

APRIL 28, 2014

The second regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, April 28, 2014 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were David J. Di Salvo, Susan F. Drago and John Jablonski. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Police Chief John R. Bentley, Fire Chief Kurt W. Hallberg and Building Inspector Charles L. Smith. Absent were Trustee Gale A. Denn, Village Attorney Edward P. Wright and Department of Public Works Supervisor Thomas R. Pilling.

APPROVAL OF MINUTES

Motion by Trustee Di Salvo, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held April 14, 2014.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

AUDIT OF CLAIMS

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the claims as audited by the Auditing Committee of the abstracts dated April 28, 2014 be approved and that the Clerk shall execute said abstracts (#49 & #50) and direct payment by the Treasurer. General Fund: \$ 49,073.02 (Checks #10586 thru #10623), Trust & Agency Fund: \$ 51,281.29 (Checks #2890 thru #2903)
NOTE: Checks #2883 thru #2889 were voided.
Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

REPORTS

Police Chief John R. Bentley reported that the Lakewood-Busti Police Department has responded to four thousand sixty-five reportable incidents year-to-date and that the newly formed K-9 Unit has three weeks of training left. Chief Bentley was pleased to also report that a local drug dealer was arrested today on federal drug charges and is off the streets.

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to two hundred thirty-five alarms year-to-date.

Village Clerk Joseph M. Johnson reported that a village wide mailing will be going out soon which will include a flier on the Village of Lakewood's brush pick-up and use of the brush containment site on Packard Ave. and a flier announcing the Village of Lakewood's participation in a program through the Chautauqua Home Rehabilitation & Improvement Corporation, (CHRIC) and the New York State Office of Community Renewal's Community Development Block Grant, whereby residents will be afforded an opportunity to apply for financial assistance to make certain home repairs.

Mayor Wordelmann indicated the financial aid program through CHRIC is very worthwhile and will allow folks to make home repairs who otherwise couldn't afford to do so and in some cases bring their residences into code compliance.

Building Inspector Charles L. Smith reported that he has completed the plan review for the proposed Affinity One Federal Credit Union office on Sessions Ave. and expects construction to begin within two or three weeks.

APRIL 28, 2014 (CONTINUED)

ANYONE TO BE HEARD

John Rowan, 10 Park Lane, wished to commend Department of Public Works Supervisor Thomas R. Pilling and the entire crew for the great job they do day in and day out.

RESOLUTION #12-2014-2015 - AUTHORIZE BUDGET TRANSFERS

Motion by Trustee Drago, seconded by Trustee Jablonski, authorizing Village Treasurer Andrea J. Windoft to make the necessary budget transfers due to an overage in Account #A3410.48 (Uniforms/Fire Gear), whereby \$ 15,294.34 from Account #A3410.20 (Fire Equipment) and \$ 4,155.66 from Account #A3410.40 (Fire Contractual) will be transferred into Account #A3410.48 (Uniforms/Fire Gear).

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #13-2014-2015 - AUTHORIZE HAZ-MAT CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Di Salvo, that the Board of Trustees, acting as the Board of Fire Commissioners, authorize Fire Department member Daniel Imfeld to attend the annual Hazardous Materials Conference in Hunt Valley, Maryland, May 28th - June 1st. Mr. Imfeld shall be reimbursed for any and all legal expenses incurred.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #14-2014-2015 - AUTHORIZE FIRE CONFERENCE ATTENDANCE

Motion by Trustee Drago, seconded by Trustee Jablonski, that the Board of Trustees acting as the Board of Fire Commissioners, authorize Fire Chief Kurt W. Hallberg, First Assistant Chief Steve Smouse, Captain Paul Taber and Safety Officer Jackson Knowlton to attend the New York State Association of Fire Chief's Convention & Trade Show, June 12th - June 15th at the Turning Stone Resort, Verona, New York. Those attending shall be reimbursed for any and all legal expenses incurred.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #15-2014-2015 - AUTHORIZE N.Y.S. HIGHWAY SUPERINTENDENT'S SCHOOL ATTENDANCE

Motion by Trustee Di Salvo, seconded by Trustee Drago, authorizing Department of Public Works Supervisor Thomas R. Pilling to attend the New York State Highway Superintendents School to be held in Ithaca, New York, June 1st - June 4th. D.P.W. Supervisor Pilling will be reimbursed for any and all legal expenses incurred.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

RESOLUTION #16-2014-2015 - APPROVE 2014 DOCK PERMIT APPLICATIONS

Motion by Trustee Drago, seconded by Trustee Di Salvo, for the Board of Trustees to approve the following dock permit applications as submitted by John Hickey, 147 W. Summit St., for the Gifford Ave. right-of-way, William F. Chandler, 207 W. Summit St., for the Division St. right-of-way, David Doane, 127 Erie St., for the Lowe Ave. right-of-way and Steven Johnson, 26 Harlem Ave. for the Harlem Ave. right-of-way.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

APRIL 28, 2014 (CONTINUED)

ANYONE TO BE HEARD (CONTINUED)

Ms. Nancy G. Bargar, 11 West Terrace Ave., indicated to Mayor Wordelmann she noticed some repair work was being done on the gazebo and some new pieces of equipment were recently installed at the playground at Richard O. Hartley Park and wondered if he would like to report on what was being done.

Mayor Wordelmann indicated to Ms. Bargar that the roof and other parts of the gazebo sustained some damage during the wind and hail storm last Labor Day, (September 2, 2013) which necessitated the roof to be replaced. Also, a new slide and swing set were installed at the playground in the park. Most of the costs incurred to repair the gazebo were recovered through the Village of Lakewood's liability insurance policy and the new swing set was paid from monies in the Parks Department contractual account.

Trustee Jablonski asked Mayor Wordelmann if there is anything new to report regarding the trees which were cut down in front of the Valu Home Center store on East Fairmount Ave. or if Mr. William McFadden has submitted any construction plans regarding the quick lube and car wash which was being proposed for 203 East Fairmount Ave.

Mayor Wordelmann said he hasn't had any further conversations with representatives from Valu Home Center regarding the trees that were cut down or any further word on what was going to be planted in their place. Mayor Wordelmann deferred Trustee Jablonski's second question to Building Inspector Charles L. Smith.

Mr. Smith indicated that he hasn't heard a word from Mr. McFadden regarding his proposed quick lube and car wash since the project was approved last fall, adding he has a year from when the special use permit was granted to submit plans.

Trustee Di Salvo indicated Mr. McFadden implied last fall that he would be submitting a new landscaping plan for this project and was agreeable to working with the Village of Lakewood Tree Committee on it.

RECESS

Motion by Trustee Di Salvo, seconded by Trustee Jablonski, to recess the regular meeting of the Board of Trustees at 6:44 PM, so as to conduct a public hearing at 6:45 PM.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

PUBLIC HEARING - 6:45 PM
PROPOSED LOCAL LAW #2-2014
VACATION/SHORT TERM RENTALS

Mayor Wordelmann opened the public hearing at 6:45 PM and asked the Clerk to read the notice of public hearing as it appeared in the Village of Lakewood's official newspaper.

Mayor Wordelmann briefly described how the Board of Trustees arrived at the decision to institute a set of rules and regulations with respect to vacation/short term rental properties in the Village of Lakewood. The matter of vacation/short term rentals first came to his attention last fall via concerns voiced by residents regarding a particular short term rental property in their neighborhood. Without rules and regulations governing this practice short term rentals could be interpreted as a commercial use in a residential district which would be illegal without a variance. Mayor Wordelmann indicated a zoning law review committee and sub-committee have been working together the past year on revising the existing zoning law and this past December were given the added task of considering a set of rules and regulations pertaining to vacation/short term rentals and incorporating them into the local zoning law.

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The committee learned that the Village of Bemus Point addressed this particular issue a few years ago and used their vacation/short term rental ordinance as a guide. There was much discussion by the committee on whether to allow vacation/short term rentals village wide or to limit where they would be allowed to operate. In the end the committee came to compromise by creating a zoning district overlay within which vacation/short term rentals would not be allowed. The committee determined the so called "historic district" overlay represented the oldest and most historic section of the village and they needed to protect the integrity and value of these residential properties. Mayor Wordelmann said the decision to separate this particular zoning question from all the other zoning law amendments being considered and presenting it to public this evening was solely his. It was time to "take the temperature" of the community to allow residents to be heard on what could be a very decisive issue.

Mr. Thomas A. Turner, 33 East Lake Street, said he is going to speak from a unique perspective in that he is a lakefront home owner and has rental property within the proposed zoning district overlay. Mr. Turner said there have been many changes in local real estate over the years. Due to a loss of corporate jobs locally, homes that had been rented by transient corporate executives are now becoming vacation/short term rental properties. The majority of larger lakefront homes are owned by people who live out of town and due to New York State's high taxes, they are looking at ways to lower their tax burden. Mr. Turner indicated that doesn't think property owners would have a problem registering their homes as vacation/short term rentals while at the same time don't wish to cause problems with neighboring property owners. Mr. Turner said he is not in favor of the so called historic district overlay and believes it would be a form of spot zoning that would have a detrimental impact on those properties within it. Mr. Turner said by chasing away those home buyers from Cleveland, Pittsburgh and Buffalo who can afford

the larger lakefront homes and the taxes that go along with, people aren't going to like what happens with property values away from the lake. There currently is a downward trend in property values along the lake. As a long time realtor in the area Mr. Turner said the registration of vacation/short term rental properties is a good idea as is the enforcement of the set of rules and regulations established for that use. Mr. Turner also said the idea to create a historic zone is a bad one and is just asking for trouble.

Mrs. Charlotte Johnson, 319 East Terrace Ave., indicated to Mayor Wordelmann and the Board of Trustees that she is a lifelong resident of the area. Ms. Johnson said she not only lives in the Village of Lakewood, but the Town of Busti and the county of Chautauqua, which in the past has encouraged tourism as a business. At a recent Village Board of Trustees meeting Mayor Wordelmann stated we need to find businesses that attract people to the village. Well, that is exactly what happens when the local vacation/short term rental properties are occupied. The renters spend their money locally and sometimes enjoy the area so much they return as tourists or residents. She said within her immediate neighborhood there are four of eight lakefront homes that are rented on a weekly basis to tourists who enjoy the lake, have family time vacations and visit local attractions. Ms. Johnson said she enjoys the tourists that rent short term and have found them to be friendly, family oriented and courteous. If a problem arises the property owner is contacted and it is taken care of. Ms. Johnson said she enjoys the value that visitors add to Lakewood through their friendships and interchange of ideas.

Ms. Johnson indicated Lakewood should not be compared with Bemus Point and by not allowing short term rentals in the historic district the Village of Lakewood will be making it increasingly difficult for people to sell homes that are suited for weekly rentals. She said the Village of Lakewood would be served by looking at ways to handle individual complaints instead of completely changing the local zoning law because of one particular situation. Ms. Johnson said she supports the idea having property owners register their vacation/short term rental properties and would also support giving the police chief the authority to mediate any problems that may arise between the property owner/short term renters and any aggrieved neighbors. Ms. Johnson said she does not support however the idea of creating an historical overlay zone. She then thanked Mayor Wordelmann and the Board of Trustees for the opportunity to present her opinions on this matter and by coming together and listening to various ideas perhaps we can arrive at a resolution that will be favorable to everyone.

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Dr. Gordon Wuebbolt, 1 Vista Way, said in recalling the one weekend there was an issue with a renter at 35 West Lake Street, the incident was not overly obtrusive to him as a neighbor. He actually enjoys seeing visitors enjoying the lake and our community and would like for those empowered to focus on improving the condition of Chautauqua Lake rather than restricting people from enjoying it.

Ms. Cara Birrittieri, 15 Sunset Ave., said she too has a unique perspective on this issue because she was a frequent visitor to the Village of Lakewood before she and her husband, Jackson Smith, who grew up in this community, purchased the house at 15 Sunset Ave. two years ago. Ms. Birrittieri said she was a visitor that became a full time resident. Ms. Birrittieri said they paid

less for the house than the previous owners from Cleveland did. Although they were homeowners, they used the property as vacationers but really didn't have a commitment to the community. Having the ability to rent one's home should be an option and shouldn't be considered a bad thing. As Mr. Turner stated earlier, not allowing vacation/short term rentals in a particular district might be sending the wrong message. Ms. Birritteri said as noted by Ms. Johnson it is fun to have visitors enjoying one's neighborhood and community. As a home owner, Ms. Birritteri said it seems unfair to allow some people to rent their homes while not allowing others to do so.

Mr. George Sample, 10446 Tanglewood Dr., Huntingdon, PA, and owner of 35 West Lake Street, indicated he and his wife Marlene, purchased the lakefront property last year and it was a dream come true. It was coming home in that his wife was born in Jamestown and had spent a number of summers on Lake Chautauqua. Mr. Sample said he and his wife come from large families and owning a home with over 7,000 sq. ft. comes in handy when having family gatherings. The previous owner sold the property for half of what they originally bought it for. In anyone's book that is a depressed price and there are reasons for that. Namely it is a one hundred year old house with maintenance costs and high taxes. Mr. Sample said his wife has done a lot to improve the property. He said the taxes on the property are \$40,000.00/year. He and his wife's plan is to rent out the house for eight weeks per year to allow us to recoup some money to pay the taxes and maintenance costs, with another eight weeks for the extended family to use. There were thirty-six weeks last year when the property was empty. We understand the concerns expressed by our neighbors when choosing to rent the house out. In 2011 the state of Florida adopted a law to boost the economy which preempted any municipality from regulating vacation/short term rental properties. The law is said to have increased tourism and home sales statewide. Mr. Sample said his wife screens those wishing to rent the property and the ultimate goal is to have the same families rent year in and year out. To the best of his knowledge, Mr. Sample said there was one incident last summer and quite frankly is worried about the expectation neighbors may have about what takes place in a 7,000 sq. ft. lakefront house during the summer months. Tourists by their very nature have fun enjoying the outdoors and the lakefront. Mr. Sample said he and his wife have made some changes and are working very hard on being a good neighbor. It has been our dream to own a large home in which to have family gatherings. This year the Chautauqua Institution was named the best small town in the United States to visit and hopes everyone enjoys this area as much as our renters do.

Mr. Jake Kane, 134 West Summit Street, brother of Marlene Sample, said he has lived in Lakewood for the past fifteen years. Mr. Kane said to live and raise his family in Lakewood is one of the best decisions he has ever made. He asked members of the Board of Trustees to truly consider what they are contemplating and whether a district overlay is in the best interest of the Village of Lakewood long term.

Mr. Kane said it is his opinion that taking rights from property owners is very drastic measure when there are other remedies in place to deal with issues associated with short term rental properties. He, like others, is in favor of having owners of vacation/short term rental properties register their homes thereby agreeing to the short term rules and regulations. Mr. Kane said the Village of Lakewood needs to move forward together as a community.

Mrs. Linda Swanson, 2 Vista Way, asked that the Village of Lakewood enforce its own rules and regulations that are on the books. Mrs. Swanson said she and her late husband put a lot into improving the property and it was their

understanding that the compact with the Village of Lakewood they and their neighbors were protected from short term rentals.

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She understands the changing climate with real estate in particular lakefront properties, however those eight weeks during the summer months are precious to local residents as well. Having paid high taxes over the years residents want to be able to enjoy peace and quiet. Mrs. Swanson said there are examples up and down the lake of what we don't want Lakewood to become. In closing Mrs. Swanson said the Village of Lakewood has a compact with her and vice versa to protect her property rights, by enforcing the existing zoning law.

Mrs. Karen Peterson-Dennerlein, 1 Winchester Road, said she and her late husband were attracted to the neighborhood with its historic and stately homes when they purchased their home fifteen years ago. Over the years they have maintained the property up to the expected standards and became active in the community. Since they purchased the property the taxes have more than doubled and now there is a vacation hotel right next door that sleeps seventeen partying vacationers all summer long. Mrs. Peterson-Dennerlein thought that she was protected from such misuse of residential property. Zoning laws across the country are designed to protect tax paying homeowners. By not enforcing the existing zoning law the Village of Lakewood has opened the flood gates to less scrupulous entrepreneurs to buy large homes and turn them into party animal houses. As selective as they were in screening prospective renters, the owners of 35 West Lake Street had no control over the situation that occurred last summer. Although she may sound like a NIMBY (not in my back yard), Mrs. Peterson-Dennerline said if this practice is allowed to continue, property values will plummet, adding Bemus Point even has a "no rent zone". Mrs. Peterson-Dennerline believes the Village of Lakewood is at a crossroad and implores the Board of Trustees to do the right thing and adopt the "no rent zone" as proposed.

Mrs. Jill Conley, 7 Winchester Road, said thirty-four years ago she and her husband Peter had the opportunity to move their family back to Chautauqua county and decided on Lakewood because of the fine school system, friendly, safe neighborhoods and a sense of community. We were assured by our realtor that the property was zoned residential. Last summer, the quiet and peaceful summers which we've all come to enjoy sadly came to an end. We were shocked to learn that a home in the neighborhood was purchased and converted into a weekly rental property. Weren't we protected by our local zoning law? Sleepless nights, loud music, voices and smoke from bonfires and an endless string of cars on a one lane street threatened our family's tranquil life we've come to know and enjoy. We've pleaded with Board of Trustees to enforce the existing zoning laws and disallow the degradation of our neighborhood. The true value of our homes will be greatly diminished if weekly rentals are allowed to creep into our neighborhood. Mrs. Conley said she is here this evening to ask the Board of Trustees to preserve the integrity of Lakewood's neighborhoods. Mrs. Conley noted that the Village of Lakewood used the Village of Bemus Point's vacation/short term rental ordinance as a guide in developing their own ordinance, which includes a "no rent zone".

Mark L. Bargar, Esq., 3 Lakeview Ave., Jamestown, N.Y., indicated to Mayor Wordelmann and the Board of Trustees that he represents, Mr. & Mrs. Peter B. Conley, 7 Winchester Road and Mr. & Mrs. Edward J. McCague, 12 Park Lane, stating his clients are in favor of the historic district overlay and for

establishing a set of rules and regulations pertaining to vacation/short term rental properties. Mr. Bargar said the Board of Trustees has listened to Mrs. Conley's personal experiences regarding the activities at 35 West Lake Street but now he would like to address the legal issues associated with the matter of vacation/short term rental properties.

Mr. Bargar noted that villages throughout New York State have broad authority when it comes to zoning. He stated every kind of commercial use can be excluded from residential districts. Mr. Bargar said use of overlay zones have been upheld by the courts and went on to say use of them is certainly not spot zoning. On behalf of his clients, Mr. Bargar encouraged the Board of Trustees to adopt Local Law #2-2014 as proposed which includes the "no rent zone" district overlay.

Below as requested by Mr. Bargar is the correspondence received from Mr. & Mrs. Edward J. McCague.

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April 25, 2014

Village of Lakewood
Mayor David T. Wordelmann
20 West Summit Street
Lakewood, New York 14750

RE: Local Law Amendment #2-2014

Dear Mayor Wordelmann:

Unfortunately, my wife and I are unable to attend the public hearing before the Village Board of Trustees scheduled for Monday, April 28, 2014 to review and consider proposed amendment #2-2014 to the current zoning law.

May we be clear, we fully support this proposal and are in favor of its immediate adoption! It is reasonable that the village should have rules and regulations that govern vacation/short term rental activities, designating where the activity is permitted, and where it is prohibited. We also agree, that in the areas where vacation/short term rental is permitted the village should have the authority to inspect the property, issue a license to the owner and, if necessary, have full enforcement and license suspension capabilities.

Furthermore, we are in complete agreement with the proposed overlay district and with sec. 25 C that states: "Properties located within the "no rent zone" will be prohibited from being utilized as vacation/short term rentals (per attached map)". We believe that the village has full authority to create a district where short term rental activities are prohibited for three reasons: 1.) consistent with the existing comprehensive plan and R-1 district is defined as residential and, therefore, is protected from adverse uses, 2.) short term rental activities, i.e. rentals of seven days or less, constitute a commercial activity, in this case occurring within a non-commercial zone, and 3.) the Chautauqua County Court recently held that weekly rentals in a residential zone are a commercial use of property and prohibited any further short term rentals by the property owner in this case. The town subsequently prohibited short term rentals in certain areas.

We also worry that allowing short-term rentals may increase nuisance activities and only serve to disturb and possibly devalue surrounding properties. The Village of Lakewood is a residential community, not a resort

community, and as such residents should have assurance that these kind of activities cannot occur.

We urge you and all of the Board of Trustees to vote to approve local aw #2-2014 and to establish the "no rent zone" as proposed by the village zoning committee.

Thank you for your time and attention to this most important matter.

Edward J. McCague & Mary C. McCague

Mr. James Lineweaver, 1174 Fireside Trail, Broadview Hts., Ohio, indicated he owns properties at 99 East Terrace Ave., and 165 Front St. both of which are rented from time to time. Mr. Lineweaver said he has made improvements to both properties over the years and never have they become an eyesore or has he ever had any problems with renters. Mr. Lineweaver said his renters spend a lot money in Lakewood and the surrounding area and many are repeat renters. Mr. Lineweaver said he and his family first started coming to Lakewood in 2000 and have enjoyed many memories of Chautauqua Lake and wish to experience many more. Mr. Lineweaver said he has no desire of letting either one of his properties set idle for sixty percent of the year. He would never have purchased the properties if he wasn't able to rent them out short term. Mr. Lineweaver said he has paid thousands of dollars in bed taxes since they were instituted and believes the more restrictions imposed on property owners could result in long term ramifications.

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Mr. Marcus Turner, 1 Maple Ave., said for him it is all about zoning laws which he has a high regard and respect for. But for them to be changed or amended he believes the majority of people impacted by the changes should be in favor of those changes. Mr. Turner indicated that local law enforcement should be able to address issues that surface in connection with vacation/short term rental properties.

Mrs. Sally Ulrich, 89 East Terrace Ave., asked Mayor Wordelmann if the current local zoning law addresses the subject regarding vacation/short term rental properties.

Mayor Wordelmann indicated to Mrs. Ulrich it is his opinion that the existing zoning law doesn't specifically address vacation/short term rental properties, however some interpret it as if it does when they consider vacation/short term rentals as a commercial enterprise being conducted within a residential district.

Mrs. Ulrich said she and he husband have lived on lakefront property for twenty-seven years and although they have never rented their property they would certainly like the option to do so. Mrs. Ulrich indicated she would never begrudge her neighbors for renting their properties saying we have all had parties that may have gotten loud at times, but that is when the rules and regulations need to be enforced on an as needed basis.

Mr. Craig Seger, 31 Winchester Road, and owner of a rental property at 33 Chautauqua Ave., noticed from the map he lives in the "no rent zone" which is quite a bump for him, saying he might have to buy a better car now. Seriously, Mr. Seger said two summers ago he spent a considerable amount of

money and time in fixing-up his rental property. It was interesting to see the amount of activity on Chautauqua Ave., but his fear is people will demand too many regulations which could squelch the good things happening in the community. Mr. Seger said his wife's sister, who is from Westchester, CT last year rented a wonderful place located in the proposed "no rent zone" and if that opportunity disappeared she would be disappointed.

Ms. Nancy Bargar, 11 West Terrace Ave., indicated to Mayor Wordelmann he prefaced his remarks this evening with a quote from the zoning law review committee, saying the area within the no rent zone represents the oldest and most historic section of the Village of Lakewood which needs to be protected. Ms. Bargar said she was curious as to how the boundaries of the "no rent zone" were determined. Also, how the Richard O. Hartley Park over the past thirty years has gone from a nice green space to almost a circus. With what has happened in her neighborhood Ms. Bargar believes she has been a good sport about it all. The property at 3 West Terrace Ave. has gone from a tea house to a gift and clothing shop to a rental property, buses are in and out all summer long dropping off and picking up kids at the beach, there are weddings at the gazebo, it is not a quiet neighborhood any longer and at times is zoo like. Ms. Bargar said half the time her driveway is barricaded off for races, the 4th of July or for some other event. She said she has never called the police department but something needs to be done to control the situation.

Mayor Wordelmann reminded Ms. Bargar that 3 West Terrace Ave., (former Green Farm gift shop), is located within the B-1, Retail Business District wherein certain commercial enterprises are allowed by right.

Ms. Bargar indicated when there are fifty people staying at 3 West Terrace Ave., for a family reunion it sometimes turns into a frat house like setting which becomes a problem and understands the concerns of those who might live near a vacation/short term rental property.

Mr. Richard Turner, 105 East Terrace Ave., said having met with Mayor Wordelmann last week, he would like to reiterate his opposition to the proposed "no rent zone", but is in attendance this evening to read a letter from Sandy Meyers-Snoble & Eric Snoble, 59 East Terrace Ave., who couldn't be here this evening.

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We strictly oppose any designation of an historic district, "exclusion zone" or any special districting of any sort, and we feel new restrictions on rentals (which we also oppose) should be applied equally across the village...not just on our side of Terrace Ave. That is unfair. We already pay ludicrous tax. Our tax alone would send a child to a darn good college...every year...year in and year out, for fifteen years now. And we are not alone. We do not need any further burden...in the face of steeply declined real estate values...of higher tax rates or added constraints on the use of our properties.

It is incorrect, verging on ridiculous, to refer to this arbitrary section of the village as an historic district. Take our home for example. While it has been reconfigured in a design that nods to the past, our home bears resemblance to the old home it was built upon. We have reworked nearly all of it...including the façade...and added on extensively. Of our close lakeside

neighbors, all have homes built or totally restyled in the last fifty years.. most in the last fifteen years.

As to the "rental problem", there is none of our current regulations and our Cadillac of a police department shouldn't be able to be handled. If that is not true, we can live with the occasional imperfection. We are unwilling to pay more or shoulder more restrictions.

Kindly back-off these ill-conceived and obvious strategies to overtax and overregulate your residents. How would you feel if the Village arbitrarily singled out your block for significantly higher taxes and added rules?

Sincerely,
Sandra Meyers-Snable & Eric Snable

Mr. Turner said his home and other homes in his neighborhood are younger than he is and takes great offence being labeled "historic".

Mr. Sam Whitmore, 34 Ohio Ave., indicated it appears the majority of people are against the so called "historic district", as is he. As a business owner and homeowner, a move such as this will only chase money away from the area. Lakewood and other communities around the lake need tourism dollars

Mr. Whitmore said he chose Lakewood and Chautauqua Ave. when relocating from California wine country. Tourism is vital to the area and weekly rentals is part of it. There are always two sides to a situation such as this and some of the problems brought to light this evening regarding vacation/short term rentals could be handled in a different way. If a "no rent zone" is established one might just as well remove the word welcome from the welcome to Lakewood signs.

John Rowan, 10 Park Lane, said he has lived in the Village of Lakewood for twenty years. He has listened to three residents speaking out against what goes on at one residence, which just so happens to be the former Bush house. For the most part everyone else is against the so called "no rent zone". For years when Paul Bush owned the property, on the 4th of July the streets in the immediate neighborhood would be closed off due to the amount of activity and party like atmosphere at 35 West Lake St. We've all had parties where people get loud and boisterous, consumed adult beverages and had controlled fires in our back yards. The whole issue isn't about renting it's about individuals. If I wanted to let some college buddies stay at my house on Park Lane for a party weekend. Chief Bentley and his staff would probably have a hard time handling the situation. But that would be allowed. There has been all this talk about the former Green Farm. Who here this evening says the Green Farm is a rental? A lawyer from Hudson, Ohio and a few investment partners purchased the property a few years back but went bust fixing it up. Because there is no return for the investors, partners along with friends and relatives utilize the property on certain weekend and holidays. Half the people that stay there are either partners or friends and family of partners. Mr. Rowan says he pays \$ 60,000.00 annually in taxes on his Lakewood properties and currently has his house at 10 Park Lane on the market. Between now and when the house sells, he would like the option of renting his house out.

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If the Board of Trustees wish to adopt a set of rules and regulations pertaining to vacation/short term rentals that's all well and good but have

the same rules apply throughout the village.

When people are renting their homes for \$ 5,000.00/week, they are likely getting high end clientele. The late Mayor Anthony C. Caprino said the most effective form of government is that which is closest to the people. Mr. Rowan then commended Mayor Wordelmann and the Board of Trustees for conducting tonight's public hearing. He thought they were remiss however in not notifying each and every tax payer about a decision to change the zoning law that could impact their lifestyles. The proposed "no rent zone" is sending the wrong message. If renters in the neighborhood are causing problems, deal with it. Don't change the whole zoning law because of one issue which impacts three people. Let's look at this. Before everyone leaves this evening, let's take a straw poll.

Mrs. Linda Swanson, 2 Vista Way, said there seems to be some confusion over the two issues being discussed. There is the set of rules and regulations regarding vacation/short term rentals and the establishment of a "no rent zone" via the overlay district. Whether one lives next to permanent residents or renters there are certain common courtesies everyone expects. If problems arise the short term rental rules and regulations along with the current zoning law need to be enforced. There is also the question of what constitutes commercial activity within and R-1, Residential District, saying she believes renting a house to twenty people is a commercial activity.

Mrs. Wendy Kane, 134 West Summit St., said it is very sad that this matter has become a personal "he said, she said" issue between neighbors and fellow village residents. Mrs. Kane said she personally goes over the house rules and regulations with each and every family that rents 35 West Lake St., after being screened by her sister-in-law Marlene. We don't want 35 West Lake St. to become a frat house. Because we live in close proximity to one another we need to be good neighbors. By the same token property owners do have rights and should be able to make use of their property as they wish, within reason. Mrs. Kane said we do our best to get good renters however it is impossible to control everything all the time. She said their guest book is filled with comments from renters saying they loved the community and had a wonderful time enjoying the lakefront setting. Any problems involving renters and/or permanent residents can easily be managed by picking up the phone and letting the local police agency handle it.

Mayor Wordelmann, said per the suggestion of Mr. Rowan, he would like to conduct a straw poll by asking who is in favor of establishing a set of rules and regulations for vacation/short term rental properties. He then asked who is in favor of the "no rent zone", district overlay. Mayor Wordelmann said it appears people are in favor of rules and regulations governing vacation/short term rentals, however against establishing a "no rent zone" wherein vacation/short term rental properties would be prohibited.

Ms. Melissa Wilson, 11 Waldemere Way, indicated she lives next to a vacation rental property at 13 Waldemere Way. She asked if there are property maintenance rules and regulations in place that require home owners to properly maintain their properties. In this particular case, outside the prime rental season between Memorial Day and Labor Day, the property isn't taken care. The lawn doesn't get mowed or the leaves aren't raked-up, etc.

Mayor Wordelmann indicated to Ms. Wilson the Village of Lakewood has a comprehensive zoning law which addresses various property maintenance issues.

With no one else to be heard, Mayor Wordelmann asked for a motion to close

the public hearing.

Motion by Trustee Jablonski, seconded by Trustee Drago, to close the public hearing at 8:02 PM

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

APRIL 28, 2014 9CONTINUED)

BOARD OF TRUSTEES DISCUSSION

Trustee Jablonski indicated he isn't in favor of acting on the proposed local law this evening saying he doesn't agree with the exclusionary district prohibiting vacation/short term rentals in a certain area of the village and doesn't believe there is any basis for it.

Trustee Jablonski said he is however in favor of having home owners register their properties and establishing a set of rules and regulations which will provide extra protection for those living near a short term rental property.

Trustee Drago said there are two votes at hand, one for the vacation/short term rental rules and regulations and one for the "no rent zone" and because time is of the essence the Board of Trustees need to take a vote this evening. If people are going to rent or not rent they need to know.

Trustee Di Salvo indicated he has given careful consideration to this issue, has researched the subject and has heard from both sides. He then wished to thank everyone who came out this evening to attend and participate in the public hearing process. Trustee Di Salvo said he is in favor of the strict enforcement of the rules and regulations as set forth in the proposed local law pertaining to vacation/short term rental properties. With all due respect to Mrs. Swanson, Mr. & Mrs. Conley and Mrs. Peterson-Dennerlein, Trustee Di Salvo thought the proposed overlay district maybe an overreaction to a problem that could be handled through strict enforcement of the rules and regulations. Trustee Di Salvo suggested property owners that rent their homes will be put on notice about the new rules and regulations and a year from now we'll know how effective the local law is and if it was the right decision.

Trustee Di Salvo introduced a motion to adopt the rules and regulations as set forth in local law #2-2014 regarding the conduct of a vacation/short term rental property throughout the Village of Lakewood, without the "no rent zone" overlay district.

With no second to Trustee Di Salvo's motion, Trustee Drago said she would like to vote on the two issues separately.

Trustee Drago then introduced a motion to adopt the rules and regulations as set forth in local law #2-2014 regarding the conduct of a vacation/short term rental property to include the proposed "no rent zone" overlay district.

With no second to Trustee Drago's motion, the motion was dropped.

Trustee Di Salvo then reintroduced his original motion for the Board of Trustees to consider adopting the rules and regulations as set forth in local

law #2-2014 regarding the conduct of a vacation/short term rental property, with the proper permit, within R-1, Residential Districts throughout the Village of Lakewood less Section C or without the "no rent zone" overlay.

Trustee Jablonski indicated that he has a question regarding the State Environmental Quality Review (SEQR) Act when amending the local zoning law and whether this matter should be reviewed as a Type I Unlisted Action.

Trustee Di Salvo said he agrees with Trustee Jablonski that this matter should be reviewed under the SEQR Act and that the Village of Lakewood will likely issue a Negative Declaration, which will allow the action to go forward.

APRIL 28, 2014 (CONTINUED)

RESOLUTION #17-2014-2015 - TABLE ACTION ON PROPOSED LOCAL LAW #2-2014

Motion by Trustee Jablonski, seconded by Trustee Drago, for the Board of Trustees to table any action on proposed Local Law #2-2014 - Vacation/Short Term Rentals, until such a time a Short Environment Assessment Form can be completed and signed by Mayor Wordelmann and filed with the Chautauqua County Planning Board, so as to comply with the State Environmental Quality Review Act.

Adopted: 3 ayes, no nays (Di Salvo, Drago, Jablonski)

Motion by Trustee Drago, seconded by Trustee Di Salvo, and unanimously carried, the Board adjourned
At 8:23 PM

Joseph M. Johnson
Village Clerk