

**BOARD OF TRUSTEES MEETING
VILLAGE OF LAKEWOOD
April 15, 2024**

The seventh meeting of the Board of Trustees of the Village of Lakewood, N.Y., was held, Monday, April 15, 2024, 6:30 P.M.

Present:	Randall G. Holcomb	Mayor
	Ellen E. Barnes	Trustee
	Richard Fischer	Trustee
	Nancy W. Jones	Trustee
	Ben Troché	Trustee

Also Present:	Apryl L. Troutman	Village Clerk/Treasurer
	Krysten Sisson	Village Deputy Clerk
	Christopher A. DePonceau	Police Chief
	Thomas R. Pilling	DPW Supervisor
	Kurt Hallberg	Fire Chief
	Jeff Swanson	Building Inspector
	Marilyn Fiore-Lehman	Village Attorney

A work session was held with no action taken.

APPROVAL OF MINUTES

Motion by Trustee Barnes, seconded by Trustee Jones, to approve the minutes of the last meeting of the Board of Trustees held on March 25, 2024.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

AUDIT OF CLAIMS

Motion by Trustee Fischer, seconded by Trustee Barnes, that the claims as audited by the Auditing Committee of the abstracts dated March 25, 2024, be approved and that the Clerk shall execute said abstracts and direct payment by the Deputy Treasurer.

- Abstracts (#46 & #46)
 - o General Fund: \$67,303.61, (checks #20617 thru #20661),
 - o Trust & Agency Fund: \$60,410.97 (checks #8317 thru #8349)
 - o VOIDED CHECK- M&T Bank, credit card payment – check #20641
 - o VOIDED CHECK – Windstream Payment – check #20660

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

REPORTS

DPW Supervisor Thomas Pilling:

- Crews are working on getting the parks up and running.
- The pickleball nets are up and the next goal is to get the tennis court nets up.
- The water at the bathroom will also be turned on this week

Police Chief Christopher A. DePonceau:

- Between the dates of 03/25/2024 and 04/15/2024 the police department has handled 670 incidences, some of these incidences include the following:
 - o 13 alarms, 243 Area/Door/Business Checks, 6 assists to other agencies (Fire & PD), 10 wellbeing checks, 14 disorderly people, 14 larceny's, 6 MVAs, 74 property checks, 28 Special details, 9 suspicious situations, 7 suspicious people, 56 VT stops, 22 warrants (checked & served).
- 2,857 incidences YTD

Chief Kurt Hallberg:

- 296 calls year to date
- Stand-by for the eclipse went well, nothing out of the normal had occurred

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- Saturday a crew responded to a sinking boat on Terrace Ave. The crew pulled the boat out of the water and got it up on the shore.

Village Attorney Marilyn Fiore-Lehman:

- No report

Clerk/Treasurer Troutman:

- The Village received a payment from Chautauqua County for 2023-2024 unpaid taxes and fees.
 - o **Taxes- \$56,866.11**
 - o **Fees- \$3,643.94**

Code Enforcement Officer Swanson:

- The applications for the NYSEDA grants are out, the application just needs to be filled out for the Village to receive the \$10,000. CEO Swanson stated that he is going to be getting with the mayor and a board member to see where they would like to go next with this process.

Mayor Holcomb:

- Mayor Holcomb said there is an article in the Southern Tier West newsletter that states “Southern Tier West would like to congratulate the Town of Busti, Town of Harmony, Town of Humphrey, and Village of Lakewood who have all successfully submitted High Impact Action Items to NYSEDA over the last month. These municipalities will now be awarded MATCH-FREE \$10,000 grants to use on clean energy projects of their choosing!” Mayor Holcomb thanked CEO Swanson for leading the village through that.

Trustee Jones:

- Six kids have expressed their interest in lifeguarding at the beach this upcoming season. Two have already turned in their applications and are repeats from last year. The other four would need to take the lifeguarding course at JCC. She stated that some of them are from the Southwestern Swim team and would be a great asset to the job.

Trustee Troche:

- Updated everyone on the Lakewood Fire Department Feasibility Study. He stated that there was an engineer at the facility today and they had a meeting with their team. The deadline for the grant application is the 22nd of April and the team will submit their initial renderings and assessment. After that there will be a deeper dive and a large look into the project to see where the money can best be used within the project.

New Business

RESOLUTION #55-2024- AUTHORIZE THE VILLAGE CLERK/TREASURER TO MAKE THE FOLLOWING MID-YEAR BUDGET MODIFICATIONS FOR BUDGET SHORTFALLS.

Motion by Trustee Barnes, seconded by Trustee Troche, to Authorize the Village Clerk/Treasurer to make the following mid-year budget modifications for budget shortfalls due to the payout of accrued time off at the Clerk’s retirement and restructuring of the Clerk/Treasurer departments –

- a) Decrease expenditure account A1680.40 {Central Data Processing} by \$800 and increase expenditure account A1325.10 {Treasurer - Salaries} by \$800
- b) Increase revenue account A101120.00 {Non-Property Tax Distribution by County} by \$15,585 and increase expenditure A1410.10 {Clerk - Salaries} by \$15,585

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

RESOLUTION #56-2024- AUTHORIZE THE VILLAGE CLERK/TREASURER TO ADD THE FOLLOWING EXPENDITURE ACCOUNT TO THE GENERAL FUND.

Motion by Trustee Troche, seconded by Trustee Barnes, to authorize the Village Clerk/Treasurer to add the following expenditure account to the general fund –

- a) A 4540.43 EMS Professional Services – Chaut Co

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

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**RESOLUTION #57-2024-AUTHORIZE DPW SUPERVISOR TO ATTEND THE NYS HIGHWAY
SUPERINTENDENTS CONFERENCE.**

Motion by Trustee Barnes, seconded by Trustee Jones, to authorize DPW Supervisor Thomas R. Pilling, to attend the NYS Highway Superintendents Conference to be held in Ithaca, N.Y., June 3th – June 5th. Mr. Pilling will be reimbursed for any and all authorized expenses incurred.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

ANYONE TO BE HEARD

Raymond Ayers, 124 E Terrace Ave:

- Mr. Ayers stated that one year ago he brought up properties with unlicensed and unregistered vehicles. He mentioned that last time he mentioned this the board stated that nothing could be done about it. Mr. Ayers wanted to know if anything has changed since then.
 - o **Village Attorney Lehman**, stated that she didn't see anything specific in the village zoning code relating to this.
 - o **CEO Swanson** stated that within the Village of Lakewood, there is not allowed to be any unlicensed or unregistered vehicles. Once it is discovered that a property has an unlicensed or unregistered vehicles on the property a letter of order to remedy is sent out. In the village code it states that after 4 days the vehicle can be taken. However, the board has not given CEO Swanson exact direction on how to handle this. There is also the question of how long does the vehicle needs to be kept after it has been taken from the property.
 - o **Village Attorney Lehman** suggested that the village hire a tow company to come and take possession of the car after the 4 days. The tow company has the ability to put a mechanic's lien on it and keep it for as long as they need. Once the time is up and if the owner doesn't come claim the vehicle, they will either sell the vehicle or they will scrap it depending on the condition. This would take the cost off of the village.
 - o **CEO Swanson** asked the board if they would like him to send out two notifications and then after the four days have the vehicle taken.
 - o **Mayor Holcomb** asked if the owner will be notified that the vehicle is being taken.
 - **CEO Swanson** stated that in the letter it will advise them that the vehicle will be taken in 4 days if the matter is not resolved. He stated that one letter will be sent by regular mail and the other will be sent by priority mail. He asked Village Attorney Lehman if once these letters are sent, the village has done their due diligence to process with the rest of the process.
 - **Village Attorney Lehman** stated yes.
 - o **Trustee Barnes** asked if police are typically there during this type of situation.
 - **CEO Swanson** stated yes, the police and myself are usually present.
- **Mr. Ayres** stated that this takes care of the unlicensed and unregistered vehicle issues but it doesn't take care of the rest of the places that have piles on junk in their yard.
 - o **CEO Swanson** stated that there are complaint forms in the front office of the Clerk's office and that if there are certain properties that he would like looked at it would be beneficial if he filled out the form so he can direct his attention to the problem properties.

PUBLIC HEARING: 6:45PM

**VILLAGE OF LAKEWOOD'S TENTATIVE BUDGET
FISCAL YEAR: JUNE 1, 2024 THROUGH MAY 31, 2025**

Mayor Holcomb opened the public hearing on the Village of Lakewood's tentative budget for the fiscal year June 1st, 2024 to May 31st, 2025 at 6:47pm. Mayor Holcomb asked if anyone in attendance would like to make a statement about the proposed budget.

- Mayor Holcomb asked again if anyone in attendance would like to make a comment on the proposed budget.
- Mayor Holcomb asked for the final time if anyone in attendance would like to make a comment on the proposed budget.
- With no one to be heard, motion by Trustee Fischer, seconded by Trustee Barnes, to close the public hearing at 6:49pm and re-open the regular meeting.

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REGULAR MEETING RE-OPENED

Trustee Barnes introduced Molly G. from Colliers engineering design in Rochester. She stated that Molly has been with the Village since the beginning of the project.

Molly discussed some of the main ideas within the Short-Term Rental Draft, some of these main ideas included

- Short term rentals are any rental of a home that is less than 30 days.
- Short term rentals are not a given property right.
- Within the current zoning code, Chapter 24 addresses short term rental. The action would be to repeal the chapter 24 short term regulations and amend Chapter 25.
- As the draft is written now, it allows for Short Term Rentals by special permit in the B-1, B-2, and B-2.1 overlay district.
- There is no transfer of the special use permit if the residence changes owners
- There are no density restrictions
- There is a requirement for a 24-hour contact person
- Maximum occupancy is two people per bedroom or 10 people in total whichever is less.
- All Short-Term Rentals must comply with the New York State Uniform Fire Prevention and Building Code.
- There is a committee review board that will help deal with any issues that may arise.

**PUBLIC HEARING: 7:00PM
VILLAGE OF LAKEWOOD'S
SHORT TERM RENTAL FINAL DRAFT LAW**

Mayor Holcomb opened the public hearing on the Village of Lakewood's Short Term Rental Final Draft Law at 7:02pm. Mayor Holcomb asked if anyone in attendance would like to make a statement on about the proposed Short Term Rental Final Draft.

Greg McMahon, 79 Nottingham Circle Jamestown, NY, owner of 104 Chautauqua Ave, Lakewood NY.

- Mr. McMahon stated that he is a realtor and that he likes a lot of what he is hearing, however the lake front is where the main money is made for Short Term Rentals. He stated that if they are going to be excluded from this that the board is doing a great disservice to the potential of those homes. He mentioned that if you drive up through Bemus Point and Greenhurst these areas are mostly filled with Short Term Rentals. He stated that the effect that this has had is that property values and the conditions of those properties have dramatically increased because of the competition. He mentioned that on Airbnb and VRBO, owners and the properties are rated and that's how they get rented. If you notice your property isn't doing well but your neighbors is constantly being rented out, it makes the property owner want to make updates to the property to increase the chances for it getting rented. Mr. McMahon stated that he is in agreement with the transparency. He mentioned that he doesn't care if there is a 1-800 number on the front door to call if someone has issues or if the village charges \$500 for a permit yearly. He stated that a permit can always be taken away and leveraged against someone with bad behavior. Mr. McMahon said that you are going to find that most Airbnb people take really good care of their properties and want to get the maximum value out of it. Lastly he stated that the Lakefront is one of the places that this should be allowed to happen.

Julie McMahon, West Ellicott:

- Mrs. McMahon stated that she is also a real estate broker and that she deals with residential and lake front properties. She stated that people who are looking to buy a lakefront property are looking to offset the price by renting it out for a few weeks during the summer. They are not looking to rent it out full time. Most of the people who own lake front properties are from Pittsburgh, Cleveland and Buffalo. They are still paying village taxes as well as school taxes when they don't even have a child attending that school. They are just looking to offset the price of some of these things they are not looking to make these homes a full time Short Term Rental. She mentioned that Bemus Point has been able to do it and the overall property values have increased because of it. She stated that she thinks if Airbnb's are banned that going to hurt the overall appreciation of the village. Mrs. McMahon stated that she is seeing this already because people are looking for summer homes in other areas due to not having the option of offsetting these costs. Lastly, she stated that Lakewood is a tourist community and that if Lakewood doesn't want to be that than they shouldn't be

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on Chautauqua Lake.

Greg Carr, 501 E Terrace:

- Mr. Carr stated that he owns two properties within the village, one on Terrace and the other is on Crystal Ave. He stated that about two years ago he placed a sign in the front yard at his E. Terrace residence that said for rent (vacation or rental). He said it doesn't say anything about Airbnb. He mentioned that after he placed that sign, he got a letter in the mail that stated his property was a health and safety risk as well as a knock on his door. Mr. Carr stated that there is a house right behind him that has been vacant for 17 years, has a tree on the roof and windows falling out into the yard. He stated that this house is right on the road so there's no way have people not seen it. He mentioned that he placed a complaint about the house once he received the letter about his place. He wants to know why his rental property is a health and safety concern but the house that is falling down behind him is not?

David Russell, 140 Summit:

- Mr. Russell stated that he grew up on the lake and that his parents have always had a place here. He stated that he started coming here because of Short Term Rentals. He mentioned that in 2012, they bought a house within the Village. After they bought their home they realized that their taxes were going to be triple of what they are used to paying for. He mentioned that Lakewood's taxes are one of the highest in the country at almost \$40 per 1000. At this point he said they decided to supplement with a couple of weeks a year doing Short Term Renting. He stated it has helped greatly and is one of the main reasons they have been able to keep the home for as long as they have. He stated that he believes the board is taking away the freedom of the owners for what they choose to do with their property. Mr. Russell stated that he agrees with the permitting process and that if people aren't following the rules they should be reprimanded in some way. He also stated that most renters are good people and that they have never had any complaints in the last 11 years that they have rented. He mentioned that it is a good way to bring people to the area and increase business. He mentioned that a lot of businesses aren't doing well because of the high tax rate so why take away Short Term Rentals and damage the Lakewood economy even more.

Larry Borowski, 45 Bentley Ave:

- When was the zoning map created?
 - o CEO Swanson stated when the zoning code was put into place.
- What did they use to decided what the boundary lines were going to be for R1 and R2?
 - o CEO Swanson stated that he isn't positive.
- Mr. Borowski stated that on his street one side of the street is R1 and the other side of the street is R2.
 - o CEO Swanson stated that they would have had to sit down and discuss where they were going to place the lines and that is what they decided on. It was probably the same way the district lines were created.
- Mr. Borowski stated that somebody must know the exact answer of how it was created. He stated that his follow up question to that is would the village be able to complete a study to rezone or redistrict the village. The map is probably 30 to 40 years old and things have changed considerably since then.
 - o Trustee Barnes stated redoing/updating dating the zoning code has been discussed.
 - Village resident asked why is the Short-Term Rental Law is being passed before the update of the zoning code. They stated that it would make sense to change the zoning and then pass the Short Term Rental Law.
 - Trustee Barnes stated that it has not been discussed with the board yet because they want to get the Short Term Rental Law passed first.
 - o Village Attorney Lehman commented that the village has heard concern regarding both sides of this issue and she feels that the village has done its due diligence to respond appropriately. She stated that the data is front of everyone within the draft and that the purpose of the public hearing is to get comments from the community and possibly make changes if the board deems that necessary. She stated that they aren't here to talk about zoning because that's a completely different issue.
 - Mr. Borowski stated that the Short Term Rentals have everything to do with zoning.
 - Attorney Lehman stated that it only has to do a little bit with zoning and that is because of the districts. She stated a huge part of the draft is about provisions and putting regulations in place to control the Short Term Rentals. She stated

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that she understands his concerns with zoning but right now a public hearing for the Short Term Rental Draft Law is occurring.

- Mr. Borowski stated that someone must have the answers to how the current zoning map was created. He stated that it must be in the historical records or something. He stated that perhaps one of the clerks could go back and research the information from the meeting in the 80s. He said he would really appreciate an answer to his question.
 - o Trustee Barnes stated that she doesn't believe we can give an answer right now. She stated that none of them were around at that time so we would have to do our research and get back to him.

Village Resident: asked Trustee Barnes and the rest of the board if they have received any information from a consultant or an attorney that if the village were to wait to rezone until after the Short Term Rental law that it could be a problem.

- Trustee Barnes responded that they have had some conversation with the consultants about redoing the district map, not redoing the districts. Trustee Barnes stated they asked the consultants if they should look into changing the districts or add anything to the districts and the consultants stated that map was pretty well laid out. She stated that the main goal is for the map to be digitized so it is easier to tell where the boundary lines are.
- Trustee Troche added that like Trustee Barnes mentioned the conversation of updating the zoning code has been talked about very minimally. The zoning code has been updated numerous times over the past years as it needed to be. He stated that he agrees with the public that it does need to have continuous updates and that this conversation is going to happen again going forward.
- Trustee Barnes stated that there was a need for this law and that is why it is being handled first. She mentioned that they used the zoning map and the zoning code that is currently in place to help create the law that is in front of everyone. Trustee Barnes stated that the goal with the zoning map right now is to digitize it and make it easier for everybody to read and understand.

Jon Allegretti, 136 West Summit

- Mr. Allegretti stated that he was a licensed attorney at one point. He said at the last meeting he asked about a statement that was made about property rights. He stated that he doesn't believe that it was a United States Supreme Court case. He also stated that he doesn't believe that it was a case in the appeals or within Chautauqua County. He mentioned that in everything reasonable minds can differ. He stated that you would think that the laws that are in place currently would be enough to control the Short Term Rentals but apparently the board doesn't think so. He stated that one of the other things that he asked for was the data. He mentioned that he heard the police chief report on the specific data on the different incidents in the community since the last board meeting. He stated again that he would like the specific data on the Short Term Rental issues. Mr. Allegretti mentioned that the last time they meet with Molly, she asked him if there wasn't an outright ban of the Short Term Rentals how does he feel about the rest of the law. He stated that there is rules that he can live with and that some of them he would like to talk about but nothing he couldn't follow. Finally, he said that he has become aware of a group of citizens that have raised a pardon about the law and that there could be serious constitutional issues and other concerns with it. He brought up the City of Dunkirk and they went to court over a Short Term Rental law and spent a lot of time and money to lose during the appeal. He said that he would like to ask the board to consider everybody's comments and be open to a compromise. He said that he speaks for himself and many others.
 - o Village resident asked the board if they have received a letter from an attorney.
 - Mayor Holcomb responded that yes all of the board members received a letter.
 - o Village resident asked if the board is ready to fight through the litigations and use the taxpayers' dollars for this.
 - Mayor Holcomb stated that the law isn't being passed tonight that were are here to hear everyone's comments and concerns.

Molly stated that she would like to address some of the concerns that were brought up by the community.

- One thing that has been brought up is that there have been several challenges, not just in New York but across the country with Short Term Rental regulations, which obviously is a relatively new use, and over the years started to cause a little rub in communities. The case law that is out there does back the idea that there is this is not a taking because there is a right to reasonable return through the long term rental of the

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property. We all understand that the short term piece can be very, very lucrative but it has held up in several court cases, one of them being in NYS. She also mentioned that the reason that the Dunkirk's Short Rental Law was over turned was because of the way they used and defined the word family, it was not associated as much with the regulations of Short Term Rentals. She mentioned that the Village of Lake Placid also went through litigation however, they were just required to make a few changes to the law. She stated that obviously each court is different and makes different decisions.

Bob Scott, 25 East Terrace:

- He stated the he wants to bring Chapter 25 Section 1 of the Lakewood Zoning Code to everyone's attention. It states that zoning laws perpetuate the highest possible quality of life by promoting the return and an aesthetically pleasing community by minimizing nuisances and attractive developments and it states in the character of residential neighborhoods by providing great locations for learning and raising a family. Also in article one the zoning laws talks about peer stability like protecting property values and individual investments by encouraging property developments for each type of district. Finally he stated that there is no reason for Short Term Rentals in the R1 district, that it is a family district not a business district.

Village Resident:

- He stated that he might be a little bit behind on this short term rental law but he doesn't understand where he fits into this issue. He stated that he doesn't get why a month or two month rental is an issue.
 - o Trustee Barnes stated that this law is only for 30 days for less.
- Finally he asked if he could get a copy of the zoning map.
 - o Deputy Clerk Sisson stated that if he stops by the office she can print one for him.

Pat Borowski, 45 Bentley

- She stated that there is a little bit of a mathematical issue within the Short Term Rental Law. She stated that under the parking requirements it stated six bedrooms or less, than under the maximum density it states limited to two persons per bedroom and if there is 6 bedrooms that is 12 people.
 - o Molly stated that this is added for the context of single occupancy.
 - o Village resident stated that Mrs. Borowski is saying that it's a minimum of two people per bedroom and then you can have six bedrooms that would be 12 people not 10 people.

Julie McMahon,

- Asked if the Green Farm is within the business district or within R2.
 - o CEO Swanson stated that he believes that it is in the business district.
- Then she asked if a variance was granted to the owners of this property.
 - o CEO Swanson stated that he would have to go through the records and see.
- Mrs. McMahon asked if you are a Bed and Breakfast than you don't have to follow the 6 bedroom rule.
 - o Molly stated that a Bed and Breakfast has its own restrictions within the zoning code. She stated they did not do anything other than carry over and clarify the definition between the two. She stated that with a Bed and Breakfast the person who is running the business is also living on the site.

Pat Borowski, 45 Bentley-

- She stated that her issue with the bedroom still has not been solved. She stated that there could be 10 bedrooms in the house and there is no way to fill them all with the restrictions that are in place. If you have family coming home with their kids for the summer this is going to be an issue.
 - o Molly stated that she assumes that if your family is coming home to stay at your house you aren't going to be charging them to stay there, so it wouldn't be an issues.

Lesley Hazen, 15 Walnut-

- She stated that they have an Airbnb at 143 Sunset Ave that they have had for over 16 years now, and when the resolutions were first being proposed and put out to the general public. There were pictures of three properties down the left hand side of the document and that middle photograph was our cottage. When the first session was held, her husband spoke with the mayor about why our cottage was on there and Mayor Holcomb said because it is the model of what Short Term Rental property managers should be and if everybody ran their property, the way you guys did, we wouldn't probably have this problem. I don't know

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if you remember that. In our conversations, as the resolution has been rewritten and reworded she stated that they were told that they were going to be grandfathered in because they were doing everything correct. She mentioned that the neighbors love there guest and in many cases they become friends because we've had people return year after year. She stated that they don't have parking issues, they don't have big parties, and most of the time it is just family coming into visit. She mentioned that people have also rented their property when they are having remodeling done to their homes and don't want to take their kids out of the district while they are in school. She said there have been construction workers from out of the area that have rented it while working on a project so they don't have to stay in a hotel. She said they like to stay in Lakewood because it is a nice place to stay and it makes them still feel like they are at home. Mrs. Hazen stated that it feels like they are being punished for mistakes that other people have made, even though they have been told they are the model of what Short Term Rentals should be like. She also mentioned that she was shocked when she was told they were not going to be grandfathered in, when on a few different instances they were told they were going to be. She stated that she doesn't understand why this is being taken from the people who have been doing it right from the very beginning. She mentioned again that they use it for family and they also use it for to help with the taxes on the property. She stated that her and her husband ran a Bed and Breakfast in Westfield for over 20 years and that they know how to run a good property. She also mentioned that she would be equally upset if people were constantly partying around them. She said punish the people who have done wrong and let the people who haven't keep their Short Term Rentals. She stated that she is okay with the strict regulations and the fees if that is going to allow them to keep their Short Term Rentals.

- Mrs. McMahon stated that she makes a lot of good points and just being there are two bad apples doesn't mean you need to throw out the whole bunch.
- Mayor Holcomb added the village board had received many complaints about Short Term Rentals and it is the complete opposite of that is being brought up at the meeting tonight. He stated that they are trying to do what is best for both parties in this case. He mentioned that we are here to hear what everyone has to say and that he wishes more people were here to explain the other side of what they have experienced as well.
- Village Resident asked if there is any way to provide the number of complaints that the village has received on short term rentals?
 - Mayor Holcomb stated that the complaints are not always brought into the office. People bring them complaints when they are seen in the public and they aren't always a formal complaint.
 - Trustee Troche said the ones that are brought to the front office, can be seen in the office. They have a record of them.
- **Village Resident:**
 - Stated they everyone in the room is getting to be a certain age and there is a certain generation that is not present at the meeting tonight. She stated are those young people coming to the Village of Lakewood to live because they think of it as a special place like we do. She stated that she sees both sides of the story but what is going to happen when Lakewood is filled with Short Term Rentals instead of residences that are able to fill the schools. There is a great school in the area and it is a great community. She stated that it is not always going to be like that if we don't put a stop to this.

With no one else to be heard, motion by Trustee Troche, seconded by Trustee Barnes, to close the public hearing at **TIME NEEDED** pm and re-open the regular meeting.

Molly went over with the board part 1 of the State Environmental Quality Review Act (SEQR). She stated that is just the context of the area, the community and what services and things are there. She stated that the big things to understand with the SERQ process and the action at hand is to repeal chapter 24 and to amend chapter 25 to include the Short Term Rental Law.

SEQR Part 2- Identification of Potential Project Impacts from was filled out and the follow answers were applied to each question. (Please see attachment for details of each question)

- Questions 1-16, NO

SEQR Part 3

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- Molly stated that there is some basic language that will be added in there and it will be very similar to the language that is in part one. She stated that idea is that future development, which isn't applicable under the proposed local law would be subject to its own SEQR requirement and under this case from the context of community character. There's been a lot of discussion and consideration around the regulations that are helping and hopefully promoting that. She said in the case of answering no to all of part two. The Village is looking at considering both the magnitude and the importance of each identified potential impact. In conclusion that Village of Lakewood Board of Trustee as lead agency that the project will resolve no significant adverse impacts on the environment and therefor an environmental impact statement needs not be prepared accordingly.

RESOLUTION #58-2024 – APPROVE THE ISSUANCE OF A NEGATIVE DECLARATION

Motion by Trustee Barnes, seconded by Trustee Troche, for the Village of Lakewood, to approve the issuance of a negative declaration in connection with proposed Local Law #1-2024, as it pertains to compliance with the State Environmental Quality Review Act (SEQRA) process and designate the Village of Lakewood as lead agency.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

**RESOLUTION #59-2024 – APPROVE SEQRA RELATING TO PROPOSED
LOCAL LAW #1-2024**

Motion by Mayor Barnes, seconded by Trustee Troche, for the Board of Trustees to approve the State Environmental Quality Review Act (SEQRA) form relating to proposed Local Law #1-2024.

Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

Trustee Barnes asked Molly if next week we only have to act on corrections of the regulations.

- Molly stated yes once you take action you will have to issue a notice to the Chautauqua County Planning Board of your decision and then you'll have to file the decision with the environmental notice bulletin for SEQR and then you will need to follow through with the New York State filing requirement for the Secretary of State.
 - o Trustee Barnes asked when we hear back from the Secretary of State is the law put into place.
 - Molly stated that she hasn't looked in our zoning code but it would be uncommon if there was something specific about the establishing a timeframe for the effective date. Typically it is considered effective upon filing with the Secretary of State. You have 5 days to do that once a decision is made.

CEO Swanson asked Village Attorney Lehman if the people who own Short Term Rentals have not had a fire inspection completed and have not reached back out to us after we have reached out to them about if having a sunset clause be a liability to the village if something happened.

- Village Attorney Lehman stated no.
- Molly stated that any Short Term Rental that may be operating today that is not in compliance with what you have on the books now does not get to be grandfathered in. They must follow the new laws and if they have a violation under the current law that is in place that violation will be carried over to when the new law is put into place.

Trustee Troche asked how we enforce this strictly.

- Attorney Lehman stated that it would be enforced once the village receives a complaint.
- CEO Swanson stated that after the office receives the complaint that residence would receive a fee or a fine. He stated that a fee can be billed and collected and a fine has to be collected by the court.
- Trustee Barnes asked what if we call it a penalty how does that fall.
- Trustee Troche asked how we prove that something occurred. It has been said before that you can't look at the website and find that they are operating and fine them. So how do we actually enforce this?
 - o Attorney Lehman stated you have to get someone to complain about them. And even then that is not enough to have somebody call anonymously and complain. The complainant has to be willing to go to court. She stated that just like any other code provision it has always been a problem. We try to enforce things under any municipal scope, it is getting the people to actually come forward and make any complaint and then be willing to show up to court. It's not going to be able to be

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easily enforced it is going to be very difficult.

- Mr. Pilling stated that the one person that who started this all didn't say anything at all.
- CEO Swanson asked if the complaint form had the person's name on it would it be permissible in court.
 - Attorney Lehman stated no because it is still hear say information.
- Molly stated that this is the point of using the Complaint Review Board, to help verify the information that was given to the office.
 - Attorney Lehman stated that if the police get called to an incident they can be used at court. However, the cops aren't going to be at every single one of the complaints.

Trustee Barnes stated that on the application that they are required to turn in they are going to be given a permit number and one of the rules is that they have to have the permit number on the listing. She asked if they don't list the permit number is that a way to prove that they are not following the village rules.

- Attorney Lehman stated that no because they could just say they forgot to put their permit number on the website.
- Molly stated in that situation you would tell the owner that you found their listing and that their permit isn't on there and that they have 30 days to get that fixed because it goes against our regulations.
- Attorney Lehman added that it is somewhat of a self-regulating system. She stated that the times that you are going to have to take someone to court are hopefully going to be few and far between. She stated that this is the reason for the 24 hour contact person. You have the opportunity to contact that person and tell them that they have a violation and that they have a certain amount of time to fix it and if they don't they are going to be penalized for it. The owners aren't going to want to be put in that position because at that point they could be at the point of possibly losing the rights to having a Short Term Rental.

CEO Swanson asked if anyone that puts in a complaint has to be willing to appear in court.

- Attorney Lehman stated that yes, anyone who puts in a complaint has to be willing to appear in court if it is going to go anywhere.

Krysten G. Sisson
Village Deputy Clerk

Motion by Trustee Troche, seconded by Trustee Barnes to enter into executive session.

EXECUTIVE SESSION

Present at the executive session, were Mayor Holcomb, Trustees Barnes, Fischer, and Troché. Clerk/Treasurer Apryl Troutman, and Village Attorney Lehman

Adopted: Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

EXECUTIVE SESSION (Adjournment)

Motion by Trustee Troché, seconded by Trustee Fischer, and unanimously carried to adjourn the executive session and re-open the regular meeting of the Board of Trustees at 9:13 PM.

REGULAR MEETING (Adjournment)

Motion by Trustee Barnes, seconded by Trustee Troche, and unanimously carried to adjourn the regular meeting of the Board of Trustees at 9:14 PM.

Adopted: Adopted: 4 ayes, no nays (Barnes, Fischer, Jones, Troché)

Apryl Troutman
Village Clerk/Treasurer