

## Town Of Newfane Planning Board Minutes

April 23, 2024

### Members Present:

William Clark, presiding	Eoin Walsh
Thomas Mays	Daniel Whorley
Paul Conrad	Peter Russell

Excused: Oliver Kneeland

Attending: James Sansone, Town Attorney  
David Schmidt, Building Inspector

The Public Hearing was opened to review ten Special Exceptions Use Permit Applications for Short Term Housing.

Please take notice, that the Planning Board of the Town of Newfane will meet April 23, 2024 at 7:00 p.m. at the Town Hall, 2737 Main Street, Newfane, New York, to hear and consider the following applications for Special Exception Use Permits, to operate Short Term Rental establishments, pursuant to the provisions of Sections 260-5, Local Law #1, of the Code of the Town of Newfane, New York at the following properties:

1. Kaplan Newco, 5831 West Main Street, Olcott, New York
2. Kaplan Newco, 1578 Water Street, Olcott, New York
3. Kaplan Newco, 5827 West Main Street, Olcott, New York
4. Kaplan Newco, 5806 West Main Street, Olcott, New York
5. Kaplan Newco, 5802 West Main Street, Olcott, New York
6. Kaplan Newco, 5800 Saxton Street, Olcott, New York
7. Kaplan Newco, 1597 Van Buren Street, Olcott, New York
8. Kaplan Newco, 5796 Saxton Street, Olcott, New York
9. Kaplan Newco, 5813 West Main Street, Olcott, New York
10. Kaplan Newco, 5811 West Main Street, Olcott, New York

The owner or a representative was not in attendance.

The Board Members reviewed each application and took action as follows:

1. Kaplan Newco, LLC, 5831 West Main Street, Olcott, New York. PB 240006  
Board members reviewed the application and the Building Inspector's report.  
A Motion was made by Eoin Walsh, seconded by Tom Mays to approve the Special Exception Use Permit. A stipulation is included setting 4 people as the maximum number of lodgers and a wavier was approved permitting use of a 110 sq. ft. bedroom. There is adequate parking available.

All present voted Aye

Motion carried.



7. Kaplan Newco LLC, 1578 Water Street, Olcott, New York, PB240012

Board members reviewed the application and Building Inspector's report.

A Motion was made by Eoin Walsh, seconded by Daniel Whorley to approve the Special Exception Use Permit to operate a Short-Term Rental Establishment. Maximum sleeping occupancy is 10 people. Approval was granted to permit the use of bedrooms with existing square footage and parking is adequate. This property is one of 3 short-term rental units on the same lot or parcel. The Board determined, with one member opposed, that no reasonable conditions exist to deny a permit for this rental unit because there are multiple units on the same property and granted a waiver from this provision of the law.

5 Ayes

1 Opposed

Motion carried.

8. Kaplan Newco LLC, 5811 W. Main Street, Olcott, New York, PB240020

Board members reviewed the application and Building Inspector's report.

A Motion was made by Paul Conrad, seconded by Tom Mays to approve the Special Exception Use Permit to operate a Short-Term Rental Establishment. Maximum sleeping occupancy is 5 people and parking is adequate using a shared driveway and the parking lot across the street. Approval was granted to permit the use of bedrooms with existing square footages. This property is one of 3 short-term rental units on the same lot or parcel. The Board determined, with one member opposed, that no reasonable conditions exist to deny a permit for this rental unit because there are multiple units on the same property and granted a waiver from this provision of the law.

5 Ayes

1 Opposed

Motion carried.

9. Kaplan Newco LLC, 5813 W. Main Street, Olcott, New York, PB240021

Board members reviewed the application and Building Inspector's report.

A Motion was made by Tom Mays, seconded by Daniel Whorley to approve the Special Exception Use Permit to operate a Short-Term Rental Establishment. Maximum sleeping occupancy is 2 people and adequate parking is available using the lot across the street. This property is one of 3 short-term rental units on the same lot or parcel. The Board determined, with one member opposed, that no reasonable conditions exist to deny a permit for this rental unit because there are multiple units on the same property and granted a waiver from this provision of the law.

5 Ayes

1 Opposed

Motion carried.

10. Kaplan Newco LLC, 5827 W. Main Street, Olcott, New York PB240013

Board members reviewed the application and the Building Inspector's report.

A Motion was made by Eoin Walsh, seconded by Paul Conrad to approve the Special Exception Use Permit to operate a Short-Term Rental Establishment. Maximum sleeping occupancy is 8 people and adequate parking is available. Approval was granted to permit the use of bedrooms with existing square footages.

All present voted Aye

Motion carried.

A Motion was made by Paul. Conrad, seconded by Daniel Whorley to close the Public Hearing.

All present voted aye

Motion carried.

Public Hearing closed at 8:50 p.m.

Chairman Clark introduced Mr. Mike Outten, who presented a proposal for a bourbon distillery and retail business at the former Felt Mill property below West Av. The property is zoned industrial and currently leases space and facilities for several commercial businesses and for storage . There was general interest in the proposal and it was suggested that the applicant work with the Building Inspector to prepare the documentation needed for a Site Plan Review by the Planning Board and a Special Exception Use permit if necessary.

In general discussion, the Board considered issues related to these topics:

- The sale and transfer of Short-Term Rental properties.
- Waivers for multiple Short-Term Rental establishments on the same parcel or lot.
- Developing policies and guidelines for authorizing waiver to the Short-Term Rental Law.

A Motion to adjourn was made by Eoin Walsh, seconded by Paul Conrad.

All present voted Aye

Motion carried.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Mickie M. Kramp, Secretary

Next Planning Board Meeting: May 28, 2024