

APRIL 17, 2013

A regular meeting of the Planning Board of the Village of Lakewood, NY, was held Wednesday, April 17, 2013, 7:30 PM, in the Board Room of the Anthony C. Caprino Municipal Building, 20 W. Summit Street. Board Members present were Sally Bootey, Marion Gibbon and Thomas Moore. Also present were Village Clerk/Secretary Joseph M. Johnson and Building Inspector Charles L. Smith. Absent were Chairman Jon T. Pearson and Deputy Chairman Herbert Hern.

Village Clerk /Planning Board Secretary Joseph M. Johnson opened the regular meeting of the Planning Board by noting that Planning Board Chairman Jon T. Pearson will be late in arriving to tonight's meeting and suspects Deputy Chairman Herbert Hern is out of town. Mr. Johnson indicated other than the approval of the minutes of the last regular meeting of the Planning Board there is only one other item on tonight's agenda.

APPROVAL OF MINUTES

Motion by Marion Gibbon, seconded by Thomas Moore, to approve the minutes of the last regular meeting of the Planning Board held January 16, 2013.

Adopted: 3 ayes, no nays (Bootey, Gibbon, Moore)

USE REVIEW ADULT NOVELTY RETAIL STORE 305 EAST FAIRMOUNT AVE.

Ms. Jill Laemmerhirt, 26 Hall Ave., Jamestown, N.Y., has submitted an application regarding her proposal to establish an adult novelty retail store at 305 East Fairmount Ave. In accordance with Section #25-82, (A-1) [Duties of the Planning Board], the Planning Board shall provide a report on matters referred to it by the Municipal Board or Building Inspector.

Building Inspector Charles L. Smith indicated that an adult novelty store is not specifically identified as a use by right in the B-2, Highway Business District. An adult themed store however can not be written out of a local zoning law. The only measure a municipality may take in regulating adult themed stores is its location by establishing a specific district which would restrict where they would be allowed. Mr. Smith said there was some discussion regarding this zoning measure the last time the Village of Lakewood amended its zoning law back in 2010.

Building Inspector Smith indicated he has brought this matter before the Planning Board, and will also bring it before the Municipal Board, for their review and comment due to the nature of the proposed business. Mr. Smith then asked the Zoning Permit applicant Ms. Jill Laemmerhirt to briefly describe her proposal to establish an adult novelty retail store in the mini-plaza located behind the Kwik-Fill Convenience Store.

Ms. Laemmerhirt indicated to members of the Planning Board that she has been a part of the Jamestown area community for the past thirteen years and that she is involved with another business venture called Thermo-Imaging.

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Ms. Laemmerhirt said she intends to name the adult novelty store Endless Love. She said the name doesn't define the business but is considerate of neighboring businesses. She noted that the windows and door will be rendered opaque so as not to allow anyone outside to be able to see inside the store.

Prospective customers upon entering the store will be asked for identification as a safeguard to prevent anyone underage inside the store. Ms. Laemmerhirt said her goal is to make the store an oasis for adults to be able to explore the wide range of novelty products. At Endless Love an educated and respective staff will provide a safe and secure environment where responsible adults can confidentially shop for fun and innovative products to enhance their private lives. Endless Love will be a refuge where adults may learn new things and feel free and not to be embarrassed being a customer. Ms. Laemmerhirt said some of the products she will be selling are also offered for sale in stores across the street at the Chautauqua Mall. She said currently local residents travel outside the area to purchase the same products she will be selling. People buying locally will provide a boost to the sales tax revenue for Chautauqua County communities. She said Endless Love will offer a clean and select experience for all who enter. Ms. Laemmerhirt then thanked members of the Planning Board for listening to her proposal this evening and said she would be happy to answer any questions they may have.

Board member Marion Gibbon asked Ms. Laemmerhirt what will be the difference between her business and the adult store located on Jones & Gifford Ave. in Jamestown.

Ms. Laemmerhirt said it shouldn't be shameful to sell adult products. Her proposed store will shed a better light on the business as a whole saying it is unfortunate there is such a stigma attached to this type of business. A stigma she hopes to alter.

Board member Thomas Moore asked Ms. Laemmerhirt with so many vacant retail spaces throughout the county how did she select this particular location.

Ms. Laemmerhirt said unfortunately some of the possible locations she looked at were not available because they were in close proximity to a school, day care, church or park. Because Jamestown already has an adult store she wanted to be in a commercial district outside the City of Jamestown and in a location that had a high traffic count.

Building Inspector Smith asked Ms. Laemmerhirt about the window coverings she is planning on and suggested that she limit any advertising graphics within those window and door coverings.

Ms. Laemmerhirt indicated the only graphics that she anticipates on utilizing will be the store's name and the hours of operation on the door.

Board member Thomas Moore asked Ms. Laemmerhirt if she looked at any other locations in the Village of Lakewood.

Ms. Laemmerhirt said she was interested in a storefront at the Chautauqua Mall having an exterior entrance but that idea never materialized.

Chairman Jon T. Pearson indicated he is concerned that the proposed adult novelty store is near a number of family restaurants such as Applebees, Red Lobster, Ruby Tuesday and Olive Garden.

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Ms. Laemmerhirt said although the proposed store is on East Fairmount Ave. it is set back behind another business that fronts the busy highway.

Board member Marion Gibbon indicated Ms. Laemmerhirt has chosen what appears to be a sensible location in that it is set back from the road plus the local zoning law does not prohibit this type of business

Motion by Sally Bootey, seconded by Marion Gibbon for the Planning Board to approve the proposal by Ms. Laemmerhirt, 26 Hall Ave., Jamestown, N.Y., to establish an adult novelty store named Endless Love at a storefront located within the plaza at 305 East Fairmount Ave.

Adopted: 3 ayes, 1 nay (Pearson, Bootey, Gibbon) (Moore)

Meeting adjourned: 7:51 PM

Joseph M. Johnson
Village Clerk Secretary