well as other monitoring protocols listed in its Letter to limit stimulation and barking that might otherwise produce noise, up to and including removing dogs from the program where they create noise problems. Finally, the applicant has provided several letters from Central Bark officials which demonstrate that their operational procedures are effective in limiting noise.

Notably, while the operator and operational procedures may change, the proposal will nonetheless be required to operate in compliance with the Town's noise ordinance. Thus, even if the applicant's protocols failed to limit noise to permissible levels, violation of the noise ordinance, a condition of the special use permit approval, would permit the Town to seek revocation of the special use permit, which would result in the doggy day care no longer being permitted, eliminating the noise.

2. Noise from Outside Yard - Fencing – A concern was raised that dogs in the outside yard would create an adverse impact by barking at people they may see at adjacent

In addition, the Camp Bow Wow assessments showed: for one study, an average of 55 decibels, with a maximum of 81 (per the applicant, this maximum was achieved when a truck passed by), and for the second study an average of 59 decibels and a maximum of 110 (per the applicant, this maximum was reached due to a gust of wind against the microphone).

The Green Valley K9 assessment showed an average of 52 decibels, with a maximum of 107 (per the applicant, this maximum was reached when a motorcycle passed by).

And, the current property, at 65 Saginaw, showed an average of 52 decibels, with a maximum of 72.

Thus, the average expected level of noise might be somewhere in the mid 50s, per the local studies, and perhaps 62-71 decibels, per the 2004 Study, which levels are at or about the level expected for "average office noise" per the Hearing Health Foundation. It appears that the highest maximums from the local study resulted due to extraneous factors (such as wind and vehicles). But the 2004 Study indicated that when "dogs were disturbed by the person conducting the study," the noise increased to 71 decibels on average, which level appears to be a more accurate representation.

⁴ We note that the Town received a noise study from the "Purdue Extension" that may indicate higher noise levels. However, that study appears primarily to speak to noise *inside of kennels* and their impacts on the dogs within the kennel (the study, to a lesser extent, also examines impacts to humans within the kennel). The concerned neighbors, however, will presumably be *outside of subject facility*, and will be within (and sometimes outside of) buildings nearby the kennel. Thus, this study would not seem to take into consideration the noise mitigation to neighbors offered by the doggy daycare's building itself, the building that neighbors may be within, the fence for those dogs outside, and the dissipation of sound resulting from being outdoors and from being some distance away from the facility itself. As such, the study does not appear to offer particularly helpful insight here. Also, notably, the Purdue study calls for certain noise abatement materials– a mitigation measure which is being utilized here. See also the applicant's September 13, 2023 letter, which is incorporated herein, including relative to the Purdue study.

- businesses. The developers have agreed to install a tall fence that cannot be seen through, thus reducing the chance dogs in the yard will see people at neighboring properties and also reducing the noise impacts if a dog does bark, including protecting against the potential that any potential barking might reverberate or echo off of nearby buildings. This fence will also act as security to protect against the potential for dogs to unintentionally leave the property. This is a condition of the SUP approval. Also, see “1” above.
3. **Noise radiating out of Open Doors or Windows** – The developer has pointed out that the building is air-conditioned and does not have large open windows, but a concern was raised with regards to the potential of noise radiating out from open garage doors on the building. The developer has advised that the garage doors will remain closed except when necessary to receive a delivery. This is a condition of the SUP approval. Moreover, see “1” and “2” above.
 4. **Odor from Waste in the Yard** – A concern was raised that odor in the yard due to dog waste could carry on the wind to surrounding businesses. The developer has stated that standard procedure will be to quickly clean-up any droppings by the dogs. Moreover, the proposed operation is required to comply with Code, and noxiously odorous uses are prohibited by Code.
 5. **Drainage** - A concern was raised with regard to the possibility of storm water carrying onto neighboring properties as it drains from the yard. The proposed installation of the permeable turf surface and stone base, or other modified drainage salutation approved by the Town Engineer, will mitigate against surface runoff. This is a requirement of the SUP approval.
 6. **Protection from Previous Industrial Use** – A concern was raised that there might be potentially harmful chemicals in the ground or on the floors located both inside and outside of the former industrial building. The developer has proposed to excavate the location of the yard, install a permeable base, and cover it with a permeable turf system specifically designed for use in facilities with dogs. The developer has also proposed to seal the floors with a dog-safe surface. Both of these are a requirement of the SUP approval.
- G. Whether the physical conditions and characteristics of the site are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils, and hydrology for effective stormwater management and, if necessary, the ability to be screened from neighboring properties and public roads.

The site is suitable for the proposed use, given the details of the proposal, including the aforementioned mitigation measures. See also the assessment herein for further details and considerations.

- H. Whether there are adequate utilities, public infrastructure, community facilities and emergency services, either existing or to be provided by the applicant or others, to effectively serve the proposed use. A proposed use shall not create or contribute to an existing inadequacy.

The site has sufficient utilities and infrastructure for the proposed uses.

- I. Whether the proposed use will provide, maintain, or enhance, as necessary, safe and efficient vehicular traffic patterns, nonmotorized travel, and pedestrian circulation as well as, where feasible, access to public spaces, parks, recreation, and open space resources.

Saginaw Drive has safe and efficient traffic patterns including a signalized intersection with Jefferson Road so that motorists leaving the industrial/commercial neighborhood can safely turn onto the busier state road. This use does not require access to public spaces, etcetera.

Moreover, pursuant to the applicant's Letter, the applicant presented a study which demonstrates that the average number of cars arriving at the facility is not expected to exceed 4 cars at any one time (in five-minute intervals) during the morning and PM drop off and pickup hours, thus demonstrating that the proposal is unlikely to have a material adverse traffic or parking impact.



Town of Henrietta

Building and Fire Prevention
475 Calkins Road
Henrietta, NY 14467
(585)359-7063 · kwilson@henrietta.org

Kevin D. Wilson
Director of Building and Fire Prevention

**To: Supervisor Schultz
Town Board Members**

Regarding: Henrietta Dog Daycare Violations

Date: September 13, 2023

Since their inception there have been no complaints, either for noise or otherwise, for both of the dog daycare facilities in the Town of Henrietta, or more specifically, Camp Bow Wow at 85 Mushroom Blvd. and Green Valley K9 Hotel at 810 Calkins Road.

Regards: _____

A handwritten signature in black ink that reads "Kevin Wilson".

Director of Building and Fire Prevention

Stephen Schultz, Supervisor
Town of Henrietta
475 Calkins Road
Henrietta, NY 14623

September 8, 2023

Supervisor Schultz:

Below is our response to comments expressed at the Town of Henrietta, August 30th Special Use hearing for the proposed Central Bark of Rochester (Cademery Properties, LLC) Doggy Day Care Facility at 65 Saginaw Drive.

The comments/concerns are grouped into:

- Building/Property Size for Dog capacity
- Dog Noise
- Dog Waste Disposal / Odor
- Staffing
- Increased Surface Run-Off
- Night-time Oversight
- Future Facility Operator(s) Compliance with Permit Conditions
- Traffic / Parking
- Dog and Neighborhood Safety / Miscellaneous

Comments appear to be largely based on our July 18th Special Use Permit application without consideration of our August 24th letter (in the attached Appendix) and/or awareness of the required Central Bark's (our Franchisor) Operating Protocols (see the Appendix for relevant excerpts) with respect to:

- Barking (how to minimize it).
- Play Group Size (maximum of 12 dogs/play group rotating from "play to rest and back to play").
- Waste Disposal (immediately clean and disinfect).

The August 24th letter (in the Appendix) describes:

- Reduction in the size of the outside Dog Play Area from 5,400 sf to 2,250 sf (due to the Operating protocol described in the Appendix).

- That its surface will be 7/8" thick permeable Foreverlawn Classic + K9 artificial turf cover underlain with 8" of crushed stone and limestone to provide a smooth bedding for the artificial turf and improved soil permeability thereby reducing surface run off.
- References the October 2022 Phase II Environmental Site Assessment (previously provided to the Town) by LaBella Associates, PC which concludes (page 9, Section 7, Recommendations) *"no environmental condition of concern was identified"*. *No further investigation or remedial action is warranted"*. The Appendix includes more detailed information from Brent Brantner (Project Manager for Phase II Study at LaBella Associates).

Below are responses to the above listed concerns:

- **Building / Property Size for Dog Capacity.**

Central Bark's first Doggy Day Care franchise was first opened in 1997. There are now 38 facilities around the country. Many of the physical buildings and lot size are similar sizes to 65 Saginaw Drive. Central Bark has approved the 65 Saginaw Drive site consistent with their franchise guidelines.

For reference, our site and building size is more consistent with Camp Bow Wow at 85 Mushroom Blvd (one of two currently operating Henrietta Doggy Day Care facilities) than Green Valley K9 due to its facility and site size, number of dogs accepted and lack of nearby residential properties.

Camp Bow Wow (established in 2008 and open for 15 years) is an ~7,500 sf building with ~2,000 sf of secure outdoor Play Area behind the building vs. our facility being ~6,900 sf with a 2,250 sf secure outdoor Dog Play Area. Camp Bow Wow has 2 overhead doors in the rear of their facility that are generally open to allow dogs to transit between indoor and outdoor Play Areas (often without staff oversight), see the attached Appendix "Pictures". Our facility has 2 side overhead doors that will remain closed (except for occasional receipt of supplies) as the adjacent internal space will be used as indoor Play Area for "Stay and Play" dogs.

Camp Bow Wow advised us their maximum dog capacity is 107. Our maximum capacity (based on facility space available to Nap Rooms and Dog

Crates) is 91 dogs (consistent with our July application which outlined 80-100).

- **Dog Noise.** Our facility will operate within normal noise standards for industrially zoned areas, similar to the current operation of other doggy day cares in Henrietta (Green Valley K9 and Camp Bow). Due to our design and conformance with Central Bark's required operating protocols, we will not create excessive noise, just as Green Valley K9 and Camp Bow Wow do not create excessive noise.

Most Doggy Day Cares facilities follow Operating Protocols like Central Bark's. Central Bark's:

- Limit Play Group size to 12.
- Limit the duration of the Play Group play time to 1-2 hours with "nap time" in between play times. Dogs are either in Play Areas or Crates in the Nap Rooms.
- Require the utilization of trained Enrichment Supervisors with each Play Group.

Of note, Camp Bow Wow (for over 15 years) and Green Valley K9 have no reported history of nuisance complaints (September 2023 Town of Henrietta FOIL requests regarding complaint history for Camp Bow Wow and Green Valley K9 produced no record of complaints for either facility).

Play Group size:

- Green Valley K9's Play Groups (as seen on their web site) are reputedly 8-14 dogs/Play Group (our are a maximum of 12).
- Camp Bow Wow Play Groups (ascertained from conversations with facility staff) are up to 25 dogs/Play Group. With their (3) ~650 sf outdoor Play Area, their Play Area and can have 75 dogs.
- With a 12 dogs/Play Group Protocol and (3) 500 sf Day Care Dog Play Areas and (4) 125 sf Stay and Play Dog Play Areas (1 Stay and Play dog/play areas) we will have a maximum of 40 outside dogs (36 Day Care dogs + 4 Stay and Play dogs). Stay and Play dogs are for dogs who are not regularly enrolled in Day Care and are kept separate for safety reasons.

Play Group duration:

- We were unable to obtain information on the Play Group durations for Green Valley K9.

- Camp Bow Wow does not have protocol for giving their dogs breaks/naps, and they are out playing for the duration of their stay.
- Our facility will adhere to Central Bark's protocol of between 1-2 hour Play Group play periods with 1-2 hour rest (nap) periods between play periods.

Enrichment Specialists:

- We will have trained Enrichment Specialists to manage our Play Groups and prevent dogs from becoming over stimulated (excessive barking).
- If a dog becomes, or is becoming, over stimulated the Enrichment Specialist engages with the dog and redirects its attention through a series of distractions such as recall, fetch, or treats. If the behavior persists, the dog is returned to the nap room crates for an "early play break". If the behavior pattern persists, the dog is eliminated from enrollment in our program. This protocol is for the safety of the dogs in day care to be as proactive as possible to avoid scuffles between dogs. By mitigating over stimulation within the dogs, excessive barking is not tolerated to help provide the safest environment possible. The Operating Protocols (page 37) in the Appendix describes the above in more detail.

Outdoor Play Area Enclosure Wall:

- It will be 8' high constructed out of rigid white solid plastic (like the enclosure walls at Green Valley K9 see picture in appendix) verses chain link fence with tarps as Camp Bow Wow uses (see picture in Appendix).
- There are three benefits to this type enclosure, they:
 - Prevent dogs from seeing strangers or unexpected events and hence reduce "stimulation" opportunities (barking).
 - Help contain and attenuate sound from inside the enclosure.
 - Substantially contain surface water ponding (during major rain events) so it can percolate through the artificial turf.
- Interior Noise Abatement:
 - The inside face of the west exterior wall will be insulated (the adjacent space is HVAC/conditioned Nap Rooms) as will the ceilings to also reduce internal noise transmission.
 - The flooring in all dog play areas and the Grooming Room will be Protect All flooring. Protect All flooring is ~1/8" thick

flexible vinyl permanently attached to the existing floor. Its purpose is to increase dog safety (paws and joints), as well as to enable easy cleaning and disinfection of the dog spaces. A second benefit is attenuating and diminish sound.

- The existing east-west interior wall (between the reception/lobby and the dog play and nap areas) will be sound insulated.

Taken together (the above design and the above Operating Protocols), noise from within the building will be effectively abated. It is worth noting that the front Client drop off and pick up lobby area will also have several small retail display. As such, it is in our best business interest to have a pleasant “client area”.

The effectiveness of the above is affirmed by the actual noise level measurements at Green Valley K9 and Camp Bow Wow. Noise levels were measured on 9/1/23 & 9/5/23 between 9:00am and 11:30am for 6-11 minutes intervals ~55ft away from the exterior of the outside Play Area perimeter wall with an iPhone 13 Pro Max “GoDecibel” app. Both days were sunny and 75 degrees. Average noise levels for the following locations are below:

- 9/1/23 (6–10-minute intervals between 9:45am – 11:30am) - Green Valley K9 and Camp Bow Wow noise levels (52 dB and 55 dB respectively and below generally accepted normal noise level for industrial areas of 70-75 dB) and are included in the Appendix. Momentary levels were 107 db and 81 db and occurred when a motorcycle or truck (respectively) was passing nearby.
 - 9/5/23 (11-minute interval from (10:55am – 11:06am) – Camp Bow Wow noise levels were measured with an average of 59 dB with a maximum of 110 (when a gust of wind went over the microphone). This is included in the Appendix.
 - 9/1/23, 65 Saginaw Drive, noise levels were 50 db (average) and 72 db (maximum).
 - 9/1/23, “Rapid Car Wash”,(located on Saginaw Drive), noise levels were 69 dB (average) and 98 db (an average of ~16 db higher than Green Valley K9 and/or Camp Bow Wow).
- Additional Information on noise concerns:
 - The Appendix contains:

- A September 1, 2023 letter from Teresa Baker, Central Bark Director of Operations (responsible to overseeing/monitoring/insuring compliance with Central Bark protocols) at 38 Central Bark facilities over 14 years. Ms. Baker's letter affirms that she has not observed or been made aware of any noise issues related to barking at Central Bark Doggy Day Care facilities (and likely almost all well operated similar facilities).
- An internal Central Bark 2004 "memo to file" regarding a concern about "potential noise issues" at a proposed Central Bark facility in Ft Lauderdale, Florida (in a mixed Commercial-Industrial area with a multi-family residential property next door). A noise study was done of a similar size Central Bark facility in Sheboygan, Wisconsin with a 25 dog Play Group (vs. Central Bark's current standard of 12 dogs/play group). The ambient noise level at the site was 62 db, occasionally rising to 71 db when the dogs were disturbed/aroused.
- A chart provided by the Health Hearing Foundation showing ambient noise levels for various activities including:

❖ Room noise	30-50 db
❖ Office noise	70 db
❖ Landscaping equipment	75 db
❖ City traffic	85 db
❖ Motorcycle	100 db
- Other cited references:
 - OSHA's noise limit for construction is 92 db for workers exposure over a 6 hour period.
 - Various internet citations for Industrial areas 75 db (daytime), 70 db (nighttime).
- **Dog Waste Disposal / Odor.** Dog waste (indoor and outdoor) will be cleaned up immediately and the affected area disinfected. Waste will be placed in a special container (stored in an isolated part of the facility) and removed on a regularly scheduled basis by the Solid Waste vendor servicing

the facility. Urine will be cleaned up immediately (mopping for inside Play Areas, hosing down [one reason for having permeable turf in the outside Play Areas] for outside Play areas) and all Play Area will be disinfected nightly.

After the dog's physical safety, cleanliness is a top priority to ensure a healthy environment for the dogs and minimize any spread of illness. Per Central Bark Operating Protocols (Appendix, page 44), "dog feces and urine can carry illness and must be cleaned up and sanitized immediately". While cleanliness is a priority for dog health, it also mitigates odor.

- **Staffing.** As mentioned above, Central Bark has been established since 1997 and has the highest levels of safety measures to ensure the best possible experience for dogs. Part of this practice is to limit the number of dogs per staff. This is to be proactive and avoid any potential for scuffles between dogs. Central Bark requires 1 staff for every 12 dogs playing at any given time (Appendix [page 10]). For comparison, Camp Bow Wow has a 25:1 dog to staff ratio and Green Valley K9 is between 8 & 14.
- **Increased Surface Run-Off.** There will be no increased surface run-off from the proposed facility. The impermeable portions of the site (building footprint and paved surfaces) are unchanged. The permeable portions of the site is substantially unchanged but will be the 2,250 outdoor dog Play Area will reduce surface run off as:
 - It will have a permeable artificial turf underlain by 8" of crushed stone and limestone with 3 perforated drainage piping to collect and direct any excess under drainage to the storm water system.
 - The rigid plastic fence enclosure will substantially contain any ponded surface water in the play areas so it can percolate through the artificial turf.
- **Night-time Oversight.** Normal operating hours for the facility will be Monday – Friday, 7:00 am – 6:30 pm; Saturday, 8:00am-5:00pm and closed on Sunday (except for Overnight Boarders by appointment). There will be 24/7 video surveillance and a fire alarm system but no 24-hour attendance

(like Camp Bow Wow's operation) and consistent with Central Bark's operating Protocol described in the Appendix "Building Security".

- **Future Facility Operator(s) Compliance with Permit Conditions.** Permit conditions that might be issued by the Town apply to the site/facility, not the operator. If the owner/operator of the site/facility were to change, any permit conditions would still apply to the new owner/operator.
- **Traffic / Parking.** Central Bark did a recent study of Parking requirements at 3 of their facilities of similar size (i.e., ~7,500 sf and ~100 dogs) in the Milwaukee suburbs. The average number of cars arriving/parking between 7:00 am – 8:45 am (drop offs) were just under 4 and average number of cars arriving/parking between 4:30 pm – 6:30 pm (pickups) were just under 3.5. See the Appendix for the report.

Arrivals were observed at Camp Bow Wow on 9/5/23 between 7:00 am – 9:00 am, no more than 4 cars arrived at any given time during 5-minute intervals. They have 15 designated parking spots and their arrivals/pick-ups did not create any traffic issues on Mushroom Blvd. See Appendix for the findings.

Our facility will have 15 striped parking spaces (and significant land banked space for a total of 47) providing more than sufficient room for arrivals/pick-ups to pull off Saginaw Drive and park on site. Arrivals and pick-ups to our facility will not cause traffic issues on Saginaw Drive.

- **Dog and Neighborhood Safety / Miscellaneous.**
 - Dogs escaping. Per Central Bark Policy, our facility is designed with a "2 door policy", meaning a dog would have to be loose, no Enrichment Specialist nearby, and have an open pathway to the outside with two doors/gates left open. Dogs escaping is not plausible.
 - Standard practice for all Central Bark Doggy Day Care Facilities is to ensure all animals have been vaccinated for Rabies, DHPP, and Bordetella. Central Bark strictly follows these standards.
 - The "Back Yard Picnic and Swing Set area" on the adjacent property (71 Saginaw Drive) will be not impacted by the

outdoor dog Play Area. The “picnic area” is ~ 80-90’ from the west enclosure wall of our outdoor Play Area. The enclosure walls will be 8’ high solid white plastic fence (similar to the fencing at Green Valley K9) with the existing tree/shrub barrier between the properties remaining. See “Pictures” Appendix. There will be no noise issues at the property line and most certainly at the adjacent property Picnic-Swing Set location.

- A commentors said: “Noise escaping from our open loading dock doors in the summer may require the business at 71 Saginaw Drive (the westerly adjacent property) to keep their building doors closed (making their interior uncomfortably hot)”. There will be no noise issue (summer or winter) at the adjacent properties. As mentioned above, the average noise levels Camp Bow Wow, Green Valley K9, and Central Bark study were between 52-62 db and the current ambient noise level at 65 Saginaw is 50-55 db. Additionally, the east exterior wall of the adjacent building (71 Saginaw Drive) has no windows or door (see picture in the Appendix) and our loading doors (west side of our facility) will be closed (except for occasional delivery of supplies) as they are part of the interior “Stay and Play” Dog Play area enclosure walls. Our facility will not impact the adjacent building owner and not require them “to keep their doors/windows closed”.
- A Commentor said: “Unlike 65 Saginaw Drive, Green Valley K9 is fairly isolated”. Green Valley is not “fairly isolated”. It is adjacent to Eagen Blvd on the west (a residential neighborhood) and a Commercial shopping Plaza on the east. Notwithstanding its proximity to the above described properties, Green Valley K9 also is not a nuisance as our facility also won’t be.

- **Proposed Mitigation Measures:**

- That our facility shall operate so as to comply with the Town of Henrietta noise ordinance for Industrially zoned properties and specifically that the noise level within 25’ of adjacent structures and

not exceed (on average) 75 decibels 8:00 am – 6:00 pm or 65 decibels (on average) other times.

- That the maximum number of dogs in the outside Play Areas will not exceed 40 at any time.
- That the outside Play Area's surface be permeable artificial turf with an underdrain so that any excess underdrainage is collected and diverted to the existing stormwater system.
- That the outside Play Area's enclosure fencing be 8' high rigid white fence and that the fencing and artificial turf bedding contouring so as to substantially retain excess surface water within the enclosure (to enable it to percolate into the soil).

I trust that the above and attached, demonstrates and documents that our proposed Central Bark Doggy Day Care facility will:

- **Operate like (or better than) the other existing Henrietta Doggy Day Care facilities (i.e., Green Valley K9 and Camp Bow Wow).**
- **Never exceed 40 dogs in the Outside Play Area and not exceed Henrietta noise standards for Industrial Zoned areas.**
- **Not cause increased site storm water run-off.**
- **Not pose or create traffic or waste disposal/odor issues.**
- **Comply with any applicable Special Use permit conditions.**
- **Be a Good Neighbor.**

Respectively submitted,



Phillip Clark, Sr. P.E.
Managing Member



Phillip Clark, Jr.
Managing Member

APPENDIX

CENTRAL BARK OPERATING PROTOCOLS

Barking (Page 37)

Best Practice: Repetitive or nuisance barking behaviors should be redirected.

When you walk into a doggy daycare, one of the first things you notice is the sound:

Is the facility loud with many high energy dogs allowed to bark without intervention or redirection by the Enrichment Specialists?

or

Are the groups quiet with the dogs playing in a stable and controlled manner while the Enrichment Specialists monitor and engage with the dogs?

We intervene when dogs bark because vocalizations are an indication that dogs are becoming more aroused and overstimulated and therefore less inhibited during play. Less inhibition means less safe. In groups of dogs, arousal is contagious. If one dog is riled up and barking, it will affect the entire group. In many facilities where the groups are right next to each other, this will cause the entire facility to get riled up and be on edge. That kind of environment is unhealthy and creates unnecessary stress for the dogs and the staff. Remember, we want dogs (and staff members!) to go home healthy and well balanced tired, and not exhausted from being in a stressful environment all day. Additionally, you will never hear a silent dog scuffle. Vocalizations give us important information about how to manage our groups. However, if your facility is so loud you cannot hear these subtle cues, they will be missed and could result in a scuffle and even injury.

As a result, we require that Enrichment Specialists redirect dogs who engage in repetitive or nuisance barking behaviors

With that said, some dogs will bark every now and then during play. After all, this is doggy daycare we are talking about! A certain amount of barking is simply inevitable. But there is a big difference between a “woof” during play and repetitive or continuous nuisance barking that changes the dynamic and energy of the entire group and/or facility. Your group should not be loud or “barky” and, if it is, you should use the following methods to redirect barking dogs.

Approved ways to redirect barking in group:

- **Recall.** By recalling a dog to you, you disrupt the barking behavior and refocus the dog’s attention on you. This is especially effective for dogs who play well but become overstimulated and vocal and need to be encouraged to take play pauses.

- **Practice behavior cues.** Once the dog is near you, practice sit, stay, recall, and targeting play equipment. By doing so you are redirecting an undesirable behavior into desirable behavior that is more fun for you and the dog.
- **Play ball.** If your facility has toys in group and your group does not have any ball or toy reactive dogs in it, play ball with the dogs! Not only are you redirecting the dog's focus on to something else, playing with the dogs is fun! Note: make sure you throw one ball to one dog at a time to limit the likelihood of two dogs going for the same ball causing an unintended incident.
- **Put the dog on a longline.** If you have a dog who is struggling to be redirected because they are focused on barking, put them on a longline and walk them around keeping their attention on you. While you do this, use the above tools (recall, treats, behavior cues, and playing ball) to redirect Revision September 2020 Initial Enrichment Specialist Training Manual 013 38 their attention. Also, the longline will make it easier for you to redirect the dog if they start the barking behavior again. This way, you will not be tempted to grab them by the collar when they are overstimulated and risk them redirecting on you.
- **Give the dog a play break.** Sometimes, dogs get so overstimulated that their "ears shut off" or they are so focused on barking that it is difficult to redirect them. You may also find that some dogs just keep going right back to practicing the barking behavior and you start to get frustrated. In all these instances it is OK to give the dog a play break. If you find that the barking behavior is becoming a habit for the dog, make sure to notify management so they can help troubleshoot the behavior and let the parents know.
- **Use rotations.** Often, when dogs become overstimulated their play will become more intense, taller, louder, and rougher. In this case, you can implement a rotation schedule for dogs whose behavior cycles in this way. This is especially useful for high energy breeds (Pit Bulls, Boxers, German Shepherds, etc..) so we can keep them safe, stable, and happy to be in the daycare environment.

Small Group Play Schedule (page 10):

Dogs taking part in small group play are split in to two rotations (solids & stripes) of up to 12 dogs each and have a 1:2:1 schedule.

The solid rotation will play for an hour and then rest for an hour, play for 2 hours and then rest for 2 hours, and then play for an hour and rest for an hour.

The stripe rotation does the opposite, they rest for an hour first and then play for an hour, rest for 2 hours and then play for 2 hours, rest for an hour and then play for an hour.

The 1-hour sessions have an extra 15-minute buffer built in for the time it takes to transition the dogs to and from the nap room where they rest in their crates.

Small Group Play	Play Schedule	Rest Schedule
745-845 (1 hour)	Solid Rotation Play	Stripe Rotation Rest/Late Arrivals
900-1000 (1 hour)	Stripe Rotation Play	Solid Rotation Rest Period Enrichment
1000-1200 (2 hour)	Solid Rotation Play	Stripe Rotation Lunch
1200-200 (2 hour)	Stripe Rotation Play	Solid Rotation Lunch
200-300 (1 hour)	Solid Rotation Play	Stripe Rotation Rest Period Enrichment
315-415 (1 hour)	Stripe Rotation Play	Solid Rotation Rest

Playgroup areas are defined by colors and indicate what physical space the dog will be playing in (purple group area, green group area, orange group area, yellow group are, etc.) throughout the facility.

Each physical space (or playgroup) has a solid rotation of dogs & a stripe rotation of dogs that play, and rest alternatively as explained above. To easily tell who goes where and when, we have color coded Play ID Card for each dog that tells you what group they go in to (based on the color of the card) and what rotation they belong to (based on if that card is solid in color or just has a striped border). While solids play, stripes rest and vice versa. Play ID cards also include other valuable information like what Rest Period Enrichment that dog gets and any special needs they have.

Poop/Group Cleanliness Best Practice (Page 44)

Best Practice: Groups should be clean and free of debris, poop and pee should be cleaned up immediately, and dogs who are PEs (Poop Eaters) should be set up for success by being proactively managed and redirected.

Next to safety, group sanitation and cleanliness is a top priority. A clean facility prevents the spread of illness. Group should be free of any debris, garbage, or vegetation that dogs can eat and be sickened by. Additionally, cleaning guidelines and facility protocols must be strictly followed to limit the transmission of things like kennel cough, giardia, fleas, parvo, or other illnesses. Revision September 2020 Initial Enrichment Specialist Training Manual 013 45 This includes the timely cleanup of dog waste. **Poop and pee carry illness and must be cleaned up and sanitized immediately.** Dogs who are known poop eaters (PEs) should be proactively managed so they are not given the opportunity to practice this behavior. Some ways that you can do this are by putting PE dogs on a "Let Out Last" list and not letting them into group until most dogs have finished their business (usually after the first 15 minutes or so of playgroup). After that, once they are in group, Enrichment Specialists are required to constantly scan their group to make sure they are picking up poop in a timely manner so that PEs do not have a chance to eat it. Not to mention, no one wants to step in poop or have a dog step in it and then jump on them or track it all over the facility. Poop must be picked up quickly. At some facilities, the Enrichment Specialists in adjoining groups help each other out by calling out when a dog poops but the Enrichment Specialist in that group has not noticed. This is a great way to help keep everyone safe, healthy, and clean

SPECIAL USE PERMIT application CLARIFICATIONS

CADEMERY PROPERTIES, LLC

August 24, 2023


To whom it may concern; this letter supplements the original "Description of Proposal" dated July 18, 2023 for our original Special Use application for a Doggy Day Care facility to be located at 65 Saginaw Drive.

Relative to concerns above possible contaminants in the fenced outdoor Dog Play area:

- The area will be 2,250 sf vs. 5,400 sf as originally envisioned, as shown on the attached Plan S1.
- The top 8" of existing soil (within the above 2,250 sf) will be removed and replaced with CR 1 base with clean 1A stone filter and overlain with 7/8" thick Foreverlawn classic+ K9 Grass (artificial turf).
- There was a Phase II Environmental Site Assessment completed by LaBella Associates, P.C. in October 2022 (for the rear portion of the property which includes the above 2,250 sf) and which concluded (page 6, Recommendations), "... No environmental condition of concern was identified. No further that investigation or remedial action is warranted."

Relative to the indoor Play and Crate (kennel) Areas, the existing concrete floor will be overlaid with Protect All vinyl floor covering (approximately 3/4" thick and glued in place). The Play Area flooring will be cleaned daily. The Crate Area flooring will be cleaned as needed.

I trust the above and attached addresses the question by Jamie Morgan.



Phillip Clark

8/24/23

42 Coach Side Lane, Pittsford New York, 14534

CENTRAL BARK DIRECTOR OF OPERATIONS OPINION



Barkley Ventures Franchising LLC
t: (866) 799-2275
f: (866) 398-1349
centralbarkusa.com
PO Box 14217
West Allis, WI 53214

September 1, 2023

Phillip Clark
Cademery Properties LLC
42 Coach Side Lane
Pittsford, New York, 14534

Phillip,

Relative to your proposed Central Bark of Rochester facility at 65 Saginaw Drive, Henrietta New York, and your request for my comments relative to operating issues regarding Noise from our facilities (due to Dogs Barking), as Director of Operations for Central Bark I oversee the operation of 38 facilities throughout the United States. In my 14 years with Central Bark, I have never had a facility brought to my attention a "dog noise" issue. This can be attributed to the protocols and procedures that Central Bark requires and utilizes at all our locations.

I hope the above addresses your request.

A handwritten signature in black ink, appearing to read "Teresa Baker".

Teresa Baker
Director of Operations
Barkley Ventures Franchising, LLC

CENTRAL BARK 2004 NOISE STUDY

Sound Study Conducted at Central Bark Fort Lauderdale, FL:

Background information:

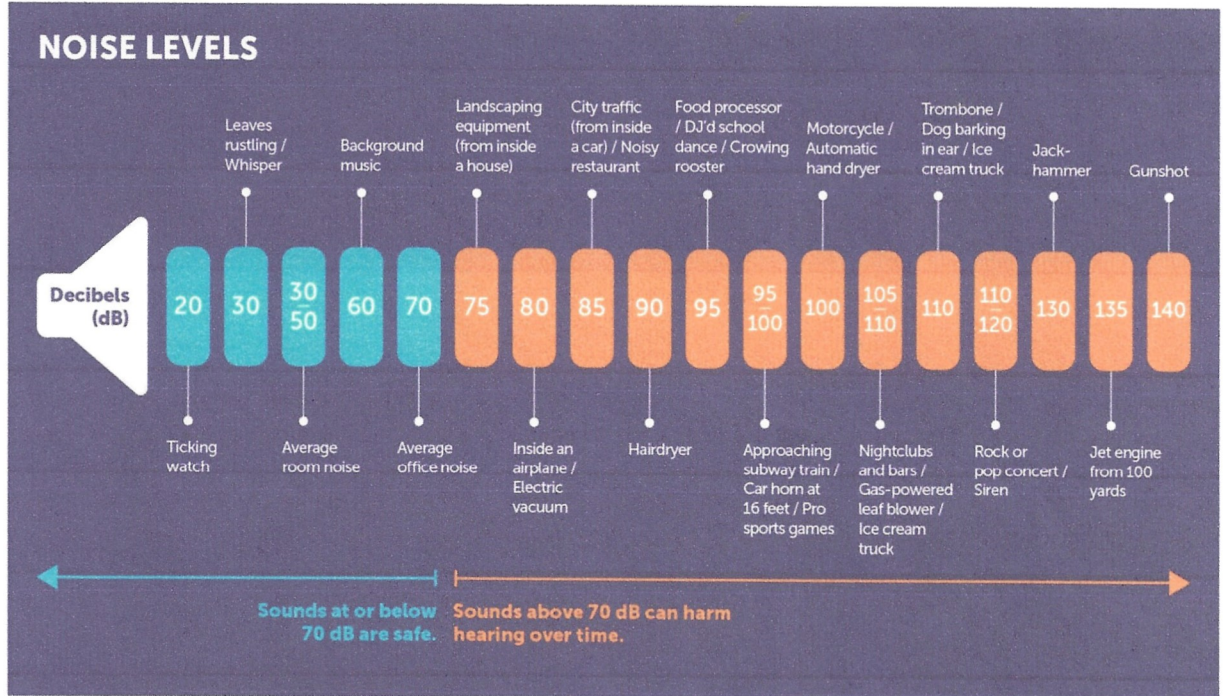
1. Fort Lauderdale's municipal code regarding noise mirrors Sheboygan's. The code states "The creation of any unreasonably loud, disturbing and unnecessary noise in the city is prohibited. Noise of such character, intensity, and duration as to be detrimental to the life or health of any individual or in the disturbance of the public peace and welfare is prohibited."
2. In Nov. 2004, CBDDC commissioned Environmental Noise Consultants **Bernard Kinney Associates** to complete a noise study of the Fort Lauderdale facility where a multi-family residential property is located next door
3. Some background: according to **Galen Carol Audio**, a resource out of San Antonio, the average noise level of **conversation is 60 decibels**.
4. The average noise level of **power tools = 110 decibels**, while a **truck** emits 100 - 120 decibels, meanwhile OSHA has determined that workers can be in an environment of **92 decibels** 6 hours per day.

Central Bark Doggy Day Care – Fort Lauderdale, FL:

1. In the **exterior courtyard** of the doggy day care, the study concluded that **without dogs**, the average ambient noise level was **55 decibels**, and **with dogs**, the average level was **62 decibels**.
2. When the dogs were disturbed by the person conducting the study, the average level temporarily increased to **71 decibels**.

NOISE LEVELS

1. [Decibel Levels - Measuring Dangerous Noise — Hearing Health Foundation](#)

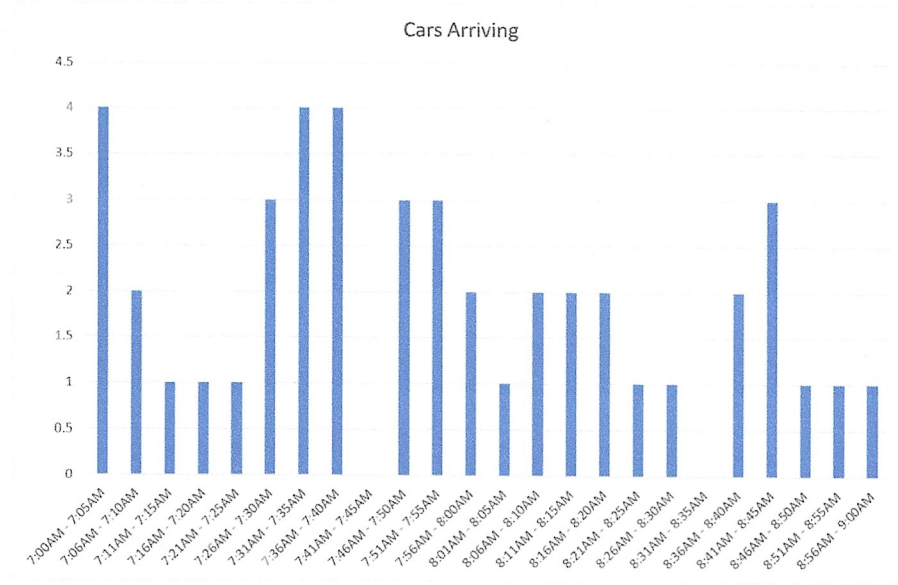


○

ARRIVALS AND DROP-OFFS

CAMP BOW WOW (9/5/23)

Time	Cars Arriving
7:00AM - 7:05AM	4
7:06AM - 7:10AM	2
7:11AM - 7:15AM	1
7:16AM - 7:20AM	1
7:21AM - 7:25AM	1
7:26AM - 7:30AM	3
7:31AM - 7:35AM	4
7:36AM - 7:40AM	4
7:41AM - 7:45AM	0
7:46AM - 7:50AM	3
7:51AM - 7:55AM	3
7:56AM - 8:00AM	2
8:01AM - 8:05AM	1
8:06AM - 8:10AM	2
8:11AM - 8:15AM	2
8:16AM - 8:20AM	2
8:21AM - 8:25AM	1
8:26AM - 8:30AM	1
8:31AM - 8:35AM	0
8:36AM - 8:40AM	2
8:41AM - 8:45AM	3
8:46AM - 8:50AM	1
8:51AM - 8:55AM	1
8:56AM - 9:00AM	1



*** Study Completed for Camp Bow Wow on 9/5/23 at 85 Mushroom Blvd, Henrietta

CENTRAL BARK ARRIVALS AND DROP-OFFS



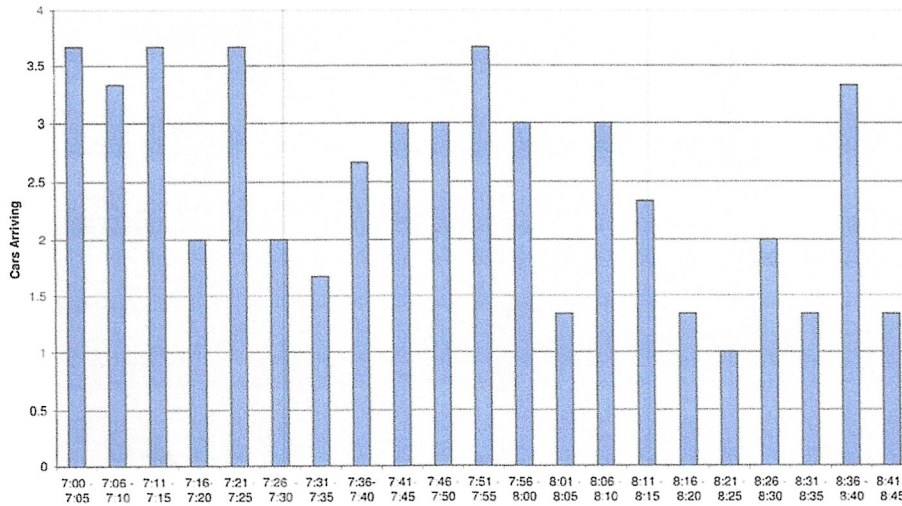
Barkley Ventures Franchising, LLC

To whom it may concern:

Barkley Ventures Franchising LLC, dba: Central Bark, conducted a study to determine the average number of cars arriving and departing throughout the day for 3 franchise locations. These facilities had an average building size of 7,500 square feet and capacity for an average of 100 dogs. The survey was conducted over the last 12 months.

Per the Chart listed below, the morning data was collected between 7am when the facility opened and 8:45am. The average quantity of cars during this time period never exceeded 4 cars at any given time.

Average of Three Central Bark Locations AM Cars

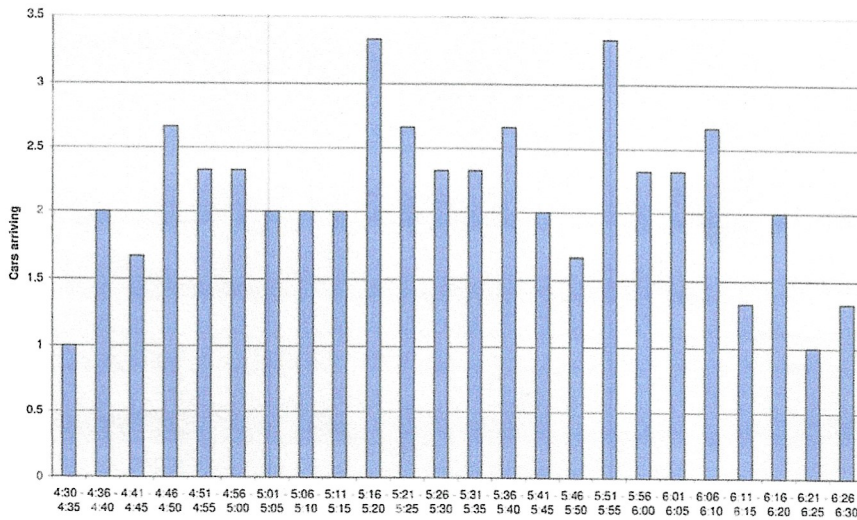




Barkley Ventures Franchising, LLC

Per the Chart listed below, the afternoon data was collected between 4:30pm and 6:30pm when the facility closed. The average quantity of cars during this time period never exceeded 4 cars at any given time.

Average of Three Central Bark Locations PM Cars



For additional information, please contact:

Teresa Baker, Director of Operations
Barkley Ventures Franchising, LLC
tbaker@centralbarkusa.com
PO Box 14217; West Allis, WI 53214

6

NOISE LEVEL MEASUREMENTS

Noise measurement report

Remark

September 1 2023. Camp Bow Wow Parking lot

Base

Time	01/09/2023 10:05:37	Duration	369s
Equipment	iPhone 13 Pro Max	System	iOS 16.6
Microphone	Built-In-Microphone (Down)		

Location

--			
Longitude	--	Latitude	--
Altitude	--		

Data

AVG	55 dB	Min	39 dB
Max	81 dB		

Noise measurement report

Remark

Green Valley K9 9 1 23

Base

Time	01/09/2023 11:36:59	Duration	486s
Equipment	iPhone 13 Pro Max	System	iOS 16.6
Microphone	Built-In-Microphone (Down)		

Location

--			
Longitude	--	Latitude	--
Altitude	--		

Data

AVG	52 dB	Min	39 dB
Max	107 dB		

Noise measurement report

Remark

65 Saginaw drive 9 1 23

Base

Time	01/09/2023 10:35:17	Duration	131s
Equipment	iPhone 13 Pro Max	System	iOS 16.6
Microphone	Built-In-Microphone (Down)		

Location

--			
Longitude	--	Latitude	--
Altitude	--		

Data

AVG	50 dB	Min	39 dB
Max	72 dB		

Noise measurement report

Remark

Camp Bow Wow 9 5 23 3

Base

Time	05/09/2023 11:06:47	Duration	664s
Equipment	iPhone 13 Pro Max	System	iOS 16.6
Microphone	Built-In-Microphone (Down)		

Location

--			
Longitude	--	Latitude	--
Altitude	--		

Data

AVG	59 dB	Min	39 dB
Max	110 dB		

BUILDING SECURITY

Security is a very important issue for Central Bark. Our building is protected with a 24-hour security system that includes motion sensors, door sensors, carbon monoxide and smoke. For the safety of employees and the dogs in our care the following are some general guidelines:

- All outside lights should be on at night.
- All exterior doors need to be locked after closing.
- Employees should carry keys on their person at all times when outside on weekends.
- No guests in the facilities while working or after hours.
- Do not open doors for anyone after business hours.
- Call 911 and report any suspicious activity.

PHOTOGRAPHS

Open loading doors at Camp Bow Wow:



View or "Picnic table" at 71 Saginaw Drive:



View of side of 71 Saginaw Drive building showing no Windows or doors near loading door at Saginaw Drive:



View of Green Valley K9 outside play area fence:



PHASE II ENVIRONMENTAL SITE ASSESSMENT (ESA) clarification comments

From: Brantner, Drew <dbrantner@LaBellaPC.com>

Sent: Friday, August 25, 2023 2:34 PM

To: [REDACTED]

Subject: Phase II report on 65 Saginaw Drive, Henrietta

Hi Phil,

Happy to follow-up on our phone conversation related to these comments you shared concerning the Phase II ESA completed for 65 Saginaw Dr, Henrietta, NY:

Reviewed Phase 2 Environmental Assessment from LaBella, Project #2223747

Under 6.0 CONCLUSIONS, it states that trace amounts of 2-butanone and Acetone were detected and that is not considered as a concern.

Yet, tables 1A, 1B and 2 show traces of other contaminants with table 1A highlighted the Acetone "which indicates the compound was detected above its respective NYCRR Part 375-6.8(b) Unrestricted Use of SCO."

Firstly, it is important to note that acetone and 2-butanone were the only compounds detected by the assessment. The other values reported are the laboratory method detection limits (MDLs), meaning the lowest possible concentration that could be detected by the lab in each sample for that compound. The "U" qualifier indicates this. Put another way, all of those other compounds listed were analyzed for but 'not detected.'

It is also important to note that acetone and 2-butanone are common/known laboratory artifacts. These compounds are used to clean the equipment/instrumentation at the laboratory and are often found in trace concentrations (like the ones reported here, less than 1 ppm). Their presence at these concentrations is attributed to this 'cross-contamination' of the samples at the laboratory, and is not considered present in the soil/groundwater collected from the site.

Even if the concentrations of acetone and 2-butanone were attributed to site soil and groundwater (again, this is not anticipated based on professional judgement and experience), the concentrations are not in exceedance of standards applicable to the proposed use of the site (i.e., commercial use, restricted residential use, etc.). For acetone in soil, the 0.05 ppm standard is 'Unrestricted Use' applying to protection of groundwater and any proposed site use including the most strict activities (such as growing food for human consumption). For restricted residential use (i.e., sports fields, playgrounds, etc.) the standard is 100 ppm and for commercial use the standard is 500 ppm. The detected concentration of 0.17 ppm is multiple orders of magnitude below the applicable standards for your proposed use (dog daycare).

I hope this helps,

Drew Brantner

LaBella Associates | Project Manager



585-287-9089 office

cell

300 State Street, Suite 201

Rochester, NY 14614

labellapc.com



1 inch = 30 feet

162-11-1-9
United States Postal Service
1335 Jefferson Road
Acre: 43.72

162-11-1-11-3
Michael Gusimano
105 Saginaw Dr
Acre: 2.80

162-11-1-10
Michael Gusimano
95 Saginaw Dr
Acre: 0.74

162-11-1-5
BAG Local 5 NY Bldg Corp
89 Saginaw Dr
Acre: 1.88

162-11-1-3
D'Amico Group, LLC
79 Saginaw Dr
Acre: 0.69

162-11-1-4
J.C.M. Boreo Enterprises, LLC
48 Saginaw Dr
Acre: 0.69

162-11-1-8
79 Saginaw Dr, LLC Associates
79 Saginaw Dr
Acre: 1.20

162-11-1-13
79 Saginaw Dr, LLC
79 Saginaw Dr
Acre: 0.44

162-11-1-7
35 Saginaw Drive LLC
35 Saginaw Dr
Acre: 1.04

162-11-1-16
JMO Associates, LLC
16 Saginaw Dr
Acre: 1.27

162-11-1-6
89 Saginaw Dr, LLC
89 Saginaw Dr
Acre: 0.69

162-11-1-2
The Partnership of Saginaw Dr
Acre: 3.68

162-11-1-2
Spencer Corp of Monroe City
80 Saginaw Dr
Acre: 2.41

162-11-1-21
Pity Sixty Saginaw Realty, LLC
80 Saginaw Dr
Acre: 4.00

162-11-1-10
Pity Sixty Saginaw Realty, LLC
70 Saginaw Dr
Acre: 2.60