



VIA Hand Delivery & E-Mail

September 3, 2026

Supervisor Dawn Izydorczak
Town of Newstead Town Board
5 Clarence Center Road
Akron, New York 14001

Re: Whiting Door Manufacturing Corporation - Petition for Rezoning

Dear Supervisor Izydorczak and Members of the Town Board:

We represent Whiting Door Manufacturing Corporation ("**Applicant**" or "**Whiting Door**") in connection with the proposed expansion of its existing facility ("**Project**") on a portion of an approximately 41-acre parcel located at 113 Cedar Street (SBL 33.00-4-19.111) (the "**Site**"), in the Town of Newstead (the "**Town**"), Erie County, New York.¹

Whiting Door has owned and operated its manufacturing facility in the Town since 1953 and, since then, has continued to invest in and expand its business locally. The Project reflects Whiting Door's latest investment in the Town and is intended to accommodate the reasonable and anticipated growth of the business over time. The Project will allow the facility to remain competitive, enhance the services available to customers, and ensure that the benefits associated with the existing operation continue to be realized by the community for years to come.

On behalf of Whiting Door, and as set forth more fully below, we submit this letter of intent, with supporting documentation, as a Petition for Rezoning (the "**Petition**") to the Town Board to respectfully request that the portion of the Parcel that is currently zoned as R-2 Residential be rezoned as I-2 Industrial, and the Town's Zoning Map be amended accordingly. Please note that this Petition is in connection with an application for Site Plan approval for the Project, that will be submitted under separate cover to the Planning Board. This Petition explains the Site's current zoning classifications and describes how the proposed rezoning is consistent with the vision and goals set forth in

¹ Applicant also owns several adjoining parcels that, with the Site, total approximately 55.9 acres, located in both the Town and the Village of Akron. The 55.9 acres collectively comprise Whiting Door's Headquarters.

ATTORNEYS AT LAW

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the Combined Comprehensive Plan for the Town of Newstead and Village of Akron. The completed application form and check in the amount of \$500.00 was delivered to the Town under separate cover. Enclosed please find ten (10) copies of the Petition, with the following exhibits attached hereto and made part hereof:

- Exhibit A:** Survey
- Exhibit B:** Rezoning Map
- Exhibit C:** Proposed Site Plan
- Exhibit D:** Renderings
- Exhibit E:** Short Environmental Assessment Form
- Exhibit F:** Wetland Delineation Report
- Exhibit G:** Habitat Assessment Report
- Exhibit H:** Agricultural Data Statement
- Exhibit I:** SHPO No Effect Letter

PROJECT DETAILS

Applicant:	Whiting Door Manufacturing
Applicant Address:	113 Cedar Street, Akron, New York 14001 (716) 542-5427
Attorney Contact:	Phillips Lytle LLP Attention: Lindsey Haubenreich, Esq. One Canalside 125 Main Street Buffalo, New York 14203 (716) 504-5789 E-mail: lhaubenreich@phillipslytle.com
Project Location:	113 Cedar Street, Akron, New York 14001
Tax Parcel:	33.00-4-19.111
Property Owner:	Whiting Door Manufacturing Corp.



113 Cedar Street,
Akron, New York 14001
(716) 542-5427

Zoning District: Site: R-2 Residential and I-2 Industrial

About Whiting Door Manufacturing

Whiting Door, the original manufacturer of roll-up doors for the transportation industry, began operations at 113 Cedar Street in Akron, New York in 1953. Since that time, they have concentrated on designing doors that are easy to install, operate and maintain. Today, Whiting Door employs more than 500 full-time employees, 350 of which are employed at the Site, and is the leading supplier of roll-up doors in the transportation industry, and has expanded operations to include swing doors and a custom shop that specializes in laminated panel designs. Since introducing the roll-up door to the trucking and transportation industry, Whiting Door has grown to have multiple factory locations across the United States, as well as licensee affiliates who manufacture under the Whiting Door nameplate around the globe. While its footprint has expanded over the years, Whiting Door's headquarters remains in the same location as it was originally established. Whiting Door continues to invest in this facility, its workforce, and the surrounding community. The Project represents the next chapter in that long-standing commitment to the Town, supporting continued growth while reaffirming Whiting Door's decision to maintain and strengthen its presence within the community where it all began.

Current Parcel and Site Zoning Districts

The Site is located just north of the town line between the Town of Newstead and the Village of Akron. See **Exhibit A (Survey)**. Pursuant to the Town's Zoning Map, a majority of the Site is in the Town's I-2 Industrial District and a small, approximately 1.03-acre portion of the Site fronting on Cedar Street, is in the Town's R-2 Residential District (the "R-2 Area"). See **Exhibit B (Rezoning Map)** and map below.



(The R-2 Area is outlined in yellow, and the remainder of the parcel, outlined in blue, is zoned I-2 Industrial District)

As shown on the map above, the southern portion of the Site is developed with the existing facility. The R-2 area is currently vacant. The northern portion of the Site abuts the backyards of residential properties. And the northern and eastern portions of the Site are vacant and contain existing wooded areas and/or wetlands that limit the amount of land available for future development.

The majority of the Project is located in the I-2 Industrial District, however a portion of the Project is located in the R-2 Area, which does not permit manufacturing and business uses. See Town Code §§ 450-17.



(The R-2 Area is outlined in yellow
and the project area is colored in red)

Additionally, any proposed development in the I-2 District that is within 100 feet of the R-2 Area is restricted by the I-2 District's setback and buffer requirements. See Town Code §§ 450-23(E) and (G). As a result, Whiting Door's proposed expansion would be significantly limited and rendered infeasible with the current split-zoning.

As such, and in order to facilitate the Project, Whiting Door seeks to rezone the approximately R-2 Area to I-2 Industrial District, to eliminate the split-zoning condition affecting the Site, align the Town's Zoning Map with existing and anticipated use of the Site, establish a consistent and predictable regulatory framework for future land use decisions, and facilitate the logical expansion of the existing use.

Proposed Expansion Project

The Project includes the development of approximately 1.7 acres of the Site to facilitate a new 34,000 square foot addition to showcase the company's products, innovation, and research and development capabilities to customers and business partners. See **Exhibit C (Proposed Site Plan)**, **Exhibit D (Renderings)**. The Project includes 39 parking spaces, stormwater drainage to underground detention, and associated improvements. An existing emergency access loop will be maintained and expanded to accommodate the addition. Additionally, the Project includes significant setback areas, enhanced



landscaping and buffer areas in the R-2 Area along the roadway frontage and between adjoining residential properties. See **Exhibit C (Proposed Site Plan)**, **Exhibit D (Renderings)**.

The addition will serve as the facility's primary visitor center, creating a welcoming and professional environment for customer meetings, facility tours, product demonstrations, and presentations of technology and equipment upgrades within a purpose-built demonstration space. The addition will also provide expanded and modernized space for the Research and Development and Maintenance Departments, both of which will be relocated to the new addition. Relocating these departments will support their continued growth while also creating opportunities to reconfigure and expand the existing corporate office area and add a new employee break area within the existing facility. Collectively, the addition represents a continued investment in the company's headquarters facility, customer experience, workforce, and long-term growth.

- **Floodplain:** Pursuant the NYSDEC Environmental Assessment Form Mapper, the Site was flagged as potentially located in the 100-year flood plain. See **Exhibit E (Short Environmental Assessment Form)**. However, pursuant to FEMA, the Site is outside of the designated 100-year flood plain. See floodplain map annexed to Exhibit E. Additionally, pursuant to NYSDEC requirements, a State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) and a Stormwater Pollution Prevention Plan ("SWPPP") are required. Therefore, all stormwater generated from new impervious surfaces associated with the Project will be handled on-Site in accordance with the SWPPP. Accordingly, there are no significant adverse impacts upon flooding or flooding conditions.
- **Wetlands:** In accordance with the NYSDEC Environmental Resource Mapper, there are NYSDEC Mapped Freshwater Wetlands within the vicinity of the Site and NYSDEC Mapped Informational Freshwater Wetlands in and near the Site. As such, a Wetland Delineation was prepared. See **Exhibit F (Wetland Delineation Report)**. Pursuant to the Wetland Delineation Report, two wetlands were delineated within the area of impact, referred to as Wetlands A and B. Wetland A is categorized as a palustrine emergent wetland feature totaling 0.02



acres within the area of impact that likely continues northeast outside of the area of impact. Wetland A is potentially regulated by NYSDEC and the USACE. As such, the Project has been designed to avoid Wetland A and the associated 100-foot adjacent area as regulated by NYSDEC. Wetland B is categorized as a palustrine forested wetland feature totaling 0.03 acres within the area of impact. Wetland B is an isolated feature with no evidence of hydrologic connections to other wetlands or surface waters, including Wetland A, and likely not regulated by NYSDEC or the USACE. Consultation with the agencies is in process.

The Project will result in the disturbance of approximately 0.03 acres of wetland area. However, the affected feature is non-jurisdictional and represents a very small, isolated wetland area with limited ecological value, will not measurably affect drainage patterns, water quality functions, wildlife movement, flood attenuation, or other ecological services. Accordingly, there are no significant adverse impacts upon wetlands or surface waters.

- **Threatened and Endangered Species.** In accordance with the NYSDEC Environmental Resource Mapper, the area of impact is in the vicinity of rare freshwater mussels not listed by New York State, plants listed as endangered, threatened or rare, and bats listed as endangered or threatened. In accordance with the NYSDEC EAF Mapper, the area of impact is located near known records of northern long-eared bat occurrences. See **Exhibit E (Short Environmental Assessment Form)**. Additionally, the USFWS Information, Planning and Conservation system listed the northern long-eared bat (endangered), the tricolored bat (proposed endangered), the salamander mussel (proposed endangered), and the monarch butterfly (proposed threatened). No critical habitat was identified within the area of impact, and the USFWS determination key yielded a no effect determination for both bat species and the salamander mussel. As such, a Habitat Assessment was prepared. See **Exhibit G (Habitat Assessment Report)**.

The Habitat Assessment concludes that the area of impact does not contain suitable habitat for the salamander mussel or the monarch butterfly, therefore no adverse impacts are anticipated for these species. The Habitat Assessment concludes that summer habitat exists for the tri-colored bat and recommends implementation of a seasonal restriction for tree clearing and/or building



removal, if required, to avoid any adverse impacts to this species. To the extent that any tree clearing or building removal is required, the Project will implement a seasonal restriction and such work will take place during winter months.

Finally, the Habitat Assessment concludes that there is suitable summer habitat in portions of the area of impact for the northern long-eared bat, and moderate roosting and foraging habitat in areas within and immediately adjacent to the area of impact. While potential roost trees were identified in the area of impact, no tree clearing is proposed as part of the Project, therefore no impacts to the northern long-eared bat is anticipated. Should any tree clearing take place, all tree-clearing activities will comply with seasonal tree clearing restrictions, with tree clearing only allowed from October to March, to avoid the incidental take of bats. Additionally, because there are known hibernacula in the vicinity of the area of impact, the Project will avoid the use of loud construction noises and equipment (e.g., blasting or pile driving) during hibernation periods. Accordingly, there are no significant adverse impacts upon plants or animals.

- **Agricultural Resources.** The Site is not located in an agricultural district designated by the New York State Department of Agriculture and Markets and does not appear to be within 500 feet of any active farm operations. However, as a courtesy, Applicant has prepared an Agricultural Data Statement. See **Exhibit H (Agricultural Data Statement)**. As shown on **Exhibit H**, there is no known history of farming on the Site, and the Site has not been used for farming since at least 1953 when Whiting Door started its operations.
- **Cultural Resources.** The Site sits within the West Erie Canal Corridor, which is a New York State Heritage Area, and a portion of the site is located in or adjacent to an area designated as sensitive for archeological sites on the New York State Historic Preservation Office archeological site inventory. Consultation with the New York State Historic Preservation Office was conducted for the Project. By letter dated July 17, 2026, the New York State Historic Preservation Office determined that no archaeological and/or historic resources will be impacted by the Project. See **Exhibit I (SHPO No Effect Letter)**. Accordingly, there are no significant adverse impacts to cultural resources.



- **Aesthetic Resources.** The Project will result in a net improvement to the visual character of the site and surrounding area. The project will replace an aging barn and associated rural structures with thoughtfully designed landscape treatment that includes mature trees, supplemental plantings, and other site landscaping features. These improvements will create a more attractive visual setting than currently conditions. In addition, the proposed facility has been intentionally designed with a clean, simple, and understated architectural aesthetic. The building façade will utilize a minimal and cohesive design that avoids excessive visual clutter and presents a professional, well-maintained appearance consistent with a modern manufacturing and business operation. The building design, together with the proposed landscaping, will create a visually organized and attractive development pattern. Accordingly, there are no significant adverse impacts upon aesthetic resources.
- **Noise Impacts.** The facility is being designed and constructed for equipment fabrication, assembly, research and development, product testing, and related business operations, rather than heavy industrial manufacturing or intensive production activities that typically generate substantial noise. In addition, the building has been specifically designed to minimize the potential for off-site noise. The exterior walls facing neighboring properties will incorporate enhanced insulation and sound-attenuating construction materials to maximize noise containment within the building. The proposed building will also serve as an effective physical barrier to the propagation of sound across the site. At approximately 30 feet in height, the structure will intercept and block a portion of the sound that currently travels across the property from existing facility operations. Consequently, neighboring properties may experience less audible noise following project completion than they do under existing conditions. Accordingly, there are no significant adverse noise impacts.

Community Outreach

Whiting Door has undertaken outreach to the adjoining and nearby residential properties, to inform them of the Project, answer any questions, and to elicit input and feedback. Thus far, Applicant has had many positive conversations about the Project. Applicant will continue to engage in outreach and solicit feedback throughout the Project review process.



Proposed Rezoning and Amendment of the Town's Zoning Map

Pursuant to New York State Town Law § 130 and § 264, and the Town's Zoning Code § 450-108, the Town Board has the authority to receive petitions for rezoning and to amend the Town's Zoning Map boundaries following public notice and a public hearing. Whiting Door hereby respectfully petitions the Town Board to rezone the R-2 Area of the Site to I-2 Industrial District.

The requested rezoning will eliminate the existing split-zoning condition on the Property by placing the entire Site within a single zoning district that reflects the longstanding industrial use of the Site. The facility has operated at this location for decades and has long been an established component of the surrounding community.

Although the rezoning includes a portion of the Site currently zoned residential that is adjacent to neighboring residential properties, the Project design incorporates substantial measures to protect neighboring landowners and maintain compatibility with surrounding uses. Specifically, the Project includes significant setback areas, enhanced landscaping and buffer areas along the roadway frontage and between adjoining residential properties. These features are designed to provide visual screening that will preserve the separation between industrial operations and nearby residences.

Importantly, the rezoning will facilitate the implementation of site improvements that are expected to result in a more attractive and organized appearance than current conditions. Enhanced landscaping, new plantings, and thoughtfully designed buffer areas will improve the visual character of the Site, creating a more aesthetically pleasing view from Cedar Street while maintaining effective screening of operational areas.

The proposed buffers and setbacks substantially exceed what is necessary to accommodate the expansion and demonstrate the applicant's commitment to being a responsible neighbor. The project reflects a balanced approach that allows the existing business to continue investing in its long-term operations while protecting the character and enjoyment of adjoining residential properties. As a result, the rezoning will not create adverse impacts on neighboring residences and, in many respects, will improve