

JANUARY 18, 2012

A regular meeting of the Planning Board of the Village of Lakewood, New York was held Wednesday, January 18, 2012, 7:30 PM, in the Board Room of the Anthony C. Caprino Municipal Building, 20 W. Summit Street, with Chairman Jon T. Pearson presiding. Board Members present were Sally Bootey, Susan Lane, Herbert Hern and Thomas Moore. Also present was Village Clerk/Secretary Joseph M. Johnson. Absent was Building Inspector Charles L. Smith.

APPROVAL OF MINUTES

Motion by Sally Bootey, seconded by Herbert Hern, to approve the minutes of the special meeting of the Village of Lakewood Planning Board held October 19, 2011.

Adopted: 5 ayes, no nays (Pearson, Bootey, Lane, Hern, Moore)

SPECIAL USE PERMIT/SITE PLAN REVIEW NEW & USED AUTOMOBILE SALES & AUTO 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/Site Plan Review regarding a proposal to establish a new and used automobile sales lot and auto service center on a 1.4 acre site on 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.

Chairman Pearson opened the meeting at 7:30 PM, and asked Mr. Shults if he would briefly explain his proposal to establish a new and used automobile sales lot and auto service center on Mall Blvd.

Mr. Tim Shults indicated that he is in the process of evaluating different auto franchises that he is considering bringing to the Lakewood area. Mr. Shults said he has been approached by different auto manufactures with the desire of establishing a dealership and presence here in Lakewood. He said the lot being considered for development has been vacant for a few years and it is the perfect size for a car franchise. Mr. Shults said plans call for the construction of a 9,000 sq. ft. building, comprised of a 2,000 sq. ft. showroom and a 7,000 sq. ft. service center, which will meet the auto franchise requirements. The annual sales goal for this particular auto franchise would be 300 new cars and 200 used cars. Mr. Shults indicated the proposed building set-backs would be a 50 ft. front yard set-back from Mall Blvd. and a 30 ft. rear yard set-back. Mr. Shults said he doesn't have a detailed site plan to share with the Planning Board at this time because it would be based specifically on the particular auto franchise.

Mr. Shults said he is aware that there have been surface water drainage problems at the Chautauqua Mall parking lot following rain events, however a preliminary engineering report suggests that any surface water generated on the site could be directed north along Mall Blvd. and discharge into the closed drainage system on NYS Rt. 394.

Mr. Shults said a Phase I and Phase II inspection of the parcel has been conducted and it is considered "clean". A wetland delineation for the property was also done and it was determined the parcel was clear.

JANUARY 18, 2012 (CONTINUED)

Mr. Shults said he is looking for the Planning Board to give this project a favorable recommendation so it may move forward. Obviously, he doesn't wish to purchase the property unless he is able to establish an auto dealership on the site. He said everything including environmental review, financing, etc., have been met and is hopeful the application for the Special Use Permit and Site Plan Review is approved. Mr. Shults said the proposed auto franchise should initially create twelve new jobs which could increase to twenty. Mr. Shults concluded his presentation by stating any lighting would not spill over onto neighboring properties and that the service center will be a modern, good looking building.

Board member Herbert Hern indicated to Mr. Shults one important thing that the Planning Board is concerned with is the amount of green space that will be maintained on the site. He said, without a detailed site plan it is difficult to review what exactly you are planning to do. Mr. Hern said the local zoning law requires a minimum of 10% of the lot to be green space. Mr. Hern said we as a board would like to see more green space and less concrete.

Mr. Shults said the way the property is situated it will be very easy to provide at least twenty-five feet of green space along Mall Blvd. Mr. Shults said he plans on having planters at each entrance/exit.

Board member Sally Bootey asked Mr. Shults what type of sign is he planning to erect on the site.

Mr. Shults said he is leaning towards having a monument type sign versus a tall pylon sign.

Board member Susan Lane asked Mr. Shults what hours does he expect the dealership to be open.

Mr. Shults said typically we would be open 8:00 AM – 8:00 PM, Monday, Tuesday & Thursday, 8:00 AM – 6:00 PM, Wednesday & Friday and 8:00 AM – 3:00 PM, Saturday.

Chairman Pearson indicated he doesn't have any problems with the project from a conceptual standpoint but without a detailed site plan to review it is impossible to make a positive recommendation to the Board of Trustees.

Mr. Shults said he is up against some deadlines in connection with closing on the property. He added it is his understanding that his application for a Special Use Permit and Site Plan Review could be granted pending the review and approval of a detailed site plan.

Motion by Sally Bootey, seconded by Thomas Moore, for the Planning Board to approve the concept of the proposal submitted by Shults Real Estate, 181 East Fairmount Ave., to establish a new & used automobile sales lot and service center at 90 Mall Blvd., and to recommend that the Board of Trustees approve/grant Shults Real Estate's application for a Special Use Permit/Site Plan Review, allowing the establishment of a new and used automobile sales lot and the construction of a 9,000 sq. ft. auto service center, at 90 Mall Blvd., pending the review and approval of a detailed site plan and the submittal of a completed and executed State Environmental Quality Review (SEQR) Short Environmental Assessment Form.

Adopted: 5 ayes, no nays (Pearson, Bootey, Lane, Hern, Moore)

JANUARY 18, 2012 (CONTINUED)

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.

Chairman Pearson asked Ms. Magnuson if she would briefly explain her proposal to reopen the bar at 103 Chautauqua Ave.

Ms. Magnuson said she grew up here and has lived in Lakewood for the past twenty-three years. She indicated that she had previously worked for McDonalds Restaurant as a manager in Westfield, N.Y., and worked for Mr. Daryl Ferraro, the former proprietor of Yesterdays, for five years. When the bar closed she looked elsewhere for work but there weren't many jobs out there. It was then she decided to look into the possibility of re-opening Yesterdays. With the help from her sister she pooled some money together and decided to go for it. Ms. Magnuson said she didn't realize she needed a Special Use Permit from the Village of Lakewood to re-open the bar and was disappointed that no one from the Village of Lakewood informed her.

Ms. Magnuson indicated that she is willing to do anything that the Village of Lakewood requires of her to allow the business to re-open. She sees the opportunity for the business to have a positive impact on Chautauqua Ave. with the hope that the remaining empty storefronts along Chautauqua Ave. will soon be occupied. Being able to reopen will give area residents a local place to go as opposed to a private club or franchise bar/restaurant. Ms. Magnuson said she hopes to generate a nice lunch crowd adding she serves up the best chicken wings in town.

Board member Sally Bootey asked Ms. Magnuson if she intends to improve the exterior of the building and suggested that the shed on site, which is a huge eyesore, be removed as soon as possible.

Ms. Magnuson said she has done a lot of work on the inside and has plans to do a lot outside once spring arrives. She said as a lakeside community she would like to attach a nautical theme to her business. One of the improvements outside will be the painting of the chairs and tables and general clean-up of the patio area.

Chairman Pearson indicated to Ms. Magnuson one complaint that has been expressed in past years, particularly during the summer months, has been noise/disturbance of the peace. He then asked her how does she intend to manage this potential problem.

Ms. Magnuson said during warmer months, she intends to make use of the building's air conditioning unit and in doing so keep the doors closed. In addition to that, she will ask all her customers to certainly respect the neighbors.

Chairman Pearson asked Ms. Magnuson if she plans on changing any of the existing signs or lighting.

Ms. Magnuson said she is operating under a temporary liquor license which is valid through March 2012.

JANUARY 18, 2012 (CONTINUED)

Ms. Magnuson said come April 2012 she intends to change-out the business signs located on the exterior of the building.

Board member Susan Lane asked Ms. Magnuson what are her business hours.

Ms. Magnuson said currently she is open from 10:00 AM – 2:00 AM. When the bar has karaoke on Friday nights, she intends to only allow this form of entertainment until 1:00 AM. Customers will then have an hour to either linger or exit gradually versus everyone leaving at closing time.

Board member Susan Lane said she recalls there have been complaints about fowl language coming from the outside patio on occasion and wondered how Ms. Magnuson intends to address that particular issue.

Ms. Magnuson said it boils down to our customers having respect for the neighbors. She isn't re-opening the bar to cause problems for anybody. An option would be to move the patio from the side of the building to the front off Chautauqua Ave., which would move any noise farther away from nearby residences.

Chairman Pearson asked Ms. Magnuson if she is planning any special events outdoors during the summer.

Ms. Magnuson said Mr. Ferraro did a nice job in years past by having a band on the 4th of July to draw people to the Village of Lakewood. She said last 4th of July we all learned that without something going on at Yesterdays there isn't too much going on along Chautauqua Ave. during the afternoon. She would like to work closely with the Village of Lakewood to enhance the annual Summerfest/4th of July Festival and bring it back to a quality event as in years past. Ms. Magnuson said she realizes she would have to get permission from the Village of Lakewood and the New York State Liquor Authority to conduct outside events. Other possible dates for outside events or promotions would be Memorial Day and Labor Day weekends.

Board member Susan Lane asked if Ms. Magnuson is planning any extended lunch hour specials or dinners during the summer months.

Ms. Magnuson said she received some experience in preparing dinner specials while working at The Morse Hotel in Sherman, N.Y., in particular fish fries and prime rib. She also is planning on serving fresh ground beef hamburgers, never frozen.

Board member Herbert Hern said he has been asked on more than one occasion, why did the bar close in the first place.

Ms. Magnuson said all she knows is that the liquor license was never renewed.

Motion by Sally Bootey, seconded by Thomas Moore, that it is the recommendation of the Planning Board for the Board of Trustees to grant/approve Ms. Tammy Magnuson's application for a Special Use Permit, allowing her to re-establish a bar/tavern at the former Yesterdays Bar, 103 Chautauqua Ave. Adopted: 5 ayes, no nays (Pearson, Bootey, Lane, Hern, Moore)

JANUARY 18, 2012 (CONTINUED)

Meeting Adjourned: 7:57 PM

Joseph M. Johnson
Village Clerk/Secretary