

CHILI PLANNING BOARD
July 10, 2012

A meeting of the Chili Planning Board was held on July 10, 2012 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 7:00 p.m. The meeting was called to order by Chairperson James Martin.

PRESENT: Richard Brongo, Karen Cox, John Hellaby, John Nowicki, Paul Wanzenried and Chairperson James Martin.

ALSO PRESENT: Michael Hanscom, Town Engineering Representative; Michael Jones, Assistant Counsel for the Town; David Lindsay, Commissioner of Public Works/Superintendent of Highways and Building Department Representative; Pat Tindale, Conservation Board Representative; Robert LaTragna, Architectural Advisory Committee Representative.

Chairperson James Martin declared this to be a legally constituted meeting of the Chili Planning Board. He explained the meeting's procedures and introduced the Board and front table. He announced the fire safety exits.

JAMES MARTIN: Under Public Hearings tonight, Application 1 has been withdrawn at the request of the applicant. It will be heard in August.

Application Number 2 is the application of Mr. and Mrs. Bill Reusch.

2. Application of Mr./Mrs. Bill Reusch & Mr./Mrs. Jordan Reusch, 54 Toni Terrace, Rochester, New York 14624, property owner: James Group, Inc.; for special use permit to erect a single-family dwelling with an in-law apartment at property located at 19 Grovewood Lane in R-1-15 zone.

Gail Reusch, Bill Reusch, Jordan Reusch, Paula Reusch and Jamie Valerio were present to represent the application.

MRS. BILL REUSCH: My name is Gail Reusch, and I'm here with my husband, Bill (Reusch) and my son, Jordan (Reusch), and his wife, Paula (Reusch). We have lived in Chili for 20 years. We have a home in Wellington, which we built many years ago. We are considering scaling down. We are in our retirement years and my son and his wife, who now live in Gates, have sold their home, and they desire to build a single-family with an in-law attachment to provide for us.

We would like it to be in the Red Bud Subdivision. As indicated in the letter, it's Lot Number 1619 Grovewood Lane. We're working with Jamie Valerio from the James Group. We understand and know that this is not a rental property, never will be a rental property.

Hopefully some day we'll be able to live our years out in there and when we're gone, my son and his wife will certainly have some additional few square feet to, you know, make their home a little bit bigger.

We desire to stay in Chili. We like the community and hopefully -- that is why we put our application in for the Red Bud Subdivision.

Any questions?

JAMES MARTIN: Thank you.

Looking at the architecture on the property, it looks as though that is a two-car garage I'm assuming?

MRS. GAIL REUSCH: Correct. As any standard single-family home.

JAMES MARTIN: The Town Engineer comment was that four parking spaces should be provided. So you have two in the garage and about a 45 foot long driveway.

MRS. GAIL REUSCH: Whatever is standard.

MR. VALERIO: Jamie Valerio, James Group, Perna Homes. The drive is 45 feet, and there is also the right-of-way. So the driveway provides parking for at least six cars comfortably and two more in the garage.

JAMES MARTIN: Thank you. That was the only comment I had. If this goes forward with a vote tonight, there are some special conditions that are standard in the Town of Chili for in-law apartment, and I will read those for the public record. You will need to comply with those conditions if this does go forward.

KAREN COX: It looks like there will be access between the two units, like a door coming out of the kitchen, into the -- in the in-law area?

MRS. GAIL REUSCH: Yes. Is it a common area there with a laundry and powder room and -- two separate entrances but a common area.

KAREN COX: Okay. That was all.

JOHN HELLABY: Full basement under that?

MRS. GAIL REUSCH: Correct.

JOHN HELLABY: The only other comment I got is other than the boilerplate stuff Jim

(Martin) mentioned, you might want to take a close look at the door opening widths for the wheelchair accessibility for a little later on in life should that be required.

MR. VALERIO: Jamie Valerio. We did address that. Most of the bedrooms are at least 32 inches. The bathroom door, I believe, is 30 or 32 inches. We addressed that specifically on the apartment side, but there are even wider doorways on the other side.

MRS. GAIL REUSCH: Thank you.

JOHN NOWICKI: I just want to wish you well, because I have had the pure enjoyment of also having an in-law apartment, enjoying my in-laws, so you will have some fun. Very enjoyable.

MRS. GAIL REUSCH: We do now, and I am sure we will. Thank you.

RICHARD BRONGO: I don't have any questions in regard to the application. I have just a comment, because I think you're going to see a lot more of these coming down the pike in the next year or so. I think the economy is such that you're going to find that parents are moving back in with their children and want, you know, a place of their own, somewhat removed but attached, and I'm just wondering if it wouldn't behoove us to prepare a set of criteria for people to be able to pick up so they would know everything they have to do before they come before the Planning Board for an in-law situation.

JAMES MARTIN: That's a very good suggestion. I will discuss it with Mr. Lindsay.

KAREN COX: There have been a lot.

JAMES MARTIN: We'll see what we can do.

Thank you, Dick (Brongo).

Just for the record, the Fire Marshal had no comment on this application and the Conservation Board had no comment on this application.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Could we please have drawings up for the Public Hearings?

JAMES MARTIN: I apologize.

KAREN COX: Do you want me to put mine up?

JAMES MARTIN: Go ahead and put yours up.

I will give you a chance to review it.

I think there is also a map of the lot location.

KAREN COX: Oh, you're right.

DOROTHY BORGUS: Thank you.

JAMES MARTIN: You're welcome.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: For the record, the standard conditions apply. The applicant shall bring the in-law apartment into compliance with all current New York State Building Codes. They shall obtain all required permits and complete all required inspections prior to the Certificate of Occupancy being issued.

Pending final approval of the Fire Marshal, which we have. He had no comment on the application.

Special Use Permit is granted for use by an in-law only and shall cease to exist when the in-law ceases to use it.

The apartment may not be used as a rental unit.

Applicant to file decision letter in the book of deeds at the Monroe County Clerk's Office and provide proof of filing to the Planning Board Attorney.

When filing a decision letter, shall be indexed against property owner's name.

And it is pending approval obviously of the Building Inspector. So those are the common conditions that we put in that will be included in my letter, decision letter, all right, to you, assuming this goes forward on a vote.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: Since this is a Special Use Permit, the time period becomes permanent if the structure is built. There will be no time period associated with this Special Use Permit, assuming you go ahead and build.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. The Special Use Permit is granted for use by in-law only and shall cease to exist when the in-law ceases to use it, and shall become permanent if built.
2. The apartment may not be used as a rental unit.

3. Applicant's attorney to file decision letter in book of deeds at the Monroe County Clerk's Office and provide proof of filing to Planning Board Attorney and Building Department. When filing, decision letter shall be indexed against property owner's name.
4. Pending approval of the Building Inspector.

Note: Applicant should consider wider doors in the in-law apartment to be handicap accessible (including grab bars, wheelchair ramp, etc.).

3. Application of Mr./Mrs. Fred Hagen, Mr./Mrs. James Allen, and Pat Albanese, owners; 57 Trafalgar Street, Rochester, New York 14619 for preliminary subdivision approval of three lots to be known as River Farms at property located at 2300 Scottsville Road in AC, FPO and FW zone.

Tom Robinson, Pat Albanese, James Allen and Fred Hagen were present to represent the application.

MR. ROBINSON: Good evening.

My name is Tom Robinson with Environmental Design & Research, and we have been working for over a year now with the 2300 Scottsville Road Group, going through site analysis and collaborating with them to get to a subdivision plan that meets their needs and the Town zoning requirements. I will give you just a very quick background. Property is about 97 acres. It is located just north of Milewood Road between Scottsville Road and the Genesee River. There is approximately half a mile of river -- river frontage on the property.

We were -- we were selected by the group to work with them in the -- in the -- in about February of 2011, so we have been at this over a year. The group has diligently pursued a pretty thorough site analysis process. We worked with them to map the soils, the topography, the slopes on the site. We have had one of our biologists walk the site and provide a habitat assessment which looked at all of the different ecological communities and various acreages of each of those.

The group is looking to divide the single parcel into three parcels. They are looking for a residence on each parcel, and also interested in future sustainable agricultural activities to help preserve the heritage and history of the land.

In addition to the site analysis, some of the things we did included looking at the Chili 2030 Comprehensive Plan and seeing how the vision of this group would comply with the ideas that were being put forth in the plan, along the lines of green energy principles, low impact design, protection of natural features visual quality, et cetera.

Between July of 2011 and March 2012, we worked with a group on several alternative subdivision plans. I think we probably went through seven or eight schemes that slowly evolved along with their understanding of the site and its resources. The programming and future uses that they felt they wanted to see for themselves and their families.

During that time, I think we had six or seven client meetings and work sessions.

Our first meeting and contact with the Town was on May 3rd of 2011. I met with Supervisor Dunning, and David Lindsay, pre-preliminary but wanted to make early contact and look at the ideas that were coming forward for the property.

On July 11th of 2011, I met again with David Lindsay and Kathy Reed as we had some alternative subdivision plans on the table, got their feedback and started to refine things further. And then finally, um, April 18th of this year, we met with Town of Chili Development Review Committee to look at the preliminary subdivision plans, got comments on that.

It has been refined further, and the -- the final preferred alternative is what has been submitted to you for preliminary subdivision approval.

Other things that have been done along the way, um, the Town requested a full wetland delineation report that has been completed and submitted to the Town about 23 1/2 acres of the 97 acres delineated wetlands. As well as the applicants themselves have had a preliminary meeting with the New York State DOT, just to get the discussion going on access off of Scottsville Road.

So that's the process that we have gone through, and up on the board and the drawings that you have in front of you show a three-lot subdivision, approximately equal acreages. They're all in the neighborhood of 30 acres. They all meet the road frontage requirements.

There are no deviations from the Agricultural/Conservation zoning. The -- the subdivision plan itself is a result of looking carefully at the resources and the clients negotiate among themselves to figure out how to best equally divide what this property has to offer.

Um, I guess at that point we can take questions on the -- on the subdivision plan, and I will answer them or Fred Hagen, one of the owners will answer to them.

JAMES MARTIN: Okay. Thank you.

Just, again, for the record, um, our -- our subdivision section in the code, Section 439 -- I will hold on a second.

There was a pause in the meeting for a passing train whistle.

JAMES MARTIN: Um, it called for a myriad of technical information about a subdivision, and I think it's written primarily around somebody coming in and wanting to do a 200-unit subdivision where we have to know where the sewers will be and the gas line and all of this stuff. Mr. Lindsay and I have had a discussion about this, and in conjunction with the Town Engineer. And basically came to the conclusion that since we're talking about fairly large lots, with a potential of three residences on these lots, knowing that there is no public sewer in the area, and some other things, we felt that it wasn't necessary to come in with a full-blown, you know, subdivision map with all of the utilities spelled out and all of that. I believe David (Lindsay), that is where we came out in the discussion.

So for the purpose of the Board, we have gotten, you know, the basic information. The applicant has responded to a couple of requests by the Town Engineer for the topo map and the wetlands delineation, which is a -- very nice, and also soil conditions within the area, so we do have that information in hand now.

So I just wanted, for the record, to let everybody understand that we do not have the full utility layout and all of that at this point.

JOHN HELLABY: Which is fine, but I question once they decide to build a house or a structure on these lots, we will get site plan approval then.

JAMES MARTIN: That was my last sentence.

JOHN HELLABY: I'm sorry. That's fine.

JAMES MARTIN: Okay. But I basically say, will be required, okay, on any subsequent site plan submitted for approval by this Board.

MR. MATTER: Understood.

JAMES MARTIN: Okay with that now?

JOHN HELLABY: Yep.

JAMES MARTIN: It looks as though, essentially you're dividing this up into three large lots. At this point in time, we don't know where the house is exactly going to be located, where the driveways are going to be or any of that information. But obviously as I said, that will have to be provided when you come in for site plan.

We do have an Agricultural Data Sheet on the -- on the property, which is necessary to have.

So at this point, I am going to go to the Board.

JOHN NOWICKI: So each lot will come in separately for the final?

JAMES MARTIN: I don't know how they're going to address that. I'm assuming you're not going to build simultaneous.

MR. HAGEN: Fred Hagen.

Yes. We'll be submitting separate site plans.

JOHN NOWICKI: So one at a time?

MR. HAGEN: One at a time.

JOHN NOWICKI: That's all I have.

JOHN HELLABY: Question, curiosity more than anything. Why the 8 foot jog in the lot line between Lots 2 and 3?

MR. HAGEN: Um, to follow the fence line, I believe, right?

MS. ALBANESE: To follow -- Pat Albanese. It is to follow an existing pathway and staying offset distance off an existing fence line.

JOHN HELLABY: Surveyor's nightmare, but I guess if you have your reasons.

The existing structures that are presently on these lots, what is the intentions with those?

MR. HAGEN: Um, Fred Hagen speaking. There are two structures on here that are dilapidated barns that will come down. And there -- there is another old barn that is going to stay probably.

And there is a barn up front and a barn here (indicating). Those will probably be retained. Two barns.

JOHN HELLABY: You will try to save as many of them as possible?

MR. HAGEN: Yes.

JOHN HELLABY: If I remember rightly, wasn't this Wehle's dog kennels at one time?

MR. HAGEN: Yes.

So some have already collapsed, and the ones that are standing, we'll try to save.

JOHN HELLABY: Well, as long as you -- once you decide to move on and come in for final site plan approval, if you have a better intention of what is staying and, you know, what is actually totally being removed, it will be a help --

JAMES MARTIN: That will be required.

JOHN HELLABY: I think that is all I have for right now.

KAREN COX: That was the question I was going to ask, so I don't have any others.

PAUL WANZENRIED: Why the jog for Lot 2? Why is Lot 2 situated down between Lot 3 instead of going straight back? Why all these narrow -- little access ways? I got a -- a narrow 40 foot access way to Lot 1. I don't know how wide that is between Lot 1 and 3.

MR. HAGEN: 40 feet. Fred Hagen speaking.

40 feet. If you jog straight over, Lot 1 is going to be much less than 1/3, because it is already 29 acres. 31 acres. 37. So if you go straight back on Lot 2, it makes Lot 1 really small. So we tried to come up with an even division, somewhat even share of open fields.

These are open fields (indicating). These are wooded areas with some wetland, so we have tried to share the different.

PAUL WANZENRIED: You're trying to share the different natural amenities?

MR. HAGEN: Yes, three ways.

PAUL WANZENRIED: I will buy into that.

PAT TINDALE: We don't normally comment on subdivisions of property, but we were pleased to see some sort of agricultural activity still will be taking place, and we had one concern that the wetlands would be protected and maintained there.

That's all. Thank you.

PAUL WANZENRIED: I have one more question. Um, what kind of farming?

MR. HAGEN: I didn't hear the question.

PAUL WANZENRIED: What kind of farming.

MR. HAGEN: What kind of farming?

KAREN COX: We were looking at the future goals of the land statement.

MR. HAGEN: Um, so --

PAUL WANZENRIED: Cash crops? Cows?

MR. HAGEN: There is going to be horses on some parcels.

Nursery, trees on others and/organic farming and fruit and you pick and maybe some community agriculture.

PAUL WANZENRIED: The tree nursery, is that just for wholesale, or -- or any business plans based on that, future thoughts?

MR. HAGEN: We're going to be developing those. It's a little early right now.

PAUL WANZENRIED: Thank you.

MR. ALLEN: James Allen.

Just to address the tree one, we're not thinking of any large scale tree nurseries at all. We're looking more at developing, preserving rare species and especially food-producing plants. So it is more of a small-scale breeding nursery than any kind of large commercial endeavor.

PAUL WANZENRIED: Like a co-op, something along those lines, would you say?

MR. ALLEN: Yeah. Our goals are more really preservation and education actually rather than a commercial enterprise.

PAUL WANZENRIED: Thank you.

MS. ALBANESE: I'm Pat Albanese, and I have been involved in breeding Shire horses, which is a rare breed of draft horse, and I have been doing that for 20 years in Wyoming County, and I would like to have the opportunity to perhaps do that in Scottsville, and actually there is a variance filed on this subdivision to be heard on the 24th because the parcel that I have been assigned to doesn't have enough frontage to be, um, maintained as a farm in that land, so we're hoping that that will be approved and the subdivision would be contingent on that, because I would like that to continue with the property in line with the nature of the existing property that is there.

PAUL WANZENRIED: May I ask what parcel you have been assigned?

MS. ALBANESE: Parcel 3, the one that has the large white barn on it and a large long barn, and the variance is to be able to have housing close to those barn structures.

PAUL WANZENRIED: Thank you.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: I have been a founding member and still am after many, many years a member of the Black Creek Watershed Coalition, and I would like to have some clarification maybe as to how much of this farming is going to take place on the half mile of river frontage.

Is there going to be any setback, especially for horses, to keep them back from the water? I'm thinking of pollution. And also with -- with the gardening, community gardens and/or with the trees, I suppose it really wouldn't matter, I mean -- are we looking at heavy fertilization? I'm thinking of this from an environmental standpoint.

JAMES MARTIN: I think, Dorothy (Borgus), to be perfectly honest, those are probably issues we'll address during site plan discussion. Please keep them in mind as we move through that process. I don't think the applicants have a firm plan in mind at this time. I will comment that, you know, having met with them at DRC, I came away with the opinion that they are extremely environmentally concerned, okay, and that certainly we'll address those issues and hopefully we'll come in with a plan that is satisfactory to you and the Board and everybody else that is involved.

DOROTHY BORGUS: I would hope when it comes to that, that they do think about setbacks from the water.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: They have paid their fee for final.

Consensus of the Board with this, would we waive final at this time, on the subdivision itself?

The Board indicated they would waive final.

PAUL WANZENRIED: We'll ask all our individual questions when they come before us individually anyhow.

JAMES MARTIN: Absolutely. Okay.

The Board indicated they would waive final approval.

JAMES MARTIN: Thoroughly checked our Type I criteria, Mr. Jones. This does not fall under a Type I classification.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: On the preliminary subdivision, basically no conditions of approval that were addressed other than, you know, the fact that we have had some discussion about environmental sensitivity. On the preliminary subdivision, waiving final.

DECISION: Unanimously approved by a vote of 6 yes with no conditions.

Note: Final subdivision approval has been waived by the Planning Board.

JAMES MARTIN: I'm so glad this property is going the way it is going, because we had a previous plan come in with 300 houses or something on this property, and to me, this is going to preserve a very beautiful spot in the Town of Chili. So thank you. We'll see you for site plan.

4. Application of Christopher Martello, 1250 Scottsville Road, Suite 30A, Rochester, New York 14624, property owner: Davpart Rochester, LP; for Special Use Permit to allow gunsmithing operation with the sale of firearms in existing hobby store (Suite 30A) at property located at 1220 Scottsville Road (a/k/a 1250 Scottsville Road) in GB zone.

Christopher Martello was present to represent the application.

MR. MARTELLO: Good evening. We meet again. Once again, my name is Chris Martello. I'm representing my company tonight. Representatives from Davpart could not make it tonight, for whatever reason. But they have signed off on this. They have signed the paperwork.

Now, what I am trying to do is I'm trying to put a -- in my hobby store, add one more hobby, the hobby of firearms.

It is a -- it seems strange. I started this process of being a paint ball store 12 years ago, and every time I do something, I always learn something new. Years ago I learned that under New York State Law, paint ball markers were classified as firearms. Who knew? I learned that the hard way from the Gates Police telling me that the Township of Gates where our last paint ball store was, we could not even chronograph a gun in our store because the ordinance in the Town of Gates which says you could not discharge firearms, anything using air to shoot a projectile was a firearm under New York State Law; I was selling firearms and shooting them.

New York State has since changed their laws. Believe it or not, New York State has changed their firearm laws and they have loosened them up a little bit which seems really strange.

But the last three years, New York State has now stated what calibers of -- are considered firearms. And for my classification of what I do, and why I am even here, is because of Crosman air guns. For years we have been doing -- yep, four years what is we have been doing a process in our hobby shop for paint ball, and we put a camouflage decal on the guns.

Crosman has been aware of this, because we do it a lot of work with Crosman. Crosman used to be in the paint ball business. I used to get a lot of calls from them because I would have to consult them. You know, they -- they're great at making BB guns but they are not very good at paint ball. They would ask us questions. They knew we did this process.

So Crosman decided -- well, last 2010 that they -- they wanted a new -- they have a brand new gun that came out. And this is where the laws have changed in New York State. People are getting into air guns and the air guns are high -- high-powered air guns. They shoot above 600 feet per second velocity so they're really pushing high.

It is something we worked with them on. We repair their guns. We sell their guns. Just one more thing that we do, is sell air guns. So Crosman asked us if we would be willing to put decals on their guns. I thought, boy, that is a pretty novel idea, but their attorneys at Crosman decided they wanted us to get a firearms license. I never needed one before. Now all of a sudden I need one.

So I get the process now of trying -- how to get a firearms license. I didn't know. No one in this room knows. So I had the rigors of trying to figure out how to do it. Well, it seems, first off, you have to go to your landlord, if you have a landlord, and get their permission. I got their permission. I had to go and contact the Monroe County Sheriff's because they're the lead agency in this area. I talked with them. They said sure, no problem. The one thing I thought I wouldn't

have any problem with was with the Town of Chili. Because the Town of Chili has always been behind me in the past. You guys have always -- I mean, I have stories -- I'm great at dinner parties in towns, and Chili is not one of those towns.

When I first came to Chili years ago, the first thing I did, I walked -- went to the Zoning Department, the Building Department and said I was opening a paint ball store, thinking about opening a paint ball field. Building Department was great. They told me exactly what I got to do. Store is good, hobby store is good. Paint ball field, bad. Said right here in our code you need a Special Use Permit. I figure you know what, sign a five-year lease here, why not take a shot in the dark and put in a paint ball field. You know, the Town of Chili, Planning Board, great. You know, you walked me through the process, and sure enough, we end up with paint ball field, very success paint ball field, and I can't thank you enough. Paint ball store has been very successful. We work on all kinds of guns, air guns, BB guns, pellet guns. You name it, we work on it. Customize stuff. Great, love it. You guys have been behind me.

But when it came to this firearms license, the -- the ATF requires that the Town that I'm in, they have to sign off on a letter. The letter has to state that there are no zoning restrictions with the issuance of a Federal Firearms License. I -- I couldn't find any restrictions. So I never thought that there would be a problem until a time came for me to ask for that letter. That's when the wheels fell off.

You see the problem is the ATF, they have a policy. The policy is once they get their application, they have 30 days to go from start to finish. So the time is ticking. Crosman, also time is ticking. I needed to have that application by last year, October. The Town could not come up -- couldn't really give me a pattern that they want me to go in that would satisfy those time lines.

I lost the contract with Crosman. I put people out of work that could have done that work for me. And for the application for Federal Firearms License, I had to withdraw the application to do it at another date. It was told to me by the attorney -- Town Counsel at the time, Mr. O'Toole, that he was requiring that the -- for starters, the space I was in wasn't zoned as a hobby store.

So he put a path -- a path from start to finish in place for me. He wanted me to do a change of use. We have done the change of use.

The next thing he wanted was a Special Use Permit. I have been asking for over a year, why do you need a Special Use Permit for a hobby -- in a General Business zone where hobby store is approved, unless you don't consider firearms a hobby? And that's -- and that's where we are today.

The problem with the ATF, they have certain rules and they state -- it is crazy, as it sounds. If you want to take a gun, air gun, whatever, real gun, doesn't matter, and you change the way it looks, that means you are a gunsmith. You're not a -- you're not -- you're not a gun dealer. You're a gunsmith.

Can you sell guns? Yes. That is part of the law. But they have classifications, and their classification is because I want to change the way something looked, I'm a dealer. So when I put -- I'm sorry.

I'm a gunsmith. So I put the applications in. There was a reason for the language I used, was because I'm trying to accomplish a certain mission to do a certain thing that I wanted to do with the ATF. That is why I did what I did.

So I am in -- I'm in the General Business zone. I'm in -- I'm in a plaza, and I would like -- I would like to do one more process with -- with my business and be able to customize guns and legit, I guess, firearms, and I would like to -- I would like to sell them if I can. That's -- that's it.

Last -- the last question I had, though, is because I'm a hobby store, it was approved for a hobby store, whether you want these firearms for a hobby or not a hobby, there are other hobbies. There are other things that are out there, and, you know, I asked -- I did ask people in the Building Department, um, if every time I want to sell a new type of a hobby, I would have to come back to get a Special Use Permit. Believe it or not, the response was yes, if I wanted to sell skis and roller blades.

So I would need some clarification exactly what I can actually sell in my hobby store, what direction I go with the hobby store, and what -- because I really have gotten no help in this. When it came to the paint ball field, there was a clear path start to finish. There hasn't been one here, and I need your help.

JAMES MARTIN: Is that it?

MR. MARTELLO: Yes.

JAMES MARTIN: In your dissertation, you primarily are focused on firearms that are -- use air streams, tethers, as your letter of intent states. But then you go on to say that you also want to utilize your skills on gunpowder-activated.

MR. MARTELLO: That's correct.

JAMES MARTIN: Okay. You didn't mention that. You would be gunsmithing --

MR. MARTELLO: Sadly, (inaudible) when you get a license, you can do anything. I didn't really want to focus on firearms, but I -- but it opens me up to that. I -- but I didn't -- I didn't want to walk in and say to anybody that that is not something I'm looking forward to in the future. I don't want to sit there and not -- and limit myself. If I have to go through this process and how much it costs, the fingerprints, the background checks -- I got approved, I did, from the ATF. This is where I didn't get approved from.

JAMES MARTIN: You're saying you have already been through that screening?

MR. MARTELLO: Oh, yeah. I was approved, except I did not get that letter. Because I

didn't get the letter, I had to withdraw my application.

JAMES MARTIN: Okay. As -- as your business moves forward, um, what percentage do you think would involve let's say gun-powder-activated weapons?

MR. MARTELLO: I really don't want to buy any of them and deal with them, because it really is -- there is a manual here (indicating), and it is a very thick -- recordkeeping and stuff. So if I can stick with my air guns, I would be really, really happy. So percentage, I would say maybe 1 to 2 percent because I don't want to deal with it.

And there -- there is really no civil penalties for air guns, but there is really some severe penalties for making mistakes when it comes to real firearms, and I would rather leave that to more of the experts than me, but again, once I get -- once I get a license, I'm able to do those.

So will I dabble in the future, perhaps, but I think it is more like 3 to 5 percent maybe. But right away, I'm -- I'm paint ball and air guns.

JAMES MARTIN: As far as your current location, um, there wouldn't be any significant changes to the internal operation. You wouldn't be adding tools, machines or anything like that.

MR. MARTELLO: No. I'm done. I hope not. I'm done. I don't want to spend any more money.

JAMES MARTIN: Okay.

PAUL WANZENRIED: Do you have a shooting range where you test what you fix or --

MR. MARTELLO: For paint ball?

PAUL WANZENRIED: Yes.

MR. MARTELLO: Oh, yeah.

PAUL WANZENRIED: That is out in the field.

MR. MARTELLO: That's correct. That's a paint ball field.

PAUL WANZENRIED: So as much as you disclaim that you don't want to do guns, if you repaired a gun, where would you test that?

MR. MARTELLO: I can't. I would have to go to, you know, to a shooting range or something like that.

PAUL WANZENRIED: Just want to clarify that.

MR. MARTELLO: I can't.

And again, there are -- there are laws even -- even though the Township of Chili, you can discharge firearms -- you see, Gates is different. Gates, if you look at their map for their Town, their zones, almost everything in Gates is -- is residential or some commercial. There is very little agricultural. Where here, there is lots of agriculture, so it is almost pointless to have that kind of law. But still there are laws in New York State governing the discharge of firearms, so you couldn't discharge firearms back there.

KAREN COX: Governing the discharge of firearms for law-abiding citizens.

MR. MARTELLO: That's correct.

PAUL WANZENRIED: You no longer occupy Suite 7?

MR. MARTELLO: I have never occupied Suite 7. Did you think -- where is Suite 7?

PAUL WANZENRIED: It is hatched the same way as Suite 30A, so one would need -- although there is an X to it, one would be led to believe you have the two suites.

MR. MARTELLO: Just 30A. It's just a block. The Fire Chief, I think, and Ed (Shero) came out. They did a walk-through to make sure my bathroom was ADA compliant.

PAUL WANZENRIED: I don't have any other questions right now.

KAREN COX: So basically the purpose of this hearing is to -- as I understand it, and -- my husband had a Federal Firearms License, so I understand, you know, some of the rules behind it. You're coming in front of us because of an -- to take care of an administrative issue more than in -- I'm saying this for the purpose of the audience -- more than to, um, get permission to start working on gun-powder-activated firearms. That is the way I am understanding your explanation, that --

MR. MARTELLO: I -- Karen (Cox), I really don't know. Because when I look at -- when I looked at the Town zoning, I didn't see I needed a Special Use Permit. I didn't see that.

I asked -- I have asked Mr. O'Toole a long time ago, "Can you point somewhere in the code where it says for General Business that I need one?"

And his response was just, "I want it."

So --

KAREN COX: Well, maybe --

MR. MARTELLO: So that is where -- where it boils down to do I need the Special Use Permit, or do I not need a special -- I'm here -- I'm here for Special Use Permit. I will take whatever I can get to do business.

KAREN COX: Well, you didn't -- you didn't -- weren't able to get the letter from the Town?

MR. MARTELLO: That's correct.

KAREN COX: But the ATF still approved you without the letter?

MR. MARTELLO: ATF approved -- ATF said Chris (Martello), I need you to give me that letter, and if you do not give me that letter, you have to voluntarily remove your application. Because I couldn't get it, I was done. I couldn't get it without that letter. Without that letter, then I -- then I had -- I couldn't be approved.

KAREN COX: So an approval tonight would constitute -- would be an in lieu of that letter -- that you had.

MR. MARTELLO: Believe it or not, it still requires a letter that states there are no zoning restrictions. They want a letter for their file that says there is no zoning restrictions? The

issuance of a federal firearms license. That is what they're looking for.

KAREN COX: Sometimes we have those catchall phrases or any uses similar there to.

JAMES MARTIN: Certainly hobby stores are approved or permitted under General Business.

KAREN COX: And, you know, hobby is a big, broad --

MR. MARTELLO: Yes, you are not -- you are not kidding.

KAREN COX: I have a hobby that is scrap-booking.

MR. MARTELLO: You are not kidding. There is lots of hobbies (indicating). The hobbies encompass a lot of stuff.

JAMES MARTIN: As I read down through here, department stores are a permitted use. KMart sells guns.

KAREN COX: Right.

JAMES MARTIN: So I don't know if there is an analogy there or not, but clearly we have stores within the General Business District that sell, you know, gun-powder activated.

KAREN COX: Without a Special Use Permit.

JAMES MARTIN: Without a Special Use Permit.

KAREN COX: So are we -- are we making -- is this setting a precedent?

JAMES MARTIN: I'm not sure.

KAREN COX: Are we putting this applicant through a bunch of hoops that aren't necessary?

JAMES MARTIN: I guess we're looking over to the right for any particular comment you might want to make.

KAREN COX: It might be that Mr. O'Toole -- I don't know if he misunderstood, maybe he thought you were going to be opening up, you know, a big gun powder gun store.

MR. MARTELLO: He, like I said -- I have his -- his -- his e-mail to me. He didn't care what the zoning code said. He wasn't going to read it. I told him what the zoning code was. I told him where to find it. His response was almost, "It's my way or the highway. Give me this."

JOHN NOWICKI: You still have to go through a review here, because the ATF is asking for a letter, with no zoning restrictions.

JAMES MARTIN: Which my assumption is it could be issued without a Special Use Permit approval.

JOHN HELLABY: Right.

JAMES MARTIN: I guess we're in a little bit of a quandary here, Michael (Jones), because as I said, KMart sells gun-powder-activated weapons without a Special Use Permit in a General Business zone.

DAVID LINDSAY: I think the original approval given back in 2011 was for a retail hobby store and that was done as a change of use at the time. In the letter of intent that I received from the applicant, it spelled out specifically the activity he wanted to do and it was limited to paint ball style weapons, so that is what the approval, in our opinion, was granted for, the paint ball activities based on the letter of intent. He wants to expand that to incorporate gun powder firearms and that is why he is here tonight.

KAREN COX: Well, he -- no. He doesn't --

MR. MARTELLO: What letter of intent?

KAREN COX: The approval from the ATF will allow him to -- to sell and work on gun powder. It's an all encompassing approval.

DAVID LINDSAY: If I could point you to his letter of intent, I would also like to customize, repair and sell gun-powder-activated firearms from my hobby shop.

KAREN COX: Okay. All right.

DAVID LINDSAY: That is why he is here tonight.

JAMES MARTIN: I guess I'm getting hung up around how KMart can sell without a Special Use Permit, and we're requiring --

MR. LINDSAY: The original approval as a hobby -- I think when Keith (O'Toole) looked at it, he looked at -- I can't speak for what he was thinking at the time, but perhaps he was thinking paint ball is not a hobby, and that was the -- that was -- you can define anything as a hobby. I mean, skiing you could say is a hobby, but is it really? I don't know. I mean that --

JAMES MARTIN: It's a business.

DAVID LINDSAY: It's a business. So at the time, my assumption is maybe Keith (O'Toole) was thinking that paint ball does not fall under the categories of a hobby shop, which typically in my view might be models, railroad models, stamp collecting, scrap booking, not carrying out a paint ball business.

So I believe he came in and got a Special Use Permit for the paint ball business that he has there, and in that letter of intent, it specifically spelled out -- it was limited to, the wording was limited to paint ball activities and said nothing at the time about firearms.

KAREN COX: So we're doing -- we would be doing this to amend.

DAVID LINDSAY: Amend his special use to allow the -- what he put in his letter of intent.

KAREN COX: So then what happens if down the road, like he said, he wants to sell skis or -- are we going to ask him to come in every time?

MR. JONES: You can make it as broad as you like at this point.

DAVID LINDSAY: We suggested to the applicant and maybe through the Property Manager that he do that, that he should give some thought to what he would like to do there down the road and keep it as broad as he would like to.

KAREN COX: I mean, I would hate to keep dragging him up front here.

DAVID LINDSAY: I don't think we're dragging him. I can't do the work for him.

KAREN COX: I'm sorry.

MR. MARTELLO: My thing is I'm still stuck on the letter of intent. I have got lots of letters of intent. I was pretty specific. Even here is the one I sent to Keith (O'Toole) (indicating). It is pretty specific what I was doing, what I wanted to do. And -- and I can't be any more specific than that.

JAMES MARTIN: Well, let me ask you. Do you see going how much -- do you see going beyond what you're currently doing as a paint ball business and --

MR. MARTELLO: No, see, I can't. But I was using the absurd, so I say if I wanted to sell skis, would I need this? Because these are other hobbies. If I'm a hobby store and there all these different hobbies -- beer and wine making, they consider it a hobby. Who knew? But they do. Scrap booking, that's a hobby. Well, shooting skeet, that is also a hobby. Paint ball is a hobby. Air soft, that's a hobby. Archery, that's a hobby.

So and to my -- I'm the outdoor shooting hobby is what I am, but there lots of other hobbies out there. I'm a hobby store. I'm in a General Business zone. I keep asking the same question over and over again.

I sent in that letter of intent to Keith (O'Toole), right here, I told him exactly what I wanted to do, exactly what I was trying to do. And it even specifically states about the ATF and what I was trying to do, and I couldn't have been more clear.

JAMES MARTIN: So you don't intend to sell camouflage clothing?

MR. MARTELLO: No. Well, I do that now, because it is for paint ball.

JAMES MARTIN: As part of your paint ball --

MR. MARTELLO: It's part of the paint ball business. But I'm --

DAVID LINDSAY: Mr. Chairman, if I can't interrupt. I get a sense what he is asking for is to really be a sporting goods store.

MR. JONES: Hobbies and sporting goods and that would be a common definition that could encompass some of the things we're hearing and are less confusing for the Building Department.

JAMES MARTIN: That certainly would broaden the Special Use Permit, all right, to be more all encompassing.

KAREN COX: Yes.

JAMES MARTIN: I think we're getting closer to the answer here.

MR. MARTELLO: It has been over a year in the making on this, so I'm -- I'm just, you know -- I didn't think it would take this long, but I guess it does.

KAREN COX: It's government.

JAMES MARTIN: I will keep moving on the Board here, and then we'll have more discussion about what we end up doing at this point.

JOHN HELLABY: I guess in light of the last conversation, I'm good. I don't have anything right now.

JOHN NOWICKI: I just like to ask you, what is your particular reason -- why did you decide that you wanted to get into -- I assume you're talking handguns, you're talking automatic weapons, rifles, shot guns?

MR. MARTELLO: I didn't really.

JOHN NOWICKI: What made you decide to get into this?

MR. MARTELLO: Actually what happened was, it had to do with money. Crosman -- Crosman came to me and they put a lot of money on the table for -- to dip their air guns, and their attorney said because their air guns discharged a pellet above 600 feet per second, New York State classifies that as a firearm. Their lawyer said we would like you to get a Federal Firearms License.

KAREN COX: It's all administrate.

MR. MARTELLO: It is all administrative. So in order to get -- in order to get their contract, I needed this.

KAREN COX: Any changes in the gun is what is considered --

PAUL WANZENRIED: That is what it is triggering it.

JOHN NOWICKI: The intent is not to buy and sell firearms?

MR. MARTELLO: My intent was to -- was to make them look different and send them back to Crosman with a -- with -- with the contract. The problem is that I went through this entire process, and I -- I couldn't get anything from the Town. So I didn't -- I don't like to leave anything hanging there. So have I lost the contract, yes. But am I going to stop? I have a long-term contract there. So if I -- if I'm going to do any other work, then why not? From a hobby store, why not be able to dip other -- other products?

JOHN NOWICKI: If this goes through, you will eventually become a licensed gun dealer?

MR. MARTELLO: Gunsmith. I can't do the work I want to do without being gunsmith. But -- but wording wise, I could sell firearms, yes. I could.

JOHN NOWICKI: Licensed.

MR. MARTELLO: That is --

JOHN NOWICKI: To buy and sell.

MR. MARTELLO: By and sell.

JOHN NOWICKI: Any firearms at all?

MR. MARTELLO: Oh, no, no. No, no. There is --

JOHN NOWICKI: That is what I want to find out.

KAREN COX: There is a list.

MR. MARTELLO: You can't -- you can't -- every -- what they have is classifications of different firearms, and what it really is, it is based upon how much money you want to spend. So let's say that you wanted to sell armored-piercing bullets. You can. There is application for that. Same one, but it costs you \$3,500 every three years. You know, that is crazy. Same thing with machine guns. Of course, you would buy them and sell them, but you're only limited to selling them to law enforcement. So why would you -- and the application fees are through the roof.

But just to sell long guns, customized long guns, the application is \$150 for three years. But -- but, it in -- it incorporates what you're thinking of, regular rifles, shotguns, that kind of stuff.

JOHN NOWICKI: Is there any relationship here between you and AmChar?

MR. MARTELLO: What right now when it comes to AmChar, what I do -- I buy from them like gun cases that we put paint ball stuff in, because they have tactical stuff so you can jazz up -- everybody is into making things look different. Nobody wants to be an individual. That is for the Army.

So what this is is you -- we can buy from them a scope, a gear bag or a sling and we can put it on there. So I have an account with them. Yes, we have an account with them.

JOHN NOWICKI: They're obviously a legal gun dealer?

MR. MARTELLO: They're not really in the sense of a dealer. They are considered a wholesaler. So they wholesale their product. They're not really considered -- they would love it if I could buy stuff from them or do work. They asked me, "Chris (Martello), can you dip some guns for us?" We're contacted by Brandon Morabito from them.

And I said, "I cannot take any guns from you because I'm not a federal firearms dealer. I can't take anything."

So AmChar would like me to dip some other tactical guns and -- in different patterns. I can't do it. I can't do it without a license.

JOHN NOWICKI: Your license will not allow that?

MR. MARTELLO: My license will, if I can get it. I can take a gun from them and change it -- change the appearance and give it right back to them so they can mark it up and sell it to somebody else.

JOHN NOWICKI: You can also have people walk in the store and say, "I want to buy that pistol that is in the cupboard there"?

MR. MARTELLO: Yes. With -- with this license you can. I won't lie to you. I don't have -- my store is not even -- it's small. I don't have that kind of room. You know, to -- to do this kind of stuff. It was more for -- it was more for my Crosman deal. That is what I really wanted to do this. If I could make a little bit of coin -- I thought -- I thought the applications were thousand of dollars. I didn't realize they weren't that much. So I figured if 100 -- 150 is not a lot.

JOHN NOWICKI: Would you accept a person coming into the door that wanted to sell you a gun?

MR. MARTELLO: No. Go to somebody else. That is considered like a pawn shop. I'm not in that business.

JOHN NOWICKI: But you could do it?

MR. MARTELLO: I probably could, but when it comes to a paint ball gun, um, I -- I'm the guy. I'm the guy. You know, I get always calls all of the time from people. I got this. I can take a paint ball gun, you bring it to me, and I can tell you if it works or not. I will not buy your used gun if it doesn't work. I can't test a firearm. Why would I buy it? It makes -- it makes no sense.

And on top of that, I would -- there is so many -- I mean, there are so many rules about buying something from somebody, and I don't know them and I don't want to know them.

I'm trying to keep things simple. I'm being honest. Could I sell a gun? Yes. Could I take one in? Probably. Do I want to? No. Do I want to get in that business? No.

What I wanted to do is I wanted to decorate stuff, and if I make something really neat and want to sell it, I would like to be able to sell it. But I'm -- I'm not --

JOHN NOWICKI: I'm just having a -- trying to convince myself what your intent is here, your real intent is just to have this permit. You will have a license to buy and sell firearms.

MR. MARTELLO: I need a license to be able to work on them. I need a license to be able to put -- to put a pattern on them. I can't -- I can't do that without -- without that. Because most of your firearms have a serial number on them. So if you give me your gun for me to work on, it's no longer in your possession any more. It's in my possession. And I can't legally be in possession of yours without logging it into a book and saying, "Here is my Federal Firearms License number," and I have to log your gun in that I'm now in your possession of your gun. Because if the ATF walks in and they see your gun there, they want to see whose gun is this.

JOHN NOWICKI: Are you going -- if somebody walks in say with a magnum, a pistol, are you going to be able to work on it and say, "I will fix it for you"?

MR. MARTELLO: I'm not trying to fix it. There -- there are legit gunsmiths that do that kind of work. I'm not trying to fix anything. So what I'm trying to do is to be able to do is decorate. That's it. Even in my stuff, I -- when it comes to paint ball, I can take anything apart.

JOHN NOWICKI: I'm not worried about the paint ball.

MR. MARTELLO: We have specific -- specific statements we say to people. This stuff needs to come in pieces. It needs to come in clean and in pieces. That is your job to take it apart, not mine. It is your job to put it back together again. But when a part comes in, it's

serialized, I have to check it in, what it is.

JOHN NOWICKI: How long is your permit good for?

MR. MARTELLO: Which permit?

JOHN NOWICKI: ATF.

MR. MARTELLO: Three years. Every three years I have to reapply and give them -- give them an application fee.

KAREN COX: So somebody could come into you with a long gun and a scope and say, "Can you put this scope on for me?"

MR. MARTELLO: Yes.

KAREN COX: That would -- that would be work that is covered under your ATF license?

MR. MARTELLO: That's correct. Because I'm changing the appearance of -- of a -- of a gun.

KAREN COX: Okay.

JOHN NOWICKI: That's all I have.

JAMES MARTIN: Anything else?

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: You know what this puts me in mind of? Family Video. What's the connection? They stood here at this podium and said, "We just want to sell family videos."

And there was a big discussion about, "Do you want to sell adult videos?"

Do you remember that?

JAMES MARTIN: Yes.

DOROTHY BORGUS: "No. No." "No" right in the minutes, "No."

When it came to the approval, which they got, it wasn't in there, that they couldn't sell adult videos, and it didn't take them long when business got bad or dropped off, what do you remember -- do you remember what we had in North Chili? Adult video store. This is no different. Not any different.

This man can stand here, and I have no reason to think that he would do what those people did at the -- at Family Video, but it reminds me of the same thing because he can say, "I don't want to sell long guns. I'm not interested in -- in gun powder, you know, gun -- gun-powder-fired -- armored anything," but the point is, you say yes today, you're going to have anything and everything and you will have no control.

And I want to remind you how close he is to the City line. And I want to remind you how every day in the Democrat & Chronicle there are people being shot and killed with guns. We couldn't make this any easier for them, unless we put it right at the City line. I think this is a horrible idea.

The man is making evidently a living with what he has. Just keep going. If he wants to make more money, by his own admission, then look -- then sell something else. But I don't think we need any more guns on Scottsville Road. And bear Family Video in mind.

JAMES MARTIN: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Just a couple of comments. I think if there is no objection in the Chili Town Code, the first thing to do would be to issue him a letter. If he wants to proceed with the ATF, um, the FFL license, um, before anything is done by this Committee, I think you would want to see his FFL license. Federal Firearms License.

Then make a decision as to -- as Ms. Borgus said; referring to the video store, make your stipulations as a Board as to what you specifically deem this facility should entail and see if that is acceptable by the applicant and try to proceed in that way.

I would like to ask one other question, and that is, with an FFL, at this facility, is the applicant planning on any additional security? And then again, that may be automatically required by the nature of the FFL license.

JAMES MARTIN: That it? Thank you.

MR. MARTELLO: Can I address those comments?

JAMES MARTIN: In a second.

MR. MARTELLO: Okay.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: I think some discussion is in order of, yes, there is an issue about security. I think if this were to go forward -- security, on your premises, what do you have in the way of security that would guarantee that, um, any firearms that you had on the premises would be held safely?

MR. MARTELLO: Do I need to say it in Public Forum what I have there, or should --

JAMES MARTIN: Well, I'm asking you -- do you have adequate security on the property?

MR. MARTELLO: Performance Paint Ball currently has an alarm system which is not just internet, but also a wireless cellular in case telephone lines get knocked out. We have

surveillance cameras and we have a safe. Our safe we put the most expensive guns we have now -- you would be surprised, people walk into your shop and say what is the most expensive paint ball gun in the world? \$2,000. You think it is on the wall at night when we walk out? It's locked up.

Now fortunately, we're the lead for the Monroe County Sheriffs and their pepper ball business. For law enforcement, they -- for crowd control, they use pepper ball. We're their guys. We fix all their pepper ball guns, the air systems. So the Sheriffs are there all of the time. They are visiting us. They know where we are. We are right next to the Training Center.

JAMES MARTIN: Okay. So you do have a -- an adequate gun safe?

MR. MARTELLO: Oh, oh, yeah. They -- they would have -- they -- between -- in the time allotment for anyone to get there, they would have to find it in the back rooms. They would have to somehow get it unbolted from the floor, from getting inside of it. You know, before the police can get there.

JAMES MARTIN: Other discussion from the Board at this time? I -- based on the recommendation from the side table, I jotted down what could be an amended application that would read something to the effect that, "The applicant has applied for Special Use Permit to allow" -- and I will add, "and to be limited to," which I think truncates the use on the property -- I'm assuming we can do that, Mr. Jones?

KAREN COX: Limited to?

JAMES MARTIN: Hang on.

"Limited to a paint ball, gunsmithing and sporting goods operation in the existing location," which is the rest -- which is in the application.

So that I will throw it out. I will listen for comment, modification, clarification, whatever you want to do.

JOHN HELLABY: I guess the only comment I have, with that statement, will it prohibit him from getting his ATF license? The only reason I ask that is, I'm somewhat familiar with it, as well. One of my brothers had an ATF license. I know of several people in this area that actually do this stuff out of their house. I don't see what all of the hubbub is about, to be honest with you. It goes on every day.

And I guess as long as that statement didn't deter -- because the thing that sort of makes me nervous as you say paint ball operation, is that going to create a problem? I mean, I almost like Mr. Rettig's idea that, you know, let him get the thing and then say, "Okay, here is what you can do."

I don't know if we have the power or the governing body to do that, but say, "Okay, you have your license, but it's only for paint ball equipment."

KAREN COX: Well, no.

RICHARD BRONGÓ: He is looking to do air --

KAREN COX: It can't be for just paint ball equipment because the license covered that.

PAUL WANZENRIED: You can't get the license because of where he is at without our approval.

KAREN COX: No. He needs a letter from the Town that says there is no zoning restrictions for the -- for the business.

PAUL WANZENRIED: That is a separate entity all together.

JAMES MARTIN: If we approved the Special --

PAUL WANZENRIED: Aside from the Special Use Permit.

JAMES MARTIN: If we approved the Special Use based on what I just said, limiting him to paint ball, gunsmithing.

KAREN COX: Why don't you say "hobby and sporting goods"? Because hobby and sporting goods is all encompassing, and being a gun owner myself, I can tell the audience, I'm not going to walk into a place to buy a pistol or a long gun that doesn't have a range to try out a new gun. I mean, know, that is the reason why all these big gun shops have ranges, because you're not going to want -- to just take it sight unseen without trying it out. He doesn't have a range for that type of gun.

So I don't -- you know, I don't equate it to a Family Video situation. It would be very hard -- he would have to come back in front of the Board, if he ever wanted to do this, with a range, and it wouldn't work in -- in the place that it is at.

MR. MARTELLO: That's correct.

KAREN COX: It is kind of a -- because the license itself is all encompassing, it -- he has his Federal Firearms License. Yes, he can buy and sell gun-powder-activated guns, but it is not a practical spot to do that. And the paperwork is a nightmare. And I know that, because my husband had his Federal Firearms License.

JAMES MARTIN: So the only thing held -- holding up from ATF perspective is this letter saying this is not a restricted business.

MR. MARTELLO: No zoning restrictions. I'm still looking for those zoning restrictions.

KAREN COX: There are no zoning restrictions for this type of business.

JAMES MARTIN: But that, I think, has to -- help me out here, that is a legislative activity as opposed to this Board's administrative activity.

MICHAEL JONES: I think the Department's view on this -- the Special Use Permit did not extend to this activity so it would, in fact, be a zoning restriction, so you have to broaden the Special Use Permit so there are no restrictions. Because there is no zoning -- there is no legislative restriction.

JAMES MARTIN: There is no legislative.

My question, Michael (Jones), is who would draft that letter to the applicant?

MR. JONES: (Indicating), Mr. Lindsay would do that.

JAMES MARTIN: The Building Department.

KAREN COX: So if we make this hobby and sporting goods, then he can -- then it is a broad brush description.

JAMES MARTIN: And -- and I understand your concern, Miss Borgus. Don't misunderstand me. But I think we're under such a tight governmental regulation with ATF on this particular activity, as opposed to the Family Video, which I don't know if Constitutionally that would have held up anyways, if we said you can't sell adult videos. Okay? I don't know if Constitutionally that would have held up.

But I feel comfortable with the ATF regulatory body in this particular instance controlling this operation.

Does the Board agree with that statement?

The Board indicated they agreed.

JAMES MARTIN: Okay. So if we're going to amend this application, you want to take out "allow unlimited" and basically to "allow a paint ball hobby"?

KAREN COX: "A hobby and sporting goods" --

JAMES MARTIN: "A hobby and sporting goods."

KAREN COX: -- "business."

JAMES MARTIN: Michael Jones, a hobby and sporting goods business?

MR. JONES: I think that is sufficient.

DAVID LINDSAY: I think that is fine.

MR. MARTELLO: Is that then amending the original change of use that was approved back in November of last year?

JAMES MARTIN: This will become the governing Special Use Permit. Okay? We're amending the original one to now read as -- I will get to it in a minute.

MR. MARTELLO: Okay.

JAMES MARTIN: The application of the Christopher Martello, 1250 Scottsville Road, Suite 30A, Rochester, New York; property owner: Davpart LP; for Special Use Permit to allow a hobby and sporting goods operation in the existing hobby store, Suite 30A, at property located at 1220 Scottsville Road a/k/a 1250 Scottsville Road in a GB zone.

That is the motion.

JOHN NOWICKI: Is that going to suffice?

RICHARD BRONGO: I'm wondering if you don't need to put this will also encompass -- gunsmithing operation is what he wants, and specifically spell that out.

JOHN HELLABY: One question I do have in that statement, though, is the paint ball range itself, did that have a special -- separate Special Use Permit on it?

MR. MARTELLO: Yes, it does.

JOHN HELLABY: That is not part of this application.

MR. MARTELLO: The reason why was because in a General Business zone, your Town Code states that a Special Use Permit is required for an amusement park, so because I have a park or amusement park on 200 Air Park Drive, I have a Special Use Permit for the paint ball field.

JOHN HELLABY: As long as it is a separate entity.

MR. MARTELLO: That is a separate space.

JAMES MARTIN: That should be separate and apart from this application. All right. So that -- are we okay with that reading? You want me to read it again?

RICHARD BRONGO: I guess my concern is, he wants to do a gunsmithing operation where he actually changes the appearance of guns. And does that fall under either hobby or sporting goods? Because if it doesn't, then I think we need that included.

JOHN NOWICKI: I think it has to be included.

DAVID LINDSAY: Mr. Chairman, to expedite the process here, I think perhaps we just add that word. In his letter of intent he asked to customize.

He also added the verbiage "repair." So perhaps we add the words "gunsmithing" just to kind of capture that whole -- what he would like to do at the store. Then there is no --

JAMES MARTIN: All right. I will do this again.

The application of Christopher Martello, ba da be, ba da ba, for Special Use Permit to allow a hobby, gunsmithing and sporting goods operation in the existing location, Suite 30A, at property located at 1220 ba da be, ba da ba.

Are we okay with that?

RICHARD BRONGO: I'm comfortable with that.

JAMES MARTIN: That should allow a letter to be generated saying this is non-restricted. On the motion, then, do I have a second?

KAREN COX: Second.

JAMES MARTIN: To amend that Special Use Permit.

The Board was unanimously in favor of the motion.

JAMES MARTIN: So the amendment is approved.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: This is a Special Use Permit. In this particular instance, there is no permanent structure being built, so we do have an opportunity to make this, you know, a condition of Special Use Permit, the timeline, do --

JOHN NOWICKI: Right along with the ATF license, three years.

PAUL WANZENRIED: That is what I would do.

JAMES MARTIN: So you will be approved for a period of three years until your ATF license is due for renewal.

MR. MARTELLO: Sadly, as these people know --

JAMES MARTIN: It is going to coincide.

MR. MARTELLO: I would only ask for about four years, because I can't do any business without one. It's illegal for me to do any business without one. It takes about a year from start to finish to actually get it, because you still send your application to Washington. They still have to get it. They still have to sit on it.

PAUL WANZENRIED: Four. That's fine. Go four.

JAMES MARTIN: You got it for four years.

MR. MARTELLO: I won't have this licensed to --

JAMES MARTIN: All right. So timeline will be for a four-year period. So this will be a condition of the Special Use Permit.

DECISION: Unanimously approved an amended application to read as follows:

Application of Christopher Martello, 1250 Scottsville Road, Suite 30A, Rochester, New York 14624, property owner: Davpart Rochester LP; for Special Use Permit to allow a hobby, gunsmithing and sporting goods operation in existing hobby store (suite 30A) at property located at 1220 Scottsville Road (aka: 1250 Scottsville Road) in G.B. zone.

The amended application was approved with the following condition:

1. All previous conditions imposed by this Board still pertinent to this application remain in effect.
2. This Special Use Permit is approved for a period of four years.

5. Application of Roberts Wesleyan College, owner; c/o James Myers, SWBR Architects, 387 East Main Street, Rochester, New York 14604 for preliminary site plan approval to erect a 30' high clock tower at property located at 2301 Westside Drive in PID zone.

Jim Myers and Richard Grier were present to represent the application.

MR. MYERS: Good evening. Thanks for having us. Glad to be here. Like to thank the folks in the Planning Department, Building Department for their help in getting here tonight. We would like to present to you very important project for the College.

JAMES MARTIN: Could we have your name?

MR. MYERS: My name is Jim Myers, SWBR Architects, joined by Mr. Richard Grier from the College. He is the Facilities Director there.

The College is proposing to build a clock tower. The clock tower is -- has three main reasons to come into existence. One is to -- a commemorative piece for the former President, Mr. Crothers. The current administration, the Trustees wish to honor him with this piece.

The -- of course, as a clock tower on the campus, it provides a place for someone to see how late they are for class.

And thirdly, and something we have had a great deal of discussion about at the campus, is it's a -- it's another opportunity for the College to have some place making, an opportunity for the College to create a place on the campus that people can gather, a place for a memorable event. Right now we have gone through a series of efforts in at the College in master planning with Rich (Grier) and his staff, and one of the things we identified in that Master Plan process was the -- the tremendous opportunity to improve the campus pathways, to maybe -- to take advantage what they have and make it even better.

So before you tonight we have what is a -- sort of an end result of part of that process. We have identified during the -- the design and the planning of the clock tower the -- you know, the most important question really was, where does it go? And then within that, you have what is the function of it, why does it exist, what are we trying to achieve, and then, of course, one of the things was -- the best place on campus.

We originally thought maybe on top up by the new library would be a great place. It is one of the higher spots, but I think it was maybe even Rich (Grier)'s suggestion, why don't we look at one of the more internal spots along the main pathway. And the campus has a main north set pathway running essentially from the library down to the church and that pathway, if you have

been to the Cultural Life Center at all, you know that pathway is heavily used all day. It's really the spine, if you will. And as we got looking a little deeper at it, we realized that that spine was maybe even a better spot to create that place making opportunity.

So we -- we continued our discussions and came up with a decision that that is where we would put it, and the -- the drawing on my right is showing two elevations of the clock tower. A -- a proposed paving plan and, of course, the perspective of the tower.

Now, the -- the image behind you on the screen, the north/south access again is the main pathway. You see what happens on this particular design, it's really quite nice, is that the main pathway comes down from the library and down into the Cultural Life Center. But it also is an intersecting path to Carpenter Hall, also intersecting path to Smith Hall which is the bridge, and also an intersecting path that runs in front of Cox Hall, down to one of the parking lots down by renovated Hastings Hall.

There is a great synergy to this spot as we found out during the planning process. So we proceeded in this direction. And what that -- that in mind, the clock tower itself has the following design that -- that, again, reflects some of this conversation.

Firstly, the College asked us to present to them some ideas. One of the ideas with a traditional design, a little more contemporary, a little different, a little different design. But they decided in the end they thought traditional would work best for this campus.

Once we decided on a traditional plan, we furthered that a little bit with different ideas about materials and how we would use the materials in hopes of capturing an essence of the campus within the clock tower itself.

So in the design of the clock tower, you see the following materials: First off, is a cast stone facade. That is the yellowish portion. And then that sets upon a granite step base, and then in -- in the core of the tower is a masonry brick structure with a -- what we call a light channel in the middle of that brick core. It's topped by a -- what is going to be a bronze standing seam roof with a -- I believe a 30 inch spire. The whole tower is approximately 30 feet high.

The -- and, of course, at the very top, in the roof structure, as part of the roof structure are the clock faces. There are four of them, each, you know, in the cardinal directions, the four faces of the tower, a square design.

The traditional portion of this design is really based on a -- you know, it's an obelisk type design with a pyramidal stepping up to it.

Then additionally to that, we then layered on this idea of place-making. How do you make the tower more a place-making type event, and that was simply the -- the -- ourselves, the design team, and Rich (Grier)'s team, said, "Well, if we introduce steps into this tower, um, a -- bench type seating, we would give the opportunity for students, faculties, visitors to sit."

It is not a short spine. Certainly people will need to rest from time to time between classes and they know what time it is. So the great opportunity here for everyone to both enjoy the space down in a little bit of a dell, as we call it there. A little bit of a flat spot in between a bunch of the buildings. It's a very internal spot. It's a very -- you know, one of the things we really sold ourselves upon was the idea of the place-making and the introspective aspect of the tower. It's a much quieter place than say the upper plaza. So in this case we went for the -- a more pensive, introspective look into the place-making.

I think that additional, we are including some planting trees around this spot, because we are going to have to lose two trees, and we're going to add benches around the ring, so that not only do you have the seating at the tower itself, you also have some bench seating around the plaza.

The plaza is -- is an amorphic type design to kind of offset or highlight the square base of the tower. It also reflects the idea we have to bring so many different pathways and -- to create that plaza.

So I think that part of the process we're here for tonight is to ask for both preliminary and final approval on the site plan. We have updated our drawings for you per Lu Engineers and Mr. Lindsay's request to reflect comments from them, and -- so we're here to help that process along, answer any questions, and, of course, Mr. Grier is here to help answer questions, as well.

JAMES MARTIN: Thank you.

Maintenance on the clock itself, will that be from the exterior of the structure?

MR. MYERS: At this time, the clock tower has really no accessible core so the clock faces will have to open up, to pull the glass to get at the mechanisms. There will be four mechanisms, and they will be timed in sequence to a controller down at the base, so it will be updated at the time -- the zoning time changes. And they are accurate -- at this point, what we specified is something to four minutes a month. So occasionally it will have to be checked, cleaned and maintained.

JAMES MARTIN: And I believe you have indicated that there will be some subtle back lighting in the center panels?

MR. MYERS: Yes. Part of the process of the design, we kept evolving into layers of meaning. We wanted to let the tower expose more meaning and more detail the closer you got to it. So one of the items that came up during the design process was this idea that in the core of that brick core, the old core of the campus metaphor would be the light of the campus itself, shielding would be in that core, would be another light channel. At this point, it is only a 10 inch wide channel. It's basically a window that is 19 feet high, 10 inches wide that has an LED back-lit face on it. There is no exposed lights coming through it. They're facing backwards and reflecting off a white box, if you will, on all four sides.

So the idea is not to illuminate the whole plaza. The idea is just simply a subtle lighting

just to draw your attention to the clock.

JAMES MARTIN: No intent to go modern with some sort of LED flashing information --

MR. MYERS: (Laughter.) It came up. It was dismissed rather quickly.

JAMES MARTIN: So there is no intent to do that?

MR. MYERS: There is none.

JAMES MARTIN: That is in the record.

JOHN NOWICKI: No cell towers either.

MR. MYERS: There is no cell towers in the project. I do believe we are going to do some wireless WiFi potentially.

RICHARD BRONGO: Will the clocks chime at all?

MR. MYERS: There are no chiming mechanisms.

JAMES MARTIN: No bells, no chiming, no.

MR. MYERS: No bells. There's -- no noise.

JAMES MARTIN: Keep going, Dick (Brongo). You started.

KAREN COX: I was going to ask the same thing.

JOHN NOWICKI: I'm just looking forward down the road some day when you put the red hawk up on top.

MR. MYERS: I suppose if the pigeon problem got that --

JOHN NOWICKI: Pigeon problem.

JAMES MARTIN: I think I saw in your design that obviously the spire on top is for lightning, protected from the standpoint of potential for a lightning strike, I think there is a grounding cable somewhere on the structure; is that correct?

MR. MYERS: Yes, that's correct. We did have some feedback from the Town Engineer to do a little more detailing on that, so we have added a second conductor in the -- and we'll add a -- the grounding rod will not be to the rebar. It will be below the whole clock tower in the foundation, per NFPA 70, I believe.

JAMES MARTIN: As far as the grounding of a potential lightning strike, if a person were to be standing in the area where the ground rods are going down in, is there any threat of harm to a person that might be in close contact with where you're grounding this thing?

MR. MYERS: The grounding would take place directly below, approximately 5 to 6 feet below surface and you would be protected by that much earth, stone and concrete to -- of the plaza.

JAMES MARTIN: I assume there is some safety requirement you have to meet in order to protect, you know, a person who might be close to the tower if it did get struck.

MR. MYERS: I would be -- I think we would be a lot safer there than near any tree on campus.

JOHN HELLABY: Having had the pleasure of putting up several clock towers for Wegmans, this is awesome. This is nice.

Curiosity question more than anything. You say that you're using a copper spire and roof system and flashings. Is it treated some way that -- because I know over time, it will dull and it will fade, but I would hate -- hate to see all that nasty green stuff dripping down the front of that limestone and everything else over time. I -- aging gives it character, but you don't want it green naturally.

MR. MYERS: You and the Facilities Department agree completely. The -- the copper was intended to be coated to match the library copper that was going to cease the patina process at the penny brown stage.

Since then, our bidding process has revealed that there is a better way to achieve our end goal, so it will be a bronze-coated metal, rather than a copper. So it will still look the penny brown, and --

JOHN HELLABY: You wouldn't have to worry about the overall --

MR. MYERS: There will be dirt, atmospheric -- there won't be anything else coating the stone.

JOHN HELLABY: Do you know whose clock mechanisms you're using?

MR. MYERS: I think it is the folks we spec'd, but I think it is called AmeriClock.

JOHN HELLABY: All right. Like I say, I think I would consider, however, adding that hourly chime in there some way if you can, because I think it would bring a lot of class to the campus. Just a personal observation. That's all I have.

KAREN COX: If it wasn't --

JOHN HELLABY: I don't think it had to be obnoxiously loud, but if we add a nice hourly chime on that thing, I think it would be nice. I think we really do.

JAMES MARTIN: I think we have to ask the residents on Orchard Street.

KAREN COX: Mostly school-owned property over there, isn't it?

JAMES MARTIN: Mostly, it is.

KAREN COX: I mean, it's like I know when I go -- when I'm shopping at Wegmans and I can hear the chimes on the church over there, Chili Avenue, it's nice. I like it.

MR. MYERS: Rich (Grier) points out the church has the chimes so we wouldn't want competing chimes.

KAREN COX: Oh, okay.

JOHN HELLABY: That makes sense.

JAMES MARTIN: All right. Thank you.

KAREN COX: Um, the -- it looks like there is going to be one light pole, in the -- near the oval; is that correct?

MR. MYERS: I think we have two. One is both north and south.
KAREN COX: Okay. I must be not seeing it.
MR. MYERS: One here (indicating) --
KAREN COX: That's the one I'm seeing.
MR. MYERS: And one here (indicating).
KAREN COX: I wasn't looking in the right quadrant. Those would be, I assume, the shoebox style with down-cast light, not bleeding light out?
MR. GRIER: Just --
JAMES MARTIN: Name for the record.
MR. GRIER: Rich Grier, Director of Facilities, Roberts Wesleyan College. The lighting that we have on that path already, we would just at this point intend to continue that same lighting style. It's a wide light. It has a top cap so that the light goes out and doesn't go up.
KAREN COX: Okay.
JAMES MARTIN: Dark sky compliant. Okay. All right.
KAREN COX: It's a nice-looking feature.
MR. MYERS: For the record, it is the Electric Time Company, I believe, is currently the bidder that we have chosen.
PAUL WANZENRIED: I have questions regarding the lighting. You're saying there is two surface-mounted LED strip lights similar to what? Give me an idea of what that is.
MR. MYERS: Um --
PAUL WANZENRIED: That is LED strip.
MR. MYERS: I wish I had my drawing board here. The LED strip lights we're using are going to be 3 watt pieces, and they're about 4 inches apart. They're about a 3/4 of an inch wide plastic, and imagine a fat T with the fat part being the part you nail -- like nailing fin, and then there is a little square tube that forms the other part of the T that has LED housing and it is continuous, and they come in whatever length strips -- I think there are a bunch of 4 footers we're using.
PAUL WANZENRIED: How much light will that cast out onto the surrounding area?
MR. MYERS: I would say that it -- in the darkest of night, you would -- if you got a foot candle, 5 feet away, I would be surprised. I would say you're going to get a foot candle to 2 foot candles on the size of the base, the seat of the monument itself. Again, it's -- it's not going to be a radiative light.
PAUL WANZENRIED: Very subtle.
MR. MYERS: The idea is a glow. We have mocked up a couple versions with 6 watt fixtures and we felt it was a little too bright. The intent is also to put them on a dimmer so that if it is still too bright, we can notch it down.
PAUL WANZENRIED: Soft glow is what you're shooting for?
MR. MYERS: Yes. We don't want it overwhelming.
PAUL WANZENRIED: Would you -- and you're doing milky white panels?
MR. MYERS: Yes. The idea would be we would be using a laminated glass with a milk white film in the middle. That is why it is called milk glass.
PAUL WANZENRIED: White light in essence.
MR. MYERS: Yes. We have worked very hard to make sure you don't see the lamps themselves so there is no view of any light fixtures. And it's -- you know, we have mocked it up successfully. I think we're happy with the -- with the -- how it came out.
PAUL WANZENRIED: Did you mock up any amber or --
MR. MYERS: We didn't do any other colors. We talked about obviously the LED has an immense amount of flexibility in terms of color. 16 million colors if I really tried. There wasn't any real drive on the campus as to try to push into that range. You know, we would have done the Valentine's Day theme, and (Laughter.)
JOHN HELLABY: I think those are actually LEDs on that camera, Paul (Wanzenried), that sort of wash that right down on the paper.
MR. MYERS: Our light will be substantially warmer than that. The idea is a warmer white, and not the early LED blue.
PAUL WANZENRIED: Cool blue. Yeah. Thank you.
PAT TINDALE: The plans were approved by the Conservation Board, but we were concerned some of the trees were being removed and two were being transplanted, and they understand that if the transplanted trees don't live, we would like them replaced with trees of comparable size. That's about it.
JAMES MARTIN: I think we're all pretty familiar with the campus. They do a pretty good job of maintaining their property over there.
ROBERT LATRAGNA: The colors that you're using for the monument, are they going to be similar colors that you are using for the rest of the campus right now?
MR. MYERS: That's correct. We're using the south side precast for the cast stone panels. It will be a dirty wheat.
MR. GRIER: Here is a sample of that (indicating).
ROBERT LATRAGNA: Samples. Very good.
You're using that color on the building, the adjacent buildings to this tower?
MR. MYERS: I think as you walk around campus, you can find all sorts of limestone, cast stone, and precast concrete that is that color or in that range. There is a fair number of shades out there, but most of them are right in that range.
ROBERT LATRAGNA: In relation to the other buildings on the -- surrounding the

monument, what is the height of this monument in relation to the other buildings? I see this is 30 -- 55 feet, I'm sorry; is that correct?

MR. MYERS: It's 30 feet. The -- directly down the little pathway, if you will, is Smith Hall right here (indicating), and the monument is going to be about a foot taller than the top part of that building. But that building sits as low as any building on campus. If you come back up this path (indicating), up to Carpenter Hall, the top of the monument would be about the base of the front door, a fairly big grade change there, and I think about eight steps up. So it will actually be hidden behind Carpenter Hall from Orchard, I believe. But if you're in the parking lot, maybe on the sides of Smith, you would still be able to see it.

The tower up here (indicating) on the library is probably at least 20 feet higher because of the elevation grade change. So in -- so we didn't go for the, you know, the big hook here. This is our tallest part of the campus. This is more subtle, much more subtle effect.

ROBERT LATRAGNA: I have no further questions.

COMMENTS OR QUESTIONS FROM THE AUDIENCE:

DOROTHY BORGUS, 31 Stuart Road

DOROTHY BORGUS: Is the clock going to be lit?

MR. MYERS: Yes. It will be lit by the same style of LED as in the channel itself.

DOROTHY BORGUS: So the -- so could you show me on the drawing where this is going to be lit on the sides?

MR. MYERS: Sure.

DOROTHY BORGUS: This is the sides of the clock, face?

MR. MYERS: These are good questions. This is -- this is the base, steps (indicating). This is the cast stone that comes up to the metal roof and the spire (indicating). In between the cast stone is the brick core. Then this middle line there (indicating), that's our glass panel system with the LED lights. That leads right up into a glass-faced clock system, so that channel lights right up into the clock face.

DOROTHY BORGUS: I see.

MR. MYERS: So we'll actually marry the LEDs in a little channel with the clock manufacturer. We're working with them now to coordinate that.

DOROTHY BORGUS: Now, when these LED lights fail, how would you replace them?

MR. MYERS: I would suggest to you that it's similar to replacing almost any other light that we could have used, say like a fluorescent fixture that we have to pull out a piece and put another piece back in.

DOROTHY BORGUS: So the glass channel is removable to -- to change the lights?

MR. MYERS: It's the only way we can get in.

DOROTHY BORGUS: Okay. I -- I love the style. It fits the campus. I -- I like everything but the -- the little part. I understand how -- why the clock face needs light, obviously. You want to be able to see it at all hours. But I just think -- again, I hate to keep bringing up Family Video and their glass towers, but I -- but I just think it takes something away from the clock, the tower. It really -- it would be so much prettier if it were just brick. I don't know. I'm not an architect. I just don't like the idea of light -- I believe he said it was 10 inches wide by 19 feet high on 4 sides of a clock. I just think it takes away. It's a beautiful clock otherwise. It's a beautiful plan. It's gorgeous. But I don't like the lights.

Thank you.

JAMES MARTIN: Thank you.

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Do I understand that the location is on an interior sidewalk, by that I mean interior campus, not exterior perimeter of the road, and approximately a halfway between the cultural education and the library; is that a fair statement?

MR. MYERS: That's correct.

MR. RETTIG: Thank you.

Personally, I would like to see -- or hear a soft chime. I think it would be rather nice, in spite of the fact that Pearce may have that. But even a soft chime heard locally, even if it is not heard loudly outside the campus, I think would be very nice.

I think the clock tower will add something nice to the campus walkway.

I assume that your LED lights are to somewhat light the clock face so that it can be read at night?

MR. MYERS: That's correct.

MR. RETTIG: Very good.

And, of course, I think our Planning Board should be glad to hear that they're not amber red or flashing.

The only thing I would ask in addition, you talked about otherwise a silent clock, no tick tock sound?

MR. MYERS: I don't remember anything in the literature about any noise emanating from the devices.

MR. RETTIG: Very good. Thank you very much. It looks like a nice project.

JAMES MARTIN: Thank you.

James Martin made a motion to close the Public Hearing portion of this application, and John

Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JOHN HELLABY: I do have one other real quick question. Is that a poured concrete core or masonry core on this thing?

MR. MYERS: It's a little bit of both. Most of the vertical shaft is all CMU block. There is a couple components that will be cast horizontal plates, if you will. But I think there --

JOHN HELLABY: Is that where it steps in probably?

MR. MYERS: The first big step in.

JOHN HELLABY: All right. That is all.

JOHN NOWICKI: I just want to thank you for the recognition of Dr. William Crothers. I think that is very nice. Thank you.

JAMES MARTIN: I think it is a great recognition for his contribution to Roberts Wesleyan and not only to Roberts Wesleyan, but to the Town of Chili.

I didn't pick up any conditions.

KAREN COX: No. There weren't any.

James Martin made a motion to declare the Board lead agency as far as SEQR, and based on evidence and information presented at this meeting, determined the application to be an unlisted action with no significant environmental impact, and the Board all voted yes on the motion.

JAMES MARTIN: They have paid the fee to waive final. I will go with the consensus of the Board.

The Board indicated they would waive final approval.

DECISION: Unanimously approved by a vote of 6 yes with no conditions of approval imposed.

Note: Final site plan approval has been waived by the Planning Board

6. Application of Jonak Inc., P.O. Box 449, Pittsford New York, 14534, property owners: Holt Road Storage and Greco Estate; for final subdivision approval of two lots to be known as Greco Estates Subdivision at properties located at 1611 and 1615 Scottsville Road in GI and FPO zone.

Robert Avery was present to represent the application.

JAMES MARTIN: You're back again.

MR. ROBERT AVERY: We didn't know we were going to be back again, but I guess we didn't get final approval back -- I don't know, eight, nine months ago, we were granted preliminary.

Robert Avery from Razak Associates.

JAMES MARTIN: Do you have a drawing to put up, Bob (Avery)?

MR. ROBERT AVERY: Yes. There has been no change since that time.

As a refresher, the purpose of this map is to rectify an illegal situation which occurred a number of years ago when the small existing parcel that you see labeled as Lot 2 on the map was transferred out of the overall without subdivision approval, and hence, these two land lots have sat for the last 20 years with their own tax account numbers and so on and so forth. So we are recording the map in order to alleviate that illegal situation.

And there were five conditions at the November 15th meeting. I would add that, of course, we went through the entire site plan approval process since November 15th, including at least one zoning appearance, maybe two.

And one of the five -- the first of the five conditions were ADA compliance required for proposed parking on the site. I would just refer to the site plan that you have already approved a month or two ago.

Cross -- should cross-access easements between 1611 and 1615 Scottsville Road be agreed to, they should be called out on the site plan and a copy of the agreements supplied to the Town Counsel. There are no proposed cross access easements.

Water service location and septic service location shown on the site plan, and that had been done.

And the fourth condition concerned the partially buried fire hydrant out front, and of course, we have forwarded information from the Water Authority that they are taking care of that.

JAMES MARTIN: I haven't seen a copy of that correspondence.

DAVID LINDSAY: I think in a comment response it was forwarded from the Town Engineer. It would have been a comment from me just asking you to send us a copy for our file.

MR. ROBERT AVERY: It exists in an e-mail forward.

DAVID LINDSAY: Can you provide it?

JAMES MARTIN: Can you provide a copy of that to me, also?

DAVID LINDSAY: Yes. When I get it, I will forward it.

JAMES MARTIN: I will send a note to the Board, take my word that I have a copy of that.

MR. ROBERT AVERY: The fifth condition was continuing approval by the Town Engineer, Commissioner of Public Works, which we have had through the process with the site plan.

JAMES MARTIN: Okay.

MR. AVERY: I don't have any other comments.

JAMES MARTIN: That was my only issue.

I have not seen that correspondence.

MR. ROBERT AVERY: I can get that to you.

JAMES MARTIN: I just don't like loose ends.

MR. ROBERT AVERY: It was just in an e-mail format, so I printed out a hard copy at one of the various meetings and had given it to you, and I will just forward the e-mail.

JAMES MARTIN: Okay. Thank you.

Pat (Tindale) had a commitment, and I did excuse her earlier to leave.

COMMENTS OR QUESTIONS FROM THE AUDIENCE: None.

James Martin made a motion to close the Public Hearing portion of this application, and John Hellaby seconded the motion. The Board unanimously approved the motion.

The Public Hearing portion of this application was closed at this time.

JAMES MARTIN: We completed the SEQR at the preliminary.

MR. ROBERT AVERY: Yes. On November the 15th.

JAMES MARTIN: All right. So there is no need for SEQR approval tonight. No additional conditions. Obviously the previous conditions imposed would still be in effect. If they're still applicable to this application.

On the application itself then.

DECISION: Unanimously approved by a vote of 6 yes with the following conditions:

1. Applicant to supply Commissioner of Public Works a copy of the Monroe County Water Authority correspondence agreeing to raise the fire hydrant.
2. All previous conditions imposed by this Board still pertinent to this application remain in effect.

The meeting ended at 9 p.m.