

TOWN OF NEWSTEAD - PLANNING BOARD MINUTES
Newstead Town Hall – 6:30PM
May 13, 2024

MEMBERS

PRESENT: Tom Cowan, Chairperson
Andy Kelkenberg
John Olaf
Terry Janicz
John Potera
Don Hoefler
ABSENT: Erik Polkowski
OTHER: David Miller, Code Enforcement Officer
Julie Brady, Recording Clerk

The meeting began at 6:33pm. Owner/Manager, Candy Zackey, 524 Knapp Road, Akron is requesting to operate a short-term rental at property she purchased at 13753 Main Road in the C2 zone. Candy explained that they have lived in Akron since 2005 and operate several other airbnbs in Akron.

Tom C. confirmed with Dave M. that this property at 13753 Main Road has been inspected and is in conformance with the codes. Dave M. stated that he had to change the maximum number of occupants from 6 to 4 occupants based on the square footage of each bedroom in the apartment. The Property Maintenance Code is very specific so the maximum number of occupants for this property is four and parking is sufficient for that.

John P. asked if this was a single-family home. Candy stated that it is a two-family home and they rent the other half to their builder.

John P. motioned to support this short-term rental; John O. seconded the motion. Hearing all ayes, no nays the motion was unanimously passed to recommend it to the Town Board.

Peter York, 200 Baynes Street, Buffalo, NY 14213, agent for his mother/owner, Jean York of 7269 Sandhill Road has been operating a short-term rental at this location since 2022. Peter Y. stated that he manages other airbnbs in Buffalo and N. Tonawanda also. This cabin located at 7269 Sandhill Road was built by his parents in the 80s to live in prior to building their home on the same property in 1994. For the last 15-20 years, the cabin has been rented on a long-term basis until the last tenant left in 2022 and Peter started doing short-term rentals for Darien Lake concerts, weddings and staycations. The property includes a 16x16 yurt as well.

Dave M. stated the square footage was an issue with this property. The yurt can actually be rented to four people instead of the two that have been advertised and the cottage occupancy is three instead of the four as advertised. Parking is no problem as it is 250' off of the road on 34+/- acres. The Town has never received any complaints.

Peter Y. stated that there is a composting toilet and outdoor shower for the yurt and the cabin has a septic system and running water.

Don H. motioned to support this short-term rental, seconded by Terry J. Hearing All Ayes, No Nays, the recommendation was passed unanimously to the Town Board. Dave M. will issue an occupancy load after town approval.

Lucas James with Arrowhead has come to the planning board as a pre-application conference to discuss constructing 24 units at 13414 and 13428 Main Road that he recently purchased and is merging into one parcel totaling 10.73 acres in the C-2/Rte 5 overlay for the first 500' off Main St. and RA after.

The planning board reviewed the preliminary site plan and GIS map. Lucas asked for any recommendations. The total number of square footage for the parcel was discussed and Dave M. said that it met the minimum criteria.

John P. asked if would be multi-use with commercial on the first level. Lucas J. responded that it will be 55+ higher end Senior housing facility, not economy.

Justine Seefeldt, Wendel/Town Engineer joined the meeting, and the following was discussed by all present:

- septic system not in the wetlands
- the elevation of the property
- the scale of the site plan
- stormwater run-off/drainage
- water line size and sprinkler system
- one or two entrances and DOT approval
- all existing buildings will be demolished prior to construction
- environmental minor issues from car dealership in Phase I & II
- total # of units is 24, 12 facing Main Road with a center hall and apartments on each side.
- landscape design and dark sky compliant
- exterior will be a combination of shake, aluminum, stack stone and possibly stucco

Tom C. stated that hearing no other questions or concerns, the board supports the concept at this location.

Kevin Stoldt, CMK Builders of Alden came before the board for a pre-application conference for a 4-Lot Major subdivision (total of 5 lots) on the corner of Clarence Ctr Rd and Barnum Rd. CMK would construct custom homes of about 2,500 sq ft. minimum in size.

The planning board reviewed the preliminary site plan as Dave M. pointed out his request for parcel 3 to have 20 feet access to the bike path as 20 feet is the minimum for easements. Dave M. also noted that a developer could only build four homes within three years.

Kevin S. asked if he could start clearing trees, Dave M. said that is fine as the time for the long-eared bat is between November and March, just no grading.

Tom C. stated that hearing no objections, the board supports the concept of this major subdivision.

The minutes from April 29, 2024 were reviewed. John P. motioned to approve the minutes, seconded by Terry J. Hearing All Ayes, No Nays, the minutes were approved unanimously.

The next meeting will be Monday, May 20th if we receive a building permit application from Brian Bergman, a site plan application for a pavilion at Rothland's golf course, or any other applications.

John P. motioned to adjourn the meeting at 7:45pm, seconded by Andy K. Hearing All Ayes, No Nays, the meeting was adjourned.

Respectfully Submitted,

Julie Brady, Recording Clerk