

**PRESENT** Mayor Welch, Deputy Mayor Eydt, Trustee Conde, Trustee Coppins, Law Counsel Leone, Superintendent Wills, Engineer Marino, Police Chief Previte, Clerk Fundis, Deputy Clerk Vazquez, Historian Piper

**PUBLIC HEARING** Mayor Welch called the public hearing to order with the Pledge of Allegiance at 6:02pm for the request from resident, David Olin, who is asking for an extension of the R-1A, Residential, Single Family, Medium Density Zoning district to the property located at 100 S. Third Street (currently zoned R-B-2, Retail Business) to build a residential home.

**Ross Eckert of 175 S. 4<sup>th</sup> Street** stated that he is in favor of this property being rezoned to a residential property. It fits within the character of the neighborhood, and it should have never been zoned commercial.

**Herb Richardson of 130 S. 3<sup>rd</sup> Street** stated that he had been in discussion with the village and the former owner of Olin's property about a project for the past five years. I feel rezoning my lot to commercial would be in the best interest of the village. I made a proposal to develop a property that will create eight small commercial units, to be used for lawyers, doctors, artists, etc. There is no use in having commercial units unless you can provide parking; this space I am creating will allow me to provide 15-16 parking spots. This serves the good of the village, not one particular person.

Mayor Welch clarified that David Olin is the current owner of this property, it has nothing to do with your prior proposed commercial development.

Richardson stated that he thinks the board should deny this request; I made an offer to exchange properties with Olin.

Olin stated that this is the first he is hearing of this.

Welch stated that if you were to swap the properties, each property could remain zoned as is.

Richardson said how about let me rezone my residential property as commercial.

David Giusiana stated that the rezoning of Olin's property would negatively impact Richardson's property with the different setback requirements.

Welch stated that the residential setback requirements are much more restrictive, this would force you to shrink down your buildable area.

**Debra Sauro of 305 Center Street** stated that her property borders Olin's property, and the rest of the properties on South Third Street are residential. Parking for a commercial property at this location is also a concern. I am in favor of this property being changed to a residential zoning, this lot has been neglected for years, and it is sad to see it zoned commercial.

**Mary Alice Eckert of 175 S. 4<sup>th</sup> Street** said I moved here 30 years ago, our property also fronts Cayuga and South Third Street. I have seen the Village of Lewiston grow and change. The commercial development of this property would be another neighborhood lost. Parking is also a huge concern. We need to think long-term, we have to protect the neighborhoods.

Richardson commented on the parking concern; this is a matter determined by the village. I am able to provide for all commercial units I would want to put in. This parking would also be for people to park and go elsewhere in the village.

Ross Eckert stated that having parking next to a residential unit is a tragedy, this property should have never been rezoned commercial.

A motion was made by Deputy Mayor Eydt seconded by Tina Coppins and passed unanimously to close the public hearing at 6:21pm.

Mayor Welch opened the public hearing on the adoption of local laws on short-term rentals properties at 6:21pm.

**Sue Latka of 220 Cayuga Street** said she is upset about two short-term rental properties on South Third Street. How can we have two businesses operating in our neighborhood? They allow pets, tourists are allowed to live in the basement – the neighbors are not happy. We want a neighborhood and a community, not short-term rentals. This is going to be a stress on the police department.

Welch said this is why we are having this public hearing and working on regulations, to get a handle on it.

**Emery Simon of 755 Center Street** said I understand the need for rules and regulations, especially in a residential area. My building has had offices for rent for a year now and they have not been filled. Ellicott Development is also empty. With Zoom and people working from home, this is more common now. Short-term rentals are more in demand, and I have people interested in purchasing the property for this purpose. You can have good and bad landlords anywhere; if they are bad, it would not have an affect on the area surrounding my property, as there are no neighbors around me.

**Tasia Fitzpatrick of 315 Center Street** gave feedback on the proposed regulations, asked for clarification and gave suggestions on the following:

- Owner occupied not mentioned in regulations
- Cannot be used for gatherings, this is what a lot of people like to use these for
- No cooking in bedroom, what does that mean? Especially if a house has a kitchen/living room open concept with a sleeper sofa
- I don't feel an architect should be required to draw an interior floor plan
- Fire safety notices – the village should create a template, so they are uniform
- The application stated that properties have to comply with ADA, this would mean the whole home would have to be handicap accessible
- Local and emergency contacts – please clarify the difference
- Owner required to notify surrounding properties, suggest the village do this
- Add that they have to reapply annually
- There is no reference to maintenance of the exterior (lawn cutting, snowplowing, garbage, etc.)

I feel like this is well thought out; I went through it like I was an applicant.

Welch said that we will take all input into consideration.

**Ron LaDuca of 400 Oneida Street** said that he is not opposed to short-term rental properties. I returned to Lewiston because it is a joy. Unfortunately, it is becoming a tourist destination. Let's do something responsible – we need to regulate this. I want this to be a family town for my children and grandchildren.

**Mike Crystal** said I am speaking for my son, Taylor Crystal, and me as we both own short-term rental properties in the village. My son's first two properties were a disaster; they should have been torn down. Taylor did first class renovations. We consider it a privilege to be here. There has to be a balance. Short-term rentals do serve a purpose; there are not enough hotels down here. People come here and support the businesses. However, we need to be good neighbors while providing a service. I feel these should be licensed, and have strict enforcement. We support whatever the village decides.

**Marianne Gittermann of 270 S. 4<sup>th</sup> Street** said the area where my home is located is zoned R1, the most restrictive in zoning. Short-term rental properties are a business; they are collecting funds. I am living in a R1 district but my

neighbor can have a business. I want to know my neighbors and them to know me. Short-term rental properties take that away from the village.

Welch stated that in the code, we have always allowed tourist homes, which is what a short-term rental property is. We want to control this so we do not lose our neighborhoods. We have not had any complaints with the current short-term rentals we have. They were here prior to any regulations; they have to be grandfathered.

Deputy Mayor Eydt stated that property values in the village have skyrocketed over the last few years. The prices are so high a regular family cannot afford a home here.

**Paul Beatty of 305 Tuscarora Street** said I purchased my aunt's home in 2022, with an upper and lower apartment. I could only afford the house because it was my aunt's home. I maintain the grounds; if my property were causing problems, I would not use it as a short-term rental. Our guests have been amazing; they come because they don't feel safe in Niagara Falls. They stay here and discover Lewiston; they say it is a hidden gem. We are friendly with neighbors, they watch the house for us. Airbnb has rules that guests are aware of, but you could get a long-term bad tenant anywhere. I am not sure how much this will cost annually, but I am happy to do it.

Welch stated that people do this for an investment – nobody wants to rent and have their property trashed. I think we can find a healthy balance.

**Rita Geiben of 420 Oneida Street** said we have over 40 short term-rentals that are not owner-occupied. These proposed regulations are a good start. We would like to limit the amount permitted in each neighborhood. I agree there is a demand for short-term rentals, and I agree with Emery Simon, that they are good for the commercial areas.

**Gretchen Broderick of 240 N. 5<sup>th</sup> Street** said that short-term rental properties bring people in to eat at restaurants, by gas, go bowling, etc. I agree we need restrictions, and hopefully people with bad experiences can get some control.

**Doreen Albee 320 S. 7<sup>th</sup> Street** said that we do not want this to be so gigantic that we cannot manage.

**Libby Broderick of 440 N. 3<sup>rd</sup> Street** suggested taking out the requirement to have an architect or engineer draw up an interior floor plan. Everybody feels that short-term rentals are taking away from homes and families; families can't afford the restaurants here. We are catering to tourists.

**Nick Schaefer of 225 N. 6<sup>th</sup> Street** said that it worries me that the village will be full of homes, not families. It is important to put a cap on this, but I do understand the need and purpose of short-term rentals.

A motion was made by Trustee Conde seconded by Trustee Coppins and passed unanimously to close the public hearing at 7:03pm.

**CALL TO ORDER** Mayor Welch called the meeting to order at 7:06pm.

#### **RESIDENTS Veterans Memorial Banners**

Louise Maggard presented a program for the sale of Veteran Banners to be sold and placed in the village and town. Mayor Welch stated that there is not much space in the village for these; a better place would be on Route 104. They could be placed farther apart and easier to see. We had them on Center Street in the past and it was a nightmare. Deputy Mayor Eydt suggested placing them on River Road. Suggestions were also made to place the banners around Academy Park. Marianne Gitterman said that hanging baskets are no longer placed along the Academy Park walkway, so they could be placed here.

A verbal approval was given, but Maggard was requested to come back to the Village Board of Trustees with what has been sold along with placement ideas.

**OLD Relaxation of Sign Laws**

**BUSINESS** Mayor Welch discussed the plan to allow A-frame signs for businesses. I would like for these to be uniform, and to not be in the way of pedestrians.

Doreen Albee of the Planning Commission said she would create a draft of proposed laws to give to the Village Board for review. I will discuss this at the Planning Commission meeting next week.

**NEW Rezone Request – 100 S. Third Street**

**BUSINESS** Law Counsel Leone stated that Olin will need to inform the Niagara County Planning Board and get their input on the rezoning request. You will need to fill out a SEQR and EAF. They may want input from you, and information regarding the properties surrounding you. If we say yes and the County says no, we have ourselves in a situation. My recommendation is to not vote tonight; we need to follow the proper procedures.

A motion was made by Deputy Mayor Eydt seconded by Trustee Conde and passed unanimously to table the request from resident, David Olin, for an extension of the R-1A, Residential, Single Family, Medium Density to include 100 S. Third Street, to change from the original Zoning district of R-B-2, Retail Business until we hear back from the Niagara County Planning Board.

**Local Law Adoption – Short Term Rental Properties**

A motion was made by Trustee Coppins seconded by Deputy Mayor Eydt and passed unanimously to table the adoption of local laws on short-term rental properties as proposed for further discussion.

**Facilities Use Request – Coulter Farms at Fish Cleaning Station**

A discussion ensued on the request to renew a facilities contract to host a farm stand next to the fish cleaning station.

David Giusiana asked if this will expand and grow with more stands?

Trustee Conde said we do not want it to.

Police Chief Previte said what if you have 50 people that ask to do this; you cannot tell them no.

Jamie Symmonds expressed concerns about the farm stand at the waterfront. Symmonds stated that Coulter Farms has made no communication with her regarding this. Our farmers at the Lewiston Artisan Market work really hard to get return customers. Coulter Farms was one of our largest farmers – it will be difficult to find a new farmer if he isn't at the market.

Mayor Welch stated that we have several restaurants, several retail shops in the village. We cannot say no, in order for you to have the only farmers market.

A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to table the request made by Coulter Farms, LLC., to host a farm stand daily from 8am to dusk, beginning late spring through the fall season, and possibly into the winter season at the Lewiston Landing area near the Fish Cleaning Station.

**DISCUSSION Lewiston Cemetery Plots**

Engineer Marino said the cemetery plots in the Village Cemetery have been surveyed, all plots are mapped out.

Historian Piper said that the front section was plotted out; the rear section has to be done. We found 38 plots on the map. A discussion ensued on pricing and the procedures of selling the plots.

**Commission Member Applicants**

A discussion ensued on open commission positions and applicants. Trustee Coppins said she would like to start a procedure once we have more applications. I think we should sit down with them and explain what is involved before making a decision and filling the positions.

**Schedule Public Hearing**

A motion was made by Deputy Mayor Eydt seconded by Trustee Coppins and passed unanimously to schedule a public hearing to adopt short term rental laws and regulations on Tuesday, January 17, 2023 at 6pm.

**Short-Term Rental Properties**

A discussion ensued on short-term rental properties. Additional procedures and regulations were suggested. Resident Christina Elia informed everyone of the recent changes that were made in Ellicottville, NY to limit and regulate the short-term rental properties because the area had become a party town. Elia stated that the village eliminated almost all of the existing rental properties, and gave details on the permit process and violations issued if not in compliance or operating an unlicensed rental property.

**ANNOUNCEMENTS**

The Historic Preservation Commission meeting is at 6:00pm, immediately followed by the Planning Commission meeting on Monday, January 9, 2023

The Village Board of Trustees meeting will be held at 6:00pm on Tuesday, January 17, 2023

The Zoning Board of Appeals meeting will be held at 6:30pm on Tuesday, January 24, 2023

The Village Clerk's Office and DPW will be closed on Monday, January 16, 2023, in observance of Martin Luther King Jr. Day

**ADJOURN** A motion was made by Trustee Coppins seconded by Trustee Conde and Deputy Mayor Eydt and passed unanimously to adjourn the meeting at 8:09pm.

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Shannon Fundis, Clerk