

JANUARY 23, 2012

The twentieth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, January 23, 2012 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Susan F. Drago and Joseph M. Troche. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Police Chief John R. Bentley, Department of Public Works Supervisor Thomas R. Pilling, Fire Chief Kurt W. Hallberg, and Building Inspector Charles L. Smith. Absent was Village Trustee Gale A. Denn.

RESOLUTION #100-2011-2012 – CONFIRM APPOINTMENT OF VILLAGE TRUSTEE

Mayor David T. Wordelmann indicated it is his recommendation to appoint Ms. Susan G. Lane, 188 East Terrace Ave., as a Trustee of the Village of Lakewood, filling the vacancy created by the election of former Trustee P.J. Wendel as the Chautauqua County Legislator for District 18, which became effective January 1, 2012. Mayor Wordelmann indicated that Ms. Lane is a lifelong resident of the Village of Lakewood, who has served on the Village of Lakewood Planning Board, is very active in the community and is a member of the local historical committee. Mayor Wordelmann added Ms. Lane would be a wonderful addition to the Board of Trustees. Motion by Mayor Wordelmann seconded by Trustee Troche, to hereby appoint Ms. Susan G. Lane, 188 E. Terrace Ave., as a Trustee for the Village of Lakewood effective immediately. Ms. Lane will serve as Trustee for the balance of the official year which concludes at 12:00 noon, Monday, April 2, 2012. It is expected that Ms. Lane will be on the ballot for Trustee at the next General Village Election to be held Tuesday, March 20, 2012. Village Clerk Joseph M. Johnson then administered the oath of office to the newly appointed Trustee.

Adopted: 3 ayes, no nays (Wordelmann, Drago, Troche)

APPROVAL OF MINUTES

Motion by Trustee Troche, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held January 9, 2012.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Troche, that the claims as audited by the Auditing Committee of the abstract dated January 23, 2012, be approved and that the Clerk Shall execute said abstract and direct payment by the Treasurer. General Fund: \$ 46,130.70, Capital Fund: \$ 60,000.00.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to six hundred seventy-four reportable alarms year-to-date and officers were able to make a couple arrests in connection with some recent residential burglaries out in the township. Chief Bentley indicated there are on going investigations relative to other residential burglaries that have recently occurred out in remote parts of the township. Chief Bentley indicated residents within the village as well as those living outside the village are getting increasingly concerned about the number of deer in the area and the damage they are causing.

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Chief Bentley said he has contacted the New York State Department of Environmental Conservation to discuss some options as to what is the best way to thin the local deer herd. He noted that the Town of Busti is looking into the possibility of issuing additional permits to area hunters as a means to reduce the number of deer. Chief Bentley said it is likely members of the Board of Trustees will hear more from area residents regarding this growing problem.

Mayor Wordelmann said he has already heard from residents who've seen that the Village of Celoron is again going to participate in a bait and shoot program and wondering why the Village of Lakewood isn't doing something.

Chief Bentley said it became too late in the year for the Village of Lakewood to participate in a bait and shoot program this year. Chief Bentley said on the way to this evening's meeting he counted forty-five deer roaming in certain areas of the village.

Ms. Tammy Magnuson, 29 Linwood Ave., said she considers herself an animal lover and favors the issuance of additional permits as opposed to the bait and shoot program.

Fire Chief Kurt W. Hallberg reported the Lakewood Volunteer Fire Department has responded to fifty-two alarms year-to-date. Chief Hallberg said the fire department has been quite busy, having recently provided mutual aid to the Kiantone Fire Department in battling a house fire in their district, participated in a possible lake rescue with other agencies that turned into a good drill for everyone involved. The individuals believed to have fallen through the ice were located at Wal-Mart getting something to eat. Earlier today the fire department assisted the Busti Fire Department in responding to a motor vehicle accident at the intersection of Big Tree Road and Lawson Road where a motorist sped through a stop sign on Lawson Road striking a vehicle traveling on the Big Tree Road. Five individuals were transported to WCA Hospital for treatment.

Village Treasurer Andrea J. Windoft reported the \$ 60,000.00 Bond Anticipating Note taken out to pay for the used street sweeper purchased from the Village of Falconer, New York is a five (5) year renewable note at an interest rate of 3.41%. Treasurer Windoft also reported that payroll for the calendar year of 2011 has been completed and closed and that W-2 forms for village employees have been prepared and distributed.

Mayor Wordelmann wished to share a couple of thoughts regarding the headline which appeared on the front page of The Post-Journal January 18, 2012, proclaiming "NO TAX HIKE", by New York State Governor Andrew Cuomo. Mayor Wordelmann said the following day he received projections for New York State Retirement System contributions for the Village of Lakewood for 2012-2013 and was taken back by the fact that the retirement system contribution will increase by \$ 43,000.00 over this past year's payment. Although the Governor has stated no tax increase for this year, the mandated increase in the retirement system equates to a 3% increase in village taxes. In New York State's infinite wisdom, Mayor Wordelmann said it is appalling for the Governor to say on one hand there will be no tax increases when in fact they are shoving this mandated increase down the throats of each village, city and township across New York State. Mayor Wordelmann said increases in pension costs are exempt from the 2% tax cap levy.

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RECESS

Motion by Trustee Troche, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

PUBLIC HEARING – 6:40 PM
SPECIAL USE PERMIT/SITE PLAN REVIEW
NEW & USED AUTOMOBILE SALES & SERVICE CENTER
90 MALL BLVD.

Mr. Timothy M. Shults, of Shults Real Estate, 181 East Fairmount Ave., has submitted an application for a Special Use Permit and Site Plan Review regarding a proposal to establish a new and used automobile sales lot and automobile service center at 90 Mall Blvd.

In accordance with Section #25-14, (C-10), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, the establishment of a new and used automobile sales lot in a B-2, Highway Business District requires a Special Use Permit. Also, in accordance with Section #25-85, [Site Plan Review], of the Village of Lakewood Zoning Law, the development of 5,000 sq. ft. or more of commercial floor space requires site plan review.

Mr. Gary Carvella, 11 East Summit Street, indicated he is favor of Mr. Shults' proposal. Mr. Carvella said the project will bring jobs and additional traffic into the area.

Mr. Timothy M. Shults, of Shults Real Estate, indicated to Mayor Wordelmann and the Board of Trustees that he had previously presented this project to the Village of Lakewood Planning Board last Wednesday evening. He noted the Planning Board was in favor of the project from a conceptual point of view. Members of the Planning Board made it clear that a project of this scope required a certain amount of green space. Mr. Shults said he doesn't have a drawing from an engineer yet, in that any engineer drawings would be adapted to the specific automobile franchise that is established on the site.

Although the specific franchise has not yet been determined, Mr. Shults indicated the site has been set-up to sell three hundred (300) new and two hundred (200) used automobiles in a given year. He went onto say that there are one hundred one (101) parking spaces on the site and that the preliminary site plan shows 19% of the site as green space. Mr. Shults said the proposed site plan indicates an 8,500 sq. ft. building which includes showroom space and a service center. As far as exterior lighting goes, the fixtures would direct the light downward resulting in very little spillover light onto adjacent properties. Mr. Shults said because the lot is slightly elevated, cars displayed will able to be seen from Rt. 394.

Mr. Shults said any storm water generated on the site would be directed north along the west side of Mall Blvd. and discharge into the closed storm water drainage system along Rt. 394 as opposed to directing it south which would eventually empty into the Chautauqua Mall's parking lot storm water drainage system.

The current property owner has had a Phase I and Phase II site inspection done and both have come back "clean". Mr. Shults also said a wetland delineation of the site has been conducted.

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Mr. Shults said he is hopeful to receive a vote of confidence from the Board of Trustees this evening, that a Special Use Permit could be granted and that the Site Plan be approved, which will allow him to proceed with the closing on the property. He doesn't want to write the check for the property without first knowing the project will be approved. Mr. Shults wished to note that this particular piece of property was developed previously and much of it is already considered non-permeable. Once a particular franchise approves this site and is subsequently selected, a set of detailed engineering drawings will be submitted.

Mayor Wordelmann indicated two questions that he has deal with proper storm water management and adequate "green space".

Mayor Wordelmann said it is important that any storm water generated on the site be directed away from the system that flows under the Chautauqua Mall parking lot and that any cars displayed be set back a minimum of 25 ft. from the westerly edge of the pavement on Mall Blvd.

Mr. Shults said he would make sure that any cars on display at that location will be a minimum of 25 ft. from the street edge. Mr. Shults then reviewed the proposed site plan with members of the Board of Trustees. He said the slightly elevated site is an advantage for the proposed dealership. Instead of a tall pylon sign Mr. Shults said he would rather utilize a monument type sign.

Mayor Wordelmann said he still has some concerns about how the storm water from the site will be managed, in particular storm water running onto adjacent properties.

Mr. Shults said there is already a wetland problem behind the former REX Electronics & Appliance store at 110 Mall however he doesn't believe the lot's topography will prohibit us from making the drainage work.

Trustee Troche asked Mr. Shults if he still maintains a used car lot at 181 East Fairmount Ave.

Mr. Shults said he no longer has the used car lot at 181 East Fairmount Ave., adding the building's tenants include the corporate offices of Shults Auto Group, Shults Express Lube, Pella Window and the Jamestown Teachers Credit Union.

Mr. Shults said with concerns about "green space" and set-backs, he noted that some vehicles displayed at lighthouse auto, 120 Mall Blvd. are parked on the grass next to the road.

Mayor Wordelmann and Trustee Troche asked Building Inspector Charles L. Smith about the approval process and how the State Environmental Quality Review could impact the project's approval.

Mr. Smith the Board of Trustees could opt to approve the project's concept and if there are any significant changes in the preliminary plans as submitted and the final site plan, the Board of Trustees may elect to revisit the matter.

Planning Board Chairman Jon Pearson, 4 East Terrace Ave. appeared before Mayor Wordelmann and the Board of Trustees stating he and other members of the Planning Board unanimously approved this project as presented by Mr. Shults last Wednesday evening, from a conceptual standpoint. Mr. Pearson said he and members of the Planning Board couldn't fully endorse the project because there wasn't a detailed site plan to review. Mr. Pearson said when a detailed site plan with a specific automobile franchise is made available the review process could then come back through the Planning Board and the Board of Trustees to reach a final conclusion.

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With no one else to be heard, Mayor Wordelmann closed the public hearing at 7:00 PM, and reopened the regular meeting of the Board of Trustees.

RESOLUTION #101-2011-2012 – APPROVE SPECIAL USE PERMIT APPLICATION & SITE PLAN

Motion by Trustee Troche, seconded by Trustee Drago, that the Board of Trustees approve the Special Use Permit application as submitted by Mr. Timothy M. Shults, of Shults Real Estate, 181 E. Fairmount Ave., whereby he will be allowed to establish a new and used automobile sales lot and construct a 8,500 sq. ft. automobile showroom and service center at 90 Mall Blvd., contingent upon submittal and review of a detailed and automobile franchise specific site plan for the proposed project.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RECESS

Motion by Trustee Troche, seconded by Trustee Lane, to recess the regular meeting of the Board of Trustees so as to conduct a previously scheduled public hearing.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

PUBLIC HEARING – 7:00 PM
SPECIAL USE PERMIT – BAR/TAVERN
103 CHAUTAUQUA AVE.

Ms. Tammy Magnuson, 29 Linwood Ave. has submitted an application for a Special Use Permit regarding a proposal to re-establish a bar/tavern at 103 Chautauqua Ave., which is the same location as the former Yesterdays bar/tavern. In accordance with Section #25-13, (C-2), [Retail Business (B-1) District], of the Village of Lakewood Zoning Law, the establishment of a bar/tavern within a B-1, Retail Business District requires a Special Use Permit.

Mayor Wordelmann opened the public hearing at 7:01 PM, and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper. He asked those wishing to speak to keep their comments on the subject matter and not to rehash prior history of the previous bar/tavern at this location.

Ms. Tammy Magnuson, 29 Linwood Ave., said it is her desire to reopen the bar/tavern at 103 Chautauqua Ave., and keep it open for the residents of the Village of Lakewood. She mentioned she has lived in Lakewood for the past twenty-three years. Ms. Magnuson said she believes it is a wonderful business opportunity and if approved she will occupy one of the empty storefronts on Chautauqua Ave. Ms. Magnuson said she met with Mayor Wordelmann to discuss some possible guidelines for the business and that she appeared before members of the Planning Board last Wednesday, who recommended that the Board of Trustees approve her application for the Special Use Permit. She said people from the Village of Lakewood deserve to have a place to go locally that isn't a private club. Ms. Magnuson said she believes her business will attract more people to the village who in turn will support the other businesses along Chautauqua Ave.

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Mr. Jim Carney, 4 Glenwood Ave., said as he drives around the village he sees places like Grazer's, the Beechwood Country House and other empty storefronts. He would hate to see any additional businesses remain empty. Mr. Carney said Chautauqua Ave. is the Village of Lakewood's main street and anyone living a couple houses over should expect some hustle and bustle now and again. Mr. Carney said he doesn't see any reason why Ms. Magnuson's application for a Special Use Permit should be denied and therefore is in favor of her reopening the bar/tavern.

Mrs. Jane Gesing, 103 Lakeview Ave., formerly of 7 East Summit Street, which is the residence her son and his family now reside at. Mrs. Gesing said she attended last Wednesday's Planning Board meeting where she listened to Ms. Magnuson explain the amount of work and effort she has put in getting the interior of the building cleaned up. Mrs. Gesing said she has no problems with the business at 103 Chautauqua Ave. What she and her neighbors have had a problem with is all the noise late at night created by patrons of the bar. Although there is usually ample parking along Chautauqua Ave., many patrons of Yesterdays used to park along East Summit Street, and in the empty Wilson Farms parking lot which added to the problem when they returned to their vehicles after a night of drinking. Mrs. Gesing was encouraged by an idea expressed by Ms. Magnuson that she would be serving lunches and possibly dinners in the future. Mrs. Gesing asked does Yesterdays have to be strictly a bar which is open until 2:00 AM, with live music, saying she considers karaoke live music, with people leaving the establishment after 2:00 AM, banging car doors and hollering. She asked if Yesterdays could be asked to be open only until 11:00 PM or midnight. The bar could still bring people into Lakewood without disturbing those living in the adjacent residential neighborhood. Mrs. Gesing said the noise issue becomes more of a problem during the summer months when patrons are able to sit outside. Mrs. Gesing told Ms. Magnuson that she hopes she will be able to make it work, if in fact a reasonable compromise can be reached regarding the hours of operation and noise issue between the bar and neighbors of the bar.

Mr. Gary Carvella, 11 East Summit Street, while referring to Ms. Magnuson's Special Use Permit application, wondered if the establishment in question is going to be a bar/restaurant, a restaurant/bar or just a bar that serves "bar food".

Mr. Carvella said that the municipal referral form noted that there are residential properties and apartments on more than one side of 103 Chautauqua Ave., many of which include small children. Mr. Carvella said police have been called to the scene almost every weekend over the past three years to quell the loud noise and vulgar language generated by patrons of the bar late at night. Mr. Carvella said if Ms. Magnuson wishes to operate a quiet bar/tavern, good. If music is added to the mix bar patrons become louder and louder. Mr. Carvella said the Board of Trustees received a letter from Mr. Thomas Calzone, 3 East Third Street, which notes that when Yesterdays first opened it was going to be a fine dining restaurant/bar. To Mr. Calzone's dismay, the establishment became just a bar in a very short time. Mr. Calzone's letter also states he had to call the authorities several times to report drunk and disorderly behavior by patrons of Yesterdays. Mr. Carvella then recounted stories of a drunken motorist running into his house and another person under the influence of alcohol stealing his truck which was parked in front of his house.

Mayor Wordelmann indicated to Mr. Carvella we are conducting a public hearing this evening to determine if Ms. Magnuson will be granted a Special Use Permit regarding what goes on inside the building at 103 Chautauqua Ave. She has no control over the traffic or some of the other activities that have been reported to have taken place outside the building.

Mayor Wordelmann then asked Ms. Magnuson to explain what menu items she hopes to make available at Yesterdays.

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Ms. Magnuson said Yesterdays is definitely a bar that serves beer and alcohol but also has a minimal luncheon menu and hopes to some day offer occasional dinner specials. Eventually she would like to hire additional kitchen help as a way to possibly expand lunch and dinner options.

Ms. Nancy Neal, 12 East Summit Street, said she agrees with Mrs. Gesing, and to give Ms. Magnuson a chance but already patrons when leaving the bar at 2:00 AM, have awakened neighbors. That is the one thing we neighbors object to the most, disturbing noise late at night. Ms. Neal reiterated a statement she made a few years back and that was, if members of the Board of Trustees lived where we do, there would be no Yesterdays.

Ms. Laura Ferraro, 32 Chautauqua Ave., said she worked part-time for Mr. Daryl Ferraro, which evolved into a full time job. Over the eight years she worked at Yesterdays she couldn't recall more than a couple of times when she needed to call the police for one reason or another. Ms. Ferraro said she left the area for a couple of years but has returned to join the team at Yesterdays. She said the bar has a very friendly atmosphere and is somewhere fun for people go and hang out. She said Yesterdays offers her a job as bartender, it's what she does. Ms. Ferraro said she hopes to be able to continue working at Yesterdays and someday purchase a home here in Lakewood.

Mrs. Gesing asked Mayor Wordelmann and the Board of Trustees, if they are empowered to revoke a Special Use Permit once it is granted.

Mayor Wordelmann indicated he and Ms. Magnuson have discussed certain restrictions or stipulations that will be conditions of the issuance of any Special Use Permit. Ms. Magnuson understands that if the stipulations as specified are not met, then the Special Use Permit could be revoked.

Mayor Wordelmann said there were no specific or enforceable restrictions attached to the Special Use Permit that was issued to the previous proprietor of Yesterdays.

Trustee Troche said there is only so much the Board of Trustees or for that matter the proprietor of the bar can do to eliminate occasional rowdiness.

Ms. Nancy Neal asked how was Ms. Magnuson able to open the bar without a Special Use Permit.

Mayor Wordelmann indicated although Ms. Magnuson had not been issued a Special Use Permit to open the bar, she was issued a Notice of Violation, to which she had forty-five (45) days to comply. In this case apply for a Special Use Permit, which she has done.

Mayor Wordelmann then read the following draft resolution, including the various restrictions that will be conditions of the issuance of a Special Use Permit to Ms. Magnuson. Authorize the Board of Trustees to issue a Special Use Permit to Ms. Tammy Magnuson, 29 Linwood Ave., Lakewood, N.Y., to re-establish a bar/tavern at 103 Chautauqua Ave., under the name of "Lakewood's Yesterdays" Corporation. In accordance with Section #25-13, (C-2), [Retail Business (B-1) District], of the Village of Lakewood Zoning Law, the establishment of a bar/tavern in a B-1, Retail Business District shall require a Special Use Permit. The following "General Conditions" will be imposed by the Board of Trustees as requirements for the issuance of this Special Use Permit. Failure to abide by these general conditions and all provisions of the local zoning law, may, in the sole discretion of the Board of Trustees, result in the revocation of the Special Use Permit. #1 – The removal of the accessory building from the premises is to be made within thirty (30) days of the issuance of this Special Use Permit and no new buildings or sheds will be permitted on the premises during the life of this permit.

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#2 – No outside storage of equipment, with the exception of the trash and grease receptacles will be permitted. #3 – The patio area must be maintained at all times to be free from trash, weeds and remain controlled with acceptable fencing. Patio furniture must be kept in good condition and must be stored off premises from November 1st to April 30th. #4 – No outside “live music” will be permitted with the exception of the summerfest celebration on the 4th of July and will only be permitted with the approval of the Village Board of Trustees. #5 – Live music inside, including karaoke and disc jockeys, will not be permitted Sundays through Thursdays after 10:00 PM, or after 12:00 midnight on Fridays and Saturdays. #6 – Excessive noise will not be permitted at any time. Excessive noise will be defined as any sound (above background noise) that crosses property lines and is deemed excessive by the enforcing agency.

Ms. Magnuson said she and Mayor Wordelmann had discussed ways to keep the noise down so as to respect her neighbors. Ms. Magnuson said what it boils down to is having her customers respect her and her wishes. Ms. Magnuson said she also talked with Mayor Wordelmann about karaoke. She said in the past it has been scheduled between the hours of 10:00 PM – 2:00 AM, which seems to be the optimal time people want to come out and enjoy karaoke. Ms. Magnuson said she would like to schedule it until 1:00 AM, which would give her customers an hour to leave the premises at their convenience versus everyone leaving at 2:00 AM all at once. Regarding background noise, Ms. Magnuson asked what will be considered excessive noise.

Mayor Wordelmann indicated that although the Village of Lakewood does not presently have a noise ordinance to enforce, it is something that the Board of Trustees will be considering to add to the local zoning law later this year.

Ms. Magnuson said she certainly respects her neighbors and on the first weekend she was opened went outside a few times to gage how much noise was being generated inside the business. She said she doesn't live next to either the Lakewood American Legion or the Lakewood Rod & Gun Club, but there are some residential properties near these clubs and wonders if they too experience noise issues on occasion, which should be taken into consideration when judging Yesterdays.

Mr. Gary Carvella said as far as noise at the Lakewood American Legion, once outside the building there is no evidence of bands playing inside. The only house close to the legion is the residence at 176 Chautauqua Ave.

Trustee Troche suggested to Ms. Magnuson that it is up to her and her staff to control the inside environment of the bar so patrons aren't apt to bring their issues and loud noise outside.

Ms. Magnuson said she plans on putting a little sticker on the exit door asking for patrons to remember to respect the neighbors.

Ms. Magnuson said she didn't decide to re-open Yesterdays to cause trouble for the neighbors but rather work hard to re-establish a business here in Lakewood. She said she worked for McDonalds for twenty-three years, five years as a bartender at Yesterdays and like Ms. Laura Ferraro lost her job when Yesterdays closed down. She said it hasn't been easy the past year and a choice she had to make was whether to sell her house and look elsewhere for work or to stay here in Lakewood and work hard at something she enjoys.

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Mrs. Gesing said Ms. Magnuson has implied that she intends to have the air conditioning for the building repaired and by doing so the windows will be closed on warm summer nights, which will make a big difference when it comes to managing the noise.

Ms. Neal asked if the outside patio on the north side of the building is going to remain. She said that is where a lot of the late night noise and profanity originates from.

Mr. Dennis Finnerty, 32 Chautauqua Ave., said the one bad apple can not be controlled whether they be at a bar or elsewhere. Mr. Finnerty said he knows Mr. & Mrs. Magnuson and they will do their best to keep their bar patrons under control. He believes the Village of Lakewood and Ms. Magnuson have reached some good compromises which will allow her to reopen Yesterdays and work at a job she enjoys.

Mayor Wordelmann said America is the land of opportunity and Mr. & Mrs. Magnuson have invested a lot of money and hard work in an effort to reopen this business. Mayor Wordelmann said Ms. Magnuson should be commended for the effort she has put forth and should be given the chance to prove herself rather than concentrate on what has happened in the past. Mayor Wordelmann asked for everyone to work together to make Ms. Magnuson feel part of the community.

Mayor Wordelmann closed the public hearing at 7:31 PM and proceeded to reopen the regular meeting of the Board of Trustees.

RESOLUTION #102-2011-2012 – APPROVE/GRANT SPECIAL USE PERMIT APPLICATION

Motion by Trustee Troche, seconded by Trustee Drago, per the recommendation of Mayor David T. Wordelmann that the Board of Trustees approve/grant the Special Use Permit application as submitted by Ms. Tammy Magnuson, 29 Linwood Ave., whereby she is allowed to re-establish and operate a bar/tavern at 103 Chautauqua Ave., under the name of Lakewood's Yesterday's Corporation. In accordance with Section #25-13, (C-2) [Retail Business (B-1) District], of the Village of Lakewood Zoning Law, the establishment of a bar/tavern in a B-1, Retail Business District shall require a Special Use Permit. The following "general conditions" will be imposed by the Board of Trustees as requirements for the issuance of this Special Use Permit. Failure to abide by these "general conditions" and all the provisions of the local zoning law may, in the sole discretion of the Board of Trustees, result in the revocation of the Special Use Permit. #1 – The removal of the accessory building from the premises is to be made within thirty (30) days of the issuance of this Special Use Permit and no new buildings or sheds will be permitted on the premises during the life of this permit. #2 – No outside storage of equipment, with the exception of the trash and grease receptacles will be permitted. #3 – The patio area must be maintained at all times to be free from trash, weeds and remain controlled with an acceptable enclosure. Patio furniture must be kept in good condition and must be stored off premises from November 1st to April 30th. #4 – No outside "live music" will be permitted with the exception of the summerfest celebration on the 4th of July and will only be permitted with the approval of the Board of Trustees. #5 – Live music inside, including karaoke and disc jockeys, will not be permitted Sundays through Thursdays after 10:00 PM or after 12:00 midnight on Fridays and Saturdays. #6 – Excessive noise will not be permitted at any time. Excessive noise will be defined as any sounds above background noise that crosses property lines and is deemed excessive by the enforcing agency. Trustee Troche proceeded to welcome Ms. Magnuson to the Chautauqua Ave. business corridor and wished her good luck.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

JANUARY 23, 2012 (CONTINUED)

RESOLUTION #103-2011-2012 – DESIGNATE LEAD AGENCY

Motion by Trustee Drago, seconded by Trustee Troche, to designate the Village of Lakewood as the Lead Agency as it relates to the State Environmental Quality Review process in connection with the proposal by Shults Real Estate, 181 East Fairmount Ave., to establish an automobile sales lot and construct an 8,500 sq. ft auto service center at 90 Mall Blvd.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #104-2011-2012 – AUTHORIZE BUDGET TRANSFER

Motion by Trustee Troche, seconded by Trustee Drago, authorizing Village Treasurer Andrea J. Windoft to transfer \$ 2,000.00 from the Trust & Agency account #T1093-30 to the police equipment account #A3120.20, in order to purchase five new computers for the Lakewood-Busti Police Department.

Adopted: 3 ayes, no nays (Drago, Lane, Troche)

RESOLUTION #104-2011-2012 – CONFIRM APPOINTMENT TO PLANNING BOARD

Motion by Trustee Drago, seconded by Trustee Lane, to confirm Mayor Wordelmann's appointment of Mrs. Marion Gibbon, 92 West Summit Street, as a member of the Village of Lakewood Planning Board. Mrs. Gibbon fills the vacancy created by the appointment of former Planning Board member Ms. Susan Lane, to the Village Board of Trustees.

Adopted: 3 ayes, no nays (Drago, Lane, Toche)

Motion by Trustee Troche, seconded by Trustee Lane, and unanimously carried, the Board adjourned at 7:35 PM.

Joseph M. Johnson
Village Clerk