ZONING BOARD OF APPEALS & PLANNING BOARD MEETING
VILLAGE OF LAKEWOOD
September 10th, 2026

A regular meeting of the Zoning Board of Appeals and Planning Board of the Village of Lakewood, NY was held on Thursday September 10th, 2026 at 6:30pm in the Anthony C. Caprino Municipal Building, 20 W Summit Street.

Present:	Gary Segrue	Chairman
	Carrie Brown	Board Member
	John Jablonski	Board Member
	Mike Krauth	Board Member
Also Present:	Shaunah Pilling	Village Deputy Clerk/Secretary
	Jeff Swanson	Code Enforcement
Absent:	Louis Drago	Deputy Chairman
	Marilyn Fiore-Lehman	Village Attorney

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

Chairman Segrue introduced new board member, Mike Krauth.

APPROVAL OF MINUTES

Motion by Chairman Segrue, seconded by Mrs. Brown, to approve the minutes of the last meeting of the Zoning Board of Appeals held on July 9th, 2026.
Adopted: 3 ayes, 0 nays (Segrue, Brown, Krauth)

AREA VARIANCE
2 ½ Gifford Avenue

Mr. Richard & Debora Davis, of 2 ½ Gifford Avenue, Lakewood, New York 14750 have submitted an application for the existing placement of a shed on the Village of Lakewood right of way at 2 ½ Gifford Avenue, Lakewood, NY 14750. The proposed plan indicates the following requests:

- Primary Use:
  - A minimum lot width of 62.5ft rather than the required lot width of 75ft.
  - A minimum front yard setback of minus 8ft on the south side rather than the required 25ft on the south side.
  - A minimum side yard setback of 4ft rather than the required 8ft.

The listed requests go against Section #25-10, [Single-Family Residential (R1) District], of the Village of Lakewood Zoning Code.

Chairman Segrue asked if Mr. and Mrs. Davis were present to explain the placement.

Mr. & Mrs. Davis were in attendance. Mrs. Davis stated that they are requesting the current placement of their 10x20ft shed to stay in what they believe is their private right of way. According to the neighbors, the Millspaughs, and the Davis' deed this property is an egress and ingress between the two properties. There were no prior issues with the placement of the shed

until the neighboring property (8 Gifford Avenue) cut down the barrier tree line. Mrs. Davis then brought that to the attention of the Lakewood-Busti Police Department and Code Enforcement Officer Swanson. According to the survey the Village had done; it shows that this piece of property is a Village right of way. Mrs. Davis has emailed Village Attorney Lehman on getting assistance to clarify this issue multiple times since June without any answer. The Davis' spoke with many of their neighbors and brought in one letter from a neighbor in support of the placement of the shed.

Chairman Segrue visited the property and noticed there are actually two sheds that it looks like the Davis' own. He asked them to explain the placement of both sheds.

Mrs. Davis stated they purchased the original shed that is on the right 8-10 years ago for their lawn care items as the cottage they own is just a one bedroom. The second shed is for grandkids toys and extra things they may bring when visiting. If the second shed were to be moved it would be touching the house or blocking their access to the lake.

Chairman Segrue stated that this was just a question, the Village Board of Trustees are the stewards of Village property. He asked the Davis' if they had ever asked the Village Board about purchasing this piece of property.

Mrs. Davis stated they have not because what they can see in their deed is that Mr. Millspaugh and them jointly own this private right of way.

Chairman Segrue stated that he is uncomfortable with issuing a variance until the Board can get a determination on who owns the property by the Village Attorney.

The rest of the Zoning Board of Appeals agreed with Chairman Segrue.

Chairman Segrue asked if there was anyone present to speak for or against the placement of the shed.

John Mariano, 8 Gifford Avenue, stated he is against the approval of this variance. He stated this shed was there when he purchased the property many years ago and that in his paperwork from purchasing it states that this property is Village owned. It is currently an untaxed structure on an untaxed property and if this is allowed what kind of precedent does this send. He stated for some reason that this Board does grant the variance that there be a stipulation that no other structures can be places built on the property.

Mr. Krauth asked Mr. Mariano to bring a copy of his paperwork in for review.

Mrs. Davis stated she has paperwork that says the opposite and she would also give the Board a copy if they didn't already have it. She also stated that Mr. Mariano is wrong about the shed being there for years, it was installed last year.

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TABLED

Motion by Mr. Jablonski, seconded by Mrs. Brown to table the application for the existing placement of a shed at 2 ½ Gifford Avenue, Lakewood, NY 14750 until Village Attorney Lehman can review the survey and all addition documentation to determine the owner of the parcel in which the shed is located.
Adopted: 4 ayes, 0 nays (Segrue, Brown, Jablonski, Krauth)

AREA VARIANCE
6-18 West Terrace Avenue

The Packard Estate Homeowners Association, of 6-18 West Terrace Avenue, Lakewood, New York 14750 has submitted an application for the installation of a replacement fence that is similar to the existing historic fence with a more durable material and better sight lines at 6-18 West Terrace Avenue, Lakewood, NY 14750. The proposed plan indicates the following requests:

- Primary Use:
    - A minimum distance of 2ft rather than the required 10ft from the right of way.

The listed request goes against Section #25-11, [Multiple-Family Residential (R2) District], of the Village of Lakewood Zoning Code.

Chairman Segrue asked if there was anyone present to explain the project.

David LaMantia, property manager for Packard Estates Condominiums, was present. He explained that existing fence was around 120 years old and had started to become dangerous and was taken down. The former fence blocked visibility to Terrace Avenue as it was right on the property line. The owners of the condominiums at Packard Estate would just like to replace the fence with two design options. He gave both of the options to the Board to review. He stated the new fence would be two feet back from the property line which will help with the visibility issue the original fence had made. Mr. LaMantia also brought in the original drawings from the early 1900s from the Packards showing this was original to the property and important to the history of the Village of Lakewood.

CEO Swanson stated according to Village Code, fences should be 10 feet from the right of way, the Packard Estates would be an 8ft variance for the installation of the new fence.

Mr. LaMantia stated if the fence was 10 feet from the right of way it would be on top of the garage.

Mr. Jablonski asked when the garages were built and he commented on the removal of many trees along that property. He asked if there were any requirements for the planting of new trees.

Mr. LaMantia said they were built in 1986 by Page Development and not too many codes seemed to be followed then, with no requirements that they were aware of for the trees. They had removed all the trees and stumps. In one of the new plans, they would leave the trees on each end of the fence with ground cover shrubs along the center. In the other plan, they would bracket each entry, but have an open fence with landscaping in the center.

Chairman Segrue asked what the purpose of the fence is.

Mr. LaMantia stated it is history, it has been there almost 120 years. Originally it was made of locusts and cedar. The new fence would be brick columns on the ends with cedar rails and the verticals would all be synthetic. It would not need much maintenance. It is not for security.

Mrs. Brown asked CEO Swanson if the 2ft setback would help with the DPW plowing that sidewalk.

CEO Swanson stated that he spoke with DPW Supervisor Certo, he said it would help them.

Mr. LaMantia stated what they did do is salvage actual sections that were still usable from the original fence. They are going to use those as an exact model for the detail. The new fence, regardless if the Packard Estate Board decides to go with the partial or full, will have the same architectural detailing, the same profiles on the rails, same size spindles, and the same columns. They even salvaged some of the carvings that were on the original posts, so they could be reproduced in a synthetic material and put on the new fence. Even the globes will be restored and reinstalled in the fence just like the original.

Mr. Jablonski would like to see some greenery or landscaping to break up the mass of the fence and garage rooftop.

Mr. LaMantia said they would take that into consideration as they are working with 37 residents that will have to fund this project.

Chairman Segrue asked if there was anyone present to speak for or against the proposed project.

Paul Summers, resident at Packard Estates since 2008, has served on their Board since he moved in. They have 37 residents that have a collective interest in maintaining the history of this property, while fitting into the Village life. Maintenance of this property is not inexpensive. They feel that they have some financial concerns, but will be responsible in the managing of this historic property. They find it delightful to be where they are, but just wanted the Zoning Board of Appeals to know that there are not unlimited funds.

Mr. Jablonski asked the height of the fence.

Mr. LaMantia stated that the brick end columns are 6ft or shorter. The middle of the stretchers section would be around 4.5ft which is following the original design. The end columns would have the original, restored globes on top of them.

Motion by Mr. Krauth, seconded by Mrs. Brown to allow The Packard Estates Homeowners Association, of 6-18 West Terrace Avenue, Lakewood, New York 14750, to install a replacement fence similar to the existing historic fence with more durable materials. The approved variance request is as follows; a minimum distance from the right of way of 2ft rather than the permitted 10ft, approving an 8ft variance. The Zoning Board of Appeals agrees that either of the proposed plans that were presented at the meeting are acceptable. They are recommending that the owners plant some sort of landscaping and appropriate trees that would

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grow approximately the height of the roof, as seen from the sidewalk, along the fence between the garage. The trees should not create any burden to the owners on maintenance.

Adopted: 4 ayes, 0 nays (Segrue, Brown, Jablonski, Krauth)

DISCUSSION #1

Andy Johnson, new owner of 'Fairmount Commons' – 126 East Fairmount Avenue, informed the Board that he recently acquired the property and has already had the condemned home demolished with the help of CEO Swanson as well as Mayor Holcomb. He also had many hazardous trees removed. It is a relatively large property with about 400ft of frontage on Fairmount. Since the beginning he has been in contact with CEO Swanson and Mayor Holcomb on his goals and objectives for the property. Before making this public at this meeting, Mr. Johnson went door to door to speak with each bordering neighbor and explained his vision for the property with a packet that he also presented to the Zoning Board of Appeals.

Mr. Johnson wanted to attend this meeting to broach the subject about his goals in this project and what his next steps will be as well as to get any feedback from the ZBA. Mr. Johnson stated he is a civil engineer that grew up in Lakewood in the 80s and 90s who now owns EcoStrategies, with about 10 people that work with him. Basically, of the 8.9 acres, in the southernmost area which is about 2.75 acres, is just woods and would like to leave that for now. He has no plans of doing anything with that. That's where most of the houses are, and then this middle area here. There's a little waterway that passes through, and there's a lot of cool trees. I'm an environmental guy too, among other things, and so this property to me is a dream come true. This property has almost sat there in a time warp for 70 years or more, and he is just 'weeding out the garden now.' They have uncovered a pear orchard and elm trees, black walnuts. He would like to have a conservation area in the middle and preserve a lot of the key plant species, trees, ferns, waterways, and then enhance. He wants to leave the buffer along these neighbors here along Fairwood, and I want to then enhance it even more so with a couple smaller ponds for stormwater. Most of the drainage goes kind of this way anyway, and he thought it'd be a good natural barrier to insulate the neighbors, and then my biggest ask that he wanted to propose to this Board is to rezone the front part on Fairmount. Which he is aware is kind of a big deal, he is not looking for the high-volume type of zoning, which would be B2. He is looking at B1 commercial, which is lower volume, more like professional offices and such. He would like to be the first one to build back in the woods and just have it be his new office. And I would like to have the ability to develop this front part.

Mr. Johnson wants to keep the driveway that's there now, not for cars, but for pedestrian access. There is a sidewalk that ends here right now and it is actually a green sidewalk, and the NYSDOT is going to be extending it next year in front of the property. He stated he would keep the actual driveway where it is right now. The driveway would be in front of the cemetery, so there would be no disturbance to people's houses. The frontage is not really conducive to residential housing, with 18000 cars passing by each day. The frontage is already surrounded by commercial business in which zoning has been changed for. Mr. Johnson wanted to get together a compelling plan that would be fair to everyone. He is open to suggestions and does not want to be a ruthless developer. He has high hopes for this property. He believes it also aligns very well

with the Village of Lakewood's Comprehensive Plan and he will provide a table that supports that by the next meeting.

Mr. Johnson understands that he is going to have to ask for a zoning change for the front 3.9 acres. At the next meeting he will have a public hearing and have a formal package for the Board to review. He let the Board know that he is open to suggestions on how to improve or what they recommend and would happily take their considerations before the next meeting. He would like to see the Board either approve or recommend to the Village Board of Trustees that the front portion be rezoned.

Chairman Segrue recommended that Mr. Johnson be consistent in his plans with the Comprehensive Plan.

Mr. Jablonski asked if they are considering adding residential properties to the front part of the property.

Mr. Johnson as of right now, they are not.

Mr. Jablonski suggested maybe to have some sort of residential living space above the commercial property. The rents are so outrageous to have places like that where people in the community can stay or people can move in or starting careers would be advantageous to everybody.

Mr. Johnson stated this is a great idea. This is also why he has preserved that back 2.75 acres. There are two access points off Shadyside Road. We've even contemplated things like a pocket neighborhood, other types of housing. He is not opposed to residential. My first priority is the office because he needs a place to move, he is anxious to come here. There are a lot of grants too nowadays for all the infrastructure around us and it could be an awesome housing.

Chairman Segrue stated that he has seen Mr. Johnsons work, he is talented and he appreciates him making the best of properties.

DISCUSSION #2

CEO Swanson made the Board aware that Gary Mignogna & Mr. Mrya Jenkins, of 5 Hawthorne Street, Lakewood, NY 14750, attended the December 11th, 2025 meeting have inquired about an extension to their project. They have run into some supply issues and will not be starting until Spring 2027. Their resolution stated that they had one year to complete this project which would be December 11th, 2026.

The Zoning Board of Appeals agreed there needs to be a formal letter requesting this from the homeowners before proceeding.

DISCUSSION #3

The Board asked CEO Swanson what is going on with all the signs along the front part of the Valvoline property.

CEO Swanson noticed this and would address the issue.

REGULAR MEETING (Adjournment)

Motion by Mr. Jablonski, seconded by Mrs. Brown, and unanimously carried to adjourn the regular meeting of the Zoning Board of Appeals at 7:42pm.
Adopted: 4 ayes, 0 nays (Segrue, Brown, Jablonski, Krauth)

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Shaunah Pilling, Secretary

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