

**TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**  
**Newstead Tow Hall – 6:30PM**  
**September 9, 2024**

MEMBERS

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

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The meeting began at 6:38pm.

Brian Bergman has received a building permit to construct a 3,600 square foot barndominium at 13830 Indian Falls Rd. Brian is requesting a home-based business for Bergman Landscaping as he will be residing in 1,200 square feet of the barndominium and running his landscaping business out of the remaining 2,400 square feet. Brian showed the planning board the site plan. The total lot is 15 acres, but less than one acre will be used.

John P. asked if there will be retail at this location. Brian B. stated no, there will not be retail. Mowers, trucks, and tractor will be parked inside the shop which will have concrete floors. The employees will come pick up what they need in the morning and drop things off at the end of the workday.

John P. also asked about the dumpster and lighting. Brian B. stated that there will not be a dumpster, and the lighting is not yet determined. There will be an office entrance with an employee bathroom, separate from his living space.

Tom C. stated that the planning board has previously blessed his site plan and is now challenged to recommend Bergman Landscaping as a home-based business to the Town Board.

John P. motioned to recommend this to the Town Board, seconded by Andy K. Hearing All Ayes, No Nays, Bergman Landscaping has been recommended for a home-based business at 13830 Indian Falls Road to the Town Board.

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Dan & Nicole Klonowski, 11199 Stage Road, Akron, have applied for a short-term rental at 12353 Clarence Center Rd. which was inspected David Miller. Current occupancy is seven. Nicole stated that they would like to put in an egress window in the basement to be able to increase the occupancy. She explained to the board that the Air BNB made sense for the golf course and wedding venues across the street. They have considered a long-term rental, but the mortgage is \$3,000/month which would be a lot for a renter.

John P. asked if there have been any issues with the short-term rentals and why they have stayed at this Air BNB? Nicole said that there have not been any problems and Dan said the renters have been families visiting Niagara Falls and Darien Lake. The property is geared for families. Dan continued to say that they have outdoor cameras and smoke and noise detectors. They have talked to the neighbors and are trying to be considerate of them by installing a privacy fence and stating no parties and quiet hours. They use an algorithm for the fee charged for rent. The average weekday is \$289/night and \$320/night on the weekends. Nicole stated that with an equestrian center, bike path, golf course and wedding venues nearby, this is a wonderful location for an Air BNB. They want to be respectful to neighbors and rectify any issues.

Tom C. suggested putting this item back on the agenda for the next meeting in two weeks (August 26, 2024) allowing the planning board to find out how other towns protect the neighbors from noise and light in these situations. Tom also explained that procedures for obtaining a short-term rental permit and renewal process. The planning board agreed to table this item until August 26, 2024. Nicole will send the rules that are in place for the rental to Julie.

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Pending items were reviewed by the planning board.

The minutes from July 22, 2024 and August 26th were tabled due to not having a quorum.

John P. motioned to adjourn the meeting at 7:20pm. Don H. seconded the motion. Hearing All Ayes, No Nays, the meeting was adjourned.

Respectfully Submitted,

Julie Brady, Recording Clerk