

CHILI PLANNING BOARD
March 12, 2013

A meeting of the Chili Planning Board was held on March 12, 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, Paul Wanzenried and Chairperson James Martin. John Nowicki was excused.

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.

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 indicated John Nowicki's plane was delayed, so he was excused.

FOR DISCUSSION:

1. Proposal of CBL, LLC, 2070 Lyell Avenue, Rochester, New York 14606 for proposed retail tire supply store and minor motor vehicle service station. Applicant intend to demolish existing building and construct new 48000 square foot building at property located at 3209 Chili Avenue; and proposed new 1800 square feet retail building at property located at 3219 Chili Avenue in GB zone.

Brody Smith and Rob Fitzgerald were present to represent the application.

MR. SMITH: My name is Brody Smith. I'm an attorney at Bond, Schoeneck & King. I represent the applicant CBL, LLC with regards to their application concerning 3209 Chili Avenue for the construction of a minor motor vehicle service station, requiring a special use permit.

Thank you for letting us present today as part of the discussion phase of this property. I have provided a letter just today outlining my comments to follow along with. I promised not to read it. I will summarize it. If you have any questions, just stop me at any time.

For starters, I included the definition from 500-101 of your code for a minor motor vehicle repair station. The proposed use is a Mavis Tire Store, which closely fits this definition with regard to it being for minor -- minor repairs like those listed. Mufflers, um, exhaust, brakes, oil changes, tires, that sort of thing.

In your code and 500-19, there is -- lists of permitted uses and uses that require a special use permit. Minor motor vehicle repair stations require a special use permit. There are 23 uses as of right listed in the General Business District that don't require a special use permit. We have -- we're requesting a special use permit here, but the reason I mention uses of right is that the courts in New York use that as the measuring point. If the special use permit that we're asking for is not more -- a more intensive use when looking at it through the standards of your code, then -- when compared to the uses as of right, then the special use permit should ultimately be granted.

We have responded and adjusted our plan. Again, we just gave you a new plan tonight reorienting the building to address some concerns that were voiced at the last meeting. I will step over to the board now and go through those changes.

You may recall the -- that previously the building was oriented to face Chili Avenue. Well, we have flipped it around so now that the service bays will face west, and to -- to give you some perspective on what is near here, on the right you would have the -- the Town & Country Family Restaurant. On the left, this is the Kwik Fill. So the bays will point away from the back patio of the restaurant.

There were some concerns expressed before that the noise from the bays being that near to the back porch may be unpleasant for diners. So the building has been flipped to accommodate that.

Also, the building's orientation facing towards Chili Avenue is -- has been flipped at the -- to address certain comments and concerns about the bays facing the road and that being less desirable for all four bays to face the road.

So now, the bays will be facing not quite perpendicular because of the orientation of the lot, but will not be facing the road in any event. This also will improve traffic circulation. There was a concern expressed before about the width of the travel lane to the back parking lot. Now you can see it is much wider and a more logical traffic circulation pattern.

There is still 30, 33 parking spaces in that region over the -- spread out over the property that will be more than enough to -- to accommodate it. We still will need to go to the Zoning Board for a front setback. By orienting the building this way, we got a little closer to the road. So we would end up having to get an area variance to address that.

With regard to the standards that the code provides in Section 5 -- for -- for reviewing special permit applications, and Section 500-29, there are 15. Most of them aren't real relevant to the -- to the issues I think we're dealing with in this particular building, but for the ones that I have identified as being potentially relevant, protecting existing development, traffic, parking, character of the area and scale, this plan is optimal, and I think it addresses all of the concerns that were voiced before.

In addition to the ones that I have discussed, namely aesthetics of the bays fronting -- facing the road, also the noise to the, um -- the noise issue with regards to the neighbor, we -- we also -- from previous meetings there was concern expressed that this is in the quote/unquote heart of the Town and that that -- from the character of the neighborhood might not be optimal. I point out in my letter there are a number of other very similar businesses, um, extremely close, in close proximity to the same area, the quote/unquote center of the Town. Namely the Monroe Tire. There's a minor repair shop with -- it's called Vern's, Vern's Tech Auto Repair. That is also nearby. The Valvoline is nearby.

In addition with regards to the design of the building with bay doors, I have included some photos to -- to note that in very close proximity to this building there is a number of other buildings that are very similar in their appearance. The first photograph is the Fire Department. You say bay doors. Those are actually directly oriented towards the road. There is a Niagara Car Wash with bay doors oriented directly towards the road.

The third photograph is a picture of the existing building and you can see the Kwik Fill on the right. The fourth photograph is an existing building that you can see in relation to the restaurant on the left.

The next photo shows that right across the street there is the Monro Muffler, a very similar use in terms of identifying the character.

There is also an auto parts shop, Autozone, across the street, the sidewalk across the street from the proposed building.

The next photo is a Valvoline, which is very similar, and you can see their bays that are facing the road. That is actually not exactly perpendicular to the road, but slightly askew, sort of what we're proposing.

Finally, the last concern that was voiced in past meetings was that there may be -- may be just too many -- though it is -- sort of the flip argument. It's not out of character with the neighborhood, but we have enough. Enough in terms of auto repair. I did some research and New York Courts don't accept that as a reason for denying a special use permit. Specifically because the codes provided for this is -- this particular use is a special use permit when -- when, um -- when they wrote the, um -- the zoning law. It's assumed to be in character of the neighborhood. And the sort of things you evaluate in a special use permit according to that Robert Lee case are things like scope and intensity of use like I mentioned before. And the courts have said pretty clearly, that there being too much of something that the legislative intended to be there is never an acceptable -- an acceptable position to take.

So to -- I think that was sort of the public comment from the public. I don't think that is the correct -- a correct argument for the Board to weigh in this particular case. That we just have enough auto stuff is not something the Board should consider and is not within the standards the code lays out.

I will stop there. I'm available for questions. Also, the engineer, who prepared the drawings from -- Mr. Fitzgerald is also available if there are any questions from the Board.

JAMES MARTIN: I think one of the concerns that this Board had or has, I should say, as we look at, you know, the issues that are before us and some of the things that have already been done in response to some of the concerns that we have voiced, we still have the concern about our Comprehensive Master Plan and how this fits into the vision that was being formulated, although it is not complete yet, but was being formulated to address a Town Center concept for the Town of Chili. Clearly, Chili Center is the center of our community.

There is no question about that. And when we just -- we just completed an update of our -- our Master Plan, which was issued, I guess.

DAVID CROSS: 2011.

JAMES MARTIN: Yes. 2011.

When I go to the section in the Master Plan that addressed Chili Center, the Committee that did the updating on the plan -- and God bless them, they spent a lot of time looking at, you know, the needs of the Town and, you know, what our comprehensive long-term goals would be as far as a community, and they really felt very strongly that we needed a more comprehensive independent evaluation of the center of our Town, of Chili Center, and that in the Comprehensive Plan itself, it -- it states that there needs to be a creation of a detailed Master Plan for that sub area of the Town. And we don't have that at this point in time.

And they pointed out that, you know, that Chili Center hamlet has long been identified as the Town's Community Center. While there have been piecemeal efforts to create part of a land use puzzle, the desired picture still doesn't exist. So we have had this -- you know, things going on in Chili Center that, you know, were approved, were built, but never any congruence with a detailed Master Plan what we really want for a Community Center in the Town, okay?

So I think the Board has been struggling with the intent of our Master Plan as it relates to

the businesses that we would like to see, what we would we really like to have with this corridor, Chili Avenue, Paul Road, Archer Road, Beaver Road, which is kind of a defined sub area of the Town. You know, we don't have that in front of us yet. And to my knowledge, I don't think that that Committee has been formed yet to study that.

There was a subcommittee that preceded the -- the actual work on the Comprehensive Master Plan that addressed a lot of those concerns. That -- that report is available as to what came out of that particular study.

So I think at this time -- you know, when we look at this -- this whole list of comprehensive issues that we have before us, I think that is what has created some of the concerns on the Board. Is this going to fit, all right, where we want to go in the next 10 to 20 years? Is it not going to fit? If that comes in there, and it doesn't succeed, you know, what would replace it? You know, those are some of the things that we have been thinking about, you know, and some of the concerns that the Board has expressed.

So I just want to point that out, that yes, the code says these specific things, but we still have this Master Plan issue that, you know, from the whole community standpoint we have to deal with, as a Planning Board for the Town of Chili.

So I will stop there and I will go to Paul (Wanzenried).

PAUL WANZENRIED: Is there -- do you have any exterior light poles here? I don't see any on this plan.

MR. FITZGERALD: Good evening. Rob Fitzgerald with Razak Associates. At this point in the conceptual phase, we have not provided those on these plans. In the past with our preliminary submittal we had, but, of course, we would light the entire parking lot out to Chili Ave. even on the western access road.

PAUL WANZENRIED: Is it your intention that all of the parking is curbed? Is that what I'm seeing here, Rob?

MR. FITZGERALD: The majority of it is curbed. We haven't worked out those fine details. It may make sense -- we'll definitely have a curb break on the southern side of the parking lot, so in order to get our water to our -- to our rain garden, we'll at least have some curb breaks. But for a clean look and for plowing purposes, it is nice to have at least in the front area, the northern, and especially in front of the other retail business.

PAUL WANZENRIED: What is the purpose of the pad behind the rear -- the smaller building? You have a drive aisle that goes to the rear of the small building and then there is a pad back there.

MR. FITZGERALD: The west, right here?

PAUL WANZENRIED: That's correct.

MR. FITZGERALD: That would be for -- for deliveries so they could load. Because we are looking at a catering service and they could put the vehicles in the back. So it would be mostly for the employees that would be doing delivery or they could have their own short-term parking back there, as well.

PAUL WANZENRIED: So the grade is pretty consistent then with the front? Is that what you're telling me?

MR. FITZGERALD: It drops off. We have talked about possibly looking into doing a walk-out for the back park. We still haven't worked out those details yet. That may be a way where we can get our utilities in the basement and also have some usable storage space.

PAUL WANZENRIED: Do you have elevations for this done at this time, or is it just too early?

MR. FITZGERALD: We did. We submitted those at the last conceptual meeting for the out parcel, the smaller building, as far as it -- this revised building, it very much the same character as we submitted last time. Um, at this point, again, because we have changed it three times now, we don't want to change the architectural until we have more feedback from the Board.

PAUL WANZENRIED: Where would you do loading and unloading for the main building, Mavis?

MR. FITZGERALD: We have a couple options. Same option as before. Where we could back the box trucks into the four bays.

Then we can close the doors. Especially if it is winter months, they're out of the elements. But also, too, with this, the revised plan, they could pull in and possibly back -- and maybe do a loading bay here (indicating), as well. So we have two different options that we would be looking at.

PAUL WANZENRIED: Is that 24 feet between the drive aisle between the building and -- the drive aisle in front of the building, in front of the garage doors?

MR. FITZGERALD: Yes.

PAUL WANZENRIED: Is that tight to turn a box truck?

MR. FITZGERALD: It's tight. If you look at it from a residential -- or any road standpoint, if you're driving down the road, you're swinging in driveways and that is all you have to work with. It is not a ton of room to work with, but it is certainly doable.

PAUL WANZENRIED: That's all I have at this point, looking at this for the first time, so.

MR. FITZGERALD: I guess with that, too, that is a good comment. One of the reasons this is more of an advantage of having the building here and not the other side, we're pulling in here, make a sharp -- already in the lane trying to make a sharp right-hand turn. Now we have the other lane so it gives us more swing room. Also helps to take away the blind corner that we had. I know the Town Engineer brought that up in his letter.

PAUL WANZENRIED: Okay. I'm good for now, I guess.

KAREN COX: Um, well, this -- I guess, you know, reading the letter from Mr. Smith, he talks about on the third page that the applicant had agreed to reorient the building in response to concerns expressed at a previous meeting, with the service bays on the front of the building would create noise that may be objectionable to diners. One of the other Board members might have said that, but my -- I guess I would like to say my objection to the way the building was oriented before had to do more with the traffic flow standpoint. And this is a better orientation to facilitate that. That one-way access road that went to the back was going to be, I think, a disaster. So -- or it could have been a disaster. So this is more in keeping with my concerns, which I appreciate.

Um, excuse me. It looks as though you are going to be connecting to the Town & Country's parking lot.

Are you going to need a cross easement to do that, do you know?

MR. SMITH: That is noted -- I'm sorry to interrupt. But that is noted on the plans, because with the previous site plan approval of the Town & Country, it was required, my recollection, with their site plan, so we have left that open. Of course, we'll have to negotiate that with them, but it is our plan to be consistent with the site plan that was approved for them and to negotiate that.

KAREN COX: Okay. I'm just wondering if they're going to have -- you know, they should remember that, that they had to do that, but I wonder if they'll have objections to drive-thru traffic in their parking lot. I guess you will have to see when you work with them. It makes sense, especially if somebody wants to use the light to have that.

MR. FITZGERALD: That document is in place. Um, as Brody (Smith) mentioned, it was put in place with the approval of the Town & Country, so I do have that document. It's an escape route, if you will, for both parcels. You know, they can escape through ours and vice versa.

KAREN COX: That's all I have right now, Jim (Martin).

JOHN HELLABY: I'm sure you put these plans together extremely quickly, Rob (Fitzgerald), but you might want to go back and check your construction notes on the second page. They refer to the Village of Honeoye, and I don't think we're in the Village of Honeoye.

There is also a note on here about the dry wells, to have fabric inserts in them. I don't think there is any dry wells proposed on this project, are there?

MR. FITZGERALD: It's -- we haven't worked out those, um, fine details yet. That was something that was a possibility in lieu of a rain garden, if you will. But most likely we'll just have a rain garden that is under-drained.

JOHN HELLABY: Well, I would be very interested in seeing the elevations on the proposed layout. I guess one of my biggest concerns is how do you envision Joe Public comes in, wants some work done. Where does he park? Where is the service desk that they go order up -- where do they wait? The next question is, after the car is repaired or fixed, if they're leaving it there, and I'm sure it is going to get parked down in the back, how does somebody come in, take care of a transaction and then get from that point A at the service desk, if it is up front, back to their car without going through your shop area?

MR. SMITH: There -- the main parking will be back here (indicating). There are some spots up front, but those are mostly handicapped. There will be a door on the side of the building and, um, people who park back here will enter the building to go to the desk so that they won't be --

JOHN HELLABY: Where is the desk proposed? Up in the front?

MR. SMITH: The front. There is a hallway.

JOHN HELLABY: So there is a dedicated area that they're not actually in the service bays?

MR. SMITH: Correct.

JOHN HELLABY: All right. Well, that is all I got for right now. Like I said, I would be interested in what the elevation looks like.

JAMES MARTIN: Given the distance between whatever landscaping you got on the west side of the property and the service bay doors, what is the maximum length of the vehicle you could actually negotiate that turning in and backing out?

MR. FITZGERALD: I can provide that for you. You have to put a turning template on it.

JAMES MARTIN: They're bringing in some of these big pickup trucks. I don't know what size they could accommodate from the standpoint of that turning radius that would allow them to get into the service bay.

KAREN COX: You mean a big pickup like a Dodge Ram, you're talking, or --

JAMES MARTIN: I don't know. Some of these extended cabs, long bed pickup trucks that are running around the road.

KAREN COX: Should be able to turn.

JAMES MARTIN: Just a curiosity question, but a technical issue as far as I'm concerned, what would be the maximum length?

MR. SMITH: I'm not concerned, but there is -- there is nearly 30 feet there. I mean that's --

JAMES MARTIN: When I threw my scale on it with the plan the other way, it was about 26 feet or 24 feet, I think, was available.

MR. SMITH: Think of a lane in a road is 12.

KAREN COX: 11 to 12 feet.

MR. SMITH: That's quite a bit more than you would get on your average road.

JAMES MARTIN: All right.

DAVID CROSS: I guess from a big picture, I echo Jim (Martin)'s concern that -- I think the onus is on the applicant to show how this project is -- how it works with the Town's Comprehensive Master Plan. A lot of effort was put into that, and I haven't really heard -- I don't think the Board has heard how it fits into those wishes of the Master Plan.

MR. SMITH: I wanted the opportunity to respond to those. This -- this might be -- if that is all right, I will do that now, those concerns. The -- I understand that there are -- there is some discussion about adding to the Master Plan with regard to Town Center. Um, and that hasn't been done yet.

But I can also say that, um, you would be equally displeased if we were to speculate as to what those things would be and say what we want the center of the Town to be. Now by virtue of the fact that that is not written yet, as the applicant, we're left with the code that we have, and the site plan -- and the special permit review standards that we have, and we do comply with the code as it is written.

The Town Board, the Legislature sets what the uses are and what the special use -- special -- the uses allowed by special permit are, and that's kind of what -- that is what we have to work with. And we're very much in keeping with, um -- there is no question this fits within the special use permit category by virtue of the definition provided in the code.

There is no question that when you look at the 15 standards, which according to the Court of Appeals are the only things that -- that should be, um, looked at when evaluating whether or not to grant a special permit would be the standards that your Town Board passed. I mean, we fit all of them. And -- and there is really no -- there is no provision where there might be a change to the Master Plan in the future, to stop all development. There is no moratorium. If the Town Board wanted you to do -- they could pass a moratorium and say don't -- don't build anything, don't approve anything in Town Center because we're considering a radical rewrite of the zoning. We don't want it to be a place that allows minor motor vehicle repair shops in the future, therefore, we're going to have a moratorium and we'll change the zoning law and no longer allow special use permits for that. The Board could do that if they wanted to do that, but they haven't done that.

Therefore, I think it's -- it's -- respectfully submitted, I think it's beyond the authority of this Board to institute its own moratorium and not approve anything in Town Center until -- until some legislative process that may or may not happen in the future occurs. We're left with -- we're left to deal with the law as it is written and I think respectfully submitted, you're left to apply the law that is written, and, you know, I don't -- I don't think it makes sense to just --

DAVID CROSS: I appreciate that, but I don't even have the feeling that -- that the applicant has consulted the Comprehensive Master Plan, read it. You know, there is some meat in there on the Chili Center sub area, and I don't know how you're fitting into that. No one has said anything. No one has proven anything. Granted one of the recommendations was to develop a more defined Chili Center Master Plan. That hasn't happened yet. Okay. But there is still some meat in there. One of them being front parking, and to drill down a little bit further into the plan you're almost there with the front parking. There are three spaces up front. I think I would get a little more creative to find a way to put those in the back somewhere. And excuse me, while I'm on parking, the two spots behind the retail area there, the -- the catering building, those don't work. You need some sort of turn back there. Those vehicles would have to back out.

MR. SMITH: I didn't follow. What was that?

DAVID CROSS: The two spots behind the catering building there, they don't work at all.

MR. SMITH: Okay.

DAVID CROSS: And I only have one other thing to add, Jim (Martin). I wouldn't consider moving anything here unless there was that cross access agreement with the landowner to the east.

MR. SMITH: To have the lease negotiated prior to approval?

DAVID CROSS: Yes. That's critical for vehicle circulation here.

MR. SMITH: What about if the approval was conditioned on that easement being secured?

DAVID CROSS: I wouldn't have a problem with that. I just need to know it is going that way.

MR. SMITH: I wouldn't see any reason to -- we wouldn't have a problem with the condition. We wouldn't want to hold the whole thing up.

DAVID CROSS: Understood.

MR. SMITH: Right.

JOHN CROSS: That's all, Jim (Martin).

RICHARD BRONGO: I just have one question. You had mentioned that you would have to go before the Zoning Board for your setback from the road. You may also have to do it for your rear property line, too, because you -- you're only 1 foot away from the -- the property on -- with the restaurant.

MR. SMITH: Right. I will -- I will review that, but it is my understanding from the review of the code previously that there isn't a setback for that, in this district. But I will look into that and confirm it.

MR. JONES: No. I don't -- I don't have really anything substantive on the plan. Obviously this is not on for approval tonight, so I don't have to get into the legal standards. It's on for informal discussion so the applicant can see what the Board would see as improvement to make this a more desirable plan to approve. I think Mr. Chairman and Mr. Cross, I agree with

you the concerns that were expressed in previous meetings had to deal with trying to meet the goals of the Master Plan passed only two years ago. It is not being rewritten. It's a relatively new Comprehensive Plan that has rather specific goals called out. So if the Town Board is concerned that there might be approvals that would come into play before they can make specific changes, they might want to consider a moratorium. But that is not on the table yet. We're not here for approval for any specific action. Just for an informal discussion.

JAMES MARTIN: Thank you.

DAVID LINDSAY: Just reviewing the site plan at the side table with the Town Engineer, has the applicant given any consideration to swapping the locations of the building, both the food catering versus the tire, swapping those locations at all?

MR. SMITH: Um, that -- I think we would need to have more visibility for the -- for the tire business. The catering business is not really a drive-by retail use. It's people, you know, having an appointment or whatever. It's not a business that relies on that kind of, um, visibility from the travel route. I don't think we would have the ability with our -- with our client to be able to do that.

DAVID LINDSAY: Nothing further.

MIKE HANSCOM: Well, that had been my thought, to -- with Dave Lindsay there. I think they might want to go back and explore that, though, just from the viewpoint if you moved the tire building onto the other lot, the other lot is larger and you could actually probably contain all of the parking required for the tire building on the lot that goes with that and the same is true with the catering business. So in the future if you ever wanted to sell one of those lots off, you would actually be able to do that without -- with very little impact on the other business.

Um, also from the viewpoint of the Comprehensive Plan, moving the tire changing place back away from the road lends itself more to the Town Center concept and it would be a little -- yes, it would be a little less visible, but most of the time when I have gone to Dunn Tire in the Town of Webster, you have to make an appointment to come and have your tires changed anyhow. Visibility isn't as much of a requirement for a tire change place as it would be for say a fast food restaurant or, you know, any -- a car wash place or something like that. And the catering business may not stay a catering business. It may become some other type of a food establishment in the future. So I -- so I would just suggest that they possibly consider that.

MR. SMITH: I appreciate those comments and I will certainly share them with Mavis. I -- you know, I think it is important to remember, though, though, it's not just tires. It's oil changes and brakes and mufflers and brake pads and some of those things are a little bit more, um, dependent on that sort of drive-by visibility, but we'll certainly pass along those comments and explore it. I appreciate the comments.

JAMES MARTIN: I think in some of the previous discussions, it was my understanding that Mavis has purchased Cole Muffler. Is that --

MR. SMITH: Yes. Mavis has purchased that market, yes.

JAMES MARTIN: Do you know, are they planning to leave that name in place, or are they going to change over to Mavis Tires?

MR. SMITH: Some Mavis locations are labeled Cole and some are Mavis now. I think this is going to be a Mavis, right?

MR. FALLONE: Right.

MR. SMITH: This is going to be a Mavis. But those two companies have been integrated and they're quite similar now.

JAMES MARTIN: Well, I think we have come a fair ways from the initial concept that was brought before the Board. That -- that really didn't show a lot of creative thinking as far as the original proposal to just leave the current foundation in place and just build on top of it and those types of issues that the Board addressed at that time.

So at this point, I will -- I don't know if there are any more questions from the Board or concerns.

PAUL WANZENRIED: In this drawing here (indicating), the building is moved forward towards Chili Ave. Does it fall within the parcel?

MR. SMITH: Yes.

PAUL WANZENRIED: The one parcel?

MR. SMITH: Yes.

PAUL WANZENRIED: It's not clear on that drawing. I just wanted to ask the question. And you will answer all of the engineer's comments regarding parking?

MR. FITZGERALD: Certainly. Yes.

PAUL WANZENRIED: Okay.

MR. SMITH: And with regards to the -- you know, the comments before about eliminating all parking in the front, I mean, again, we're certainly interested in exploring whatever suggestions the Board has.

I wonder, though, if eliminating the handicapped parking -- because that is really all that is left now in front, the handicapped parking, if that is really something you want us to do.

DAVID CROSS: You will not eliminate handicapped parking.

MR. SMITH: I mean, having handicapped people have to park in the back. It seems that is easier access for people with mobility issues.

DAVID CROSS: I really like the side table's suggestion and comment about swapping the two buildings. I think that would work a lot better on site geometry. They just fit better, and I think the uses fit better. I think it was a great suggestion.

MR. SMITH: I -- I honestly, um -- I appreciate -- you know, appreciate what they're trying

for, but I just don't think from a practical point of view that's going to work for us. I will make the -- I will ask the question, but I think the chances of that being attractive to Mavis is -- is very, very small.

PAUL WANZENRIED: They still intend to run cars four deep in this building? Last -- last --

MR. FITZGERALD: Two.

JAMES MARTIN: Actually two deep.

KAREN COX: Eight bays.

MR. SMITH: Two deep, four doors.

PAUL WANZENRIED: That would still allow enough room for storage and your hallway that is going to run from one end of the building to the other?

MR. SMITH: That's right. Yep.

JAMES MARTIN: Um, certainly, you know, there is some other reviews that are going to take place on this. We need Conservation Board review, landscaping plan that needs to be signed by a licensed landscape architect. The Architectural Advisory Committee will have to take a look at this also, the elevations for their input to the Planning Board. Um, they essentially are not an approving agency. They're a recommendation agency to the Planning Board, but we pretty much go along with what they recommend as far as any particular aesthetic changes, facades, those types of things. So that is going to have to be done.

So those are things that are going to be -- have to be in place before this Board would hear this application for a -- for voting purpose, for preliminary approval.

MR. SMITH: If those two steps can be achieved in the next month, is there a possibility of this being put on for a vote next month?

JAMES MARTIN: Let me just take a look at the schedule here. Okay. The -- the application deadline for the April Planning Board meeting, um -- Planning Board meets on April 9th. The application deadline was March 8th. The application deadline for the May meeting is April 12th.

MR. SMITH: So the earliest would be the May meeting.

JAMES MARTIN: It would be May.

MR. SMITH: Okay.

JAMES MARTIN: So that should give you adequate time to get reviews in place by the other agencies concerned.

Anything else from the applicant's side or this side?

MR. SMITH: Can I consult with my client briefly?

JAMES MARTIN: Yes.

MR. SMITH: There is nothing more from us.

DECISION: The Board appreciated the applicant's response to the concerns expressed by the Board at previous discussions on this project. As stated during the meeting, reviews by the Conservation Board and the Architectural Advisory Committee must be completed prior to further action by this Board on the application.

Timely submittal of the revised site plan would also be critical for review by the Town Engineer and Commissioner of Public Works. The cross access agreement with the Town and Country restaurant is also an approval issue.

JAMES MARTIN: If nothing else, I will say the meeting is adjourned. Thank you.

The meeting was adjourned at 7:42 p.m.

The 2/12/13 Planning Board minutes were approved.