

TOWN OF BATAVIA PLANNING BOARD
REGULAR MEETING, May 4, 2021, 7:03 P.M.
VIA ZOOM CONFERENCING
Meeting ID: 965 1485 3573
Password: 609151
By phone 1-646-558-8656 US (New York)

Because of the Novel Corona Virus Pandemic and state and federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive order 202.1 issued March 12, 2020 suspending the Open Meeting Law, the Town of Batavia Planning Board meetings was held electronically via ZOOM video conference/call conference instead of a public meeting open for the public to attend in person. Minutes of the meeting will be posted on the Town of Batavia Website.

PRESENT: Chairman Kathy Jasinski, Paul Marchese, Paul McCullough, Don Partridge, Jonathan Long, Steve Tanner, and Brooks Hawley.

ALSO ATTENDING: Brandon Lewis Owner of The Firing Pin, Linda Tomporowski, Corey Coles, Jim Taravella of LaBella, Kaelyn Roche, Steve Mountain Town Engineer, Matt Mahaney Fire Inspection/Zoning Ordinance Compliance Officer, Sarah Sauka Host for the Zoom Meeting, Sharon White Town Board Member, Mike Pettinella of The Batavian, Alecia Kaus of Video News Service, and Secretary Kim McCullough.

ABSENT: Lou Paganello and Jeremy Liles.

Alternate Member(s): Brooks Hawley will be voting.

April 20, 2021 PUBLIC HEARING MEETING MINUTES – Brandon Lewis – Recreation Area.

Paul Marchese made a motion to approve the Public Hearing Meeting Minutes.

Seconded by Jonathan Long.

Vote unanimous for approval.

April 20, 2021 REGULAR PLANNING BOARD MEETING MINUTES.

Jonathan Long made a motion to approve the regular Planning Board Meeting Minutes.

Seconded by Paul McCullough.

Vote unanimous for approval.

Public Comments

Linda Tomporowski – Has 2 questions/issues – first one - is how a special use permit is reviewed regarding Area 51, she is stating they have been in violation of the dates and times of usage since 2006, she has a whole file regarding this and has complained numerous times about using the track outside of the times and days and she states they have gotten now where. What she wants to know is what they can request to review a special use permit, looking for guidance on it, she has emails and has called people along with writing down the times and days and does not know where else to go with this when someone is in violation of the permit. Wanted to know when a decision will be made on special use permit for the recreational area for Mr. Lewis. The Chairman stated there is no date as to when a decision will be made on it. Ms. Tomporowski then asked if it would be on the agenda and the Chairman responded yes it would. The Chairman also stated that Chris Moser will be coming into the next Planning Board Meeting and he has already given the dates of his events.

Brandon Lewis Owner of The Firing Pin – He wanted to address the board and the public concerning some of the issues that were brought up at the public hearing. A lot of good points brought up and a lot of misconceptions. Concerning the RV Park – Mr. Lewis does not know where the individual came up with 130 campers – Mr. Lewis clarified it would be similar to what Mr. Moser does – dry camping – no hook ups – no sewer or water – maybe electrical service at some point. It would be space for people coming in for training or traveling through the area. He addressed the hours – willing to discuss and negotiate that. Range Safety Officer – Mr. Lewis stated he mis-spoke by stating members would essentially be RSOs and he meant to say they would be RSOs and will going through the full National Rifle Association training course. Another concern was shooting towards the thruway – other shooting ranges in the area and there is one called Four Points in Spencerport and they actually shoot towards the thruway as well and are about the same distance about 1000 feet from where you stand to shoot to the thruway. Mr. Lewis wanted to again mention the land use and that it is in the Town's Plan as an outdoor recreation zone, he thinks based on its location it's the perfect location for a shooting range in the town. He posed the question of where else would it go – he thinks it conforms well to the Town's Comprehensive Plan by stating again it is the outdoor recreation zone and there are a lot of other plans they have besides the shooting range. He has talked to Mr. Moser and feels it is going to be very difficult to get businesses in that spot. Noise is one of the primary issues and feels that the safety issue is covered once the 5/4/2021-RegularMtg

people see the standards and protocols and training standards we have in place. Again, the noise they have several solutions for that, they are going to plant trees through out the property and perimeter, the berms, direction of fire will try to angel the noise away from the majority of people's homes and there are many designs that they will be experimenting with, you can have a tube or essentially a culvert pipe and you can use that, you put the muzzle into the devise and it will reduce the noise. Would like to continue working with the board and residents and to bring all of the other things to this property. One question about the letters, emails and complaints he would like access to that, he would like to address the issues. Would like a one day shooting event, could they run a competition later in the summer so the residents could see what this is going to be like, can have a company could out and do a sound study and do the appropriate studies. The Chairman stepped in to let Mr. Lewis know his time was up and that if he wants anything to go on on his property, he needs to follow through with the letter that the engineers sent him, start sending the information and they outlined everything very clearly. The Chairman stated that he would need a special use permit before he could hold any events out there and he would need to full the requests from the engineers. The Chairman checked with the Town Clerk, if you file a Freedom of Information Request you can get the letters.

Corey Coles – Asked if his email was received along with the video. The Chairman stated that she did get the email but did not see the video. Mr. Coles did a video recording on April 28, 2021 around 7:15 pm of some shots going off at Polar Wave, they definitely were not quiet and definitely a nuisance if his family and pets had been outside or even if he had his windows open. Mr. Coles asked to go over parts of his letter for the other board members. Mr. Coles stated that it came to his attention Mr. Lewis is basically solicitating his customers or anyone who will listen to him to sign a pre-written letter and is sending these to the Town himself. Mr. Coles finds the letter to be wrong on multiple accounts. Having people from outside of the Town and Genesee county sending letters that claim our concerns are not valid is absolutely ridiculous. It is pretty unbelievable to Mr. Coles that people who live 10 miles away are telling him his concerns are not valid. The letter also implies there is no such thing as piece and quiet and with the thruway and Area 51 does result in some noise and the addition of a shooting range it will escalate that quite a bit. He claims the discharge of firearms and the distance is no different than a blown-out tire on the thruway and Mr. Coles can confirm he does not hear a 100 tires blowing out on the thruway every 15 minutes. Mr. Coles has read some things listed on Mr. Lewis's Firing Pin Facebook page and also on the Firing Pin's Discord Server that he has found to be rather troublesome, the residents of this area have been called many names, a lot of which I will not say on this stream, and this is coming from an individual who is choked up about Deputy Schildwaster's questions about this incident are a no-no but when its us standing in the middle of the 90 and get run over and that's alright. Photos of Deputy Schildwaster's property were uploaded to the Discord Server, so now Mr. Lewis's followers and customers are now aware of where he (Deputy Schildwaster) lives, he also suggested going over to Polar Wave after the last public hearing and he wanted to take his 50 Cal Sniper Rifle over there with some machine guns, he also suggested sending the Planning Boars a picture of a unshirted man using a cat as a gun, Mr. Coles is not sure if this is to point fun at some of the animal concerns, it seems juvenile to M. Coles. Mr. Coles does have copies of all the photos and comments and will send them in. Mr. Coles states that the bottom line is it is concerning that Mr. Lewis has claimed over and over on how he wants to be a good neighbor, but I can't seem to see were he cares, if he does or not.

Batavia Solar LLC – The Gen Gateway – R. Stephen Hawley Drive – Batavia NY – for a Special Use Permit to install a 1.65 MWAC ground mounted community solar system – **Untable Site Plan Review from previous meeting.**

Paul McCullough made a motion to Untable the Site Plan Review.

Seconded by Jonathan Long.

Vote unanimous for approval.

Batavia Solar LLC – The Gen Gateway – R. Stephen Hawley Drive – Batavia NY – for a Special Use Permit to install a 1.65 MWAC ground mounted community solar system – Ms. Roche stated that she spoke with Mrs. Woods about the plantings, the Woods family already has some plantings and will continue to do so and be a good neighbor. Don asked the question about a berm and Mr. Taravella stated that if a berm was put in it would create a runoff and end up with issues on the Woods's property and he does not want to send any runoff or drainage to the Woods property. The Woods's did not request a berm and Ms. Roche stated she did not bring it up to them. Paul McCullough asked the question about how many poles and if it was going to be a ground mounted system. Mr. Taravella is willing to work with National Grid about this. It was asked about growth visualizations and Mr. Taravella stated they have not done any. Jonathan stated realistic photos for the for the property regarding the plant growth for 1-year, 5-year and 10-year increments. **Retable Site Plan Review. The Planning Board is looking for additional screening, needs to provide photo realistics for 5-year and 10-year plant growth and limit electrical poles and use of a ground mounted system.**

Don Partridge made a motion to Retable the Site Plan Review.

Seconded by Paul McCullough.

Vote unanimous for approval.

COR – 4222 Veterans Memorial Drive – Batavia NY – Chipotle Restaurant Drive Thru – Special Use Permit to add a drive-thru to existing commercial building to open a new restaurant (Chipotle). No one was present from Cor. Per Steve Mountain drive-thru will go on the north-west side of the building, there are a few engineering issues that need to worked through, no issues with the site plans. The. This was approved by County Planning stating it will not purpose a significant county wide or inner community
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impact. Steve Mountain also brought up safety issues with the traffic and everything is designed accordingly. Brooks asked how are the cars going to be lined up since it is a small parking lot. Paul McCullough asked about a buffer for how many cars will go through in an hour or in a day. Steve Mountain said the stacking of the cars will be 5 cars. The other safety issue is pedestrian traffic, that there is proper signage and crosswalks. The Special Use Permit is contingent upon final Town Engineering review and approval. Paul Marchese made a motion for approval of the Special Use Permit and is contingent upon final Engineering review and approval. Seconded by Brooks Hawley. Vote unanimous for approval.

Zoning Enforcement Officer Report.

Matt Mahaney – Quite busy as of late with the workload and submissions. There are no current new applications and they are working with previously approved applications and permits that have been issued.

Steve Mountain – Brookwood Estates – manufactured home park on Wortendyke and Pearl Streets. Engineer met with both Dan and Steve Mountain on an update. Steve just wanted to give the board a heads up. It is a 156-unit plan.

Paul Marchese asked about Jerry Arena – on Lewiston Road – Matt stated they have not been able to make contact and they do want to find out what exactly the vendor space lease is regarding.

Paul McCullough asked if the board could get a copy of the Area 51 Special Use Permit for the next meeting since they are coming and Kathy said she would do that.

Chairman Report.

Sharon stated she had nothing to add.

Kathy stated she has been inundated with letters for both supporting and against Brandon Lewis’s property. She has been forwarding them. Paul McCullough stated he had the opportunity to talk to one of the neighbors and there was quite a bit of concern with the direction of fire, having Area 51 on one side and a firing range on another and people racing around in the woods, there is concern about dissimilar things going on and making sure we take that into account, confirmed hours of operation, the neighbor was not so much concerned with Area 51 he said he moved in after Area 51 was there and knew it was in existence, has concerns about the hours of operation with a shooting range going on. Per Kathy the Town Engineers wrote a letter and it outlines everything Mr. Lewis needs to do. Kim McCullough asked stuff being put out on Mr. Lewis’s Facebook page and it identified Mr. Schildwaster along with where he lives, is that some form of invasion of privacy and can anything be done to stop that. Kathy said the internet allows for that and she was going to be putting a call into the Sheriff’s Department. She will get a copy of the form letter to the Planning Board. Paul McCullough asked about Mr. Lewis being able to hold an event on his property and Kathy said he could not and but he does have the right to shoot his own guns on his own property. This was confirmed by Matt as well. Jonathan stated it is a bad first introduction for the neighbors and they are property owners that have been in the Town for many years and doing the stuff online in my opinion is not right.

Brooks Hawley made a motion to adjourn the meeting at 8:05 pm.
Seconded by Paul McCullough.
Vote unanimous for adjournment.

Respectfully submitted,

Kim McCullough Secretary	Kathleen Jasinski Chairman
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