

JULY 18, 2012

A regular meeting of the Planning Board of the Village of Lakewood, NY, was held Wednesday, July 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, Marion Gibbon, Herbert Hern and Thomas Moore. Also present were Village Clerk/Secretary Joseph M. Johnson and Building Inspector Charles L. Smith.

APPROVAL OF MINUTES

Motion by Sally Bootey, seconded by Marion Gibbon, to approve the minutes of the last regular meeting of the Planning Board held June 20, 2012.

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

SITE PLAN REVIEW & SPECIAL USE PERMIT APPLICATION PROPOSED OLIVE GARDEN ITALIAN RESTAURANT 328 EAST FAIRMOUNT AVE.

N & D Restaurants, Inc./Darden Restaurants, Orlando, Florida, has submitted a Site Plan Review/Special Use Permit application regarding a proposal to construct a 7,660 sq. ft. Olive Garden Italian Restaurant on a 2.49 acre site at 328 East Fairmount Ave., adjacent to the Chautauqua Mall. In accordance with Section #25-14, (C), [Highway Business (B-2) District], of the Village of Lakewood Zoning Law, the establishment of a bar in a B-2, Highway Business District shall require 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 shall require site plan review.

Ms. Michele Wright, Program Manager, representing L.D. Reeves & Associates, Inc., Covington, VA, indicated to Chairman Pearson and members of the Planning Board that she would like to briefly explain the proposal by N & D Restaurants, Inc./Darden Restaurants, Orlando, Florida to construct an Olive Garden Italian Restaurant here in Lakewood.

Ms. Wright indicated that Mr. Neil Terwilliger, Site Development Manager, representing Darden Restaurants, who was in attendance at last fall's preliminary review of this project sends his greetings and apologizes for not being able to be here this evening. She indicated most people are familiar with the Olive Garden restaurant chain but before speaking about the site plan she would like to briefly touch upon the restaurant itself. Ms. Wright said the Olive Garden restaurant group is part of Darden Restaurants. In New York State Olive Garden Italian Restaurants operate under N & D Restaurants. She went on to say Darden Restaurants is one of the top thirty employers in the United States. Darden Restaurants also owns a family of restaurants including Red Lobster, Longhorn Steak House, Bahama Breeze and Seasons 52. Ms. Wright said one of the reasons this family of restaurants is so successful is that they all are corporately owned and operated, which translates into a level of consistency and training that each and every restaurant manager strives for. Also, Olive Garden has a training institute in Tuscany, Italy. So when diners notice changes in the menu, some of those seasonal menu or ingredient changes originate in Italy. Ms. Wright said Olive Garden has been working with Building Inspector Charles L. Smith since last fall and has been very appreciative of his guidance and patience as we've tried to arrive at an site plan that is compliant with the local zoning law as well as being consistent with the high quality that Darden Restaurants always strives for.

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Ms. Wright indicated that the site had originally been a J.C. Penny Auto Center and most recently a Firestone Auto Center. There will definitely be a drastic change in appearance and use for this particular parcel of land.

In review of the site plan Ms. Wright indicated that the grassy area along Rt. 394 for the most part will be maintained as is. She noted the restaurant will have a front yard set-back of 166 ft. from the public right-of-way and plans call for one hundred forty-six parking spaces, which exceeds the number required by the local zoning law. Based on experience and knowledge regarding customer flow, Olive Garden provides enough parking to adequately serve its customers. She indicated that there is a very positive relationship between Olive Garden and Simon Property, owners of the Chautauqua Mall relative to traffic movement on their respective sites.

Ms. Wright said there was a question posed before the meeting about storm water management and green space. She said other than the green space along Rt. 394, the balance of the site is considered impervious. She said Olive Garden will be adding a significant amount of landscaping around the building as well establishing green space around the perimeter of the parking lot. Also a number of trees and shrubs will be introduced to the site. Ms. Wright did say that an area variance application has been submitted in connection with the number of signs allowed and is expected to be reviewed by the Zoning Board of Appeals at their August 2012 meeting. Ms. Wright indicated that due to a minor change in the floor plan of the mechanical room, the overall structure will increase in size from 7,660 sq. ft. to 7,735 sq. ft. Ms. Wright said one feature of the site plan is that instead of placing dumpsters and other waste management facilities off in some corner of the site, Olive Garden makes the management of waste a part of the restaurant structure. It makes for a more sanitary and aesthetically attractive appearance.

Board member Sally Bootey asked Ms. Wright if the grassy area in front of the site was going to remain only grass.

Ms. Wright said Olive Garden would like to introduce some shrubbery in that particular area, however due to the site's proximity to the New York State highway, (Rt. 394), Olive Garden has some limitations as to what can be planted along the road.

Board member Marion Gibbon asked Ms. Wright if certain plantings that hold water could also be introduced to the site so there wouldn't be so much storm water run-off following heavy rain events.

Ms. Wright said there will be some grading of the site, plus the introduction of additional green space could reduce the amount water run-off at that location. She also said they will be utilizing the existing storm water drainage system for their tie-ins, etc.

Deputy Chairman Herbert Hern asked Ms. Wright if Darden Restaurants have purchased the property.

Ms. Wright indicated to Mr. Hern that the property has been purchased and that N & D Restaurants, Inc. is a subsidiary of Darden Restaurants.

Chairman Pearson asked Ms. Wright about the exterior lighting being proposed for the site.

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Ms. Wright indicated that lighting will be such that will provide safety for our guests as well as our staff as they traverse the parking area. The actual fixture will be a box style that is shielded and produces minimal light spillover.

Chairman Pearson asked if the easterly entrance/exit to the mall property is going to be closed-off.

Ms. Wright then reviewed the traffic patterns within the site plan with Chairman Pearson and members of the board.

Chairman Pearson is concerned about a potential safety issue if customers of the mall are allowed to drive through the Olive Garden's parking lot from Rt. 394.

Ms. Wright said it will be a learning curve for customers of the mall as well guests of the restaurant with respect to making use of the most easterly access to the property versus utilizing the wider entrance/exit which runs parallel to the restaurant's westerly boundary line. Once developed the site will look much different and actually feel different. Ms. Wright added that according to their engineers and officials from the New York State Department of Transportation, they do not anticipate any significant risk with the proposed traffic patterns around the restaurant. Needless to say if someone is thoughtless and/or careless enough whereby they wish to speed through the parking lot, they are making a bad decision in doing so.

Mr. John Jablonski, III, 213 Spruce Street, Village of Lakewood Trustee and Executive Director of the Chautauqua Watershed Conservancy, indicated that he is pleased to see this investment in our community plus it is a tremendous improvement of what had been on the project site. He believes however we are missing a big opportunity here. The main pipe that drains the mall parking lot runs adjacent to the project site. A large storm water storage and treatment area could have been constructed in conjunction with the Olive Garden project which would have improved the quality of stormwater that is discharged into the adjacent creek and ultimately reduce the erosion of its banks. The creek downstream looks as if someone has spilled blue and green paint into it. Mr. Jablonski said he is very disappointed that no one had the foresight to suggest something be done to improve the water quality in this tributary before now.

The Village Board of Trustees has voiced concerns about the aesthetics throughout Lakewood. Mr. Jablonski went on to say that Rt. 394 is one of the main arterials in southern Chautauqua County and it is very important that vacationers, visitors and residents alike should feel they are traveling through one of the nicest parts of the county when entering our community. Mr. Jablonski was happy to say that the landscaping around the Red Lobster restaurant, one of the other restaurants owned by Darden Restaurants is outstanding and that he hopes the level of landscaping around the Olive Garden restaurant is as good if not better. Mr. Jablonski said he is pleased to see the stormwater drainage system is equipped with oil and sediment separators. One suggestion he would like to make is for the developer to consider planting more trees in the area in front of the restaurant and that a few larger trees be planted in the back.

Ms. Wright wished to refer to the landscaping plan and proceeded to note the kind of trees, shrubs and plantings proposed for the site, which number 846.

Mr. Jablonski then would also like to see a few swales developed along the front and east side of the site which will act as temporary storage areas for stormwater running off the site. He then asked if there are any stormwater storage areas proposed for under the separators.

Building Inspector Smith indicated that there is some stormwater storage areas within the catch basins.

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Mr. Jablonski said the New York State Department of Environmental Conservation standards for stormwater drainage are not strong enough to protect a lake just a few hundred yards from the project site. Mr. Jablonski reiterated he would like the developer to consider planting more trees in front and on the east side of the project site.

Chairman Pearson indicated to Mr. Jablonski that it is the Planning Board's job to review the site plan. The particulars of the site plan as he would like to see it should be brought up when the Board of Trustees reviews this project next Monday evening. Our function is to determine if the applicant has met the various criteria as prescribed in the local zoning law.

Mr. Jablonski indicated that part of the review process is aesthetics and determining how a project of this scope is going to impact the environment. In closing Mr. Jablonski said he appreciates the opportunity to raise these particular concerns of his.

Board member Gibbon said it is very important to bring up these questions now rather than after the Board of Trustees make their decision on the site plan.

Deputy Chairman Hern said he is very pleased to see the number of trees, shrubs and plantings proposed for the site.

Chairman Pearson said a few more trees along the front of the site is something that could easily be handled.

Ms. Wright said there are trees already planned for the front and sides but would welcome any input from the Board of Trustees.

Deputy Chairman Hern asked Ms. Wright what is the size of a typical parking space.

Ms. Wright said the parking spaces planned for this site are 9 ft. x 18 ft. She then went on to briefly explain the various clusters of parking spaces located around the restaurant.

Mr. Jablonski did raise another question about the type of soils around the restaurant, because when compacted there is very little filtration of surface water.

Ms. Wright said Olive Garden utilizes standard landscaping installation principles with the green space around the building assisting with proper stormwater management.

Building Inspector Smith did voice some concern with the possibility of people driving right through the proposed parking lot to get to the mall, however a solution to that problem might be a small island located on the mall property to deter people from driving through. Mr. Smith added it is important to maintain the back entrance for emergency services access, deliveries, waste management, etc. He went on to say that Ms. Wright made a valid point it might just be a matter of time before the potential issue of people driving through the parking lot will disappear.

Ms. Wright said it is very important to maintain the parcel's access to Rt. 394.

Chairman Pearson said with no one else to be heard, he would entertain a motion.

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Motion by Herbert Hern seconded by Thomas Moore, that it is the recommendation of the Planning Board for the Board of Trustees to grant/approve the Special Use Permit and Site Plan Review application as submitted by N & D Restaurants, Inc./Darden Restaurants, Orlando, Florida, whereby they will be allowed to construct a 7,735 sq. ft. Olive Garden Italian Restaurant, which includes a bar, on a 2.49 acre site at 328 East Fairmount Ave., adjacent to the Chautauqua Mall.
Adopted: 5 ayes, no nays (Pearson, Hern, Bootey, Gibbon, Moore)

Meeting adjourned: 8:08 PM

Joseph M. Johnson
Village Clerk/Secretary