

OCTOBER 17, 2012

A regular meeting of the Planning Board of the Village of Lakewood, NY, was held Wednesday, October 17, 2012, 7:30 PM, in the Board Room of the Anthony C. Caprino Municipal Building, 20 W. Summit Street, with Deputy Chairman Herbert Hern presiding. Board Members present were Jon Pearson, Sally Bootey and Thomas Moore. Also present were Village Clerk/Secretary Joseph M. Johnson and Building Inspector Charles L. Smith. Absent was Planning Board member Marion Gibbon.

APPROVAL OF MINUTES

Motion by Sally Bootey, seconded by Thomas Moore, to approve the minutes of the last regular meeting of the Planning Board held July 18, 2012.

Adopted: 4 ayes, no nays (Hern, Bootey, Moore)

SITE PLAN REVIEW TWO STORY MIXED USE BUILDING 140-144 CHAUTAUQUA AVE.

Ms. Betsy H. Shults, 1 Pine Ave., has submitted an application for Site Plan Review in connection to a proposal to construct an 87 ft. x 117 ft. two story mixed use commercial and residential building at 140-144 Chautauqua Ave. 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.

Deputy Chairman Hern asked if anyone would like to walk us through Ms. Shults' proposal.

Ms. Laurie Shults, daughter of the applicant Ms. Betsy H. Shults, indicated she is working with Mr. Donald Harrington, of Harrington Architecture, Jamestown, N.Y., by helping out with some of the design features of the proposed mixed use building. Ideally we are seeking a maximum of four retail tenants to occupy the first floor and plan on having two luxury apartments on the second floor. The apartments will have two car garages and use of an elevator. Ms. Shults said the retail space at the north end of the building is being proposed as bistro/restaurant.

Mr. Harrington indicated to Chairman Hern and members of the Planning Board that last week the Zoning Board of Appeals granted/approved an application as submitted Ms. Betsy H. Shults for height and rear yard set-back variances. Although the building is only set-back 3 ft. to 3 ft. 5 in. from the back property line it will be approximately 8.5 ft. to 13 ft. from the edge of the pavement of the alleyway. This will allow an enclosed dumpster to be located within that space. Mr. Harrington said the set-back from the southerly property line will be 3 ft., and is considered a "zero lot line" wherein the New York State Fire Codes will not permit any windows or doors in the southerly wall of the building. Mr. Harrington said the building is set back 5 ft. from the lot's northerly property line which could allow for some addition parking spaces along the West Second Street side of the building.

Ms. Shults said a nice feature of the two luxury apartments will be two car tandem garages serving each individual apartment. The garages will provide convenience and a measure of safety for the tenants.

Mr. Harrington indicated that in addition to the garages the apartments will have an elevator, a stairwell and storage space on the first floor.

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Deputy Chairman Hern asked Mr. Harrington about “green space”.

Ms. Shults said because there won't be any windows or doors on the south wall, she is entertaining thoughts of doing a “living wall” with assorted vines.

Mr. Harrington said much of the lot is covered with the building but in addition to the beautiful trees along Chautauqua Ave., there will likely be some potted plants and planters situated in the front and around the bistro's seasonal outside dining area.

In describing the second floor of the project Ms. Shults said each luxury apartment will have approximately 2,500 sq. ft., two bedrooms, two full baths and a half bath, a den area, plus a large living room that leads to an outside terrace overlooking Chautauqua Ave. and a small deck off the backside of the dwelling unit. The tenants targeted for these apartments are young professionals who might not be in the market for a home right now but still want a nice place to live if only for a couple of years.

Mr. Harrington said originally there were plans for four second floor apartments but for several reasons it was decided two apartments would work out best.

Mr. Harrington then explained the pitched roof plan which will allow for additional window openings and will provide a great surface on which solar panels can be installed.

Ms. Shults indicated the two towers on each end allows for a mezzanine or loft at both ends of the retail space. She said a couple potential tenants have shown an interest in this project and we hope to start construction in the spring of 2013.

Motion by Sally Bootey, seconded by Thomas Moore, that it is the recommendation of the Planning Board for the Board of Trustees to approve/grant the application for Site Plan Review as submitted by Ms. Betsy H. Shults, 1 Pine Ave., whereby she would be allowed to construct an 87 ft. x 117 ft. two story mixed use commercial and residential building at 140-144 Chautauqua Ave. Deputy Chairman Hern and members of the Planning Board said they are very excited about the project and that it will be a welcomed addition to the other businesses along Chautauqua Ave.
Adopted: 3 ayes, no nays (Hern, Bootey, Moore)

SPECIAL USE PERMIT
AUTOMOBILE SALES LOT
373 EAST FAIRMOUNT AVE.

Mr. Lawrence G. Spacciapolli, 4586 West Lake Road, Dunkirk, New York, has submitted an application for a Special Use Permit in connection to a proposal to establish an automobile sales lot at 373 East Fairmount Ave., corner of Fairdale Ave. In accordance with Section #25-14, (C-10), [Highway Business (B-2) District] of the Village of Lakewood Zoning Law, the establishment of an automobile sales lot in a B-2, Highway Business District requires a Special Use Permit.

Mr. Spacciapolli indicated to Deputy Chairman Hern and members of the Planning Board that he is proposing to establish a used automobile sales lot at 373 East Fairmount Ave., at the corner of Fairdale Ave. Mr. Spacciapolli said the structure on site will be renovated and utilized as offices and mini showroom.

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He also plans on installing eight new light poles along the outside perimeter of the property. They will be 1,000 watt shoe box type light fixtures with very little light spillover. The existing pylon sign out front will likely be eliminated and a new monument type sign will be installed within the green space along Rt. 394. The existing green space will be maintained, the trees within the public right-of-way along East Fairmount Ave. will remain intact and there are plans to add some shrubs and other vegetation around the building. Mr. Spacciapolli indicated he originally wished to pave the entire sales lot before winter but because the water and sewer lines needed to be repaired he is going to cover the excavated areas with millings, allow the excavations to settle and pave in the spring.

Mr. Spacciapolli said although the preliminary plot plan indicates thirty-nine spots to display cars, but he believes there might be enough room for forty-nine or fifty spots.

Deputy Chairman Hern asked Mr. Spacciapolli if he is selling new or used cars and what is his estimated timetable for opening.

Mr. Spacciapolli indicated 100% of the cars he will be selling are used cars and is hopeful to be operational within forty-five to ninety days.

Deputy Chairman Hern then asked Mr. Spacciapolli if there has been a Phase I environmental study done on the site.

Mr. Spacciapolli indicated the owner conducted Phase I, II & III environmental studies on the site and that any and all contaminated dirt found was tested, taken off site and properly disposed of.

Planning Board member Thomas Moore asked Mr. Spacciapolli if the high traffic volume on Rt. 394 was a major factor in his decision to start a used car business in Lakewood.

Mr. Spacciapolli indicated the high traffic volume that Rt. 394 produces was definitely a factor in deciding to come to Lakewood. Vineyard Drive in the north county and Fairmount Ave. are basically the two highest traffic counts in Chautauqua County.

Board member Sally Bootey noted that the intersection of East Fairmount Ave. and Fairdale Ave. is very busy.

Mr. Spacciapolli indicated that although it is a very busy intersection customers will have the option of exiting onto Fairdale Ave. and make use of the traffic control device at that intersection.

Chairman Jon Pearson asked Mr. Spacciapolli about the green space and display of cars.

Mr. Spacciapolli reiterated all of the existing green space will be maintained and per the Village of Lakewood Zoning Law, cars will be parked a minimum of 25 ft. from the curb line.

Deputy Chairman Hern asked Mr. Spacciapolli if he foresaw making use of advertising thingamajigs, which can be very distracting and annoying.

Mr. Spacciapolli indicated that he only will use advertising gadgets during specific sales events. When used every day those advertising gadgets become ineffective.

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Chairman Pearson said he is not convinced that a used car lot is the best use for this particular commercial property however he doesn't wish to see this lot remain unoccupied. He went on to say that as a driving instructor he is very concerned with any additional distractions along Rt. 394. There is more than enough in place already. Any advertising gadgets used will only add to the many distractions along this stretch of highway.

Deputy Chairman Hern noted previously when the property was the site of a men's clothing store, there was traffic in and out all day long without any major traffic problems. It is his opinion that a used car lot won't generate the traffic that the men's clothing store did.

Mr. Spacciapolli agreed with Mr. Hern saying he wants people to drive by and see his cars on display. Anytime a car salesman can display merchandise in front of 30,000 cars per day, that's the reason I'm here before you this evening. The higher the traffic count the better it is for business.

Board member Thomas Moore said a used car lot wouldn't be his first choice for this prime piece of property either but it is much better than an empty building and there is no reason to deny Mr. Spacciapolli's proposal.

Motion by Jon Pearson, 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 application as submitted by Mr. Spacciapolli, 4586 West Lake Road, Dunkirk, New York, whereby he will be allowed to establish a used car lot at 373 East Fairmount Ave. and be operated in accordance with Section #25-44 [Vehicle Sales] of the Village of Lakewood Zoning Law.

Adopted: 4 ayes, no nays (Pearson, Hern, Bootey, Moore)

Meeting adjourned: 8:03 PM

Joseph M. Johnson
Village Clerk/Secretary