

CHILI PLANNING BOARD  
September 17, 2013

A meeting of the Chili Planning Board was held on September 17, 2013 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, David Cross, 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; Mark Merry, 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.

**PUBLIC HEARINGS:**

1. Application of Amy Conner, owner; 161 Attridge Road, Churchville, New York 14428 for special use permit to allow a private animal kennel for four dogs at property located at 161 Attridge Road in R-1-15 zone.

JAMES MARTIN: As far as the agenda goes, I'm going to do a couple of things right now. Under Public Hearings, we had that -- the application of Amy Conner, 161 Attridge Road. I'm going to make a motion that that application be tabled at the request of the applicant.

Do I have a second?

JOHN HELLABY: Second.

**DECISION:** Unanimously approved by a vote of 7 yes to table at the applicant's request to a date to be later determined.

2. Application of Roberts Wesleyan College, owner; 2301 Westside Drive, Rochester, New York 14624 for preliminary site plan approval to erect a 43,617 sq. ft. science and nursing building at property located at 2301 Westside Drive in PID zone.

JAMES MARTIN: Also Application Number 2 under Public Hearings was the application of Roberts Wesleyan College 2301 Westside Drive. That application has also been withdrawn tonight at the request of the applicant and will be heard at the October meeting.

**DECISION:** Withdrawn from the agenda the above described application at the applicant's request. This application will now be heard at the October 8th Planning Board hearing.

**OLD BUSINESS:**

1. Application of Darlene Adams, 45 Echo Hill Drive, Rochester, New York 14609; property owner: Church Radiant; for an amended Special Use Permit to allow a catering business in a portion of the building at property located at 525 Paul Road in R-1-15 zone.

Shane Smith and Darlene Adams were present to represent the application.

MS. ADAMS: Hi. My name is Darlene Adams. Um, I'm nervous.

JAMES MARTIN: That's okay. We won't hurt you.

KAREN COX: Do we look that mean? I hope not.

MS. ADAMS: The reason I want to really go and do the catering over there is because my cousin sold his business who owned a restaurant for many years, and I worked for him. Then my husband passed away seven months ago, and I had to do something, so I wanted to get into some type of church and Shane (Smith)'s church was an opportunity for me, and me and my cousin partnered up and decided to do some catering and we'll just do it mainly on weekends. We're there during the week, you know, just prepping and doing things. That's really it.

JAMES MARTIN: Okay. As far as catering, it would be like for private parties or wedding receptions or things of that nature?

MS. ADAMS: For anybody who needs catering. I mean, we do weddings, funerals. Um, birthdays, reunions. Anything. And then we just deliver it to them. They ordered it, we cook it

and we deliver.

JAMES MARTIN: All right. Just as a recollection, for the record, when you -- when I think Reverend Shane was in here before, there was some confusion about a Use Variance had been granted a long, long time ago, was it still valid, et cetera, et cetera. Our Assistant Town Counsel looked into it with the case law, and yes, the Use Variance is still valid. So given that, there is no more issue with whether or not this activity can be carried out in the facility, all right, as far as that goes.

So the original application was for site plan changes and we have now taken this on as an amendment to the Special Use Permit, which was originally granted for the church to be operational in a Residential District.

So this would be an amendment to that original SUP which this Board did grant, so just to clarify that for the record tonight, the Use Variance is valid on the property.

KAREN COX: I don't have that paperwork with me, but can you -- do you have information on what that Use Variance was for? I mean, what is the official language?

JAMES MARTIN: Basically it was for a catering business on the property.

KAREN COX: Okay. Not to operate as a restaurant or party house or anything like that?

JAMES MARTIN: No.

KAREN COX: Just for catering.

MR. JONES: If I can just jump in, the Use Variance is almost identical to what the use being requested is before the Board. The legal issue is whether or not it was abandoned and I provided an opinion through Mr. Lindsay to Chairman, and it is still an effective Use Variance.

KAREN COX: Okay. I just wanted to make sure that that was in the record.

JAMES MARTIN: I think the request was for something like --

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

JAMES MARTIN: -- to operate in about 400 square feet, if I remember the original application, and you don't have any plans to expand or anything at this point?

MS. ADAMS: No.

JAMES MARTIN: That's adequate for your needs?

MS. ADAMS: Yep.

PAUL WANZENRIED: You don't plan on doing any advertising?

MS. ADAMS: Advertising for us to cater to deliver food, yeah.

PAUL WANZENRIED: Would that be in the paper, an advertisement in the paper? Are we talking -- will you put a sign out in the front road?

MS. ADAMS: Oh, no, no, no. A lot of it is word of mouth and like handing out my menus of it, and --

PAUL WANZENRIED: To your parishioners and people who attend the church?

MS. ADAMS: Right. To them and family and friends and whatnot.

PAUL WANZENRIED: I believe the last meeting you -- it used to be about 1500 square feet or more of kitchen, and I believe that Mr. Smith had stated that that was reduced.

Has anybody from the Building Department been in there to verify that?

DAVID LINDSAY: We have not been in there yet, no.

JOHN HELLABY: I'm not opposed to the operation. I guess the only concerns is the tax structure. And again, I guess that will be up to the Town officials to figure out how they're going to tax this entity.

My other concern is that you draw a real fine line here inasmuch as that -- I can see somewhere down the road should the parishioners decide to do Sunday brunches or something in there, it was a party house at one time, and if you cater these affairs and they're held there, I don't know if that is opening up an avenue to say, "Well, gee, you took a tax-paying entity off the tax rolls. You're using it for the same thing now."

You know the point I'm trying to get at here is, I guess, I would have to caution you more or less than anything as to how you can keep that distinction. You know, it's nice that the kitchen is there and you can use it and things, but there is a real fine balancing act that I think is going to have to take place. That's the only concern I have.

JOHN NOWICKI: I didn't happen to see a copy of the menu in my application. (Laughter.) I don't have any questions.

JAMES MARTIN: Even though this is not a Public Hearing, I did make a commitment at the last meeting that I would take public comment on this application and I will at this point in time take any public comment that anyone wishes to give.

#### COMMENTS OR QUESTIONS FROM THE AUDIENCE:

CHARLES RETTIG, Coldwater Road

MR. RETTIG: Thank you, Mr. Martin. I appreciate your follow-up on the Public Hearing accordingly because of the changes presented, et cetera.

A couple of questions. Is this 400 square footage to be leased or owned by the catering business?

PASTOR SMITH: Leased.

JAMES MARTIN: In a minute we'll answer that question. Hang on. Next question?

MR. RETTIG: Okay. Is the church body, the --

JAMES MARTIN: Please address your questions to me, Mr. Rettig.

MR. RETTIG: Sure. Is the church body, the minister, the Church Board aware of this facility and approving of this facility for this use?

JAMES MARTIN: Go ahead.

MR. RETTIG: Just a comment, that the Use Variance you indicate is still valid. I can understand that. But it should be noted this is an R-1 area. It should be noted that the original Use Variance was for a party house or restaurant within the facility. The party that addressed this Board in regard to this application tonight indicated that the catering is quote, "for anybody" unquote, and I addressed the same question, comment that Mr. Hellaby made that the Church may be jeopardizing their tax exempt status by what they are doing here. And I realize that may not -- you may wish to comment on it, Mr. Martin and Board, but it may not be the business of the Board here tonight, but I just make that comment that my opinion is, that the Church risks their entire tax exempt status with the approval and action on this particular application.

JAMES MARTIN: Thank you.

I will address that last thing first. Obviously it is not the purview of this Board to address tax status issues. That is up to the Town officials, the Assessor's Office and I won't comment on that.

The first question, lease or owned?

PASTOR SMITH: Leased.

JAMES MARTIN: The property will be leased?

PASTOR SMITH: Correct.

JAMES MARTIN: The second question was approval by the Board of the Church?

PASTOR SMITH: Absolutely.

JAMES MARTIN: It was approved by your Board?

PASTOR SMITH: My Board, yep.

JAMES MARTIN: Okay. Thank you.

JOHN HELLABY: Just to answer one other thing in regard to the statement on the catering issue, it was not clarified as taking place only within the confines of that structure. It clearly states "catering establishment," and there is nothing mentioned about actually running the business out of that building.

RICHARD BRONGO: Can I ask a question?

JAMES MARTIN: Sure.

RICHARD BRONGO: Will the kitchen be used at all by the Church? Will they have access to use it or once you take over the kitchen for catering, then they have no -- they no longer have access for your use?

MS. ADAMS: No. They can -- the Church can still use it.

MR. RETTIG: That was a question I had. Is the kitchen a multi-use area by multi parties, so I think you answered it through Mr. Brongo.

Thank you.

JAMES MARTIN: Thank you.

PAUL WANZENRIED: It doesn't make any sense. I'm having a hard time with this. She is leasing the kitchen, but anybody can use it.

JAMES MARTIN: She is.

JOHN HELLABY: Not anybody. Just the Church.

PAUL WANZENRIED: Okay. But any parishioners in the church then could use it; is that correct?

PASTOR SMITH: No.

PAUL WANZENRIED: There is only certain staff within your church --

PASTOR SMITH: Correct.

PAUL WANZENRIED: -- who could use the kitchen?

PASTOR SMITH: Right. It's not a free-for-all. I wanted to address -- one of the questions that you had said, because I think it's a great valid question, and that was as far as the square footage, um, if you have been in the Party House before -- before we took it over, there was a whole prep area which has now been converted into bathrooms, two full-sized handicapped accessible restrooms and two large rooms, which has brought it back to the 400 square feet. So I just wanted to let you know that first of all.

Second of all, these guys, you know, there is an understanding within the church, being that they are leasing -- leasing the kitchen, on Sunday mornings, people -- the only people that will go in there will be the people that are, you know, serving coffee and that stuff to get the milk out of our fridge and that. And we have a relationship with these guys that, you know, there are things that we want to be able to provide for our parishioners on Sunday morning, things that need to be kept cool, so that is how that works, so.

And as far as the meal situation, which was another great question, um, don't ever really see that becoming an issue or a problem. We have, as part of our agreement, part of our arrangement with the catering company is that every month they give us food credit, and that food credit, everybody in our church gets to eat free. So can't beat that.

The next thing, as far as the tax exemption, again, I have talked to the Town. I have had conversation with the Town and there is no way, you know, being a leader, being in ministry for 20 plus years, being a business person, understanding how a church should -- should run, um, would never -- never put in jeopardy our church, my ministry, what we're doing over a catering service, over a catering business. Hence the reason why you will not see a sign out there. You will not see a Cuginos catering sign out next to the church.

It is first and foremost, Church Radiant. That is who we are. We have a small little --

small little company that needs a little space to operate. Very, very minor. We're talking two or three days a week, where two people are in there making some pasta, making some chicken parm. You know, it's not a big -- not a big deal.

MR. JONES: I just want to comment for the Board the tax exempt or not exempt status is not a factor for this Board to consider in making this determination. The Chairman has also emphasized that and I just wanted to reiterate the same.

JAMES MARTIN: Thank you.

MR. RETTIG: I understand, therefore, that this catering business is a for-profit business; is that correct?

JAMES MARTIN: One would hope that they would make a profit.

MR. RETTIG: Thank you.

JAMES MARTIN: I don't have access to their books, Mr. Rettig, so I can't answer.

MR. RETTIG: I'm asking the applicant, is it intended as a business?

JAMES MARTIN: You ask me. I will ask the applicant.

MR. RETTIG: I will ask you, Mr. Chair, if you would ask the applicant, please.

JAMES MARTIN: I'm assuming you're in business to make a profit?

MS. ADAMS: Yes. I have bills to pay.

JOHN NOWICKI: I'm just interested in my question only because I have been there so many times. What happened to the bar?

PASTOR SMITH: Still have it. We just serve a different product.

KAREN COX: It's where the -- it has turned into a coffee bar.

PASTOR SMITH: Yeah.

KAREN COX: Coffee and donuts bar.

JAMES MARTIN: Before we go any farther, I want to do SEQR on this. And then I haven't detected any significant conditions of approval at this point, but we do have to talk about timeline and that may be indefinite.

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: As far as the application, we're being asked to amend the original Special Use Permit to allow a catering business in the portion of the building at property located at 525 Paul Road in an R-1-15 zone. As I indicated before, the original Special Use Permit was for the Church, so we are amending that to allow the catering business, okay?

I would assume the timeline will be as long as they operate there. I don't know what else to say, I guess, as far as timeline goes.

DAVID CROSS: Was there any timeline on the Church?

JAMES MARTIN: On the catering business, not on the Church. This is for the amended Special Use Permit.

DAVID CROSS: I understand, but the Church operates under a Special Use Permit?

JAMES MARTIN: Yes.

DAVID CROSS: With no timeline.

JAMES MARTIN: Yes, with no timeline. But this is an amendment too. So I would say it's indefinite.

JOHN HELLABY: Works for me. If there is an issue, the Building Department can address it.

JAMES MARTIN: All right. I will just say timeline --

KAREN COX: Until the business ceases.

JAMES MARTIN: -- until the business ceases to operate.

PAUL WANZENRIED: No signage.

JAMES MARTIN: No. No signage. Okay. I can do that as a condition.

PAUL WANZENRIED: No signage.

KAREN COX: No signage for the catering business.

PAUL WANZENRIED: For the catering business. I have no problems with the church sign.

JAMES MARTIN: On the amended Special Use Permit. Timeline is until the business ceases to operate. With the condition of no signage for the catering business, um, to be displayed on the property --

JOHN NOWICKI: Just one quick question. You have seen the Fire Marshal's comments?

JAMES MARTIN: Yes. I have the Fire Marshal's comments. Hang on. I -- good point. I will read that into the record.

Um, the kitchen passed inspection on 3/27/13. Current operating permit for public assembly is approved. For additional business, the appropriate operating permit will have to be issued for that business.

So we do need to probably touch base with the Fire Marshal to make sure that you're in compliance with any requirements that the Fire Marshal may have.

So I will add that to Condition Number 2. Compliance the Fire Code.

PASTOR SMITH: Is that recent? Because he was just there a couple months ago. Is that recent?

JAMES MARTIN: I think he probably needs to look at it as something --

PASTOR SMITH: Different.

JAMES MARTIN: -- from the standpoint you're amending the Special Use Permit. He approved it as a -- as -- an operating permit for public assembly, okay? So I think he just -- think he needs to either amend it or put a new one in place for the kitchen to run the catering business.

I will just say compliance with Fire Code per Fire Marshal. Okay? Does that sound right?

JOHN NOWICKI: That's right.

JAMES MARTIN: With those two conditions on approving the amended Special Use Permit.

DECISION: Unanimously approved by a vote of 7 yes with the following conditions:

1. This amended special use permit remains in effect until business ceases to operate.
2. There shall be no signage advertising the catering business on the property.
3. The applicant shall comply with all fire code requirements per the Fire Marshal comments.

**INFORMAL:**

1. Application of Anthony DiChario, owner; 100 Air Park Drive, Rochester, New York 14624 for revised site plan approval to allow one powder magazine crate to be stored onsite at property located at 100 Airpark Drive in G.B. zone.

Matthew Sinacola, Anthony DiChario and Chris Marzan (phonetic) were present to represent the application.

MR. SINACOLA: Good evening, everyone. Matt Sinacola with Passero Associates. Tony is here tonight with us as well as Chris Marzan (phonetic).

And I have copies of the plan. I don't know if you have --

JAMES MARTIN: I think we all have copies of the most recent one.

MR. SINACOLA: Those should be good. I have copies of the original plans that were submitted. I think I included those with the package.

JAMES MARTIN: I have both the original and the new one. I hope everybody else does, too. There were a couple details. I didn't have the benefit of being before this Board when the original application was submitted and reviewed, so forgive me if I miss any points, but my understanding was there was few comments and concerns about the magazine itself, which is what led to the generation of that detail map, showing the location of that item on the site. And I guess that's the focus at this point.

If there is anything above, beyond that, of concern that the Board had, we will do the best we can to answer those questions tonight.

One thing, our Building Inspector did make a site visit. The trailer is still on the property. There was -- I think it was scheduled to be removed.

Do you want to comment on that?

DAVID LINDSAY: I guess what Mr. Shero mentioned to me was during his site visit he noted there used to be a box trailer that was on site. It is still there, but it was raised up and put on a tractor trailer that had wheels on it. Essentially the trailer is still there, but it just got raised up on some wheels.

I'm merely restating what was stated to me. I haven't seen it myself, so.

MR. ANTHONY DICHARIO: There is no trailer there, what you're talking about.

JAMES MARTIN: Your name for the record.

MR. ANTHONY DICHARIO: We're talking about our containers. Sorry. Anthony DiChario. We had purchased six containers when we did some importing, which we had product in them and when we went through the product, we had, I believe, three left; is that right, Chris (Marzan)?

They all look the same. They're all 20 foot ocean containers. We had one on the ground. That has been moved and it's -- it is not on the premises. That's gone. The other ones we use for transportation. We also own --

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

JAMES MARTIN: Okay. Go ahead.

MR. ANTHONY DICHARIO: We also own three chassis these things ride on and we use that for transportation of goods. That is in and out of the property. When it's not on the road, it's back on the property. It looks the same, because it's the same container, but that's on a chassis and its functional. That chassis moves.

Just like the other trucks that come in and out. We have a transportation company there, as well. So no, it's been moved. It's not there.

JOHN NOWICKI: Those are stored behind the new addition, right?

MR. ANTHONY DICHARIO: That's correct. Well, there in and out of there. One night you will see a tractor there. One night tractor-trailer. I mean, I have seven tractor-trailers and

these containers are drawn back and forth. A lot of times there is nothing. They're all out on the road, they're driving.

JOHN NOWICKI: But they're not stored inside; they're outside?

MR. ANTHONY DICHARIO: No.

MR. SINACOLA: Everything is an active parking lot and parking facility at this stage. When I was there, I didn't see anything on wheels.

MR. ANTHONY DICHARIO: As a matter of fact, we took recent photographs and sent them to Ed (Shero) and they were date-stamped, as well. He should have them. A number of weeks ago.

MR. SINACOLA: I have these (indicating). That shows the container but not too much of the parking lot.

MR. ANTHONY DICHARIO: Yes. This shows the magazine and all around it. You can see the container is gone. They're gone. At that particular time they're gone. This is one of the 40 foot dry boxes.

MR. SINACOLA: That's --

MR. ANTHONY DICHARIO: We have enough of those.

DAVID LINDSAY: Mr. Chairman, what if the applicant just provides us with a copy of maybe the registration to verify they're licensed and roadworthy? Can you do that?

MR. ANTHONY DICHARIO: We can do that.

DAVID LINDSAY: Just provide me with a letter indicating what you stated here, they're all used for transportation. Just summarize what you stated here tonight for us.

JOHN NOWICKI: That would be excellent.

MR. SINACOLA: That's good, Dave (Lindsay).

MR. ANTHONY DICHARIO: You want a letter stating that they're all registered and --

DAVID LINDSAY: Just restate what you said tonight in a letter for us, and indicate that they're roadworthy and if you could provide us a copy or photograph of the license plate or registration or whatever goes along with it, it would be helpful.

MR. MARZAN: My name is Christopher Marzan (phonetic). For clarification purposes, too, any of the old storage containers that were on the ground behind the building at the time of the initial inspection have been removed and are no longer there.

DAVID LINDSAY: Just reiterate that statement, too, in your letter. That's fine, and I think that will clear it up for us.

JAMES MARTIN: We also have comments from both the Conservation Board and the Fire Marshal that -- I will just read, you know, what the Fire Marshal said here. In process of scheduling an inspection to update their operating permit, the powder magazine quantity being dropped to less than 5,000 pounds allows the distance to be to an inhabited building to be 115 feet. The distance to a public traffic route allowed is 115 feet. Genesee Valley Greenway Trail which is a public way is directly south and it is unclear on the site plan the distance it is away from the container. This was also brought up by the Conservation Board.

Do we have an accurate measurement how far this powder magazine is from the Genesee Greenway Trail?

MR. SINACOLA: We had a direct pole measurement 100 --

MR. MARTIN: Slightly over 125 feet.

JAMES MARTIN: From the Greenway Trail?

MR. MARTIN: Correct, sir.

JAMES MARTIN: From the border of the Greenway Trail?

MR. MARTIN: Yes, sir.

MR. SINACOLA: That's from the physical -- the physical trail itself.

MR. MARTIN: For clarification purposes, too, we're not talking about trailers. We're talking about a powder magazine, which is a specifically designed building --

JAMES MARTIN: Understood.

MR. MARTIN: -- that these regulations and Industrial Code Rule 39 cover. So it's from the powder magazine, a little over 125 feet, yes.

JAMES MARTIN: So for the record then, the applicant states that the powder magazine is 125 feet from the edge of the Greenway Trail.

KAREN COX: This -- now there is a picture on here that shows 140 feet to trail on -- on this (indicating) thing.

MR. SINACOLA: 140.

MR. MARTIN: Yes. That is when we were estimating.

JAMES MARTIN: That is 15 better than 125.

DAVID LINDSAY: Mr. Chairman, I think it is at least that. When I got the Fire Marshal's comment, I went on Google Earth and just measured it. It is at least minimum distance.

JAMES MARTIN: So it meets the code?

DAVID LINDSAY: Yes, it does.

JAMES MARTIN: All right. Good.

MR. MARTIN: These were not official measurements on this form.

JAMES MARTIN: That's all I've got.

PAUL WANZENRIED: The -- can you access your property from the trail?

MR. ANTHONY DICHARIO: Not very easily. That is why the measurement was -- was difficult to do, because as you go back, it drops into a swamp, so it's really difficult to do it. I mean to access it. The trail is up high. Then you drop down into a swampy area. The waterway, and then it comes up and then there is -- then there are -- is the RG&E easement, a lot of brush

and stuff like that, so that is very difficult.

PAUL WANZENRIED: This powder magazine, it is accessed via a locked door?

MR. ANTHONY DICHARIO: Oh, yes, right. We have photographs of that, too. We can pass them around.

MR. MARTIN: The lock is secured up. It is actually a hidden lock, secured up under a cover.

MR. ANTHONY DICHARIO: Two locks.

MR. MARTIN: That's correct. Based on the magazine type design which is actually regulated by the ATF.

PAUL WANZENRIED: Is that keyed or is that -- is that a keyed lock or combination?

MR. MARTIN: That is a keyed lock.

JOHN HELLABY: My only concerns and questions revolve around security. Because we all know the state of the world today, that -- can I assume there has never been a problem and all of the local police agencies are aware what this is and what's back there? There must be some sort of alarm system if someone tries to make it into this thing.

MR. ANTHONY DICHARIO: Security, let me knock on wood on that. 20 years we have been -- 20 years ago, some of you folks probably remember when I stood up here and said I would buy the property but I have to have some certain things before I can operate the business. It took me about three years to get through all of it. The powder magazine went through the FAA, went through the State. I mean every -- Chili, everybody.

And yes, we have had good security. We -- we provide the best security. We have cameras all around the building, all sides, outside and they -- they video 24 hours a day. Never had an issue.

You can't get in -- you would have to -- I don't know what it would take to get in that magazine. It's steel. You can see when you look at the pictures. The two locks on there are protected. You can't even cut the locks because they are inside a metal box as you can see.

We never had a security problem. And the contents of the magazine, to anybody, they're pretty much useless because they're sporting -- I mean nearly useless. You can't make a bomb. It's sporting powder. It's not explosive. It is what we sell to people that load their ammunition and shoot targets or what have you, and it's -- it's not a big deal. It's not a big dollar value, but it's important to our business. So we comply with all of the regulations in the magazine.

JOHN HELLABY: Like I say, I know they're a necessary evil. Scottsville-Mumford Road there for years had explosive magazines up there because they were in the dynamite business. But all right. As long as you're confident it is secure.

MR. ANTHONY DICHARIO: This is really not -- it's not black powder, not dynamite. It doesn't require -- it's the most minimal explosive there is. I mean hair polish is more explosive than this stuff -- I mean, hair spray is more --

JOHN HELLABY: All right.

JOHN NOWICKI: I just have a question for the marketplace. Is it getting easier for people to buy ammo? Is it getting easier for people to buy ammo?

MR. MARTIN: Not in New York State.

MR. ANTHONY DICHARIO: It's not easier. Problem is trying to find the ammo. Everybody is buying up all they can. So more people are trying to relocate because you can't buy ammunition. It's a problem. Major problem.

JOHN NOWICKI: That's sad.

PAT TINDALE: I will prove my ignorance with this, but is it bulletproof? Is it bulletproof?

MR. ANTHONY DICHARIO: Oh, yeah. It's heavy steel and it's lined with thick wood on the inside.

PAT TINDALE: I'm a frequent user of the Greenway. That part that you back up to is a very busy section, and there is always kids fooling around. And I have actually been on the Greenway where they have shot across the Greenway, which they shouldn't be, but they have been. I guess that was one of the concerns I have.

The other was just plain with kids, getting -- I know it's a swamp there and woods, but they can get through there. And maybe your property is fenced to the back, but the one, the paintball next to you is not, and I just wondered about fooling around, if they could get into trouble.

MR. ANTHONY DICHARIO: No. We never had a problem. There is nothing there that attracts them really. Never had a problem. We never see anybody in the property and never recorded anybody in the property.

PAT TINDALE: It's hard to see from the Greenway. I know that.

Oh, yes, I did -- thank you. I did -- I did have one question. I'm assuming that this -- I couldn't hear what you said, but I'm assuming that the Airport Authority, this -- this gets passed down to them for comment.

MR. ANTHONY DICHARIO: When we went through this 20 years, we had to go to the FAA and State and Chili and federal -- I mean everybody. Because it was -- it was smokeless powder we were looking for, the -- the -- the permit, so everything --

PAT TINDALE: Did it go around?

MR. ANTHONY DICHARIO: Everything was cleared.

PAT TINDALE: It went by -- this application, has it been seen by the Airport?

MR. ANTHONY DICHARIO: The original.

PAT TINDALE: Not necessary?

DAVID LINDSAY: No.

PAT TINDALE: Okay.

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 revised site plan, which we have, the one condition is that the applicant provide a letter to the Building Department with the registration information for all transport vehicles associated with the business.

PAUL WANZENRIED: Wait, wait, Jim (Martin). This is informal. Why are you going through this? Do you go through this for informal? Isn't this informal?

JAMES MARTIN: Yes. It's informal, but they have asked for an -- an amended site plan.

PAUL WANZENRIED: I missed that. Sorry. Sorry.

JAMES MARTIN: Where was I? Registration information for all transport vehicles associated with the business.

That was the only condition.

DECISION: Unanimously approved by a vote of 7 yes with the following condition:

1. The applicant shall, by letter, convey to the Building Department a list of operational vehicles associated with the business. Registration information, license plate numbers, and parking location shall be included.

The 8/13/13 Planning Board minutes were approved.

The meeting ended at 7:39 p.m.