

**Zoning Board Meeting  
January 20, 2005**

**Present**

Chairman Powell Keery  
George Fellows  
John Dole  
Barbara Strine

**Absent**

Michael Flavin

**Others Present**

Trustee Rauber, Liaison Village Board  
Jack Crooks, Building Inspector  
Donna Stassen, Zoning Board Secretary

Robert J. Daggett  
Joseph LoBello  
Gary Swarthout  
Ginny Swarthout

254 Field Street  
13 Linnea Lane  
130 S Union Street  
130 S Union Street

Chairman Powell Keery led the Pledge of Allegiance.

**Public Hearing**

The application of Joseph LoBello, 13 Linnea Lane, N Chili NY for a special permit to operate a sit-down restaurant on property located at 138 S Union Street, Spencerport. Whereas a special permit is required for a sit-down restaurant pursuant to Chapter 140-20.1 B. (1) in a B-1 District.

Applicant Joseph LoBello stated to the board that the intent of the restaurant is to have a limited Italian menu. Seating for 30-40 people is available but expects most business will be take-out. In wanting to get the customers in and out quickly and keeping the cost down, they have decided to have a self-service counter.

Jack Crooks: The Fire Marshall has been in touch with the applicant looking at the operation, making sure that it is code compliant as far as any safety issues. In speaking with the Fire Marshall today he will be measuring the service area and make sure the seating number is posted.

Donna Stassen spoke to Attorney Richard Olson earlier in the day and reported to the board that he did not have any issues with this application.

Public Hearing Closed 7:08 p.m.

Barbara Strine: Is this the space where the teahouse was located?

Zoning Board Meeting  
January 20, 2005

Page 2

Mr. LoBello: No, the tearoom was next to Abbott's; we are located where State Farm Insurance was. The tearoom had a parlor in the back. We are using the parlor as a kitchen.

Barbara Strine: Your space goes from front to back.

Mr. LoBello: Right and we are sharing the handicapped bathroom with Abbott's next door.

George Fellows: Will you only have a front entrance?

Mr.LoBello: Yes.

George Fellows: Will parking be in the back?

Jack Crooks: Being in the village, they have access to all public parking areas.

George Fellows: There seems to be enough in the back and parking along the street is available.

George Fellows: What are you hours of operation?

Mr. LoBello: To begin the hours will be Monday-Thursday 11a.m until 7 p.m. and weekend hours 11 a.m. until 9p.m. depending on how business is maybe stay open until 9:30 p.m.

The board upon discussion did not have any problems with those hours.

Chairman Powell Keery: There is parking in the back, but not an entrance in the back. Can they cut through Abbott's to get to your restaurant?

Mr. LoBello: They can come through Abbott's or walk around the front to the entrance.

Mr. LoBello: There is a very good flow in the building and John Marrello is a good landlord, he is working with us, if the parents want pasta and the kids want hamburgers they can cut through to Abbott's get a hamburger than come back to their parents. We will all work together.

After further discussion, the following resolution was offered.

**Resolution No 148**  
**January 20, 2005**

**Introduced by George Fellows**  
**Seconded by John Dole**

Resolved that the application of Joseph LoBello, 13 Linnea Lane, N. Chili, NY for a special permit to operate a sit-down restaurant on property located at 138 S Union Street, whereas a special permit is required for a sit-down restaurant pursuant to Chapter 140-21.1 B. (1) District be approved.

Such approval is based on the following conditions:

1. There will be no negative impact on the neighborhood.
2. The requested permit is not substantial considering that other sit-down and carry out restaurants operate in the building.

Zoning Board Meeting  
January 20, 2005

Page 3

3. Any future use of this structure will require a special permit if such use is not a permitted use per Chapter 140-18-A in a B-1 District.
4. This use is consistent with the code, whereas the sit-down and carry out restaurants without drive through or drive-up services are allowed.
5. Parking has been addressed and considered adequate.

Furthermore, such special permit is an unlisted action and there is no negative environmental impact.

Ayes: Powell-Keery, Fellows, Dole, Strine  
Nays: none

#### **Unfinished Business**

Nothing requiring Board action at this time.

#### **New Business**

George Fellows handed in his resignation effective February 1, 2005. George has agreed to continue serving the Board until a replacement is appointed.

#### **Approval of Minutes**

Motion made by George Fellows seconded by John Dole and carried unanimously to approve the minutes of December 16, 2004.

#### **Adjournment**

Motion made by John Dole seconded by George Fellows and carried unanimously to adjourn the meeting at 7:20 p.m. to go into a workshop session.