Zoning Board of Appeals
Minutes
December 18, 2014

Present **Absent**

Chairman John Dole
Michael Flavin
Dale Kellerson
Diana Powell Keery
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Building Inspector Patrick Smith
Zoning Board Secretary Pam Gilbert

Linda & Bob Kuzmicki
James Dickinson
Richard McQuilkin
Terry & Roberta West
Barbara Pittman
Jim White
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

At this time Chairman Dole stated that if anyone is here for the Mavis Discount Tire Business it has been taken off the agenda for tonight's meeting.

Public Hearing

The application James Dickinson, 59 Big Ridge Road, Spencerport, NY 14559 for a Home Occupation Permit to operate an in-home business consisting of gunsmithing, at property located at same; whereas, this is an in-home occupation that may be allowed with a permit granted by the Zoning Board of Appeals pursuant to Chapter 340-46 B in a R2 Residential District.

James Dickinson stated that this has been a personal hobby for years and decided to supplement my primary employment at RIT with a home business. Through all my research and the nature of the business I need to follow a procedure and this is the start of it. Most of the details are in the application with hours of operation being by appointment only. It won't be an open store front with the possibility in the future starting a separate brick and mortar business years down the road. That is a quick over view for you.

At this time Chairman Dole asked if anyone in the audience have any questions or concerns.

Bob Kuzmicki: I have several questions. What is the name of your business, I understand that you have a DBA.

James Dickinson: I don't have my DBA yet because I need this approval first. It wouldn't have been worth my time and money if I didn't get this approval.

Chairman Dole: Do you have an FFL at this time?

James Dickinson stated that the order of operations is first this meeting, DBA and then FFL. I can't skip ahead without this preliminary meeting.

Bob Kuzmicki: I understand from your application that you are going to have word of mouth and online advertising.

James Dickinson: At this moment I have not invested that time and effort into the building of a web site because it all hinges on the approvals. If denied at any time in the process it does not go further. I have researched everything and have many friends that do web design and can help set up web pages.

Bob Kuzmicki: You said that this was a hobby so do you have any previous experience gunsmithing, did you serve as an apprentice, and do you have military training or experience? Are you a registered machinist?

James Dickinson: I am not a registered machinist or was I military or law enforcement. I do have craft background. I am a graduate from RIT School of American Crafts. I have been building and crafting, designing my entire life. I have all the proper tools.

Bob Kuzmicki: For gunsmithing that is a whole different world.

James Dickinson: It is a cross over but does involve a lot of the same skills.

Bob Kuzmicki: So what kind of gunsmithing functions would you be performing? Are you going to work on stocks, barrel work, and trigger action?

James Dickinson stated all of the above.

Bob Kuzmicki: What kind of machinery would you need to use to do that kind of work? I would assume you would need a lathe, surface grinders.

James Dickinson: Any tools I need I already have the home versions of. I don't necessary need a lathe. I have sanders.

Bob Kuzmicki: What about barrel work?

James Dickinson: Barrel work I may not do at first. Any equipment or tools I already own. Most of them are hand tools. I will not be licensed to manufacture. The license I would be applying for would be to fix, repair or assemble. I would not be creating from bare metal.

Chairman Dole stated that there is plenty of over things he has to apply for.

Bob Kuzmicki: If he is going to be working on trigger mechanisms, he is modifying product so he must have product liability insurance, fire and theft insurance, burglar and fire alarm system?

James Dickinson: All those components are part of the licensing process.

Bob Kuzmicki: If you are going to be working on stocks would you be spraying lacquers or anything like that? You're going to have an FFL that gives you the ability to test fire on your property.

James Dickinson stated that would only be done at a range.

Bob Kuzmicki: But with an FFL you can.

James Dickinson: I would never do that, it is not smart.

Bob Kuzmicki: Are you going to keep stock at your home?

James Dickinson: I do have my own personal guns that are all locked in a safe in accordance to all laws. The only others would be what I was working on and store in accordance with the laws.

Linda Kuzmicki: What will be your hours of operation? I know that they are by appointment but how late in the evening?

James Dickinson: I would say no later than 9 p.m. because I have to get up at 5 a.m. the next morning for work. I can assure you that all my paperwork is done and inline and just waiting to go through the process. I take this very seriously because it is a serious matter and it does make people anxious. I am making sure to do things properly and by the book.

Bob Kuzmicki: I know that Mr. Caliri had a gun shop at his house and you guys said you can't do that and forced him to a commercial location. So if you did that to Dennis Caliri how is this going down.

Chairman Dole stated that this board did not force him to go down there it was an FFL thing that forced him because he selling and carrying stock in his garage. Back then there were chances with the FFL. I also know someone else that has an FFL and has run into issues with the local police departments.

At this time Chairman Dole closed the Public Hearing at 7:16 p.m.

At this time Chairman Dole asked the board, Building Inspector and Attorney if they had any comments.

Attorney Stowe: If the board grants approval we should make it contingent on compliance with all applicable local, state and federal laws. It goes without saying but just so it's clear and covers the village.

Chairman Dole asked Attorney Stowe about the discharge of a firearm.

Attorney Stowe: I don't how an FFL would trump local law regarding discharge of a firearm with respect to public safety. I am not proclaiming to be a FFL expert. I have not looked into it with that provision. I struggle with that they would allow discharge of a firearm with in proximity to a residence or structure of any sort.

Discussion ensued regarding discharge of firearms.

Building Inspector Smith: If the applicant isn't requesting to fire anything on his property can we just prohibit it? Other than that everything seems to be in order and we went through and Mr. Dickinson was very honest and forthcoming with the fact that it is not a minor home occupation because of the two items he had answered yes to.

Diane Powell Keery: I have a few questions under a 340-46 which is what we have to look at there are some conditions that you have to meet for us to decide this. So I just wanted to clarify one of them is that you are the only employee of this business?

James Dickinson: Yes, that is correct.

Diane Powell Keery: No one has talked about this yet and assuming there is not. But this is the only home occupation in the premises. Patrick you would have said if there was.

Building Inspector Smith: No, not that I am aware.

James Dickinson: No there is not.

Diana Powell Keery: In your application you stated that there is not expected increase in traffic of parking and hours of operation will be by appointment only. My only question is the only way for there never would be any additional parking is that you always have someone leave before you have the next person come. So you have enough room for an extra car?

James Dickinson: My driveway can easily fit if I have friends over eight cars.

Diana Powell Keery: The other thing I just wanted to mention is that when we are talking about hours of operation and even though it is by appointment we can stipulate and say that they are by appointment but between something like 9 a.m. and 9 p.m.

Mike Flavin: You are not going to do any retail right. You won't have a display case?

James Dickinson: With the license I would be able to do that. But I don't want to do that at this current time. In the future I would be looking into a brick and mortar store. I don't want to have that at this moment. However, I would have the license to do so. If someone wanted to order a single item they could but I don't want to keep any stock.

Dale Kellerson: Everyone is mentioning FFL what does this mean?

Chairman Dole: Federal Firearm License.

James Dickinson: You also have to get a state license. You have to have FFL number to get your state license. Federal trumps state and state trumps local.

Dale Kellerson: How many firearms would you be working on at a time?

James Dickinson: Probably no more than half a dozen at most depending on what the jobs were. Nothing production line and I wouldn't want it to turn into a production line.

Dale Kellerson: This license will allow you to have how many guns on your property?

James Dickinson: I am not sure there is a limit to what you can have. As far as I know that for a private citizen there is not a limit. So I don't feel there would be a restriction on somebody that is federally licensed. Nor do I plan or want to have an arsenal in the workshop. So there is my stuff that is separate from where the workshop is with a separate storage area.

At this time the board reviewed the New York State Environment Quality Review Part II.

Resolution No 250 — Introduced by Diana Powell Keery
December 18, 2014 — Seconded by Michael Flavin

Resolved, that the Zoning Board of Appeals of the Village of Spencerport declares the application of James Dickinson for a Major Home Occupation located at 59 Big Ridge Road, Spencerport, New York, 14559. Is an Unlisted Action pursuant to the New York State Environmental Quality Review Act and issues a Negative Declaration requiring no further action.

Ayes: Dole, Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 251 — Introduced by Diana Powell Keery
December 18, 2014 — Seconded by John Dole

Resolved, that the application of James Dickinson, 59 Big Ridge Road, Spencerport, NY 14559 for a Major Home Occupation Permit to operate an in-home business consisting of gunsmithing pursuant to Chapter 340-46 B in a R2 Residential District be approved with the following conditions:

1. Contingent on compliance with all Federal, State, and Local Laws.
2. Hours of Operation will be 9 a.m. to 9 p.m., Monday thru Sunday by appointment only.
3. The discharge of firearms on the property is prohibited.

Ayes: Dole, Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Approval of Minutes

Motion made by Chairman Dole seconded by Michael Flavin and carried unanimously to approve the November 20, 2014 minutes as written.

Adjournment

Motion made by Diana Powell Keery seconded by Chairman Dole and carried unanimously to adjourn the meeting at 7: 32 pm.