

TOWN OF NEWSTEAD - ZONING BOARD MINUTES
Newstead Town Hall, 5 Clarence Ctr. Rd, Akron, NY
December 15, 2022

MEMBERS

PRESENT: Bill Kaufman (WK) Chairperson
Adam Burg (AB)
John Klodzinski (JK)
Vickie Lombard (VL)
Mike Mutter (MM)
Other: Dave Miller (DM) CEO
Emily Janisz, Town Attorney
Julie Brady, Recording Secretary
ABSENT: Fred Pask (FP)
Joshua Kraft (JK)

UN-APPROVED 12/16/2022

The meeting was called to order at 6:40pm by Bill K., Vickie L. led the pledge to the flag. Bill K. reviewed procedures and criteria for a use variance.

Julie B. read the legal notice:
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 on site including an additional event venue to service wedding and golf events.
SBL#: 46.00-4-49.11
Town Code varied: 450-15 (Permitted uses in the R-A District)

Bill K. opened the public hearing at 6:45pm.

Lucas James, owner/applicant: Arrowhead Timberlodge LLC, 12292 Clarence Ctr Rd., distributed the side view of the project to the board. Lucas stated that he already received a use variance before the pandemic. He had been in contact with Dave Miller regarding the delays due to financing issues. The banks did not want to finance this project, so they looked at making changes and finally got financing. At that point, I came back to the Town to renew the variance. The design is a little different. We changed it from 35 rooms to 32. It will now be modular, which is quicker construction, so it won't disrupt the other venues. The restaurant was moved from the 1st floor to a restaurant/event venue on the 3rd floor. The 1st floor has a pro shop and much needed office space with hotel rooms on the 1st and 2nd floor. The 3rd floor will have an amazing view and has indoor and outdoor seating.

Robert Hinckley, 12323 Clarence Ctr Rd., Akron. Robert stated he has lived here for two years and is concerned with the increase in traffic and noise. He was worried it may open a can of worms with this addition for the future.

Deborah Diggs, 6173 Dye Rd, Akron, stated Arrowhead is in her backyard. Her concerns are if they will be putting in a sewer system and if the taxes will go up because of that. Deborah also asked if they will be putting up berms and landscaping around the project to block the views from the Dye Rd. neighbors so they don't have to look at a hotel in their backyard.

Geoff Reingold, 5068 Oakwood Dr., Pendleton, supports this project stating it will raise the tax base. With the setback of the hotel, you won't even notice it from the road. It will help the local economy. I like Akron and it will bring awareness in this area and be nice for out-of-town guests. The size of this hotel will benefit the area.

Chris Tierney, 11290 Broadway, Alden, supports this project. Chris said he has a hotel background and sees the tax benefits from a boutique hotel. Beneficial location because there is not a whole lot of places to stay.

Catherine Dunn, 12299 Clarence Ctr Rd., Akron said, I don't think it's right for out-of-town people to voice their opinions on something in our town. I am across the street and look at a dump. I'm concerned that with this construction the pile will get bigger with more dirt and rock. Plus, I only received one letter regarding the fireworks at the beginning of this year. My dog doesn't like the fireworks. They should be more considerate of the people around them.

ZBA

December 15, 2022

Jim Ebersole, 12458 Clarence Ctr. Rd., Akron. Stated that Lucas is a great person. Jim said his issue is with Erie County Highway and his concern with more traffic. Clarence Ctr Rd. needs to be better maintained. There are no shoulders. Jim was also concerned if this would affect the Erie County water pressure. His wife would like to know if the restaurant will be open to the public.

Tom Cowan, Planning Board Chairman. The use variance was granted in 2020 for a hotel. The question here is the new revision of an additional third wedding venue. A golf course is an allowed use in the R-A. A clubhouse with a golf course is normal, but now you have three wedding venues and a hotel with a golf course.

John Potera, 7654 Maple Rd., Akron. My concern is the hotel with a restaurant seating about 50 people is now turned into a hotel with another wedding venue seating almost 300 people inside and outside. Is the parking adequate to handle this many more people.

Dave Miller, CEO. This is the reason I brought this forth; not only the time frame of the variance being expired because I did take Covid into consideration. However, once the revised drawings were submitted with the stated changes, I felt that these changes were significant enough to have a new use variance public hearing.

John P. followed up by stating that he feels this is a self-imposed hardship. The first submission of the hotel had adequate opportunity to make money without adding a third wedding venue.

Bill K. asked three times if there were any more comments. Hearing none, Adam B. motioned to close the public hearing, seconded by John K. Hearing All Ayes, No Nays, the public hearing was closed.

Bill K. thanked the Town Attorney, Emily for attending. Bill said that he will go through the concerns addressed tonight by asking Lucas to comment on each.

- Will there be sewer? Lucas said no sewer, there will be a new septic field.
- Landscaping? Lucas stated yes, this will be further addressed with the planning board.
- Parking, including parking for staff, venue, hotel? Lucas said that he will address this with the planning board and follow the town code, but there are plenty of options for additional parking. The golfers are usually gone by the afternoon prior to the guests coming for a wedding. The intention is to add parking way in the back if needed.
- Why the additional wedding venue? Lucas said the restaurant/venue can be used for all different things. This flex space is smaller than the other wedding venues. We see it being used for golf tournaments as well. The third floor will be all glass with stunning views and can be open in the winter. This will be a very expensive boutique hotel (“discounts for locals”) We are trying to keep our staff employed year-round with Christmas parties as well.

Bill K. stated he was disappointed that Lucas did not supply new financials. As a use variance, this is one of the requirements. He continued by stating that he does not feel that he has the information needed to decide on this use variance at this time.

Emily J. stated that after speaking with Dave M. that the previous use variance has expired. This should be treated as a brand-new use variance application.

Adam B. agreed that these changes to the project have made a significant difference in the granting of a use variance in the RA Zone. The use of a golf course is no longer the primary use, but ancillary to wedding venues and a hotel.

Lucas stated that he disagrees. The plan submitted is very similar to the original. He also disagrees that the expiration should also be extended due to the circumstances. Lucas stated that he thought he was just “refreshing” the use variance already granted. He’s investing millions into this community. This is another attempt to help the golf course by adding a larger pro shop and place for tournaments.

Bill K, Lucas and Dave M. discussed the communication that took place since the last use variance approval and how Covid and financing played into the revised plans being submitted and the time frame. Dave M. stated that the occupancy of the restaurant was misrepresented. Dave M. also asked what would happen if the golf course doesn’t make it. Then you have a hotel and three wedding venues in the RA zone which is not an allowed use. Bill K. noted that there are designated zones in the master plan for banquet facilities for a reason, to protect our residents.

Vicki L. stated that there is a difference in the plans submitted when the use variance was approved in 2020 with the current plans, therefore we can not just extend the prior use permit. There may be less traffic with a wedding venue vs. a restaurant.

Bill K. asked if the town attorney could advise on the following options:

1. Move forward based on what is presented tonight.
2. Motion to amend this application to what was originally passed.
3. Table it to the give the application time to submit the missing information for a new use variance application.

Lucas J. stated that he has already invested over \$100,000 in the last year and a half. He spoke with Dave about needing to make changes and his attorney said that he was within the time frame due to Covid. He pleaded for grace to move with option #2.

Emily J. stated that she would need to research this further due to the pandemic.

Dave M. recognized that if the project had not been altered and a building application was presented in good faith earlier, this would not have been a problem, but by making the changes to another wedding venue with potentially 3 DJs a weekend plus potential fireworks, he felt it was necessary and the responsible thing to do for our residents, to have the zoning board view this as a new application. For the best interest of the Town, not to say that what Lucas has done is not fantastic and the new hotel I'm sure would be very nice, we just need to go through the proper channels.

Mike M. stated his concern for the lack of financial information to help decide. He also stated that if the restaurant is open to the public and patrons come on a Saturday night, but it's closed because you booked a wedding, how many times will that patron keep trying. Mike M. also asked if Arrowhead received money from the Federal government during COVID. Lucas replied they did. Lucas also said that the details of the restaurant have not been worked out yet.

Bill K. asked if the venue is used for a tournament to support the golf course or is it a restaurant to serve patrons and wedding venues? Then you are asking for additional uses for this variance.

Bill K stated that on the advice of the town attorney, this needs to be treated as new application. Therefore John K. motioned to table this use variance until January 12, 2023 to give the applicant time to prepare and provide additional information including but not limited to financial records. Adam B. seconded this motion.

A motion to table the use variance request and voted on as follows:

VOTE:	Bill K.	Aye
	Adam B.	Aye
	John K.	Aye
	Vickie L.	Aye
	Mike M.	Aye

A motion was made by Adam B. to accept minutes from May 26, 2022, seconded by Vickie L. – John K. abstained from the vote as he was absent on May 26, 2022. Remaining boards members voted Aye, hearing none, the minutes were approved.

Training opportunities were discussed, and board members reviewed the attendance and training records.

This meeting was adjourned to January 12, 2023 by Bill K. at 7:59pm. Seconded by John K. Hearing All Ayes, No Nays the meeting was adjourned.

Respectfully submitted by,

Julie Brady
Recording Secretary