

TOWN OF NEWFANE PLANNING BOARD MINUTES

JULY 23, 2024

MEMBERS PRESENT:

William Clark, Presiding
Thomas Mays
Peter Russell
Eoin Walsh

Daniel Whorley
Paul Conrad
James Evarts

Attending: James Sansone, Town Attorney
David Schmidt, Building Inspector
Sue Neidlinger, Councilwoman

Mr. Clark called the meeting to order and introduced the Board Members and attending officials.

Short-Term Rental Permits

The Notice of the Public Hearing was read by Mr. Clark: Please Take Notice, that the Planning Board of the Town of Newfane, 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 Section 260-5, Local Law #1, of the Code of the Town of Newfane, New York, at the following properties:

The Board Members reviewed each application and the Building Inspector's Report and took action as follows:

1. Beth and James Cooke/PB 240046
2244 Lockport-Olcott Road
Newfane, New York 14108

Mr. Cooke was present, the Board Members reviewed the application and the Building Inspector's report. The property had been approved under the previous ordinance as a Bed & Breakfast, but was not provided a variance to operate a banquet facility. A Motion was made by Tom Mays, seconded by Paul Conrad to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with a waiver for 1 bedroom size.

All present voted Aye.

Motion carried.

2. Michael Fiore/PB 240049
1617 Franklin Street
Olcott, New York 14126

Mr. Fiore was not in attendance. Andrew Doring, Franklin Street asked questions about outside fires, noise and parking. A Motion was made by Paul Conrad, seconded by Tom Mays to table the permit request and ask Mr. Fiore to attend the next meeting.

All present voted Aye.

Motion carried.

3. Thomas Forehand/PB 240047
1247 Lake Pointe Dr.
Appleton, New York 14008

Mr. Forehand was present, the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Peter Russell, seconded by Daniel Whorley to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with no waivers and no stipulations.

All present voted Aye.

Motion Carried.

4. Michael S. Hare/PB 240043
5794 W. Main Street
Olcott, New York 14126

Mr. Hare was present, the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Paul Conrad, seconded by Eoin Walsh, to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with a wavier for bathroom size and a maximum of 6 people.

All present voted Aye.

Motion carried.

5. Dennis R. Herlan/PB 240048
5785 Beach Street
Olcott, New York 14126

Mr. Herlan was not in attendance; the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Daniel Whorley, seconded by Tom Mays, to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with no stipulations.

All present voted Aye.

Motion carried.

- 6 Todd & Sarah Klaiber/PB 240050
1588 Althea Street
Olcott, New York 14126

Mr. & Mrs. Klaiber were not in attendance, the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Paul Conrad, seconded by Eoin Walsh to approve the Special Exception Use Permit to operate a Short-Term Rental Establishment with a waiver for bedroom sizes and bathroom occupancy. Mr. Russell noted that the applicant should be present to participate in the Board's discussion when waivers are considered.

A roll call vote was taken by Mr. Clark as follows:

Daniel Whorley	Voted: Aye.
James Evarts	Voted: Aye.
Eoin Walsh	Voted: Aye.
Paul Conrad	Voted: Aye.
Tom Mays	Voted: Aye.
Peter Russell	Voted: Naye.
Bill Clark	Voted: Aye.

6 Aye 1 Naye

Motion carried.

7. Allen & Makenna Larocque/PB 240044
1535 Jackson Street
Olcott, New York 14126

Allen & Makenna Larocque were present, the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Daniel Whorley, seconded by Tom Mays to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with a wavier for the bedroom size. (Fires 25 feet away from houses)

All present voted Aye.

Motion carried.

8. Matthew Oates/PB 240051
1554 VanBuren Street
Olcott, New York 14126

Matthew Oates was not in attendance; the Board Members reviewed the application and the Building Inspector's report. Public comments were heard about other matters neighbors have with Mr. Oates before the Town Court that are not related to the Short-Term Rental Law. A Motion was made by Daniel Whorley, seconded by Eoin Walsh to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with no waivers or stipulations.

All present voted Aye.

Motion carried.

9. Jane M. Voelpel/PB 240045
1572 Lockport-Olcott Road
Olcott, New York 14126

Jane Voelpel was present, the Board Members reviewed the application and the Building Inspector's report. A Motion was made by Paul Conrad, seconded by Eoin Walsh to approve the Special Exception Use Permit to operate a Short Term Rental Establishment with no waivers or stipulations.

All present voted Aye.

Motion carried.

General Discussion

Bill Kress, 1538 Harrison Street, Olcott, New York commented about problems with short-term rental units in the neighborhood. He believes there should not be any short-term rental facilities in the neighborhood and that it be preserved for long term rentals and single-family housing.

Cate Banks, Franklin Street, Olcott, New York asked who she would contact about housing and neighbor complaints. Nuisance complaints about fires, noise, pets, parking, vehicles and such should be filed with the Town Code Enforcement Officer. Criminal complaints such as threatening behavior, harassment, trespassing and situations that are a danger to life and safety should be made to the Sheriff.

There was discussion about a Short-Term Rental permit approved at the June meeting in the Woodland subdivision off West Lake Rd. There were objections to Planning Board approval for a rental at this site. A citizen petition opposing short-term rentals in this area was received and it was noted the Woodland area is a more densely situated community than other residential areas of the town. Neighbors also voiced complaints about the property owner related to his rental property and activities at his nearby personal residence.

A Motion was made by Paul Conrad, seconded by Eoin Walsh to adjourn the meeting at 8:55 p.m.

Next meeting: August 27, 2024

Prepared By:

Approved By:

Mickie Kramp
Planning Board Secretary

William Clark
Planning Board Chairman