

**May 9, 2022**

The ninth regular meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, May 9, 2022, 6:30 PM, with Mayor Randall G. Holcomb presiding. Trustees present were Ellen E. Barnes and Nancy W. Jones. Also present were Village Clerk Mary B. Currie, Village Treasurer Apryl L. Troutman, Police Chief Christopher A. DePonceau, Fire Chief Kurt Hallberg and Building Inspector Jeff Swanson. Trustee R. Richard Fischer attended via telephone. Absent were Trustee Benjamin J. Troche, Village Attorney John I. LaMancuso, and DPW Supervisor Thomas R. Pilling.

### **APPROVAL OF MINUTES**

Motion by Trustee Fischer, seconded by Trustee Jones, to approve the minutes of the last regular meeting of the Board of Trustees held April 25, 2022.

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

### **AUDIT OF CLAIMS**

Motion by Trustee Barnes, seconded by Trustee Jones, that the claims as audited by the Auditing Committee of the abstracts dated May 9, 2022, be approved and that the Clerk shall execute said abstracts and direct payment by the Treasurer. Abstracts (#52 & #52) Trust & Agency Fund: \$ 56,238.51, (check #6536), General Fund: \$ 39,264.63, (checks #18782 thru #18800).

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

### **REPORTS**

Police Chief Christopher A. DePonceau reported the Lakewood-Busti Police Department has had four hundred four incidents from April 25, 2022 to May 9, 2022. He said of those they have had seventeen property checks, seventy-five vehicle and traffic violations, seven shoplifting incidents and twenty-four warrants were processed.

Fire Chief Kurt Hallberg reported the Lakewood Fire Department has responded to three hundred fifty alarms year to date.

Chief Hallberg reported they are busy getting the new ambulance in service and the rescue boat in the water.

Building Inspector Jeff Swanson reported he is back to work after having to take time off due to Covid 19 and is catching up on property maintenance complaints.

Mr. Swanson reported 19 Owana Way has been demolished and 12 East Fairmount is scheduled for pre demolition to begin next week.

Trustee Ellen E. Barnes reported she has had a conversation with Dog Control Officer Beth Moss and let her know the updated Dog Park policy & rules are in place and asked her if she would attend a future Board of Trustees meeting.

### **RESOLUTION #69-2022 – AUTHORIZE STREET CLOSING FOR BLOCK PARTY**

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Lakeview Ave., between E. Terrace Ave. & E. Summit St., to be closed on May 21, 2022 between the hours of 3:00pm - 5:00pm for a neighborhood block party. The Lakewood-Busti Police Department, the Lakewood Volunteer Fire Department and the Village Streets Department are aware of the street closure and the residents have agreed to advise 911 dispatch that the street will be closed for that period of time.

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

May 9, 2022 (continued)

**RESOLUTION #70-2022 – APPROVE 2022 LAROW DOCK PERMITS**

Motion by Trustee Jones, seconded by Trustee Barnes, to approve the 2022 Dock Permit Applications as submitted by Mr. William Chandler, 207 W. Summit St., for the Division St. R-O-W and Mr. William Jones, Gifford Homeowners Assoc., for the Gifford Ave. R-O-W,  
Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

**RESOLUTION #71-2022 – AUTHORIZE MID-YEAR BUDGET TRANSFER**

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize Village Treasurer Apryl L. Troutman to make the following mid-year budget transfers for budget shortfalls: \$ 2,701.79 from A-3120.43 {Police-Contractual-Vehicle Maintenance} to A-3120.42 {Police-Contractual-Gasoline} and \$ 34.00 from A-7140.42 {Playgrounds-National Grid Electric} to A-7140.43 {Playgrounds-Water Fees}  
Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

**ANYONE TO BE HEARD**

Mrs. Joan Erickson, 11 Stoneman Ave., said the Lakewood Woman's Club Garden Group will be planting the flowers this year on Chautauqua Ave. and Mike Krauth, owner of Mike's Nursery, E. Fairmount Ave., will be donating the plants once again this year.

Mayor Holcomb asked if anyone has an update on the repairs being done at the Lakewood Memorial Library.

Building Inspector Jeff Swanson said the roof is being replaced, they are putting foam over the top of the existing foam, they are ripping the rubber off, they have removed the rooftop unit and will not be putting it back on, they will be removing the duct work and have begun the re-roofing today. Mr. Swanson said it appeared the leak began because of the rooftop unit.

**RECESS**

Motion by Trustee Barnes, seconded by Trustee Jones, to recess the regular meeting of the Board of Trustees at 6:45 PM, so as to conduct a previously scheduled public hearing.  
Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

**PUBLIC HEARING  
RE: PROPOSED LOCAL LAW #2-2022  
MORATORIUM ON SHORT TERM RENTALS**

Mayor Holcomb opened the public hearing at 6:45 PM on proposed Local Law #2-2022, for the Village of Lakewood to place a one (1) year Moratorium on Short Term Rentals.

Mayor Holcomb proceeded to read proposed Local Law #2-2022, to place a one year moratorium on Short Term Rentals, which will be on file at the Village Clerks Office.

Trustee Troche, who was unable to attend this evening's meeting, submitted a statement regarding the proposed Moratorium, which Mayor Holcomb read as follows:

I first would like to apologize for not being in attendance tonight. I am currently taking part of the second to last week of the State Fire I.F.O. training for the Village Fire Department. Although, that I can't be at tonight's meeting this topic is on the forefront of my mind.

I believe it is our duty as the Village Board to make decisions based on facts and to complete and thoroughly understanding of the consequences of such decisions. It is also our duty as the Village Board to continue to keep and continue to pursue ways to make our neighborhoods safe, friendly and community oriented.

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That is why I support the proposed Short-Term Moratorium with a term of one calendar year. It effectively stops the growth of Short-Term Rentals within our Village, while giving a time frame for this Board to effectively study, propose and pursue new and updated zoning laws that will balance the scale between our residents and businesses that we serve. The Moratorium is not a ban on Short-Term Rentals. If you own one, and it is registered with the Village you can continue to operate. More so, it is my view that these Short-Term Rentals should be grandfathered into any new laws that are enacted. This Moratorium is just a suspension of growth so that the Village does not rush to a conclusion.

This Moratorium as stated above is valid for one year. However, if this board concludes its due diligence before one year it will be lifted immediately.

Finally, Short-Term Rentals have immense benefits for our local businesses and economy. It gives an avenue for tourism to prosper which our community deserves. However, our residents expect and deserve this village to stay true to its foundation which is a community based on neighborhoods. A balance between these two is our goal.

Benjamin J. Troche  
Trustee - Village of Lakewood

Trustee Jones said she's afraid to see residential neighborhoods burdened with Short Term Rentals and the scary things that can happen.

Trustee Barnes said moving forward the Board of Trustees will be looking for community input to act on what will be in the best interest for the Village of Lakewood as a whole should be. She said the Board of Trustees will be consulting with the Village Attorney and planning consultants to make sure we do the best we can do to preserve the character and quality of this community.

Mayor Holcomb asked if there was anyone present that has questions or comments on this matter.

Mr. Thomas Turner, 33 E. Lake St., Realtor with Century 21, said there are basically two (2) types of rentals, long term and short term and both are in dire need right now. He said tourism has become the largest industry in Chautauqua County and to eliminate Short Term Rentals at this time would be a bad idea. He said when people move into an area or plan to be here for more than a few days they would rather stay in a Short Term Rental than a motel.

Mr. Turner said just about every neighborhood has homes with junk and some without, some people mow their lawns and some do not, once in a while some have loud music and some don't, Airbnb's aren't going to make a difference in any neighborhood, they are very important right now and should be supported.

Ms. Tammy Snyder, 2 Crawford Lane, agreed with Mr. Turner and said she has a couple of Manufacturing Plants in Jamestown and also a number of rentals in Warren, PA. She said corporations are always looking for rentals to house people coming into town for a few days and thinks they are very important to the economy.

Ms. Snyder said she has noticed since COVID people would rather not stay in hotels, they seem to want clean and sanitized kitchens as well as living and sleeping areas. She said she has been thinking about fixing up a house for a Short Term Rental but now might put that on hold. She said she thinks it is important for the owners of properties to have exterior cameras installed and get reviews on the people who will be renting.

Ms. Snyder said she decided to have Short Term Rentals opposed to Long Term because that gives her the opportunity to get in her place once a week to clean it, see what has gone on there and make sure all the garbage is cleaned up. Ms. Snyder also said with all the residential home owners who live out of town and come here only on weekends and holidays, it already seems like a rental community.

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Mr. Marcus Turner, 1 Maple Ave., said he has recently been preparing his home to become a Short Term Rental and said there are a lot of things that need to be done to prepare, you wouldn't want to rent them to just anybody. He said Lakewood is a vacation destination and you should be wanting people to come to the village and spend money not discouraging them.

Mr. Turner said as far as noise complaints go, there is a noise ordinance in place, any problems with noise should be addressed with the laws. He said the village is a very busy place in the summers, weekends and holidays, there are parking issues everywhere during these times. He said as far as crime goes, not having Short Term Rentals isn't going to eliminate crime. He asked what the village has in place right now for the homeowner if a problem should occur and said if there is a fine that should get their attention.

Mr. Turner said he doesn't understand how having Short Term Rentals will change the quality of life, they keep houses from sitting dark and vacant, if anything Short Term Rentals would increase property values, not decrease them.

Mr. Turner said we spend money trying to promote the village as a vacation destination and get people to come here to visit but this law makes it sound like you are saying you're not welcome and discouraging tourism in Lakewood.

Mrs. Carol Jones, 144 W. Summit St., said in 2014 the village placed rules on Short Term Rentals and said the village needs to follow those rules. She asked how many have been licensed since then and wanted to know how the board plans on grandfathering the ones that are licensed and the ones that are not. She said the only legal Short Term Rentals are the ones the village holds licenses for.

Mrs. Jones said economically the bulk of the income for Short Term Rentals come in the ten (10) weeks of summer and said she thinks the village needs to enforce the rules they already have in place. She also said Short Term Rentals do raise property values which will raise the assessments and results in an increased tax base for the village.

Mrs. Julie McMahan, Real Estate Broker, said the village will be making a big mistake by doing this, people will stop buying houses in Lakewood. She said once a moratorium is in place it is like taxes, they never go away. She said this will hurt the sales of homes along the lake. She said currently there are Short Term Rentals along in Bemus Point and Chautauqua which are lake communities and indicated she never hears of higher crime in those areas because of Short Term Rentals.

Mrs. McMahan said if there are problems with Short Term Rentals then that should be on the homeowners not the community. She doesn't see how the properties would depreciate in value unless the village is unwelcoming to tourism, then people will spend their money elsewhere.

Mr. Gary Starr, 3 Mapleview Ave., said he doesn't think anyone who owns a Short Term Rentals is upset or cares about common sense regulations, anything other than common sense no one needs. He said he has a set of rules for his renters to abide by. He also indicated, all his neighbors have his phone number and if there are any problems with his renters he is only a couple miles away and can be there in minutes. He asked the board if they will have any rental owners on the committee for the re-zoning of districts.

Ms. Carrie Brown, 22 Sunset Ave., thanked the Village Board for proposing the Moratorium on Short Term Rentals and said she is now living in the home her family has owned since 1989. Ms. Brown said according to her deed, they are not to run a Short Term Rental on that property and she indicated some of her neighbor's deeds say the same thing. She said these deeds say this because running a business in a residential neighborhood jeopardizes the quality of life that attracts people in the first place.

Ms. Brown said in her neighborhood the houses are very close with little room for extra traffic or parking. She said for the last several years there has been a very successful Short Term Rental right next door to her and it makes it feel like she is living next to a motel or campgrounds. She said there is now extra traffic, extra garbage and much more noise, which is less respect for our quiet little neighborhood and makes it difficult to live next door to.

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Ms. Brown said a few of her thoughts for the board to consider as they begin working on the new regulations would be to make a strong plan for increasing and enforcing any new regulations. She suggested increasing the application fees and to consider a village rental tax as well as increased fines. She said during the study the committee should look at other communities and what regulations they have in place. She also said the committee should consider making a copy of the applicant's deeds part of the application since some deeds might say no rentals.

Mrs. Jill Conley, 7 Winchester Rd., said her family has lived in the village for over forty (40) years and the reason they bought here was because it was in a residential district and felt it was a safe place to raise their children. She said in May 2014 the village changed its districts allowing Short Term Rentals and the environment has changed from peaceful and safe to sleepless nights, no more privacy on our own property, loud music, foul language, and trespassing on neighboring properties. She said it is so distressing the police have been summoned many times over the past few years.

Mrs. Conley said she doesn't think it right that out of towners should be allowed to enter our community, have their fun, often at the expense of the residents, and then leave. Mrs. Conley quoted her deed which included saying "said premises are due to be used for no other than private residence purposes, no business is to be conducted, thereon".

Mrs. Conley said with all the improvements the village has been doing, we need to collaborate to find a suitable policy that will serve those that wish to establish business in our village as well as preserving the fabric of our community. She thanked the Board of Trustees for moving forward with the moratorium and hopes her voice as well as others will be considered.

Ms. Kim Kamats, 20 Stoneman Ave., owner of a Short Term Rental at 4 E. Terrace Ave., said she purchased 4 E. Terrace Ave. with plans to make it a day spa, when Covid hit and no one wanted to work the only way she was able to survive was to make it a rental property. She did some short term renting as well as long term and ended up having a lot of problems with long term renting and has found it is easier for her to rent short term.

Ms. Kamats indicated she is registered with the village, she follows the restrictions already in place, in respect to her neighbors, she limits the number of guest allowed at a time and said she only lives a mile away so if any problems should occur, she can be there in a minute.

Ms. Kamats also said it would be easier for her if the village could call her to let her know when things need to be addressed instead of sending letters, she much prefers talking to someone.

Mr. Kenneth Wray, 265 E. Terrace Ave., said the neighborhood he lives in has several Short Term Rentals and said a home a couple doors down from him has a long term renter and it is in deplorable condition. Mr. Wray said right now his neighbor has a motorcycle sitting out front of his house, there is garbage all over the place, junk is laid out all over his yard and he only has a 25 ft. lot. Mr. Wray also said he thinks Building Inspector Jeff Swanson should have a little more ability to patrol properties.

Building Inspector Swanson he does enforce any laws the village has in its codes. He said Short Term Rentals go much deeper than just the Short Term Rentals that are on the books now.

Mr. Swanson said there are usually 30-40 letters sent annually informing Short Term Rental owners they need to register, there are usually 1 or 2 that do it each year. Chautauqua County only has 14 registered but they have now made an agreement with Airbnb that they will register them with the county. He said the main reason for the importance of registering the Short Term Rentals is for the safety of the people renting, they are required to have annual fire inspections.

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Dr. RG Witchey, 2 Atlantic Ave., said he thinks part of the issue is that many Short Term Rental owners are from out of town, so there are hidden aspects of the LLC's and it's very easy to argue a business in residential areas. He said standards for the village to uphold the rental agreement in place is a great way to start and thinks the moratorium will make that and the responsibilities of the homeowners even stronger and making the landlords held accountable.

Ms. Margo Russell, 19 Bentley Ave., said the moratorium is just for a year and asked the Board of Trustees what the re-zoning looks like to them.

Trustee Barnes said the Board of Trustees' perspective will be looking at districting and if they are set up properly or need to be re-districted. She said they will also be meeting with a consultant and the village attorney to make sure everything is done legally and fairly.

Trustee Barnes said the Short Term Rentals will not be going away or being cancelled, this is a way to make it a balance between maintaining the integrity and character of the community. She said it won't be perfect for everyone.

Building Inspector Swanson said there are a number of zoning districts and the zoning code needed to be changed years ago. He said with this moratorium there are probably going to be districts that will change due to the lot sizes alone.

Mayor Holcomb said this moratorium will not be stopping current Short Term Rentals from continuing to operate, it is stopping future ones for no more than a year. Mayor Holcomb said if a new proposal on the regulations is in place sooner than a year, the moratorium will be lifted. Once the committee puts everything together there will be another Public Hearing where people will be able to voice their opinions on the newly proposed plans.

Mrs. Julia McMahon said fifty percent of Lakewood home owners are in Florida for the winter months or are permanent residents of another state. She said houses are sitting empty for months at a time, with short term rental homes being occupied would provide a sense of security for neighborhoods.

Trustee Barnes said Short Term Rentals can be sporadic, there is a certain character to having a full time resident, there has to be a balance between the two.

Mr. Vincent Gerace, owner of 28 Chautauqua Ave., said he has had an Airbnb for four years now and is very proud to be rated as a Super host. He said he makes sure his place is up to code and well kept, he wants it to be a place people want to stay at. Mr. Gerace said people who rent Airbnb's are patronizing the area businesses and bringing business to Lakewood.

Mr. Gerace said the village has pivoted over many years and right now Short Term Rentals are big, the village has a lot to offer so vacationers want to come here. Mr. Gerace recommended more safety regulations being enforced and some other laws that will protect not only the residents but also the guests. Finally Mr. Gerace wished to thank the Board of Trustees for their service to the village.

Mrs. Marian Anderson, 115 W. Terrace Ave., asked if the \$100 licensing fee is a onetime fee or if it is a yearly fee and if the village gets any part of the bed tax. She also asked if the village is getting any benefits from the Short Term Rentals. Mrs. Anderson then suggested the village hire an additional Code Enforcement Officer to help.

Building Inspector Swanson said the bed tax is a county tax, the village only gets the \$100 licensing fee once a year.

Mr. John Allegretti, owner of 136 & 138 W. Summit St., said he is registered with the village for both his properties and pays the County bed tax for both. He said he doesn't know what the standards are for the Moratorium and asked what they are for the village and if there are New York State standards for a Moratorium.

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Mr. Allegretti also said he hasn't really heard anything, with the exception of maybe one or two things, where a moratorium is necessary.

Mayor Holcomb said there are legal issues that need to be covered in a moratorium so the village is being guided by the village attorney.

Trustee Barnes said a Moratorium gives the village time to adjust their zoning to new regulations dealing with somethings that can be problems. She said communities across the Country are dealing with some of the same problems in record numbers. This Moratorium is just a pause.

Mr. Joseph Matteo, 311 E. Terrace Ave., who participated through Zoom.us, said he does not rent his home but wants to know if the village has collected any data that relates to Short Term Rentals. He said the Police Department should have actual data of how many complaints there have been and those should be put into consideration when making any decisions, they should not be made on feelings which will make it fair for all.

Trustee Barnes said there have been many calls to the Police for noise, garbage, trespassing and most recently there was a bad incident of a drug party where arrests were made. She said those type of people have now been introduced to the village and said the Police Chief would have all that documentation.

With no one else to be heard, Mayor Holcomb closed the public hearing at 8:07 PM and re-opened the regular meeting of the Board of Trustees.

**RESOLUTION #72-2022 –APPROVE SEQRA RELATING TO PROPOSED LOCAL LAW #1-2022**

Motion by Trustee Jones, seconded by Trustee Barnes, for the Board of Trustees to approve the State Environmental Quality Review Act (SEQRA) form relating to proposed Local Law #1-2022, for the Village of Lakewood to place a one (1) year Moratorium on Short Term Rentals. Chautauqua County Planning and Development finds this Local Law to have no significant county wide or intracommunity impact and recommends it to be of local concern.

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

**RESOLUTION #73-2022 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION**

Motion by Trustee Fischer, seconded by Trustee Jones, for the Village of Lakewood to approve the issuance of a Negative Declaration and designate the Village of Lakewood as the Lead Agency in connection with Local Law #1-2022, to place a one (1) year Moratorium on Short Term Rentals.

Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

**RESOLUTION #74-2022 –ADOPT LOCAL LAW #1-2022, PLACING A ONE (1) YEAR MORATORIUM ON SHORT TERM RENTALS**

Motion by Trustee Fischer, seconded by Trustee Barnes, for the Board of Trustees to adopt Local Law #1-2022, placing a one (1) year Moratorium on Short Term Rentals, as proposed and read by Mayor Holcomb.

VILLAGE OF LAKEWOOD  
LOCAL LAW 1 OF 2022

**LOCAL LAW PLACING MORATORIUM ON SHORT TERM RENTALS**

Be it enacted by the Board of Trustees of the Village of Lakewood as follows:

Section 1.      Short Title.

This local law shall be known and cited as the “Short-Term Rental Moratorium of the Village of Lakewood, New York”

Section 2. Legislative Findings.

The residential character of the Village of Lakewood is a source of pride and economic stability for the Village and its residents.

B. The recent trend of existing residential structures being used by owners for the primary purpose of renting to short-term rental occupants has created concern that the residential character and economic base of the Village is threatened. Changes in technology have given rise to new issues in land use planning and regulation, including those related to so called "vacation rentals." Use of land within the Village for short term rentals has resulted The Board of Trustees hereby finds that more specific zoning provisions are appropriate to address this increasingly popular land use activity and that short term vacation rentals create conflicts with their residential neighbors, and have the potential to degrade residential neighborhoods by introducing crime, noise, parking congestion, and other detrimental impacts while also adversely affecting the traditional neighborhood character that results from a community of owner-occupied properties. As such, the Board of Trustees finds that unregulated short term vacation rentals, or short-term rental occupancies as defined in this local law, may be incompatible with residential neighborhoods and zoning districts, and that such uses must be carefully regulated and monitored to minimize deleterious effects in residential zoning districts. This is particularly so in those situations where the property owner is not present during times of short-term rental occupancy.

C. Unless reasonable measures are taken for an interim period to protect the public interest pending the completion of necessary surveys, studies, meetings and required public hearings, further conversions of residential properties and establishment of new short-term rental uses may occur within the Village that may thereby:

- (1) Preclude or otherwise undermine consideration and implementation of appropriate and salutary planning measures, including the amendment of the Village's Zoning Code, environmental review procedures, and other development regulations;
- (2) Permit significant variations in neighborhoods where the Village may wish to implement changes in the existing Zoning Code and such variations may impede or destroy the integrity of changes which may be proposed; and
- (3) Create conditions, or worsen existing conditions, which the Board of Trustees hereby finds to be detrimental to the public health, safety, and general welfare.

D. It is the finding of the Board of Trustees that a review of the Zoning Code and Zoning Map is necessary to determine how to best regulate short-term rental occupancy uses within the Village so as to avoid adversely impacting residential districts and the community character in general, and that the review and possible revision of the Village Zoning Code as envisioned by this local law is necessary to protect the health, safety, and welfare of residents of the Village of Lakewood.

Section 3. Authority and Purpose.

The Board of Trustees of the Village of Lakewood hereby adopts this Local Law pursuant to its general zoning authority under Article 4 of the Village Law for the purposes of addressing the potential threat to the public health, safety and welfare described at Section 2 above.

Section 4. Definitions.

A. For purposes of this Local Law, the term "short term rentals" as used herein shall have the same meaning attributed to it in Section 25-10 of the Village Zoning Code, i.e., "A residential property that is rented to a visitor for less than 30 days."

Section 5. Intent.

It is the intent of the Board of Trustees to protect the public health, safety, and welfare by enacting this interim moratorium law for a reasonable period. It is the purpose of this local law to comprehensively and timely review the uses that are within the scope of the moratorium so that adequate land use and regulatory controls may be presented for action by the Board of Trustees at or prior to the expiration of the period of the moratorium. During said period, the Board of Trustees, the Village Planning Board/Zoning Board of Appeals, and/or such other panel or body as may be designated by the Board of Trustees for this purpose shall complete an evaluation and assessment of existing land use plans and regulations for lands within the Village and make recommendations to the Board of Trustees as to potential amendments to address the potential threat to the public health, safety, and welfare described at Section 2 above. The Board of Trustees shall thereafter enact necessary modifications to the Village Zoning Code and/or Zoning Map.



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The Board of Trustees declares that the enactment of this local law is necessary to protect the public health, safety, and welfare.

Section 6. Regulations.

A. Except as otherwise provided herein, effective on the effective date of this local law, and continuing until one year from the effective date of this local law, unless the Board of Trustees, by resolution, establishes an earlier date, no short-term rental occupancy use shall be established or expanded within the R1 Single-Family Residential District, R2 Multiple-Family District, or R3 Mobile Residential District in the Village of Lakewood, and no application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, demolition permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Village-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, building, or other structure located within any of the aforesaid Districts for any land use Activity that includes the establishment or expansion of a short-term rental occupancy use, either in a principal structure or any accessory structure. The prohibition referred to hereinabove shall not apply to short-term rental occupancy uses that were lawfully established prior to the effective date of this local law, nor to the issuance of building permits for structural repairs, renovations, or alterations which do not involve the expansion of an existing transient occupancy use or the establishment of a new short-term rental use.

B. The Board of Trustees may, by resolution, extend the moratorium period provided for herein by two (2) additional periods not to exceed 180 days each.

Section 7. Supersession of Village Law.

The provisions of this local law, and any moratorium (and extension(s) thereof) enacted hereunder, shall supersede in their application to the Village of Lakewood any and all contrary provisions of Article 7 of the Village Law, including, but not necessarily limited to, the provisions with respect to any time periods within which the Village or the Planning Board is required to act in regard to any application, and with respect to default approval of any such application within such time periods as may be prescribed in said Village Law.

Section 8. Penalties for Offenses.

Any person or entity acting in violation of the provisions of this local law shall be guilty of an offense punishable by a fine not to exceed two hundred and fifty dollars or imprisonment of not more than fifteen days, or both. Each day of continuance of a violation shall be considered a separate offense. In addition to such penalties, the Village of Lakewood may enforce this local law by injunction and/or such other appropriate civil remedies as may be available.

Section 9. Repeal of Existing Laws.

All ordinances, local laws, or parts thereof in conflict with the provisions with this local law are hereby repealed to the extent necessary to give this local law full force and effect during the effective period.

Section 10.

If any portion, subsection, sentence, clause, or phrase of this local law is for any reason held invalid or unconstitutional by any court, such portion, subsection, sentence, clause, or phrase shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this Local Law.

Section 11.

This local law shall take effect upon filing with the Secretary of State of the State of New York.  
Adopted: 3 ayes, no nays (Barnes, Fischer, Jones)

Motion by Trustee Jones, seconded by Trustee Barnes and unanimously carried the Board adjourned at 8:09 PM.

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Mary B. Currie  
Village Clerk