

SES COLORS	GENESEE COUNT	Y PLANNING BOARD REFERRALS				
HOLLAND LAND OFFICE	NOTICE OF FINAL ACTION					
1802	GCDP Referral ID	T-06-BAT-03-23				
40000000000000000000000000000000000000	Review Date	3/9/2023				
Municipality	BATAVIA, T.					
Board Name	PLANNING BOARD					
Applicant's Name	Keystone Novelties LLC					
Referral Type	Site Plan Review					
Variance(s)						
Description:	Description: Site Plan Review for temporary fireworks sales.					
Location	8360 Lewiston Rd. (NYS	S Rt. 63), Batavia				
Zoning District	Commercial (C) District					
PLANNING BOARD R	ECOMMENDS:					
APPROVAL						
EXPLANATION:						
The proposed fireworks to	ent should pose no significa	nt county-wide or intercommunity impact.				

March 9, 2023

Date

Director

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING 3837 West Main Street Road

Batavia, NY 14020-9404 Phone: (585), %!+\$%

DEPARTMENT USE ONLY:

Email dlang@townofbatavia.com

GCDP Referral # <u>T-06-BAT-03-23</u>



* GENESEE COUNTY * PLANNING BOARD REFERRAL

RECEIVED Genesee County Dept. of Planning 3/2/2023

Required According to:

MUNICIPAL LAW ARTICLE 12B.

W YOR GENERAL IV	(Please answer A)	LL questions as ful	,	, ,
1. <u>Referring Board(s) Inform</u>	<u>MATION</u>	2. APPLICANT IN	JFORMATION	
Board(s) Town of Batavia Planning	g Board	Name Keystone	Novelties LLC	>
Address 3833 West Main Street F	load	Address 8360 Lev	wiston Road	
City, State, Zip Batavia, NY, 14020)	City, State, Zip Ba	atavia, NY, 14	020
Phone (<u>585</u>) 343 - 1729	Ext. Pho	one (<u>585</u>) 519 - 341	13 Ext.	Email cenglert@keystonenovelties.com
MUNICIPALITY: City	Town Uill	age of Batavia	a	
3. TYPE OF REFERRAL: (Check all ap	oplicable items)			
☐ Area Variance☐ Use Variance☐ Special Use Permit☐ Site Plan Review	Zoning Map Zoning Text Comprehensi Other:			rision Proposal Eliminary Ial
4. <u>Location of the Real Pro</u> i	PERTY PERTAINING	<u>3 TO THIS REFERI</u>	RAL:	
A. Full Address Batavia NY 14	020			
B. Nearest intersecting road Aren	na Parkway			
C. Tax Map Parcel Number 82	-31			
D. Total area of the property 3.4	.8	Area of propert	y to be disturbe	ed NA
E. Present zoning district(s) Cor	nmercial			
5. REFERRAL CASE INFORMATIO A. Has this referral been previous		enesee County Plann	ning Board?	
■ NO YES If yes, give	e date and action taker	ı		
B. Special Use Permit and/or Var	riances refer to the fol	lowing section(s) of	the present zor	ning ordinance and/or law
N/A				
C. Please describe the nature of the	nis request Tempora	ry Fire Work Sale	s and Tent	
6. ENCLOSURES – Please enclose con Local application Site plan Subdivision plot plans SEQR forms	☐ Zoning text/r ☐ Location map ☐ Elevation dra	map amendments o or tax maps	New o	or updated comprehensive plan s :
7. <u>CONTACT INFORMATION</u> of the Name Daniel Lang	person representing tl	•		m (required information)) 343 - 1729 Ext. 222

Address, City, State, Zip 3833 West Main St. Rd. Batavia NY 14020

Building and Zoning Application Permit No._____

Town of Batavia 3833 West Main Rd. Batavia NY 14020 PH. 585-343-1729

Date 2 / 16 / 23 Zone Flood Zone Wellhead Protection Corner Lot
New Construction Fence Pond Sign Alteration(s) Addition Demolition
Accessory Bldg. Mobile Home Fill Permit Home Occupation Land Separation Site Plan Approval
Special Use Permit Temporary Use Subdivision Zoning Variance Request Other Specify:
Tax Map No
Owners Name Jerry Arena Phone No. (716) 474-0865
Owners Name Jerry Arena Phone No. (7/6) 474-0865 Address 8360 Lewis Ton Rd Batavia 14020 Project Road Width ft
Applicants Name KeysTone MovelTies Project Address 8360 LEWISTON Rd CHRIS ENGLERT E KeysTone Phone No (SP) 519-3413 CC/1 NovelTies CON
E Mail Address CENGLERTE KeySTone Phone No (58) 319-3413 cc//
Description of Project: TEMPORARY SALE of licensed Sparkers (TEMT JOXYO
Date of Sale June 23 Three July 5th 2023 - On Property June 21 To July 7
Description of Project: TEMPORARY SALE of Licensed Sparkers (TEMT 20x40) Daje of Sale June 23 Three July 5th 2023 - On Properly June 21 To July 7 Existing Use Nacional Lot Next to Proposed Use TEMPORARY TIENT Sale Spark Terry Alenas Pizza Estimated Cost Building 1800 Plumbing 14 A Mechanical NA Miscellaneous 14 A TENT REATAL EST
SEQR CLASSIFICATION Type 1 □ Type 2 □ Unlisted □
Review completed by Planning Board Zoning Board of Appeals Zoning Board of Appeals
Permit Fee \$ Application Date// Permit Expires On//
Issuing Officer Date//
IN SIGNING THIS DOCUMENT I HEARBY GIVE THE RIGHT OF AN ON SITE INSPECTION TO THE TOWN OF BATAVIA CODE ENFORCEMENT OFFICIAL OR THEIR DESIGNE. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PREFORMANCE OF CONSTRUCTION. 1,
SEE ATTAChed Signed Agreement AS Latter of Signature of Owner or Authorized Agent Permission Date
92 118000



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517: Email: Info@keystonenovelties.com Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103,

Fax: 717-290-7774

THE ACRES OF THE SERVE STEEDINGS LTD INC.
THIS AGREEMENT IS MADE BETWEEN, (Lessor) and Keystone Novoltics Distributors LLC
(Lessee), for the purpose of allowing the retail sale of approved fireworks at the premises (Location):
Location Address/Property Description: Location Name:
8360 Lewisten Rd Town of Batavia
BATAVIA, MY 14020 Municipality: Gerssee Cox
Lessor Agrees to the following terms and conditions:
1. Lessor represents that the parking lot or commonly occupied Location listed above is owned and/or controlled by the Lessor and that the Lessor grants Lessee the exclusive right to operate a retail fireworks tent or outlet at the property. The space shall be used exclusively for the tent and associated equipment required to execute the sale, including but not limited to a 20-foot storage container, portable toilet & at least 1 parking space dedicated to the tent clerk on the premises during the term of this Agreement. See associated approved tent placement diagram for more detail.
2. The term of this Agreement shall include the 2023 thru 2023 July 4th holiday period(s). The tent and related equipment shall be placed no sooner than June 16th and removed no later than July 11th each year the lease is in effect. The operating dates for the sale will not exceed: June 21st through July 6th of each year the lease is in effect.
Following the initial term, the Lessor hereby grants the Lessee First Rights of Refusal to match any bona fide offer to lease the location for fireworks sales during the forthcoming renewal year.
 Lessor will have the right to void this lease if the above Location is sold or developed for any purpose other than the sale of fireworks by providing 60 days written notice prior to cancelation.
5. Lessor agrees to allow the following as options but are not required for sale. Please indicate by selecting YES or NO.
a. Allow 28 ft PUP trailer (Backhaul trailer) to be set at the property YES NO (initials)
b. Allow access to electricity for the sale if available on the property \square YES \bowtie NO $\overbrace{J,A}$ (initials)
In return, Lessee agrees to the following terms and conditions:
1. Lessee shall pay to Lessor rent in the amount of \$\frac{1,00}{200} by check on or before June 20 each year.
2. Lessee shall provide liability insurance coverage and post with Lessor, prior to occupancy, a certificate of insurance evidencing liability insurance in force covering the operation on the retail outlet. All entities/individuals listed on the certificate of insurance will be deemed as additional insureds per this contract. Insurance coverage will be in an amount not less than \$1,000,000.00.
Lessee guarantees that the premises will be returned to its original condition including the patching of any stake holes and removal of trash and supplies.
4. This Lease Agreement shall be assignable by Lessee and is contingent upon Lessee securing any local and state permits or licenses that may be required by law. If the sale of fireworks is prohibited by public authority or if required permits or licenses cannot be obtained prior to the commencement of the selling season, then this lease agreement automatically becomes null and void with all monies returned promptly. If the local municipality having proper jurisdiction over this outlet limits the sale of fireworks or implements policies inconsistent with state statutes, then this Lease Agreement is subject to revision.
5. Lessee shall have the right to void this agreement up to <u>45 days</u> prior to the commencement of the selling period each year.
LESSOR INFORMATION (Payee & Mail To): ADDITIONAL INSURED INFORMATION: JERRY Man Enterprise CTO In Jerry Man Enterprise CTO In RATEURA, My 14020 83060 Computer RE
Contact: 150/ACA 1402C
Email:Ph: 1/6-7/9-0865
Lessor Date Keystone Novelties Distributors, LLC Date



Keystone Fireworks Tents

Keystone Novelties Distributors, LLC

531 N. 4th Street Denver PA 17517|Email: Info@keystonenovelties.com Main Ph. 717-390-0844, Leasing ex.102, Permits ex.103, Fax: 717-290-7774

2023 Tent Sale Program Overview





About Keystone Fireworks

- Headquartered in Lancaster, Pennsylvania, Keystone is an importer, wholesaler and retailer of consumer fireworks.
- With over 20 years of experience and over 425 locations, Keystone is a leader in seasonal sales of fireworks.
- Keystone operates tent locations in the following states: RI, CT, NY, PA, NJ, DE, MD, WV, VA, and NC.

- Hundreds of landowners have benefited from the rental income and increased traffic generated by Keystone's tent outlets.
- Open for just 10-15 days, our tent sales have proven to be effective promotions for all types of businesses.

Keystone Fireworks has enjoyed long term leasing relationships with many high-profile and discriminating companies, including:

Kimco
Brixmor Property Group
Pyramid/LMS Realty

Federal Realty
Brookfield Properties
Simon Properties
CBL Properties

InvenTrust Property Management Zamias Properties Kmart (Sears) Stores



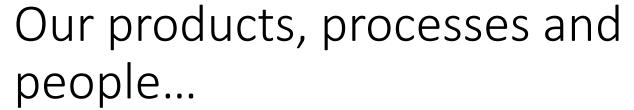
The Keystone Fireworks Tents

- Keystone's standard outlet is an attractive 30' x 45' tent with professionally printed banners and display signage.
- Tents are provided by local professional tent companies. Each is contracted to patch any stake holes at the end of the event, leaving the site in its original condition.
- Tent sale only requires 8-15 parking spaces.











- Exclusive line of Keystone Fireworks brand items. Each item is tested and approved by the independent AFSL testing laboratory and for sale in the states that we operate.
- Keystone secures all permits and local approvals
- Keystone tent operators complete a comprehensive, site-specific training course prior to opening the tent including achieving an 80% score on the course assessment.
- Area managers visit each tent daily
- Hours of operation are typically 10:00 am to 10:00 pm.
- Keystone arranges for 24-hour security for each tent outlet.
- Typical sale is approximately June 23rd to July 5th. A few additional days before and after the sale are needed for set up and takedown.
- Following the sale, Keystone HO personnel will contact each landlord to ensure location is cleared and operation was consistent with landlord's expectations.







"One phone call from our Landlords means we have failed"

- Meaningful rent payments for a short-term use of your parking lot.
- Landlord option to cancel at any time if property is sold.
- Free product programs for timely contract agreement.
- Insurance A++ rated carrier, provides Keystone with a 5 million dollar per location product and premise comprehensive liability policy.
- Each landlord is added as a certificate holder on the policy.
- Keystone accepts the responsibility of acquiring the necessary permits for your location. We maintain outstanding relationships with over 300 local jurisdictions.





Keystone would like to add you to our list of distinguished partners for the upcoming Fourth of July season. For more information, please contact us at 800-390-0844.

Keystone Novelties Distributors, LLC Temporary Signs & the Sizes

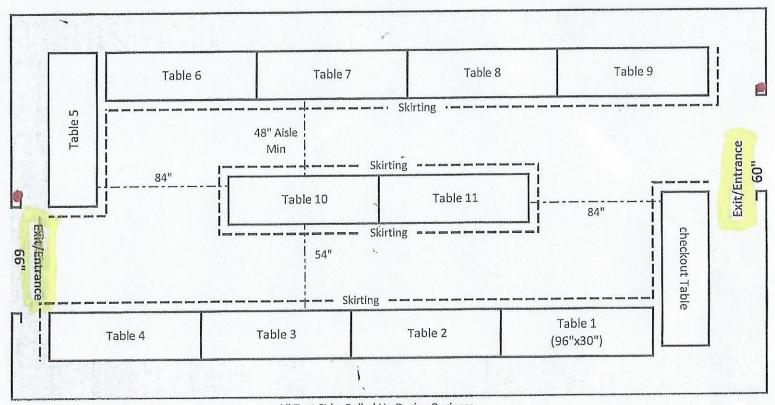












All Tent Sides Rolled Up During Business

• I WC (water)

• I F CABC)

3- No Smoking Sign

In TERT

2290--C

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

. Introduced by M. of A. MORELLE, LUPARDO -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to authorizing the sale and possession of sparkling devices outside of cities with a population of one million or more

PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-BLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (iv) of paragraph (c) of subdivision 1 and subparagraph (v) of paragraph (b) of subdivision 3 of section 270.00 of the penal law, as added by chapter 477 of the laws of 2014, are amended to read as follows:

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- (iv) except in cities with a population of one million or more, [in those counties and cities that opt by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter,] "fireworks" and "dangerous fireworks" shall not be deemed to include "sparkling devices" as defined in subparagraph (vi) of paragraph (a) of this subdivision. THE STORAGE AND RETAIL SALE OF SPARKLING DEVICES SHALL BE REGU-LATED IN A MANNER THAT IS NOT IN CONFLICT WITH THE PROVISIONS OF NFPA 1124, 2006 EDITION.
- 13 (v) except in cities with a population of one million or more, 14 possession of sparkling devices lawfully obtained in [a jurisdiction that did opt by local law pursuant to paragraph (b) of subdivision five 16 of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks", for the purpose of lawful use in another jurisdiction that did opt by local law 18 pursuant to paragraph (b) of subdivision five of section 405.00 of this

EXPLANATION -- Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD00926-15-7

A. 2290--C

chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks". The superintendent of state police shall annually publish a list of those jurisdictions that have opted by local law pursuant to paragraph (b) of subdivision five of section 405.00 of this chapter to exclude "sparkling devices" from the definitions of "fireworks" and "dangerous fireworks"] ANOTHER JURISDICTION.

S 2. Paragraphs (b) and (c) of subdivision 5 of section 405.00 of the penal law, paragraph (b) as amended and paragraph (c) as added by chapter 458 of the laws of 2016, are amended to read as follows:

[Further, no city or county shall be bound to include "sparkling device" in the definitions of "fireworks" and "dangerous fireworks" in section 270.00 of this chapter, if such city or county shall so authorize the exemption of "sparkling device" by law. If any such city or county so elects, it and such other local jurisdictions that lie within its geographical boundaries shall not enact any other local law that is inconsistent with the provisions of subparagraph (iv) of paragraph (c) of subdivision one of section 270.00 of this chapter, nor to regulate sparkling devices in a manner that is in conflict with the provisions of NFPA 1124, 2006 edition.] NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, A COUNTY MAY ENACT A LOCAL LAW TO PROHIBIT THE SALE AND USE OF "SPARKLING DEVICES", AS SUCH TERM IS DEFINED IN SECTION 270.00 OF THIS CHAPTER, PROVIDED, HOWEVER, ANY SUCH LOCAL LAW SHALL NOT ESTABLISH:

(I) AN OFFENSE GREATER THAN A VIOLATION FOR A PERSON WHO

EXPLODE OR CAUSE TO BE EXPLODED A SPARKLING DEVICE; OR

(II) AN OFFENSE GREATER THAN A CLASS B MISDEMEANOR FOR A PERSON WHO SHALL OFFER OR EXPOSE FOR SALE, SELL OR FURNISH A SPARKLING DEVICE LESS THAN FIVE HUNDRED DOLLARS UNLESS SUCH OFFER, SALE OR FURNISHING IS TO A PERSON LESS THAN EIGHTEEN YEARS OF AGE.

(c) Notwithstanding paragraph (b) of this subdivision, any city wholly contained within the county of Orange may enact a local law to [include "sparkling device" within the definitions of "fireworks" and "dangerous fireworks"] PROHIBIT THE SALE AND USE OF "SPARKLING DEVICES" as defined in section 270.00 of this chapter, IN ACCORDANCE WITH SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (B) OF THIS SUBDIVISION, notwithstanding [any local law enacted by] THAT such county [that authorizes the exemption of "sparkling device" from such definition] HAS NOT ENACTED A LOCAL LAW TO PROHIBIT THE SALE AND USE OF SUCH SPARKLING DEVICES.

S 3. This act shall take effect on the ninetieth day after

39 have become a law.

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Sales Tax Registration W A Harriman Campus Albany NY 12227-0865

15057185209100-AP00

KEYSTONE NOVELTIES DISTRIBUTORS, LLC 201 SEYMOUR ST LANCASTER PA 17603-5847

> New York State Department of Taxation and Finance **Certificate of Authority**

Identification number

45-4658832

(Use this number on all returns and correspondence)



VALIDATED

5/4/2015

Dept of Tax and Finance

KEYSTONE NOVELTIES DISTRIBUTORS, LLC 201 SEYMOUR ST LANCASTER PA 17603-5847

is authorized to collect sales and use taxes under Articles 28 and 29 of the New York State Tax Law.

Nontransferable

This certificate must be prominently displayed at your place of business. Fraudulent or other improper use of this certificate will cause it to be revoked. The certificate may not be photocopied or reproduced.

4020109100098

1DB8 - 1251118 P0000407 - 01

Certificate of Flame Resistance

REGISTERED FABRIC NUMBER

F-140.01

ISSUED BY

JOHNSON WORLDWIDE ASSOCIATES, INC.
BINGHAMTON, NEW YORK 13902
Manufacturers of the Finest
Tent Products Described Herein

Date of Manufacture

June 1996

This is to certify that the products herein have been manufactured from material inherently flame retardant as here after specified by the material supplier.

NAME: Buffalo Chair/Party Rental

CITY Cheektowaga

STATE

NY

Certification is hereby made that:

The articles described on this certificate have been manufactured with an approved flame retardant chemical in compliance with California State Fire Marshal Code, NFPA-701*, Underwriters Laboratory of Canada, and have been tested in accordance with the Federal Test Method Specifications and meet or exceed the Military Flame Specifications of MIL-C-43006G.

Type, color and weight of material: 14oz Vinyl White

Description of Item certified:

Elite PC 20 x 40 TOP

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

Snyder Manufacturing, Inc.

Manufacturer of Flame Retardant Vinyl Laminates

TENT DEPARTMENT, JOHNSON WORLDWIDE ASSOCIATES, INC.

* Large Scale

MATERIAL SAFETY DATA SHEET

DATE PREPARED 1-8-2021

CLASSIFICATIONS UN0336 1.4G Consumer Fireworks, as classified by the U.S. Department of Transportation.

HAZARDOUS INGREDIENTS/ IDENTITY INFORMATION

• HAZARDOUS COMPONENTS: Contains pyrotechnic Composition — a solid mixture of oxidizer and fuel. Will burn upon ignition.

PHYSICAL/CHEMICAL CHARACTERISITICS

- SOLUBILITY IN WATER: Slight
- APPEARANCE/ODOR: Pyrotechnic Composition contained in cardboard casing. Exposed composition appears as powder, dust or caked material. Varying colors.

FIRE/EXPLOSION HAZARD DATA

- EXTINGUISHING MEDIA: Flood with water DO NOT USE SUFFOCATION METHODS.
- SPECIAL FIREFIGHTING PROCEDURES: Devices contain their own oxygen. If large amount of 1.4G product is involved, allow to burn and prevent spread of fire.
- UNUSUAL FIRE/EXPLOSION HAZARDS: 1.4G Product will burn rapidly in event of fire. Expect extreme smoke levels.

REACTIVITY DATA

- STABILITY: STABLE
- CONDITIONS TO AVOID: Open Flame, Smoking, Extreme Heat (in excess of 120 degrees), or any combustion producing environments.
- INCOMPATABILITY: Exposure to water may cause deterioration.
- HAZARDOUS DECOMPOSITION/ BYPRODUCTS: Extreme Smoke, Nitrogen Oxides, and Sulfur Oxides may be produced in a fire or burn situation.
- HAZARDOUS POLYMERIZATION: Will not occur.

HEALTH HAZARD DATA

HEALTH HAZARDS: Exposure to finished product does not pose any health hazard.

PRECAUTIONS FOR HANDLING / USE

• STEPS FOR MATERIAL SPILLAGE/RELEASE: Avoid all smoking, open flame, electrical contact and exposure to excessive temperature (above 120 degrees F). Keep cartons cool and dry.

CONTROL MEASURES

- RESPIRATORY PROTECTION: None required when handling finished product. In event of 1.4G fire, full Self Contained Breathing Apparatus should be used.
- PROTECTIVE GLOVES: None required.
- WORK/HYGIENIC PRACTICES: No Smoking, open flame, or other combustion producing practices to be conducted in vicinity of product.

TENT LOCATION PLOT PLAN LAST SAVED FEBRUARY 11, 2023

LOCATION NAME: BATAVIA NY ARENA

LOCATION ADDRESS: 8360 LEWISTON RD, BATAVIA NY

NOTES: PROPOSED 20X40 TENT; 900 SQ FT MAX, STAKED



LEGEND:

PORT-A-JON









T-06-BAT-03-23

