

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
February 20, 2020

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Vickie Lombard (VL)
Fred Pask (FP)

Other: Dave Miller, Zoning Officer,
Julie Brady, Recording Secretary

Absent: Max Brady, Alternate; Mike Mutter (MM), Alternate

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| APPROVED 2/20/2020 |
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At 6:00pm, the request of a use variance for a hotel at Arrowhead was discussed at the work session. At 6:25pm, the board entered into executive session to discuss confidential financial documents. The applicant provided their 2018 tax return and the projected 2019 income/loss statement.

The meeting was called to order and opened with the pledge to the flag at 7:02 pm. Bill K. reviewed the rules and criteria for a use variance.

The public hearing was re-opened at 7:08 pm. Julie B. read the legal notice as follows:

Property Address: 12292 Clarence Ctr Rd., Akron, NY 14001 in the R-A Zone

Applicant/Owner Name: Lucas James/Arrowhead Timberlodge LLC

Requesting a use variance to construct and operate a hotel with 30-35 rooms/apartments on site to service wedding and golf events.

SBL#: 46.00-4-49.1

Town Code varied: 450-15 (Permitted uses in the R-A District)

Julie B. read a written letter from Nancy Konieczny, 32 John St., Akron, NY- supporting the project.

Lucas James and Clinton Holcomb from Arrowhead Golf Club, 12292 Clarence Ctr. Rd., Akron. Supporting documents had been previously submitted to the town prior to the meeting. Clint and Lucas handed out renderings and recapped their request: The hotel will have 30-35 rooms and be attached to the new banquet facility (The Sterling). The hotel will be the same height as The Sterling to fit into the landscape. The facility will not only be available for wedding and golf events but for the community. We have received support from funeral homes and other wedding venues in the area seeking overnight accommodations.

Clint H. reviewed the four criteria:

- 1.) Financials were submitted in executive session. Golf as an industry is struggling financially. (About 20% of revenue is from golf)-competition lowers green fees. There are supporting documents showing that at least 10 courses closed last year. We are hoping to utilize the natural beauty to draw people in to stay and play package.
- 2.) Uniqueness – We have built another wedding/banquet facility and have a good reputation. However, many clients want their out-of-town guests to have a place to stay locally. The closest hotels are Transit Rd. or Batavia (approximately 30 minutes away).
- 3.) Character of the neighborhood – We have designed the hotel to fit into the existing landscape.
- 4.) Hardship –The golf course industry is on a decline, which we of course did not create.

Douglas Klotzbach, 164 Lafayette, Buffalo – Architect for Arrowhead’s new event facility (“The Sterling”), gave his list of credentials and explained how due to the decline in the golf industry, his clients are looking at their business holistically. Douglas spoke with local businesses and local pastors and received positive feedback that there is a need in this community for a hotel. Brian Perry & Bob Denning from Perry’s Ice Cream confirmed that they have people from out of town that come to Perry’s and have to go to Transit Rd. for overnight lodging. In order to comply with the zoning, they would have to purchase land on Rte 5 which in itself would be a hardship and would not fit into the purpose of having a hotel “on site”.

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David DeRose, 6649 Utley Rd., Akron – We have gotten to know Lucas and Clint. We own a wedding venue on the corner of Main & Salt Rd. and have the same issue with overnight accommodations for out-of-town guests. It would be nice to have something closer and we support this project.

Cathy Dunn, 12229 Clarence Ctr Rd., stated that she is not against the project, but I'm concerned about what would be next? Where would it stop? You have a lot of land and I don't think you bought it with the intentions of ever running it as a golf course. I moved here to have country living and I want to keep it that way.

Lucas J. stated that they have no other building planned on the Arrowhead site.

Jen Marquardt, 12420 Clarence Ctr Rd., (adjacent neighbor) stated she is in support of this project. They are fans of local business and believe that this hotel would bring more jobs & people to our community. Would not want to see it built up with condos in a complex.

Allen Garlock, 4764 Schutt Rd., Akron -stated he has family that comes to town and this would be a convenient option for overnight guests. He supports this project.

Crystal Hansen, 5035 Salt Rd., I support this project. Our community needs somewhere to stay overnight. This is a great idea and will look aesthetically pleasing.

Bill K. asked three times if there were anymore comments. Hearing none Adam B. motioned to close the public hearing; seconded by John K. All ayes, No nays.

The board discussed removing the request for apartments and making it a condition for only temporary housing.

Bill K. asked if the town has received complaints for Arrowhead.

Dave Miller, Newstead Code Enforcement Officer, stated he has only received a complaint once when they had fireworks.

Clint H. stated that they now send out notifications of any firework display to anyone who has requested to be put on their list. A pyrotechnics company takes out the permit at the town building department and is fully in charge of the fireworks.

The following vote was taken:

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial: Yes No _____
AB-Y; JK-Y; WK-Y; VL – Y; FP-Y (PASSED)
Proof: During executive session, the supporting financial documents for the 2018 tax return and projected 2019 confidential documents were reviewed and support the lack of return.
2. The alleged hardship relating to the property is unique.
(The hardship may not apply to a substantial portion of the zoning district or neighborhood) Yes No _____
AB-Y; JK-Y; WK-Y; VL – Y; FP-Y (PASSED)
Proof: Due to the special permit for the golf course.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Yes No _____
AB-Y; JK-Y; WK-N; VL – Y; FP-Y (PASSED)
Proof: Bill K –Yes, I believe there will be an increase in the traffic because the venue will change from seasonal use to 24/7 year-round potentially.
Vickie L -If the golf course was operating at optimal capacity there would be even more traffic than overnight accommodations
Fred P – There are already two wedding venues there so it would not alter the character of the neighborhood.
4. The alleged hardship has not been self-created: Yes No _____
AB-Y; JK-Y; WK-Y; VL – Y; FP-Y (PASSED)
Proof: The golf industry is on a decline. They are trying to enhance the existing property and find ways to make it usable.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTS:

The ZBA, after reviewing the above four proofs, finds:

- () That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.
- (**X**) That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner described below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE/CONDITION) For a Hotel (excluding apartments) -up to 35 hotel rooms with the condition that it must not exceed the footprint of the proposed building for one location/one building.

VOTE: Motion to approve Adam B., seconded by Vickie L. – All Ayes, No Nays.
Use variance passed unanimously.

A motion was made by John K. to approve the minutes from January 23, 2020, seconded by Fred P. All Ayes, No Nays

A motion was made at 8:00pm by Adam B. to adjourn the meeting. Seconded by John K., All Ayes, No Nays.

Meeting adjourned

Respectfully submitted,
Julie Brady, Recording Clerk