

Short-term rentals dominate Town of Lewiston meeting

Residents speak out on proposal

BY TERRY DUFFY
Editor-in-Chief

Prior to its Monday work session, the Town of Lewiston Board held two public hearings – one on a continued solar moratorium (drawing no comments); another regarding a proposed local law on short-term rentals (garnering plenty of feedback).

The Town Board's actions come in response to growing concerns over the number of short-term rental operations that are operating in Lewiston neighborhoods. This follows adoption of a comprehensive ordinance passed by the Village of Lewiston in January 2023 governing the operations of some 50 short-term rentals.

Last summer, the town approved Local Law No. 1 of 2023, which created a moratorium on the operation of any new short-term rentals. That law remains in effect.

An overview of measure presented Monday stated, "Said law is intended to regulate the unauthorized (use of) prohibited short-term rentals of non-owner-occupied properties within the Town of Lewiston, and to amend various sections of the zoning code to modernize the definition of the bed and breakfast establishment; define the transient or short-term rental land use, and to identify and define within the zoning code, where and under what circumstances said uses would be allowed."

Looking further into the proposed Local Law No. 1 of 2024, it reads, "It is the legislative determination of the Town of Lewiston Town Board (Town Board) that the unauthorized proliferation of prohibited short-term rentals of non-owner occupied properties has resulted in significant negative impacts to the health, safety, and welfare of the residents of the Town of Lewiston (Town), and accordingly, Transient or Short-Term Rental uses shall be prohibited in the R-1 Districts – One-Family Residence Districts, RRT Districts: Rural Residential



Transition Districts, RR Districts: Rural Residential Districts, R-2 Districts, Cluster Developments and Planned Unit Development Districts (collectively referred to herein as 'Residential/Agricultural Districts'). Any pre-existing short-term rental uses in these Residential/Agricultural Districts shall be allowed to continue until June 1, 2024."

The measure goes on to state, "The Town Board finds that it is in the public interest that Transient or Short-term Rentals be prohibited in the Residential/Agricultural Districts due to certain safety concerns with utilizing non-owner-occupied residential structures for Transient or Short-term Rentals. The non-owner-occupied Transient or Short-term Rental use brings with it certain impacts that are best kept away from permanent residential uses, such as: noise, damage to personal and real property, poor upkeep of structures, large gatherings and/or parties, parking issues, debris, garbage left out at the curb for long periods, late night disturbances, and use of property in a manner that is not permitted by applicable law. The Town Board has seen evidence of these effects in the Residential/Agricultural Districts. Nevertheless, the Town Board notes the financial opportunities that Transient or Short-term Rentals may present. As such, Transient or Short-term Rentals are permitted within the Village of Lewiston, as regulated under the Village of Lewiston Code, together with the B Districts: 2 Business Districts, RB Rural Business Districts and

"The proposed law relies not on actual data, but rather on feelings that short-term rentals could possibly bring noise, damage to personal property, rummaging of gardens, or large gatherings, parking issues, or late-night disturbances. Where are the police records? What records has this town reviewed and relied upon to demonstrate that short-term rentals actually caused disproportionate disturbances in this town?"

Attorney Robert L. Boreanaz

Traditional Neighborhood Design Districts (hereinafter collectively referred to as the 'Business Districts'), with a special use permit. Said special use permit shall be renewed on an annual basis."

On Monday, the board heard the comments of 10 residents. Four came across as steadfastly opposed to short-term rental operations, while six others were in support. Of the opposition, concerns were presented over enforceability; the schedule of penalties being proposed; possible conflicts of interest involving town officials; questions over the law's constitutionality; and questions on the ability of the town to enforce the measure.

At this writing, the draft re-

mains under consideration by the town; no action was taken following the hearing.

But residents spoke on the measure, and then some. Among the comments heard, Francine DelMonte, a former state assemblywoman representing Niagara County, was among the four who expressed opposition.

DelMonte expressed fears, as did others, that the town could be facing lawsuits.

"From what I understand or what I read ... it can be the town prosecutor, can be the building inspector, be the town attorney. I don't know if the town is fully staffed well enough ... to oversee and enforce this the way that it should be," she said. "The way I see it, it's going to be a covered warning. Residents who report violations, who is going to enforce this in a way that (will) stop that activity if it should occur? That upsets me more than anything else."

Speaking in favor of the new law were many current owner/operators of short-term rentals. Taylor Crystal of North Fifth Street accused town officials of responding to "people who are crying wolf. What is being proposed here (town's response) is not a true representation of what's going on," he said.

Attorney Robert L. Boreanaz of Lipsitz Green Scime Cambria, whose expertise involves land use matters, accused the town of responding to fears rather than facts.

"The proposed law relies not on actual data, but rather on feelings that short-term rentals could possibly bring noise, damage to personal property, rummaging of gardens, or large gatherings, parking issues, or late-night disturbances," he said. "Where are the police records? What records has this town reviewed and relied upon to demonstrate that short-term rentals actually caused disproportionate disturbances in this town?"

"If the town is going to change its zoning laws, and people's use

of property, based upon unsubstantiated fears of disturbances, then perhaps the town should consider banning graduation parties in the summer, family gatherings ... because those parties might possibly result in late-night disturbances, large crowds, unwanted people ... in neighborhood and parking issues.

"The Village of Lewiston has significantly more short-term rental properties than the town does. The village has taken a more sensible approach. The village has decided not to eliminate or restrict short-term rentals, but rather regulate them in a sensible way, by monitoring and enforcing when short-term rental property owners, in fact, do present disturbances of problems.

"Don't pass this local law on this faulty foundation, as it will result in litigation."

At this writing, the town's moratorium remains in effect, and comments continue to be accepted.

While a June 1 enactment date was presented, the town has not indicated when and what its future actions will be.

The text of Local Law No. 1 is available for review at the town clerk's office. A recorded video of Monday's board session is available for viewing via a YouTube link accessible on the town's website, www.townoflewiston.us.

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**ANY PERSON INTERESTED IN HELPING OUR COMMUNITY
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<p>LEWISTON #2 FIRE COMPANY JIM BOS 716-297-0050 Web Site: lewiston2fire.org Facebook: Lewiston Fire Co. #2</p>	<p>UPPER MOUNTAIN FIRE COMPANY DAVE PIWTORAK 716-297-0330 Web Site: uppermountainfire.com Facebook: Upper Mountain Fire Co.</p>

TOWN OF LEWISTON BUREAU OF FIRE PREVENTION 716-754-8213 EXT 259

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March 31 - EASTER! - 11:00 AM
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The Eating of the Greens

March is National Nutrition month, think green – veggies that is. Vegetables form the foundation for healthy nutrition. By vegetable is meant: fresh green, red, white, yellow, or orange vegetables, the kind that are grown in the garden, which are often called "pot-herbs", not grains, fruits, nuts or tubers, such as the potato.

Vegetables are so important and very often neglected, being eaten only occasionally. Yet, the most necessary mineral and vitamins cannot be stored to any extent in the body and therefore, must be replenished daily. So every day should include raw foods, especially the green and yellow vegetables. Even taking a synthetic vitamin pill will not provide all the factors contained in whole food. However, our whole food supplements can and do; visit www.standardprocess.com.

Another wonderful way to enhance daily nutrition at any age is juicing fresh organic vegetables, known to improve vitality and support healing. Juice provides raw vegetables for people who do not like salads or cannot chew them well. Even individuals with sensitive stomachs that raw foods upset or those who cannot digest and assimilate salads properly can usually handle a carrot-based juice.

Rose Chiropractic, P.C. is a natural health practice that gets bodies in good working order by locating the underlying causes of ill-health through Nutrition Response TestingSM and chiropractic. We are located at 435 Ridge St., Lewiston. New patients are welcome. Call (716)754-9039.