

# Town opts to ban short-term rentals

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Morreale said that, when he looked into other communities, he found short-term rentals are permitted in some districts but not in others.

"I went to a couple of the towns that have those laws. The Town of Niagara just allows them in their commercial districts," he said.

Looking at the City of Niagara Falls' STR ordinance, he said the municipality, "established a comprehensive registration of license regulations to 'safeguard the public health, safety and welfare by regulating and controlling the use/occupancy oversight-maintenance of short-term rental properties. The city also recognizes that extensive short-term rentals have the potential to compromise the residential character of a community, and may cause disruption to the peace, quiet and enjoyment of the neighboring residents.' That's in their law."

"I noticed they're only allowed in the inner city," Morreale continued. "They are not allowed in DeVeaux, they're not allowed in LaSalle, and they're not allowed on Cayuga Island. ... They allow them in the inner city, and that's where light housing that needs to be brought back up to code and rent them out. That's a great idea."

"But they don't allow them (in) DeVeaux. You have Whirlpool Park; you have Devil's Hole. LaSalle you have shopping malls, plazas, restaurants; I'd think they would be. In Cayuga Island, it would be ideal to sit on the river, bonfire at night, enjoy the river. It'd be a perfect sight. They're (STRs) not allowed there. I got an idea why; they're only allowed in the inner city."

Waechter said she believes Lewiston favors a similar approach.

"As far as looking at historically, what the Town of Lewiston, their stand on transient rentals has been, is that the bnb land-use type (operation) has been excluded from R-1, R-2 districts," she said. "So, moving forward, I think it's the intent of the Town of Lewiston to keep them excluded in those areas, since short-term rentals appear to be an extension of an Airbnb."

"Also, you look at historical data, STRs, it's probably like a \$28.8 billion industry now. It's moving away from the homeowner basically subsidizing their mortgage into more of an industry platform. So, I think there's push to have a 'hotelization' of your residential districts. So, now you run into that issue as far as doing the 'hotelization' and also dealing with possible cottage industry."

Comparing Lewiston to neighboring communities, Waechter said she feels other areas place

a greater emphasis on a tourism mindset, where Lewiston does not.

"If you look at the surrounding communities, at Wilson, at Niagara Falls and the Town of Niagara, Wilson basically has historically been a summer vacation/resort community; it's been over generations that people have had their summer homes. They don't live there, long term," she said. "As far as that, I think there's a difference with the Town of Lewiston in that we're mainly populated by young families, working people and retirees with responsibilities. They're not on vacation 24/7, 365 days a year. So, I think that there is a potential that, unless your neighbor's bnb renting (with) reasonable enjoyment, (there could be problems)."

"Also, if you look at again, Niagara Falls ... again Cayuga Island and LaSalle is what deem comparable to what the Town of Lewiston is with our riverfront. And in those areas, Niagara Falls has decided to exclude short-term rentals and bnbs from those areas. So, I don't think that (the) Town of Lewiston is out of line in doing the same along our riverfront."

"Also, too, I heard a lot from the Town of Lewiston community," she continued. "They may not have shown up here, but we received a lot of phone calls, we've received letters. I know campaigning last year, going door-to-door, they have expressed interest in the fact that they do not want to live next to a short-term rental or to a bnb."

"Also, too, it did strike me as comments, when people spoke at the last public hearing, a lot was said about neighbors, and about individuals as far as experiences, good or bad, however. The neighbors, all of a sudden, becoming the interface between the consumers and the community. Because with a short-term rental or a bnb, obviously the homeowner is on site, now it falls on the neighbors. So, the neighbors are often left to meet and greet the individuals who are coming to stay. They may have conversations good or bad. That's not for me to judge."

"But then, the neighbors are now left reliant on the fact that they have to monitor those properties. They don't have to, but it becomes inherent. So, the neighbors, they also come to police the properties, because they're the ones who are living next door; they're the ones who are dealing with the nuisance or the noise or what have you."

"As far as me, that was a concern, because it immediately establishes or can establish an adversarial relationship between the neighbor and the property owner. That's also, I think, an offshoot of an STR."

Waechter closed by stating,

"I think (considering the) Town of Lewiston's original ordinance on transient housing and with (comments received from) town residents (that) this ordinance is in alignment with surrounding communities."

Broderick said he disagreed with the council members.

"I'm going to tell you why I'm against this law. I believe that Airbnbs can be regulated," he said. "I use Airbnbs. I have never had a situation that has been brought up negatively. We've had Airbnbs here since 2016, 2015, I believe. And this is the first time we've ever had issues."

"I have two Airbnbs in my neighborhood, never had a problem," he continued. "They're beautifully kept. I can show you three houses within a quarter mile of my house that are absolute dumps, that aren't Airbnbs, and there is nothing you can do about them."

"So, I think with the proper regulations, we could have made a law that could've worked. But being a democratic system, we have five people to vote on it."

"I share your sentiments," Myers said. "I have used them; there's one very close to where I live. It's not a problem."

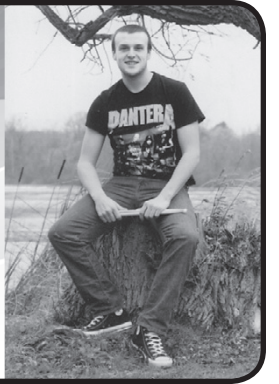
Soon after, the board members went to cast their votes.

Responding to the various residents' reactions, Broderick told the crowd, "We've gone over it time and time again. Stop! It's over. We've had public hearings on this. I understand. It's over."

Resident Francine DelMonte offered thanks to Jacoby, Morreale and Waechter "for having the courage to put people over profits. You did a tremendous service to the residents of the Town of Lewiston tonight."

Other speakers called the timing "very poor" with the summer tourist season about to begin, and suggested a legal suit as a course of action.

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