

OCTOBER 11, 2012

A regular meeting of the Zoning Board of Appeals of the Village of Lakewood, NY, was held Thursday, October 11, 2012, 6:30 PM, in the Board Room of the Anthony C. Caprino Municipal Building, 20 W. Summit Street, with Chairman William F. Chandler presiding. Board Members present were Louis S. Drago, Jr., Duane F. Anderson and Willard Anderson. Also present were Village Clerk/Secretary Joseph M. Johnson and Building Inspector Charles L. Smith. Absent was Zoning Board of Appeals member Myra V. Blasius.

#### APPROVAL OF MINUTES

Motion by Duane F. Anderson, seconded by William F. Chandler, to approve the minutes of the last regular meeting of the Zoning Board of Appeals held September 13, 2012.  
Adopted: 4 ayes, no nays (Chandler, Drago, D. Anderson, W. Anderson)

#### HEIGHT & REAR YARD SET-BACK VARIANCES 140-144 CHAUTAUQUA AVE.

Ms. Betsy H. Shults, 1 Pine Ave., has submitted an application for a height variance and a rear yard set-back variance in connection to a proposal to construct a two (2) story mixed use commercial and residential building measuring 87 ft. x 118 ft. at 140-144 Chautauqua Ave. The proposed southerly elevation indicates a building height of 34 ft. rather than the maximum allowable building height of 30 ft. as prescribed in Section #25-13, (E) [Retail Business (B-1) District], of the Village of Lakewood Zoning Law. The proposed site plan indicates a rear yard set-back of 3 ft. to 3 ft. 5 in. rather than the required 10 ft. as prescribed in Section #25-13, (E) [Retail Business (B-1) District], of the Village of Lakewood Zoning Law.

Ms. Laurie Shults, 6 Alta Way, indicated to Chairman Chandler and members of the Zoning Board of Appeals she is representing her mother and father at this evening's meeting to review and explain some of the design features of the proposed mixed use building. Ms. Shults said the reason for the height variance relates to the desire for some natural light for the retail spaces as well as the apartments. She noted the building will have two second floor luxury apartments and the potential for four retail spaces and mezzanine areas.

Mr. Donald Harrington of Harrington Architecture, Jamestown, N.Y., indicated that the height variance up to 34 ft. will allow added height for the residential units as well as providing the commercial spaces the possibility of having mezzanines.

Mr. Harrington then reviewed the building's footprint with members of the Zoning Board of Appeals as it relates to the lot's property lines.

Chairman Chandler asked Mr. Harrington about the parking as required for the residential units and if there is going to be any additional parking for the retail side of the project.

Mr. Harrington indicated the zoning law requires two parking spaces per residential unit. With that said plans are to provide a two car garage per luxury apartment but in a tandem formation. Mr. Harrington went on to say that the building was pulled back from the northerly property line 5 ft. to allow some additional parking along West Second Street similar to what is on the north side of West Second Street.

OCTOBER 11, 2012 (CONTINUED)

Chairman Chandler noted the second part of the variances request deals with the rear yard set-back for the building. The zoning law requires 10 ft. but the site plan indicates a rear yard set-back of 3 ft. to 3 ft. 5 in.

Mr. Harrington again reviewed the proposed site plan with members of the zoning board of appeals emphasizing the desire to provide as much floor space as possible for the commercial tenants. Mr. Harrington said although the building is only 3 ft. to 3 ft. 5 in. from the property line, it will be approximately 8.5 ft. to 13 ft. from the edge of the pavement of the alleyway immediately west of the project site. Mr. Harrington said there are plans to locate an enclosed dumpster in that space between the building and pavement edge.

Ms. Shults said someone previously mentioned a way to increase the number of parking spaces along Chautauqua Ave. would be to convert them from parallel to diagonal.

Building Inspector Charles L. Smith indicated the intent of the local zoning law is for street or public parking to handle the parking needs in the B-1, Retail Business District which are quite different from the parking needs in the Highway Business (B-2) District located along Rt. 394.

Mr. Harrington said the proposed first floor layout, which includes the two sets of tandem parking spaces along with the rear yard set-back of 3 ft. to 3 ft. 5 in. allows the developer to provide the maximum amount of retail floor space to their prospective tenants, while still providing the required off street residential parking spaces.

Ms. Shults indicated that the residential garages answer three important questions when it comes to renting the two luxury apartments. They eliminate congestion off the back alleyway, they provide safety for the tenants and they take inclement weather out of the equation.

Board of Appeals member Duane F. Anderson suggested that any plans to convert the parallel parking along Chautauqua Ave. to diagonal parking would need approval from the Village Board of Trustees.

Mr. Harrington indicated that although there is some green space between the existing public sidewalk and curbing it would be difficult to do so without encroaching upon the traffic lane on Chautauqua Ave.

Ms. Shults said there shouldn't be any parking issues other than on an occasional evening when the restaurant is busy, but added there some parking alternatives for diners up and down Chautauqua Ave.

Motion by Duane F. Anderson, seconded Willard Anderson, to grant/approve the application for a building height variance and a rear yard set-back variance as submitted by Ms. Betsy H. Shults, whereby she will be allowed to construct an 87 ft. x 118 ft. two story mixed use commercial and residential building at 140-144 Chautauqua Ave. having a building height of 34 ft. rather than the maximum allowable building height of 30 ft and having a rear yard set-back of 3 ft. to 3 ft. 5 in., rather than the required 10 ft. as prescribed in Section #25-13, (E) [Retail Business (B-1) District] of the Village of Lakewood Zoning Law.

Adopted: 4 eyes, no nays (Chandler, D. Anderson, W. Anderson, Drago)

OCTOBER 11, 2012 (CONTINUED)

REAR & SIDE YARD SET-BACK VARIANCES  
28 PENNSYLVANIA AVE.

Mr. Gary Segrue, 16 East Terrace Ave., owner of the single family residence at 28 Pennsylvania Ave., has submitted an application for rear and side yard set-back variances in connection to a proposal to construct a two story addition and deck onto the back of the residence at 28 Pennsylvania Ave. The proposed site plan indicates rear yard set-backs of 16.5 ft. for the two story addition, 11.5 ft. for the deck and a 2 ft. side yard set-back for the deck, rather than the required 20 ft. and 7 ft. respectively, as prescribed in Section #25-11, (E), [Multiple-Family (R-2) District], of the Village of Lakewood Zoning Law.

Chairman Chandler asked Mr. Segrue if he would like to briefly explain his proposal.

Mr. Segrue indicated that his plans call for the razing of the 13 ft. x 18 ft. one story structure off the northwest corner of the house, constructing a two story addition in its place and incorporating that addition into the rest of the house. He also plans on constructing an 8.5 ft. x 10 ft. one story addition (entry way/"mud room") and wooden deck off the southwest corner of the house. Mr. Segrue said the project includes a full basement under the proposed two story addition replacing the substandard foundation. As noted by Ms. Shults at a previous meeting of the Zoning Board of Appeals there is a need for rental properties having three or four bedrooms.

Mr. Segrue then reviewed the proposed site plan with Chairman Chandler and members of the Zoning Board of Appeals. After answering a couple of questions, Mr. Segrue said it is his opinion that any new construction on Pennsylvania Ave. is good for the neighborhood. Mr. Segrue also indicated that because the property has no off street parking, he is going to cut out a section of the embankment in front of the house large enough for two vehicles. Mr. Segrue said the proposed addition will add about 670 sq. ft. of floor space to the existing residence.

Board member Louis S. Drago, Jr., asked Mr. Segrue if he would kindly walk the members of the zoning board of appeals through the architect's floor plan noting what areas are to be razed and what areas will be new construction.

Chairman Chandler said the proposed deck is very close to the common boundary line.

Board member Duane F. Anderson noted that there is a privacy fence between the proposed deck and the residential property next door at 32 Pennsylvania Ave.

Building Inspector Charles L. Smith said if Mr. Segrue wished to put in an at grade patio versus constructing the deck, he wouldn't need a variance. Because of his proposed floor plan and the need for some steps, a deck makes more sense.

Motion by Louis S. Drago, Jr., seconded by Duane F. Anderson, to grant/approve the application for rear and side yard set-back variances as submitted by Mr. Gary Segrue, 16 East Terrace Ave., whereby he will be allowed to construct a two-story addition and deck on the back of the single family residence at 28 Pennsylvania Ave., having rear yard set-backs of 16.5 ft. and 11.5 ft. and a 2 ft. side yard set-back for the deck, rather than the required 20 ft. and 7 ft. respectively, as prescribed in Section #25-11, (E) [Multiple-Family (R-2) District], of the Village of Lakewood Zoning Law.

Adopted: 4 ayes, no nays (Chandler, D. Anderson, W. Anderson, Drago)

OCTOBER 11, 2012 (CONTINUED)

Meeting adjourned: 6:57 PM

---

Joseph M. Johnson  
Village Clerk/Secretary