

**ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
June 13, 2024**

A regular meeting of the Zoning Board of Appeals and Planning Board of the Village of Lakewood, NY was held on Thursday, June 13, 2024 at 6:30pm in the Anthony C. Caprino Municipal Building, 20 W Summit Street.

Present:	Gary M. Segrue	Chairman
	Louis Drago	Board Member
	Jack McCray	Board Member
	John Jablonski	Board Member
	William Chandler	Board Member
Also Present:	Apryl L. Troutman	Village Clerk/Treasurer
	Krysten G. Sisson	Village Deputy Clerk
	Jeff Swanson	Building Inspector
	Marilyn Fiore-Lehman	Village Attorney

The meeting opened at 6:30 PM with the pledge of allegiance.

Mr. Segrue stated there are five (5) items on the agenda.

Item #1

AREA VARIANCE

12 East Terrace

Holly & Peter Sullivan, of 12 East Terrace Ave, Lakewood, NY 14750, has submitted an application proposing the demolition of an existing house and to build a new house. The proposed site plan indicates the request for a minimum lot width 60ft on the west side rather than the required 75ft., maximum lot coverage of 47% rather than the required 40%, a minimum front yard dimension of 20ft on the north side rather than the required 25ft, a minimum side yard of 5ft on the south side rather than the required 20ft, and a minimum rear yard dimension of 10ft on the west side or 5ft on the south side rather than the required dimension of 20ft as prescribed in Section #25-10, (E), [Single-Family (R-1) Residential District,] of the Village of Lakewood Zoning Law.

Chris Cooke Architecture presented the project on behalf of Holly & Peter Sullivan. (See attached)

Mr. Segrue asked about the electric company because he didn't see anything in the plans.

- Mr. Sullivan stated that he did speak with the electric company and that if something needs to be moved around that they would be more than willing to do that. He stated that they are flexible with the project and are willing to do what needs to be done to make everyone happy in the end.

Mr. Drago asked if they would be able to comply with the 40% lot coverage.

- Mr. Sullivan stated that they worked with the number and they would be able to get to around 42% or 43%.
- Mr. Cooke stated that this would just shrink the overall size of the house.

Mr. Jablonski stated his concern about there not being any yard or outside area for activities.

- Mr. Sullivan stated that they have a lot of yard where they live now and it is getting hard to care for with them getting older. He stated that the goal is to have minimal grass area to take care of.

Mr. Drago asked about rain run-off.

- Mr. Cooke stated that it will mostly be captured by the gutters and directed to where we want it to go.

Mr. Segrue asked if anyone in the room would like to speak for the project.

- No one responded.

Mr. Segrue asked if anyone in the room would like to speak against the project.

- Steven Morse spoke against the project with the concerns of losing his view of the lake in two different locations.

ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
June 13, 2024

- Chuck Riley stated that he is not against the project that he is just concerned about the heavy equipment being parked on Ohio Ave., as it is already a very crowded area.
- Another resident spoke out about the dust that is going to be brought up from the demolition from the current house. They stated that they don't have A/C in their house so they leave the windows open often and they are concerned about air quality.
 - o CEO Swanson stated that a demo permit will have to be issued for them to demo the house and anything that could be considered dangerous will be removed from the house before the house is demoed completely.

Mrs. Sullivan asked if changing the drive way to something that was more permeable would be beneficial to the rain run-off concern that was brought up earlier in the conversation.

- Mr. Jablonski stated yes that would solve most of that issue.

The Board worked through the Area Variance Finding & Decision worksheet answering:

1. Yes
2. No
3. Yes
4. Yes
5. No

Motion by Mr. Drago, seconded by Mr. McCray to approve the project at 22 Lakeview Ave (the demolition of an old house and the building of a new house) with the following variances; minimum lot width 60ft on the west side rather than the required 75ft., maximum lot coverage of 43% rather than the required 40%, a minimum front yard dimension of 20ft on the north side rather than the required 25ft, a minimum side yard of 5ft on the south side rather than the required 20ft, and a minimum rear yard dimension of 10ft on the west side or 5ft on the south side rather than the required dimension of 20ft. As well as the following requirements:

- All electric and gas company right-of-ways must be requested.
- Find out where the sewer lines are and move things around if necessary.
- Follow all NYS building and demolition codes.
- Provide CEO Swanson with the demolition permit and have it reviewed by him before the demolition is completed.
- Look for the possibility of alternate parking spots other than Ohio Ave for equipment during demolition and construction as Ohio Ave is already a crowded street.
- Change the drive way to a permeable material
- Not to exceed the 30ft building height

Adopted: 5 ayes, no nays (Drago, Jablonski, Segrue, McCray, Chandler)

Item #2
AREA VARIANCE
22 Lakeview Ave

John & Jody Rosenberger, of 22 Lakeview Ave, Lakewood, NY 14750, has submitted an application proposing a 544 sf addition/alteration. The proposed site plan indicates the request for a maximum lot coverage of 48% rather than the required 40% and a minimum rear yard dimension of 3.5ft rather than the required dimension of 20ft as prescribed in Section #25-10, (E), [Single-Family (R-1) Residential District,] of the Village of Lakewood Zoning Law.

Jody Rosenberger spoke on the project. She mentioned that a building permit was issued and signed back in August of 2023. She stated that the construction was half completed before a stop order was issued.

- The contractor spoke on the project and what has been completed. (see attached plans)
- CEO Swanson also spoke on the project. He stated that back when the permit was issued, he wrote on his drawing that the building must be 8 feet from the property line. CEO Swanson stated that he was not aware of all the work that had been completed and that he was never contacted by the contractor or the owners for inspection. He stated that he was made aware of the project when the neighbor had come in and complained

ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
June 13, 2024

about the project. He stated that at this point he placed a stop work order and brought it to the Zoning Board of Appeals.

- The contractor stated that the building is 3 feet from the fence and 5 feet from her property line.
 - Dale Robbins the attorney representing Lynn Kinnear spoke on her behalf. He stated that the actual structure is 3 feet from the property however the eaves above are only 18 inches from the property. Mr. Robbins passed around pictures to the board so they could review.

Mr. Jablonski asked Jeff to please clarify who issued the building permit.

- CEO Swanson stated that he issued the building permit and that on his plans he wrote that it needed to be 8 feet from the property line. He stated the he would have probably verbalized that to the Rosenberger's.

Mr. Drago asked who the owner of the fence was.

- Both parties were unaware who the fence actually belongs too however it is on the Rosenberger's property shown by the recent survey.

Mr. Drago asked CEO Swanson if the structure was built on the existing foundation other than the extensions north and south.

- CEO Swanson stated yes that this is true.
 - Mr. Drago commented that the extensions north and south aren't the part of the building that is being question.

Mr. Segrue asked if anyone in the room would like to speak for the project.

- Linda Dawson stated that she is the property next to the Rosenberger's and she stated that everything they have been doing has been beneficial to the area and looks wonderful.

Mr. Segrue asked if anyone in the room would like to speak against the project.

- Lynn Kinnear stated that she lives right behind the residence and that the project is taking away from the beauty of her backyard. Lynn stated that this isn't just affecting the look of her property just is also affecting her mental and physical wellbeing.
- Rob Wheelhouse stated that this project is an eyesore and he can't believe that the Village of Lakewood would allow something like this to be built.

Motion was presented by Mr. Chandler to table this discussion until the board had more time to review the project. Mr. Chandler did not receive a second.

The Board worked through the Area Variance Finding & Decision worksheet answering:

1. Yes
2. No
3. No
4. No
5. Yes

Motion by Mr. Drago, seconded by Mr. Jablonski to approve the building variance at 22 Lakeview and lift the stop order for the Rosenberger's to finish the building project with the following requirements:

- The maximum lot coverage of 40% is acknowledged that it's 48% so it's an 8% variance
- The minimum rear yard setback, with the understanding that the fence is 2 foot inside of the line, so then the rear yard fence back according to this would be 5.5 feet with a variance of 14.5 feet.
- The eaves are to be cut down to six inch overhangs,
- No approval motion for secondary structure at this point

Adopted: 3 ayes (Drago, Jablonski & McCray), 2 nays (Segrue & Chandler)

**ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
June 13, 2024**

Item #3

AREA VARIANCE

18 East Summit.

Mrs. Deborah Paddock, of 18 E. Summit Ave, Lakewood, NY 14750, has submitted an application proposing a new fence. The proposed site plan indicates the request for a minimum set back from the right of way of 2ft rather than the required dimension of 10ft. as prescribed in Section #25-50, of the Village of Lakewood Zoning Law.

- Mrs. Paddock explain that she is looking to put up a 6ft vinyl fence to block the alley way when they are sitting in the back yard. She stated that there is a shed on the property that is 4ft from the alley way and that she would extend the fence to the shed from the property line.

CEO Swanson stated that he did speak with Mr. Pilling and that he would like to see the fence placed 4 feet from the ally way instead of 2 feet. He also mentioned that if the fence does go up and get damaged because of work completed by the village for either construction and/or snow plowing the village will not be liable for the damage.

- Mrs. Paddock stated that she is okay with all of these changes.

The Board worked through the Area Variance Finding & Decision worksheet answering:

1. Yes
2. No
3. No
4. Yes
5. Yes

Motion by Mr. Drago, seconded by Mr. McCray to approve Mrs. Paddock to put a fence up that is six feet tall and white vinyl. The fence will be from the corner of the shed extending 30 feet to the property line. The fence must maintain a four foot distance from road edge. As well as if there is any damage because of work completed by the village for either construction and/or snow plowing the village will not be liable for the damage

Adopted: 5 ayes, no nays (Drago, Jablonski, Segrue, McCray, Chandler)

Item #4

Site Plan Review

318 East Fairmount Ave.

EcoStrategies Engineering & Surveying, of 1890 East Main Street, Falconer NY, 14733 on behalf of Quattro Development, LLC has submitted an application proposing the Chipotle & Popeye's Co-Development Project at 318 East Fairmount Ave, Lakewood, NY 14750. The proposed site plan indicates the request for the use of the empty parking spaces in front of JCPenney and redevelop the existing space. The plan is to take this space and build two new outparcel buildings to house Chipotle & Popeye's fast-food restaurants. The redevelopment will include reduction of impervious surfaces and addition of green space (rain gardens).

Andy Johnson from EcoStrategies Engineering survey present the Site Plans for the Chipotle & Popeye's Co-Development project. (see attachment)

The board asked questions on the following topics:

- Rain water runoff and rain gardens
- Tree Plantings: if the mall and the builders would be willing to increase the amount of tress being planted
- Foundation plantings
- Signage
- Parking spaces and ADA Compliance

All of the topics mentioned above were answered using the plans turned in by the engineering company. (see attached)

Julie Bihler the mall general manager was present at the meeting and commented that she would check with the mall and see if it would be a possibility to increase the amount of trees on the mall property.

**ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
June 13, 2024**

Andy Johnson did mention that the property has not been closed on yet however they are in the process of negotiations with the mall.

Motion by Mr. Jablonski, seconded by Mr. McCray to recommend that the Village Board of Trustees approve the co-development of Chipotle and Popeye's with the consideration of adding additional foundation planting and shade trees if possible. This project is to take place at the location of 318 East Fairmount Ave, Lakewood, NY 14750.

Adopted: 5 ayes, no nays (Drago, Jablonski, Segrue, McCray, Chandler)

Item #5
SITE PLAN REVIEW
350 E. Fairmount Ave

Walmart Store #1973.29 Lakewood, of 350 E Fairmount Ave, Lakewood, NY 14750, has submitted an application proposing a remodel and expansion. The proposed site plan indicates the request for the construction of a building expansion for both OPD expansion and to the garden area along with associated grading, striping and signage work. The proposed project will not result in more than 1 acre of disruption and there will be minimal changes to the proposed drainage patterns.

Justin from Colliers Engineering spoke on the project on the behalf of Walmart. (See attached)

The following topics were brought up by the board:

- Number of parking spots
- The amount of months that the garden center is going to be outdoors.

Justin from Colliers Engineering answered the questions above to the best of his ability and stated that he would double check with Walmart of better answers.

Motion by Mr. Drago, seconded by Mr. McCray to recommend that the Village Board of Trustees approve the Walmart expansion project with the following consideration:

- Refer Walmart back to the zoning/planning board to receive an area variance for the amount of parking spaces either seasonally or annually depending on board recommendation.

Adopted: 5 ayes, no nays (Drago, Jablonski, Segrue, McCray, Chandler)

APPROVAL OF MINUTES

Motion by Mr. McCray, seconded by Mr. Drago, to approve the minutes of the last meeting of the Zoning Board of Appeals & Planning Board on May 9th, 2024.

Adopted: 5 ayes, no nays (Drago, Jablonski, Segrue, McCray, Chandler)

Motion by Mr. McCray, seconded by Mr. Chandler to adjourn the regular meeting of the Zoning Board of Appeals/Planning Board at 8:50 PM

Krysten Sisson, Secretary