

JUNE 22, 2015

The thirtieth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, June 22, 2015 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Ellen E. Barnes, David J. Di Salvo and Susan F. Drago. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Village Attorney Edward P. Wright, Fire Chief Kurt W. Hallberg and Building Inspector Jeffrey A. Swanson. Absent were Trustee John Jablonski and Department of Public Works Supervisor Thomas R. Pilling.

#### APPROVAL OF MINUTES

Motion by Trustee Drago, seconded by Trustee Barnes, to approve the minutes of the last regular meeting of the Board of Trustees, held June 8, 2015. Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

#### AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated June 22, 2015 be approved and that the Clerk shall execute said abstracts (#1, #2 & #3) and direct payment by the Treasurer. Capital Fund: \$ 5,135.00 (Check #11816), Trust & Agency Fund: \$ 56,780.41, (Checks #3372 thru #3384), General Fund: \$ 78,678.44, (Checks #11817 thru #11856).

Adopted: 4 ayes, no nays (Barnes, Di Salvo, Drago, Jablonski)

#### REPORTS

Although D.P.W. Supervisor Pilling was absent Mayor Wordelmann indicated he received a written report from Mr. Pilling stating the cost to replace the wall near the intersection of Lakeview Ave. and E. Terrace Ave., which was recently damaged by motorist, has been estimated at \$ 4,000.00, and because the New York State Department of Environmental Conservation (NYS DEC) now requires all brush to be chipped before it's buried, Mr. Pilling would like permission to purchase jointly with the Town of Busti a brush grinder at a cost of \$ 15,000.00 per municipality.

Mayor Wordelmann also reported that eleven letters have been sent to residents who have violated the monthly brush pick-up rules and regulations. Mayor Wordelmann added the Department of Public Works will continue to provide this service throughout the fall and those not following the rules and regulations will be notified.

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to five thousand four hundred sixteen reportable incidents year-to-date. He also reported Officer Michael T. Currie recently graduated from Crime Scene Investigator School and that the K-9 dog, Miro was credited with his first felony arrest. Chief Bentley said he is pleased to announce that Officer Timothy M. Riley has been named Law Enforcement Officer of the Year by the local chapter of the American Red Cross for his brave efforts to attempt to rescue a child trapped in a burning house on Kortwright Road the afternoon of September 18, 2014. A breakfast honoring all the

hometown heroes will be held Wednesday, June 24<sup>th</sup> at Moon Brook Country Club.

Fire Chief Hallberg reported that the Lakewood Volunteer Fire Department has responded to four hundred twenty-two alarms year-to-date, forty-two of which occurred since the last meeting. Chief Hallberg also reported that the fire department responded to the fatal motorcycle-truck accident that occurred recently on Rt. 474 and responded to one unattended death.

JUNE 22, 2015 (CONTINUED)

Village Treasurer Andrea J. Windoft reported that there has been a steady flow of village tax payments in June so far and asked The Post-Journal reporter if she would kindly note if property owners, for one reason or another have not received their 2015-2016 Village Tax Bills, to please contact the Village Treasurer's Office.

Mayor Wordelmann reported that figures at the end of the fiscal year indicate the Village of Lakewood's fund balance increased by \$ 168,000.00, up to a total of \$ 370,000.00. That figure plus the fact that there wasn't a tax rate increase indicates a good job was done on budgeting.

Trustee Di Salvo asked Building Inspector Swanson if he has any response from letters he sent to property owners in connection with property maintenance issues.

Building Inspector Swanson said the response to the Order to Remedy letters has been lukewarm and that he is working with Village Attorney Wright and Police Chief Bentley, so if certain cases end up in court the paperwork will be in order. Mr. Swanson said some of the property owners are trying to comply but for many having the resources to make improvements becomes a stopping point. It boils down to how the code enforcement officer perceives the situation. One would like to think if the property owner had the money they would make the necessary repairs to their home. If one fines the home owner, they'll have less money to make home repairs.

Trustee Di Salvo said he disagrees with one point made by Mr. Swanson, saying he believes that some of those who received Order to Remedy letters are absentee landlords who have the means to make repairs, but just don't want to spend the money.

Mr. Swanson said it is his understanding the law doesn't allow him to bring out of state property owners back to New York State for such violations.

Trustee Di Salvo suggested that property owners in violation of the codes be chased down and pulled into Town Court. The Village of Lakewood needs to do its due diligence and let the chips fall where they may. Property owners shouldn't be given a free ride just because they live out of town.

Building Inspector Swanson indicated he has a lot on his plate right now but he is willing to do what it takes to have property owners comply with the various codes. He suggested the Board of Trustees compile a top ten list of violations as a starting point, because his top ten might not match-up with theirs.

Trustee Di Salvo said he appreciates Mr. Swanson's enforcement efforts

however it is very frustrating that there are out of town property owners who have money, but fail to comply with the local codes.

Trustee Di Salvo then asked Mr. Swanson if he has made any progress in developing a management system to keep track of violations and the status of the enforcement process.

Mr. Swanson said he did speak with Mr. David Menzies from Jamestown Business College about setting up a system and expects to hear back from him sometime soon.

#### COMMITTEE REPORTS

Village of Lakewood Historian Susan Lane asked Fire Chief Hallberg if the history museum could have an open house in conjunction with the Lakewood Fire Department's open house during fire prevention week in the fall.

Fire Chief Hallberg said it sounds like a nice idea.

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Mayor Wordelmann indicated the Village Hall is one hundred years old this year and it would be nice to tie a few events together in celebration of this historic building.

Mr. Ted McCague, Chairman of the Comprehensive Plan Steering Committee wished to invite everyone to participate in the first of two public forums/visioning sessions which will be held at 7:00 PM this Wednesday, June 24<sup>th</sup>, at the Gloria Dei Lutheran Church. Mr. McCague then publically thanked The Post-Journal for publishing two recent articles relating to the development of comprehensive plan for the community.

#### RECESS

Motion by Trustee Di Salvo, seconded by Trustee Drago, to recess the regular meeting of the Board of Trustees so as to conduct previously scheduled public hearings.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

Mayor Wordelmann asked the Clerk to read the notices of public hearing as they appeared in the Village of Lakewood's official newspaper.

PUBLIC HEARING - 6:45 PM  
SPECIAL USE PERMIT - 6 FT. FENCE  
7 GLENWOOD AVE.

Mr. George J. Meier, Jr., has submitted an application for a Special Use Permit regarding a proposal to erect approximately 58 lineal feet of 6 ft. high fence along the back portion of his northerly boundary line, replacing the existing fence. In accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

Mr. George Meier indicated he has received written permission from Mrs. Eugene Cotter, owner of the neighboring property at 5 Glenwood Ave., allowing him to locate the proposed fence closer to their common boundary line than the required set-back of 2 ft. Mr. Meier indicated there are several reasons he and his wife desire a 6 ft. high fence, including the condition of the property at 5 Glenwood Ave., to match the other back yard fencing and finally the dogs at 5 Glenwood Ave.

RESOLUTION #156-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, to grant/approve the Special Use Permit application as submitted by Mr. George J. Meier, Jr, 7 Glenwood Ave., whereby he will be allowed to erect 58 lineal feet of 6 ft. high privacy fence along a portion of his northerly boundary line in accordance with Section #25-51, [Fences], of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

PUBLIC HEARING  
SPECIAL USE PERMIT - 6-8 FT. FENCE  
14 GIFFORD AVE.

Mr. Mark Riolo, 14 Gifford Ave., has submitted an application for a Special Use Permit regarding a proposal to erect 26 lineal feet of 6-8 ft. high privacy fence between his back patio area and his neighbor's back deck. In accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

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Mr. William Chandler, 207 West Summit Street, indicated to Mayor Wordelmann he will be speaking for Mr. Riolo, who is on his way to tonight's public hearing. Mr. Chandler said Mr. Riolo has a very unique situation because he and his neighbor's house are so close together and just the way the back yards abut each other. Mr. Chandler said Mr. Riolo and his wife purchased what was a rental property and have done a wonderful job in fixing it up. Mr. Chandler also said it is his understanding that Mr. & Mrs. Riolo's neighbors, Mr. & Mrs. Robert J. Kwasneski, 205 West Summit St., have submitted a memo stating they have no objection to Mr. Riolo's proposed fence.

Mr. Kurt W. Hallberg, indicated that having lived at 3 Delaware Ave. for the past twenty-eight years, the property at 14 Gifford Ave., thanks to the efforts of Mr. & Mrs. Riolo, looks better now than it ever has. Mr. Hallberg said whatever Mr. & Mrs. Riolo are proposing it will be a plus to the neighborhood.

Trustee Drago said as a Brook Street neighbor, she agrees that the back yards are very close and because of the height of Mr. Riolo's neighbor's deck it is possible one could still see over a 6 ft. fence.

Village Attorney Wright indicated to Mayor Wordelmann and the Board of Trustees that in accordance with the Village of Lakewood Zoning Law, the maximum height of a fence that they can approve is 6 ft.

RESOLUTION #157-2014-2015 - APPROVE SPECIAL USE (FENCE) PERMIT APPLICATION

Motion by Trustee Di Salvo, seconded by Trustee Barnes, to grant/approve the Special Use Permit application as submitted by Mr. Mark Riolo, 14 Gifford Ave., whereby he will be allowed to erect 26 lineal feet of privacy fence between his back patio area and his neighbor's back deck with the condition that the fence be no higher than 6 ft. and that it be erected in accordance with Section #25-51, [Fences], of the Village of Lakewood Zoning Law.  
Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

PUBLIC HEARING  
SPECIAL USE PERMIT - 5 FT. FENCE  
106 WINCHESTER ROAD

Ms. Jillian Shults, 106 Winchester Road, has submitted an application for a Special Use Permit regarding her proposal to erect approximately 308 lineal feet of 5 ft. fence as a rear and side yard enclosure, including two gates. In accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

Mr. Robert Maines, 6 Briggs Street, asked if there are required set-backs for fences.

Mayor Wordelmann said the required set-back for fences along common boundary lines is 2 ft., unless waived in writing by the abutting property owner. He went on to say that in looking at Ms. Shults property survey, it appears that the shed situated in the back yard encroaches upon the Briggs Street right-of-way. Ms. Shults' proposal to locate the fence around the shed therefore would not be permitted. Mayor Wordelmann indicated to Ms. Shults that in order for the Board of Trustees to approve her fence proposal she would need to move the shed to comply with the 8 ft. rear and side yard set requirements and that the fence be located a minimum of 2 ft. from common boundary lines.

JUNE 22, 2015 (CONTINUED)

RESOLUTION #158-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Barnes, seconded by Trustee Drago, to grant/approve the Special Use Permit application as submitted by Ms. Jillian Shults, 106 Winchester Road, whereby she will be allowed to erect approximately 308 lineal feet of 5 ft. fence, including two gates, as a rear and side yard enclosure with the conditions that the existing shed in the back yard be relocated to comply with the rear and side yard set-back requirements and that the proposed fence be located no closer than 2 ft. from common boundary lines.  
Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

PUBLIC HEARING  
SPECIAL USE PERMIT - 5 FT. FENCE  
6 ALTA WAY

Ms. Laurie Shults, 6 Alta Way, has submitted an application for a Special Use Permit regarding her proposal to erect approximately 211 lineal feet of 5 ft. fencing as a side yard enclosure, including one gate. In accordance with Section #25-51, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

Ms. Laurie Shults indicated the fencing she is proposing will enhance the property and provide some level of security also. She added the existing wall along Alta Way will act as part of the side yard enclosure.

RESOLUTION #159-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE ) APPLICATION

Motion by Trustee Drago, seconded by Trustee Di Salvo, to grant/approve the Special Use Permit application as submitted by Ms. Laurie Shults, 6 Alta Way, whereby she will be allowed to erect approximately 211 lineal feet of 5 ft. fencing as a side yard enclosure in accordance with Section #25-51, [Fences] of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

PUBLIC HEARING  
SPECIAL USE PERMIT - 5 FT. FENCE  
21 STONEMAN AVE.

Ms. Bernadette Van der Vliet, 21 Stoneman Ave., has submitted an application for a Special Use Permit regarding her proposal to erect approximately 240 lineal feet of 6 ft. high privacy (wooden) fence, including two gates, as a back yard enclosure for her dogs. In accordance with Section #25, (A-2), [Fences], of the Village of Lakewood Zoning Law, any fence above 4 ft. in height shall require a Special Use Permit.

Ms. van der Vliet indicated she, her husband and their three dogs moved into 21 Stoneman Ave. about three months ago. Because one of their dogs is a jumper, a 4 ft. fence wouldn't be high enough and therefore they would like to enclose their back yard with a 6 ft. high privacy fence. The fence will also provide a level of privacy from Erie Street. If approval for the fence is granted Ms. Van der Vliet said it should be erected within three to four weeks.

Mr. Stan Skrabut, Benadette's husband said as the saying goes, fences make good neighbors and we want to be good neighbors. He said having a fence will prevent their dogs from disturbing the neighborhood and will allow them run loose in the back yard.

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Mrs. William D. Widell, 24 Webster Street, indicated Bernadette and Stan are very good neighbors and are responsible pet owners. Mrs. Widell said she has no objection to their proposed fence.

RESOLUTION #160-2014-2015 - APPROVE SPECIAL USE PERMIT (FENCE) APPLICATION

Motion by Trustee Drago, seconded by Trustee Barnes, to grant/approve the Special Use Permit application as submitted by Ms. Bernadette Van der Vliet, 21 Stoneman Ave., whereby she will be able to erect approximately 240 lineal feet of 6 ft. high wooden privacy fence, including two gates, as a back yard enclosure for her dogs with the condition that the fence be located outside the 10 ft. wide water main easement that runs parallel to the property's northerly boundary line and in accordance with Section #25-51, [Fences], of the Village of Lakewood Zoning Law.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

RESOLUTION #162-2014-2015 - AUTHORIZE RENEWAL OF BOND ANTICIPATION NOTES

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Village Treasurer Andrea J. Windoft and Village Attorney Edward P. "Tad" Wright to renew a Bond Anticipation Note for the John Deere Loader and materials for the new DPW storage building in the amount of \$ 88,000.00 and renew the Bond Anticipation Note for the Case Back-hoe and Dump Truck in the amount of \$ 31,862.20.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

RESOLUTION #163-2014-2015 - TABLE ACTION ON DOCK PERMIT APPLICATION

Motion by Trustee Drago, seconded by Trustee Barnes, for the Board of Trustees to table any action on a 2015 Dock Permit application as submitted by Mr. Charles Pratt, 400 East Terrace Ave., until such a time he submits a copy of a proper Certificate of Insurance. Failure to produce a proper Certificate of Insurance will result in him being requested to remove the dock off the Canal Ave. right-of-way.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

RESOLUTION #164-2014-2015 - CORRESPONDANCE TO BOARD OF ELECTIONS

Motion by Trustee Drago, seconded by Trustee Di Salvo, authorizing Mayor Wordelmann to write a letter to the Chautauqua County Board of Elections, voicing the Board of Trustees' displeasure in Board of Elections' choice of the Lakewood Baptist Church as the new polling place without first consulting and receiving input from members of the municipal board.

Adopted: 3 ayes, no nays (Barnes, Di Salvo, Drago)

Motion by Trustee Drago, seconded by Trustee Di Salvo, and unanimously carried the Board adjourned at 7:17 PM.

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Joseph M. Johnson  
Village Clerk