

**TOWN OF SOMERSET  
PLANNING BOARD  
NOVEMBER 9, 2017**

Present: Chris Czelusta  
Krista Atwater  
Charles Neal  
David Haylett, Counsel

Absent: Norman Jansen

Attendance: 8 residents

Acting Chairman Czelusta called the meeting to order at 7:30PM.

**PUBLIC HEARING – ELDRIDGE/RUTHERFORD – OPEN AND OPERATE AN  
AIRSOFT FIELD AND NERF-GUN FIELD BUSINESS AT 1943 QUAKER ROAD**

Clerk Carmer read the notice of said public hearing that was duly published in the Lockport Union-Sun & Journal with the same notice being posted on October 26, 2017 at the Town Hall. Frank Eldridge stated the correct address is 1943 Quaker Road as the announcement was prepared as 1945 Quaker Road.

Albert Rutherford lives in Johnson Creek and provided the board with a portfolio about what airsoft is about. He would like to open an airsoft field as a family business.

C. Czelusta asked if this will just be in the wooded area.

Albert said yes for now. The nerf field may be in the open area later on. He is looking at purchasing the Old New England Seafood and incorporating that into the nerf section.

Albert stated that he would like to hold a Milsim event where 1,000 people attend. The entire property is 140 acres and that would accommodate the 3-4 day event. This would also take place in the woods.

K. Atwater asked:

- If he also plans to sell equipment?

Albert said that is his long-term goal. He stated it will take up to two years to get the field established first.

- Will he use props?

Albert said he is undecided on looks yet but does plan on using props such as junk cars (shell only) and trailers. He said they will be made safe and are stripped of glass and metal that can cut someone. He wants everything “child-proof”. There will not be any hazardous material. They get the old foam blocks from the Lancaster racetrack and use them to make buildings. There will not be any permanent structures unless they have a two story structure as it has to be built to code.

- Does he have connections to the military or police who like to use these types of fields?

Albert said no, but if they have the room that would be awesome.

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K. Atwater is familiar with the current location that Albert goes to called "The War Zone." She knows the junk cars are part of the props and stated that this town may have issues with junk cars and campers sitting around if you can see them from the road.

Albert stated that they will be in the woods and if they get big enough to expand into the open area they would put up a fence to block the view. He wants to have an urban type setting along with the woods but they haven't gotten too far into it without knowing how this meeting will turn out.

K. Atwater asked what the footage to the nearest house is.

Frank Eldridge stated it is 230 feet from the property line of the barn to the ditch.

K. Atwater asked what the footprint of the field is.

Albert stated the woods are approximately 15 acres, but ideally a minimum of 20 acres would be needed to make money and gain popularity. The Milsim event would be willing to come here since there is a total of 140 acres.

C. Czelusta asked about car parking.

Albert said they would need to put in a culvert and the cars would park in the woods which is why they would need 20 acres. He said you should hopefully only see a sign. After you get out of the parking area you enter the safety area and then the field. If he needs to expand it will be fenced in and will not be eyesore material.

C. Czelusta stated that if he needs to expand, he would have to come before the Planning Board again.

Jon Hotaling of 1365 Quaker Road asked what airsoft is as he has never heard of it.

Albert said it is war games like paint ball and discussed what it is like. He said it teaches gun safety too (although they are not real guns).

Jon asked if it is seasonal.

Albert said it is semi-seasonal. He said you do not want a mud hole so it is only played when the parking lot is decent.

Patty Ray of 1914 Quaker Road asked how far the projectiles travel and will there be something that would prevent them from escaping.

Albert said they travel on average 100 feet to 350 feet. Sniper guns can travel up to 400 feet. They want to build a 6 foot fence around the perimeter as a buffer zone. Hopefully they can use any sucker trees that they clear out. He said he will not immediately be able to build a fence around the entire 20 acres. They will have a 50 foot buffer zone of brush around the edge where no one will be allowed to go. He stated the pellets do not break glass but can break skin.

Jon Hotaling asked if they are noisy.

Albert said no, but he would like to have a loud speaker with sound effects that you will not hear past the woods. The play hours would be 9:00AM – 3:30PM. They do have some night games but would not have the loudspeaker playing until 11:00PM.

K. Atwater said most of the noise is from people yelling when they get hit.

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Albert discussed what safety gear you have to wear.

Rick Ray of 1914 Quaker Road asked if the games will be played on the weekend or during the week.

Albert said mainly on the weekend. During the summer he would like to have weekday events to give the kids something to do. He said the average charge is \$50 that includes all of the safety gear except boots and you have to wear boots. They will have a website and will have waivers to be signed and the safety is enforced.

C. Czelusta asked if they will have restrooms and refreshments.

Albert said they will have an outhouse. The only refreshments they will provide is water and they will encourage drinking it to be constantly hydrated. He is getting Advanced CPR and First Aid certified. He is hopeful to have an AED.

Attorney Haylett asked if they have a lease and insurance.

Albert said the lease is not determined yet but he will be renting the property. He will have insurance with \$3million/\$1million coverage. They will operate as an LLC and will do that step approximately six months before the field is ready.

Attorney Haylett asked how they will keep players from wandering off.

Albert said they have staff called marshals that are in constant radio communication and will be dressed so that everyone knows they are staff.

Frank said the ditch surrounds two sides of the property.

Albert said there is always a possibility someone could run off but hopefully they will get the point across during safety instruction. Eventually he will have a buffer wall all the way around that will be environmentally safe.

Attorney Haylett asked for a map view with a drawing of how the field will be set up so the board can see the parking, the field, and the nerf field so they can see how close the field will be to the neighbors, road, etc.

Attorney Haylett asked if there are any state requirements.

Albert said only if you have buildings over 8 feet then you have to follow OSHA rules.

Attorney Haylett asked if there are any natural waterways or ponds on the property.

Frank said there are 11 acres between the woods and his pond.

K. Atwater asked if Frank would be willing to put markers on the edge of the pond for safety.

Frank said yes.

Albert said if they ever play at night they will have sporadic lighting run on generator.

K. Atwater asked if they are willing to put up a barrier to the closest neighbor before they ever open their doors even privately.

Albert stated that is his first priority, along with a decent buffer zone.

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Frank said with the parking first, then the indoctrination area and the field in the back, they would be away from the neighbor's house.

C. Czelusta said that is the measurements they want to see in the drawings.

Attorney Haylett asked if he plans to have signs besides parking.

Albert said yes, but he is undecided of the specifics right now.

Rick Ray stated his concern for hunters.

Albert said they will be shut down during big game season (archery through black powder.)

Cheryl Spencer of 1924 Quaker Road asked what season they will be operating.

Albert stated some weekdays during the summer, but definitely weekends. He would like some Friday night games after everyone gets out of school. Then Saturday mornings open from 9:00AM – 3:30PM. If business allows they will also open on Sundays from 9:00AM – 3:30PM but they don't want to compete against The War Zone who plays on Sundays.

Attorney Haylett said he would like Albert to provide his ideal schedule right now. He realizes it could change by the time he opens.

K. Atwater advised that our code for signs allows them to be 2' x 2'.

Albert said he would keep it simple.

Attorney Haylett advised that if you google Niagara county mapping you can get a free map and put the measurements on it too. He asked if Albert has looked at any other properties.

Albert said he has looked around Western New York and Barker is the right location. He has researched for about 1-1/2 years.

Jon Hotaling discussed props and stated that he should put a specific number in the permit due to Town ordinances.

Albert said he does not know how big the area is yet, but could figure it out after he knows how much property he will have.

Jon said that if he puts it in the permit he will not get in trouble for having too many vehicles.

Albert said depending on the size of the field, he would want at least ten. He wants to have a roadside simulation experience.

K. Atwater asked if it could be hidden in the woods because it could make a difference if it is seen from the neighbors or the road.

Albert said yes. His concern is winter when the leaves are off the trees. He said his field is constantly changing so the vehicles will be moved around. He said if he can't have cars he will work around it with making them from foam.

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On a motion of K. Atwater, seconded by C. Neal, the following resolution was

ADOPTED Ayes 3 Atwater, Czelusta, Neal  
Nays 0

Resolved the hearing for Eldridge/Rutherford remain open.

**APPROVAL OF MINUTES**

On a motion of K. Atwater, seconded by C. Neal, the following resolution was

ADOPTED Ayes 3 Atwater, Czelusta, Neal  
Nays 0

Resolved the minutes of the October 5, 2017 meeting are accepted as submitted.

Discussion ensued regarding War Zone location, customers, cost of equipment, special effects, noise, etc.

**SPECIAL USE PERMIT – LAFOREST**

Jon Hotaling provided an update that Clerk Carmer emailed the board members that r. LaForest renewed his permit. He also said there has been a huge improvement in cleaning up the property.

There being no further business, C. Neal moved to adjourn the meeting at 8:40PM, seconded by K. Atwater. Carried unanimously.

Respectfully submitted,

Tracy L. Carmer, RMC  
Town Clerk/Planning Board Secretary