

NOVEMBER 25, 2013

The sixteenth regular meeting of the Board of Trustees of the Village of Lakewood, NY, was held Monday, November 25, 2013 at 6:30 PM, with Mayor David T. Wordelmann presiding. Trustees present were Gale A. Denn, David J. Di Salvo, Susan F. Drago and John Jablonski. Also present were Village Clerk Joseph M. Johnson, Village Treasurer Andrea J. Windoft, Village Attorney Edward P. Wright, Building Inspector Charles L. Smith and Fire Chief Kurt W. Hallberg. Absent was Police Chief John R. Bentley and Department of Public Works Supervisor Thomas R. Pilling.

APPROVAL OF MINUTES

Motion by Trustee Jablonski, seconded by Trustee Drago, to approve the minutes of the last regular meeting of the Board of Trustees, held November 12, 2013.

Adopted: 4 ayes, no nays (Denn, 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 November 25, 2013, be approved and that the Clerk shall execute said abstracts (#25 & #26) and direct payment by the Treasurer. General Fund: \$ 36,947.01 (Checks #10205 thru #10236) Trust & Agency Fund: \$ 57,174.74 (Checks #2715 thru #2728)

Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

REPORTS

Fire Chief Kurt W. Hallberg reported that the Lakewood Volunteer Fire Department has responded to seven hundred thirty-eight alarms year-to-date. When asked by Mayor Wordelmann if there was anything new to report regarding thoughts of a new fire truck, Chief Hallberg indicated that he and other members of the fire department are getting some design information together so they may begin writing specifications for it.

Trustee Di Salvo asked Mayor Wordelmann if it would be a good time to discuss the development of the corner of Fairdale Ave. and East Fairmount Ave. as a used car dealership by Mr. Larry Spacc.

Building Inspector Smith indicated he met with Trustee Jablonski and Trustee Di Salvo on Monday, November 18th and reviewed the matter in detail. Mr. Smith indicated at the conclusion of his meeting with Trustees Di Salvo and Jablonski it was decided not to pursue anything with respect to how the site was developed at this time.

When asked by Village Attorney Wright if there were any reasons for making the decision they did, Trustee Jablonski said that although Mr. Spacc never filed certain site plan information that he was asked to submit, it is his opinion a violation still exists, however because of how much time has lapsed, there is really no enforcement avenue to take at this time.

Trustee Di Salvo indicated in going forward the Village of Lakewood should spell out to developers what exactly it needs when it comes to landscaping and green space plans which would eliminate any guesswork.

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Trustee Di Salvo suggested the Village of Lakewood might wish to broaden the responsibilities of the tree commission to possibly include the review of green space, plantings, etc. and provide some assistance with the review process for new commercial developments.

Building Inspector Smith indicated any kind of landscaping or green space requirements should be included in local zoning code.

Trustee Di Salvo then suggested that a landscaping component should be added to the rules and regulations with respect to signs.

Trustee Jablonski said if one compares and contrasts the Lakewood Laundromat sign with the Larry Spacc used cars sign it is easy to see how appropriate landscaping can enhance a monument type sign.

Trustee Di Salvo said with more detail it will lend itself to the consistency that the Village of Lakewood is looking for when it comes to signage. After his meeting with Building Inspector Smith they visited some residential properties that they shared some concerns about. One of the problems is that the Village of Lakewood follows the N.Y.S. Property Maintenance Code which requires minimum standards and he and Mr. Smith talked about the possibility of “beefing-up” that code. Trustee Di Salvo asked for the zoning law review committee to consider looking into this.

Village Attorney Wright indicated to Trustee Di Salvo that property maintenance issues are part of the scoping session for the zoning law review committee to look at.

Last but not least Trustee Di Salvo said there are some owner occupied residential properties within the Village of Lakewood wherein it appears the property owner might be experiencing some financial distress and therefore unable to bring their sub-standard property into compliance. Trustee Di Salvo said he and Mayor Wordelmann recently spoke about ways to remedy these situations. One way to possibly address this issue would be to provide a low interest loan or subsidy based on property owner’s income. It wouldn’t be a tax and spend program, rather it would be a loan paid back to the Village of Lakewood. Trustee Di Salvo said he believes the benefits of such a program would outweigh any negative impacts.

Mayor Wordelmann said it sounds like a good idea. Mayor Wordelmann said a portion of the Village of Lakewood’s fund balance could be earmarked for the program when preparing the annual budget. Mayor Wordelmann admitted he is not sure if there might be any legal ramifications in running such a program.

Treasurer Andrea J. Windoft said she would be surprised if the Office of the State Comptroller would condone such a program. The Village of Lakewood is not in a position to lend money to a private citizen, but would be happy to look into the matter.

COMMITTEE REPORTS

Mayor Wordelmann reported that the zoning law review committee is continuing to meet and recently reviewed final drafts on amendments to the section on signs and the section on automobile sales. The committee also looked into some proposed rules for food trucks, reviewed some sample noise ordinances and looked into the matter of weekly or transient rentals. Mayor Wordelmann indicated the committee looked at what other communities do in addressing these subjects. Currently weekly rentals conducted in an R-1, Residential District would be considered illegal however the Village of Lakewood must be fair and listen to the other side.

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Because there are a number of weekly rentals throughout the Village of Lakewood it behooves this board to now consider a method how to regulate this use. Some ideas discussed included annual licensing or registering properties that conduct weekly rentals as well as establishing a set of rules for the owners of weekly rentals to abide by.

ANYONE TO BE HEARD

Mrs. Jill Conley, 7 Winchester Road, asked Mayor Wordelmann if he is implying that because weekly rentals are considered a past practice and because there are currently a number of weekly rentals located throughout the village the Village of Lakewood is going to continue to allow this practice, even though it is considered a commercial operation in a residential neighborhood. Mrs. Conley indicated to Mayor Wordelmann that he just stated that use of properties in an R-1 Residential District as weekly rental is illegal.

Mayor Wordelmann told Mrs. Conley that the Village of Lakewood is not going to go ahead and approve this use at the present time but it is a subject that is being discussed. The Board of Trustees can not turn a blind eye to the subject but rather it is something that needs to be discussed because some people are indeed for it. Mayor Wordelmann said because he and members of the Board of Trustees represent everyone in the Village of Lakewood we need to hear both sides of specific issues.

Mrs. Conley said she begged to differ adding she feels betrayed by the Mayor, members of the Board of Trustees and members of the zoning law review committee. It is her opinion that the Board of Trustees have put the interest of people who don't live here fulltime above the interest of the residents that do. Mrs. Conley said she and her family love this community and that is why we live here. She went on to say that her family pays taxes, have kept up their property and have enjoyed a wonderful life here. What we have now are landlords from out of state whose only interest is to make money off their property in Lakewood. Mrs. Conley asked where does that leave the rest of the community and where does it stop. Is the Board of Trustees going to continue to draft a set of rules and regulations for weekly rentals? They should ask themselves is this the direction residents want their neighborhoods and the Village of Lakewood to go in.

Mayor Wordelmann indicated to Mrs. Conley that he doesn't believe neither he nor members of the Board of Trustees have betrayed anyone concerning this topic. He reminded Mrs. Conley that he and the Board of Trustees are merely discussing the matter. Mayor Wordelmann said he and the Board of Trustees wouldn't be doing their jobs if we just looked at one side of an issue.

Mr. Pete Conley, 7 Winchester Road, said he and his wife have attended the past few meetings asking that the Board of Trustees specifically address the illegal use of 35 West Lake Street as a weekly rental and believes the Board of Trustees is able to nip this particular situation in the bud right now.

Mayor Wordelmann told Mr. & Mrs. Conley the situation at 35 West Lake Street can not be nipped in the bud without contacting other area property owners who conduct short term rentals. The Village of Lakewood can not selectively ask the owners of 35 West Lake Street to comply without addressing the matter with other property owners who rent out their properties short term.

Trustee Drago indicated to Mr. & Mrs. Conley the Board of Trustees is in the process of looking at both sides of the matter. Trustee Drago said she understands their concerns and empathizes with what they and other neighbors of 35 West Lake Street endured this past summer.

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Mayor Wordelmann then indicated to Mrs. Conley that he received a letter from George & Marlene Sample, owners of 35 West Lake Street, explaining their background and provided a set of house rules renters are asked to follow.

Trustee Drago believes the property owner got in over her head and really didn't fully realize what was going on here.

Mr. Conley disagreed, saying she knew exactly what she was getting into. She is operating the weekly rentals as a business and it is a money maker for her at the neighbors' expense. He said we pay our taxes, voted you into office and now you are not supporting us on this issue. Mr. Conley said he heard she already has plans to rent out the house for six weeks next summer.

Mrs. Conley believes this whole matter is deeper than anyone thinks. How did this happen and where is it going to go. Mrs. Conley said she has a copy of Village Law which details the specific duties of a Mayor and proceeded to read the following excerpt. A Mayor shall provide for the enforcement of all laws, local laws, rules and regulations and to cause all violations thereof to be prosecuted.

Mayor Wordelmann told Mr. & Mrs. Conley that the first he was made aware of the situation that was occurring at 35 West Lake Street was in the middle of September. Shortly thereafter Building Inspector Charles L. Smith was directed to send a letter to the owners of 35 West Lake Street informing them that short term rentals conducted in an R-1, Residential District is not in compliance with the Village of Lakewood zoning law.

RESOLUTION #100-2013-2014 – AUTHORIZE COLLECTION OF FEES

Motion by Trustee Denn, seconded by Trustee Drago, authorizing the Village of Lakewood to collect any and all fees associated with the issuance of building and zoning permits at the time a permit application is submitted.

Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #101-2013-2014 – AUTHORIZE REIMBURSEMENT OF EXPENSES

Motion by Trustee Denn, seconded by Trustee Drago, that the Board of Trustees acting as the Board of Fire Commissioners, per the request of Fire Chief Kurt W. Hallberg, to authorize the reimbursement of expenses incurred, (registration fee, mileage and tolls) to Lakewood Fire Department member Colton Swan, who took the Emergency Medical Technician (EMT) exam Thursday, November 21, 2013 in Rochester, New York.

Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

RESOLUTION #102-2013-2014 – APPROVE STANDARD WORKDAY & REPORTING RESOLUTION

Motion by Trustee Denn, seconded by Trustee Drago, to approve and submit a Standard Workday & Reporting Resolution to the New York State Retirement System for all paid elected and appointed village officials who are members of the New York State Retirement System.

Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

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RESOLUTION #103-2013-2014 – SET TIME & DATE FOR PUBLIC HEARING

Motion by Trustee Denn, seconded by Trustee Drago, to set 6:45 PM, Monday, December 9, 2013 as the time and date to conduct a public hearing to discuss and review proposed amendments to Section #25-6 [Definitions] and Section #25-47 [Accessory Storage Structures] of the Village of Lakewood Zoning Law. Adopted: 4 ayes, no nays (Denn, Di Salvo, Drago, Jablonski)

Motion by Trustee Denn, seconded by Trustee Di Salvo and unanimously carried the Board adjourned at 7:02 PM.

Joseph M. Johnson
Village Clerk