

**Zoning Board of Appeals
Minutes
November 19, 2015**

Present

Chairman Dole
Michael Flavin
Dale Kellerson
Mark Unvericht

Absent

Diana Powell Keery

Also Present

Building Inspector Patrick Smith
Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Wallace Johnson
John Clark
Matt Palonisano
Joe Nucci
Nick Nucci
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Sergey Rozum Company, LLC, 42 Nichols Street, Spencerport, New York 14559 for a Special Permit to operate a Health Care Facility in a Business-3 District located at 42 Nichols Street, Spencerport, New York 14559, whereas, the following uses shall be permitted in all B District categories, subject in each case to the granting of a special permit by the Zoning Board of Appeals after a public hearing as provided in Article IX pursuant to Chapter 340-19 B (8) in a B-3 District.

Matt Palonisano stated that Mr. Rozum is not present tonight however the property is managed by ALA Real Estate Solutions and I am a representative of the firm.

Chairman Dole asked if he could give us a little idea of what you will be doing with this Health Care Facility.

Wally Johnson: I will be happy to address this. I am an internal medicine physician and I work for the University of Rochester. I direct the primary care network of the U of R. We currently have a small internal medical office on the left side of this plaza. We have had a presence here since the close of Brockport Hospital. We are looking to increase our primary care physicians in the Spencerport area. We

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are recruiting two new physicians as well as either a nurse practitioner or a physician's assistant to join when we move to a bigger space which is about 7200 square feet with 13 exam rooms at the right end of the plaza where the restaurant was. So we are just delighted to try to establish more of a primary care presence and extend U of R medicine service to the Spencerport community. Primarily U of R medicine has been on the eastside of town. We know there are people here who would like offices associated with the U of R so we really want to expand our footprint.

Michael Flavin: So you are going to close the other office.

Wally Johnson: The urgent care is going to stay open and they will absorb where the medical office is now.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith, Attorney Stowe and the board if they have any comments.

Building Inspector Smith: I only have issues with some of the questions on the EAF form so when you go through that I can go over those with you. I have their plans and it is preapproved subject to them getting the special permit. I received the plans for parking and the handicap ramps and gave them the ok to go ahead with that this afternoon.

Chairman Dole: While we are talking about parking. 340-29A(8) for Off-Street Parking specifies the number of parking spaces for health care facilities and we are ok with what we have there now?

Building Inspector Smith: I asked Sergey from day one to get me that plan and I just received it today and it is sufficient. It tells me the total number required and the total number for the ADA and they are going to increase it to nine handicap accessibly parking spots. We have considered the number for the health care, urgent care, and the other occupants.

Dale Kellerson stated that in all the years he has lived here he has never seen this lot full. But looking at the plans there is a lot of exam rooms. Do you know how many staff members?

Wally Johnson: There are 13 exams rooms and when this is full and matures in a couple years we could have 5,000 to 7,000 patients. The total staff would be 14.

Dale Kellerson: All the time or is that almost like a rotation of people?

Wally Johnson: I think the majority of the people would be traditional hours. We really would like to start doing some evening and weekend hours as well. So I think the parking would be actually less concentrated as we expand the hours a bit. It will take some time to get additional physicians to do that.

Dale Kellerson: How many people at one time would you be seeing? I am just trying to think of the maximum amount of parking?

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Wally Johnson: If we have four providers seeing patients at the same time. Let's say that each doctor has one patient in the exam room and one in the waiting room and one checking out. I would say twelve patients coming through the office are any one time.

John Clark: I work with Wally and I would just like to point out that is sort of our maximum staffing plan and it will take us some time to recruit that volume of patients. So there will be some period of time that we would have half that staff and number of patients and over time the practice will grow.

At this time Building Inspector Smith reviewed the EAF form with the board members.

Attorney Stowe stated that you are good on Part 2 if you say no impacts. That is supposed to guide you and you take over. You make the ultimate environmental decision so if there is something wrong you trump it so you're good.

RESOLUTION 284/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Sergey Rozum Company, LLC for a special permit to allow a health care facility to be operated on property at 42 Nichols Street, Spencerport, New York 14559, and

WHEREAS, the application for a special permit is an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 19th day of November, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has considered the short environment assessment form and the evidence obtained from the public hearing,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby conclude that the application of Sergey Rozum Company, LLC will have no negative environmental impacts and does hereby issue a negative declaration pursuant to SEQRA.

BE IT FURTHER RESOLVED that the Chairman of the Village of Spencerport Zoning Board of Appeals is directed to sign Part III of the short environmental assessment form confirming this negative declaration.

Motion: Chairman Dole

Second: Michael Flavin

Vote of the Board:

Ayes: Dole, Flavin, Kellerson, Unvericht

Nays: None

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Chairman Dole stated Resolution 285/2015 which would be the Special Permit for the Health Care Facility. This permit's maximum would expire in 5 years from today's date.

Attorney Stowe stated that is up to you.

Chairman Dole clarified that what that means that in 5 years you would get a notice from the board and it gets renewed again for another 5 years providing there is no violations. Then after that at the ten years you would have to come back to the board again for another Special Permit.

Wally Johnson: Ok

RESOLUTION 285/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Sergey Rozum Company, LLC for a special permit to operate a health care facility on property at 42 Nichols Street, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 19th day of November, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously issued a negative declaration pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Sergey Rozum Company, LLC for a special permit to operate a health care facility on property at 42 Nichols Street, Spencerport, New York 14559

BE IT FURTHER RESOLVED that the following conditions are imposed on this special permit:

- This Special Permit shall expire 5 years from today's date

Motion: Chairman Dole

Second: Mark Unvericht

Vote of the Board:

Ayes: Dole, Flavin, Kellerson, Unvericht

Nays: None

Chairman Dole asked when you would be open.

Wally Johnson stated about six months from now. Demolition as you know began then stopped and now with this approval will move full steam ahead and hope to have it open in the spring time.

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Next of the agenda is the application of Joseph Nucci, Jr., 24 Francine Drive, Rochester, New York 14606 for a Special Permit to operate a restaurant in a Business-3 District located at 500 S. Union Street, Spencerport, New York 14559, whereas, the following uses shall be permitted in all B-3 District, subject in each case to the granting of a special permit by the Zoning Board of Appeals after a public hearing as provided in Article VI pursuant to Chapter 340-23 B (1) in a B-3 District.

Nick Nucci stated that we are looking to operate a family friendly hamburger, hotdog restaurant in the current location of the Mexican restaurant. There has been some type of a restaurant there for many years. We want to have a strong relationship with the community. We intend to support the booster club, the school, the fire department, the PTA and just really provide an opportunity to families and have the students of the school have a place to come to call their own.

Joseph Nucci stated that it would be a modern day "happy days".

Chairman Dole: What kind of hours are you looking for?

Joseph Nucci: Monday through Thursday 11 am to 10 pm. Our weekend hours we would like it to be beneficial for us; and we are looking at midnight on Friday and Saturday and Sunday looking for 11 am to 8 pm. But I didn't want to be restricted and me personally I don't want a late night business I am too old for it. But maybe have no restrictions on the weekends if it is beneficially to me and the community.

Chairman Dole: So you are looking for more of a lunch, dinner, and late night business. No breakfast right.

Joseph Nucci: Yes no breakfast. Lunch, dinner and late night come in when you are hungry type of thing. We would put together a bunch of specials for the kids for after their games. How this started was my kids all go to Spencerport School and after their events they don't really have a place to go around here.

Nick Nucci: The idea came out of personal need for kids to go to get that kind of food.

Joseph Nucci: Like a Bill Gray's type of thing. So why not put one right in our own community.

Mike Flavin: What kind of experience do you have running a restaurant?

Joseph Nucci: My father owned the Ritz on Lyell. My cousin owns Agatina's on Buffalo Rd and I worked for all of them. My other business partner owned a sub shop, but he is a small partner. My whole family has been in the restaurant business. Hots is in the name but it will be more than hots. This is going to be a sit down place; we will use real plates and silverware.

Nick Nucci: We really want to make it a destination for especially the students. We have already starting looking at relationships with the student section, called the zoo crew. We have solicited them to submit pictures of them wearing Spencerport Colors and put them on the mural on the wall in the restaurant. We really want to make it all about the community that Spencerport can call their own. At some time we would like to put some seating outdoors. We talked about bringing in a LuGi'a's ice cream truck in the summer.

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At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith, Attorney Stowe and the board if they have any comments.

No comments.

Chairman Dole asked about the parking?

Building Inspector Smith: I have never done the math on that one but it has been a restaurant for so long and it has been working.

Dale Kellerson: Kind of an obvious question but the Mexican restaurant is closing?

Joseph Nucci: They were supposed to go a little while ago. Their lease was up April 1st. We are taking over the restaurant December 15th.

RESOLUTION 286/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Joseph Nucci, Jr. for a special permit to allow a restaurant to be operated on property at 500 South Union Street, Spencerport, New York 14559, and

WHEREAS, the application for a special permit is an unlisted action pursuant to the New York State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 19th day of November, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has considered the short environment assessment form and the evidence obtained from the public hearing,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby conclude that the application of Joseph Nucci, Jr. will have no negative environmental impacts and does hereby issue a negative declaration pursuant to SEQRA.

BE IT FURTHER RESOLVED that the Chairman of the Village of Spencerport Zoning Board of Appeals is directed to sign Part III of the short environmental assessment form confirming this negative declaration.

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Motion: Chairman Dole
Second: Mark Unvericht

Vote of the Board:

Ayes: Dole, Flavin, Kellerson, Unvericht
Nays: None

Chairman Dole stated Resolution 287/2015 is like what I explained to the other gentleman this permit will expire in 5 years and it gets renewed again for another 5 years providing there is no violations.

RESOLUTION 287/2015

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Joseph Nucci, Jr. for a special permit to operate a restaurant on property at 500 South Union Street, Spencerport, New York 14559, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has conducted a public hearing this 19th day of November, 2015, and

WHEREAS, the Village of Spencerport Zoning Board of Appeals has previously issued a negative declaration pursuant to the New York State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals does hereby grant a special permit to Joseph Nucci, Jr., for a special permit to operate a restaurant on property at 500 South Union Street, Spencerport, New York 14559

BE IT FURTHER RESOLVED that the following conditions are imposed on this special permit:

- This Special Permit shall expire 5 years from today's date

Motion: Chairman Dole
Second: Dale Kellerson

Vote of the Board:

Ayes: Dole, Flavin, Kellerson, Unvericht
Nays: None

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Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the October 15, 2015 minutes as written.

Adjournment

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:22 pm.