

## CHILI PLANNING BOARD

June 29, 2010

A meeting of the Chili Planning Board was held on June 29, 2010 at the Chili Town Hall, 3333 Chili Avenue, Rochester, New York 14624 at 6:30 p.m. The meeting was called to order by Chairperson James Martin.

**PRESENT:** Karen Cox, David Cross, John Hellaby, Dario Marchioni, John Nowicki, and Chairperson James Martin.

**ALSO PRESENT:** Ken Hurley, Town Engineering Representative; David Lindsay, Commissioner of Public Works/Superintendent of Highways, Building Department Representative; Keith O'Toole, Assistant Counsel for the Town; Patricia Tindale, Conservation Board Representative; Paul Wanzenried, Architectural Advisor.

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.

### INFORMAL APPLICATIONS:

1. Application of Choice One Development-Unity II, LLC, 642 Kreag Road, Suite 201, Pittsford, New York 14534, property owner: Chili Avenue Associates; for final site plan approval to erect a 21,000 sq. ft. medical center at property located at 3379 Chili Avenue in R.B. zone.

**MR. SINSEBOX:** Good evening. I'm Lee Sinnebox, of Costich Engineers. First, I'd like to thank each Board member for allowing this meeting change and date change, and special thanks to Kathy Reed, who did a good job administrating it. She's a hard worker, and we thank you for that. I was asked if two weeks makes a big difference, and the only answer I can give you is when we reach the end of the construction season and bad weather is coming and you're trying to build a project, those two weeks are critical, so thank you..

Our recent submission was done in response to primarily your conditional approval comments from the meeting of June 8<sup>th</sup>. If you recall, a special use permit was granted. You did do SEQR and you granted a preliminary approval with conditions. We also at that meeting had received comments from the Town Engineer, it was two or three pages and a lot of technical material, but we did resubmit material in response to all of those comments, with our plan submission and a separate submission to the engineer and

statements for their review, and we're confident that we addressed all of those issues to their satisfaction.

Just a quick rundown of your conditions. You had asked us to have the Fire Marshal review the plans. We did send the plans to him. Just this morning I received an e-mail that he was satisfied. He wanted us to try a truck size with a different turning radius; he asked if the building was going to have sprinklers; and he wants an automatic fire alarm in the building. He submitted an e-mail stating that he was okay with that.

Another thing that this Board asked for was a sidewalk along the frontage on an easement, and we did add that.

JAMES MARTIN: There was one additional thing in the Fire Marshal's letter regarding fire hydrant placement.

MR. SINSEBOX: Yes. That was if we weren't going to have sprinklers in the building, we had to move a hydrant onto the site so that we could have a certain distance from the hydrant. So in lieu of adding the hydrant, the sprinkler system and the automatic fire alarm system satisfied that.

JAMES MARTIN: All right. And you will have an automatic fire detection system?

MR. SINSEBOX: Yes, sir. We offered specs and information on that for his review, and he said when we submit the building plan he would review it at that time.

JAMES MARTIN: All right. Because one of the conditions of approval would obviously be resubmittal of your information to the Fire Marshal for final approval before any building permits are issued.

MR. SINSEBOX: I made a copy of his last e-mail, and I give that to you, Mr. Chairman, for the record.

JAMES MARTIN: Thank you.

MR. SINSEBOX: The sidewalk, we added a five-foot-wide sidewalk. We moved it into the property a little bit more than you normally see it along the right of way, but that's to offset the gas maintenance area. We could relocate that at your discretion, but it's on the plans at this time.

We were asked to do some additional landscaping around the generator pad. There was a lot of discussion about buffering the noise, and we did that. We were also asked to detail a board-on-board gate for the dumpsters; we had a chain link gate. We were asked to do detailed engineering plans stamped by an engineer for the retaining wall, and we had a retaining wall proposed, and you wanted to see the engineering for that. We were also asked to enter into a storm water control facility maintenance agreement. All of these details are on the plans; we did prepare that maintenance agreement for the Town's review; we also submitted a letter of credit estimate for review and approval for the project.

So all of your conditions were met, we feel confidently, and we also submitted reports and background data, test data and other things that we knew you'd be looking for. I don't know if they've completed their review of that resubmission, because the time frame was pretty short, but we'll certainly work with them if there's any dissent.

JAMES MARTIN: Did you get the details on the signage into the plan?

MR. SINSEBOX: Yes, they've been added to the plan. I think the setup we added them onto was the lighting plan, and we did have a rendering of that at the last meeting. I also brought – I think on our plans they're black and white, so you really don't have the color. But this is a copy of that rendering.

JAMES MARTIN: You can put it on the viewer.

MR. SINSEBOX: The sign will be uplit from the ground. The specifications for that light are also included on the landscaping plan for your review.

JAMES MARTIN: Thank you.

MR. SINSEBOX: The location of the sign is spotted on the site plan near the entrance.

Shortly after it was submitted, we did get comments from the County DRC. There were two to three comments there; we have no issues with those. The first two comments were from the Water Authority – I'm sorry; the Health Department; they want to make sure that we protect the water supply with a backflow. The backflow, we're going to need that for the building. We've already designed that and submitted it to the Water Authority and the Health Department for their approval. And then he's reminding us that any extensions to relocate any water mains or sanitary sewers would be submitted to the Health Department for their review and approval. We're not extending mains, and sewers – dedicated mains and sewers; they are private laterals and services for the unit. But we have submitted plans to the Health Department, they have reviewed them, they had some minor comments, and we did address those. And we will be asking them to sign off on the plans.

Number two, comment from the Monroe County Department of Transportation. They're saying if a map's going to be filed with the County Clerk that we have to address the county monument system. There's no subdivision involved; we will not be filing a map; it's a site plan. But we will have the proper locations if they need them and a plan to protect the monuments.

Number three is a comment from the State DOT. They're reminding us that we need a permit from them for any work in the right of way. A permit application is in process with them, and we've sent plans for their review on their initial checklist, and we're waiting to hear back from them now.

Number four, the project was not sent – he's saying they didn't send it to some of the other agencies. So there's only a few minor comments here; we'll make sure that any issues there will be resolved.

Also, just late this morning we got some additional comments from Ken Hurley, Town Engineer, regarding the SWPPP. We looked at those, we're in the process of getting those addressed. I didn't address any individual one on there that you may have questions about. The second page is mostly items in the actual SWPPP report. It's the rather extensive drainage report.

JOHN NOWICKI: Are you referring to the letter from Mr. Hurley of June 28<sup>th</sup> ?

MR. SINSEBOX: Yes. That just came this morning.

JOHN HELLABY: If you would be so kind, could you expand a little bit on item number one?

MR. SINSEBOX: Item number one, the comment is that approval of the nonstandard sanitary lateral should be obtained from GCO, that the sewer slope is less than 1 percent and one-and-a-half-foot cover, and it ties directly to the sanitary manhole. It's a nonconforming lateral because you don't usually see an eight-inch diameter pipe for a lateral. We have a very flat slope there. The eight-inch pipe, you can go down as low as 24, and it's well above that. If we were using six-inch, then we'd have to have a 1 percent; if we were using a four-inch, we'd have to have a 2 percent minimum.

JOHN HELLABY: My concern, sir, is is one-and-a-half-foot cover sufficient?

MR. SINSEBOX: That's been fixed. We fixed that. As a matter of fact, we had a similar comment on the cover from ECO, they looked at it, and we adjusted that little swale in front of the building, that grading. It wasn't on the plans that you reviewed; it was a plan revision we made after we submitted it.

JOHN HELLABY: Do you know roughly what it is now?

MR. SINSEBOX: It's three and a half feet.

And I did also get a memo from Gates/Chili/Ogden Sewer District, Don Kaiser (phonetic). It says the plans, after we addressed his comments – that being one of them – the plans for Unity in Chili met the bureau's requirements, please forward a set of plans at your convenience for signing. I'll leave you with a copy of that, as well.

JAMES MARTIN: Would you comment on item number seven?

MR. SINSEBOX: We respectfully disagree with parts of that. For example, the 60-day review is no longer required. That's under the old phase 2 regulations, if you weren't in compliance, you sent – DEC was doing all the SWPPP reviews at that time, and if you weren't in compliance, you'd give them a little extra time to evaluate it. Under the new regulations, your NS4 officer, Mr. Lindsay, reviews and makes those decisions. He can, if he wants to, send it to DEC to get their opinion, and that's fine with us, but there's no 60-day review, and there's no more DEC reviews on phase two.

JAMES MARTIN: I guess we'll ask the side people to comment at this point on that issue.

DAVID LINDSAY: Who would you like to address that, Ken or myself?

JAMES MARTIN: You're the NS4 officer, why don't you go ahead and address that.

DAVID LINDSAY: It is accurate to say that as an NS4, the local permit coordinator reviews any nonstandard features associated with the ponds and makes a determination whether or not we find that their storm water features meet substantial compliance with requirements. We do make that determination, and I could seek advice from the DEC.

JAMES MARTIN: All right.

MR. SINSEBOX: For our information, we complied with the pond in every respect except, actually, one area. The requirement is for these ponds to have a certain side slope for the ponds. They'd like to see a four-on-one side slope. If you can't do a four-on-one side slope, they like to see a safety bench in it. We have four-on-one side slope on two sides, and on the south side and the east side, it's a three-on-one. We picked those sides to put the lesser slope because it's back away from everything and it shouldn't be a hazard. If we did the four-on-one all the way around, something else

would get compromised in the pond, and that would be maybe the volume of storage we need for water quality, or storage for attenuation. My experience with the DEC under the old regulations, those were a hierarchy to kind of satisfy the regulations as opposed to the slopes. But we can get their opinion on that.

KAREN COX: You don't want to put the safety bench in for a similar reason?

MR. SINSEBOX: We could put the safety bench in on those two sides, but what happens is, it pulls the bottom of the pond in. One of the requirements that they asked us to address was that we have a four-to-six-foot depth. When you put the safety bench in, it pushes the inside of the pond in, and we wouldn't be able to make that depth. So there's two or three tradeoffs with that that we think justifies it, but we'll certainly work with them and see if there's any other compromises we can make.

JAMES MARTIN: All right. Obviously, if we move ahead tonight, that will be contingent upon the final approval of the Town and the Commissioner of Public Works. Whatever Mr. Lindsay feels is appropriate is what should happen. I think the other thing is that any changes to the approved plan, that either the Town Engineer or the Commissioner of Public Works deems to be a significant change, that that would then make you subject to come back to this Board for further review. So I want you to understand that at this particular time, so we'll get those two up front. You know, when I see something that says "possible 60-day review," it kind of waves some yellow flags in front of me, and I want to be sure that you and our Town Engineer and Commissioner of Public Works are all on the same page on this issue.

MR. SINSEBOX: Yes. I would suggest – I would certainly be glad to meet with them. We could call DEC together and probably get a result in one phone call. We contacted Carolyn at the Monroe County Soil and Water Service, who kind of filled in for DEC to answer these types of questions, and got her opinion on it, and she said it would be the NS4's call if he wanted to waive that requirement. And we'll certainly wrap that up.

So we're fine with the last paragraph, and if you are inclined to approve it tonight subject to their approval, we'd be happy to accept that condition.

JAMES MARTIN: All right.

MR. SINSEBOX: There are a couple little changes we were asked to make that I'd like to address, and that is we were asked to reconsider the dumpster location at the southwest corner of the building. There's a patio area that's planned there right near that door for the employees, and Mr. Valle's concern was when people come out in the summer and use that patio, they're right next to the dumpster, and that might not be a pleasant situation for them. So he's asked us if we could move the dumpster from this location down into this corner (indicating), which means we took two parking spaces out there, but then replaced where the dumpster was with two parking spaces, so we didn't really lose any spaces there. We also moved the generator down into this corner, and then put the same landscaping around it, just to improve the atmosphere around the patio area. And we hope that you agree that that's a good move.

JAMES MARTIN: That's a logical change.

MR. SINSEBOX: So I believe there are still some loose ends, and I'll be meeting with the Town Engineer and Dave, probably still digesting all of the material we sent

over from the first go-round, and there was additional calculations, and there was an engineering report, so there was a lot of information, and we'll be happy to work out any details and any concerns that they have.

And with that, I guess, nothing else.

JAMES MARTIN: Thank you.

I have the feedback from the Conservation Board. Essentially, what you're saying, Pat, is you're fairly happy with what they've submitted with the addition of that tree in the peninsula area.

PATRICIA TINDALE: I just noticed that they did put a tree in. I thought we had said a shrub or tree, and then our Board said a tree, because a shrub would be covered over with the snow.

MR. SINSEBOX: In that island area?

PATRICIA TINDALE: The peninsula, yes.

MR. SINSEBOX: We need a sidewalk there on part of that for the people that park across the –

PATRICIA TINDALE: what's the space there?

MR. SINSEBOX: The island measures eight feet, so they had the sidewalk, and it leaves about three feet for the planting. We tried to put a tree in there, but it would be uncomfortably close to the parking spot.

PATRICIA TINDALE: I was hoping for a tree.

KAREN COX: Could they put delineators in?

JAMES MARTIN: I think they've raised a legitimate concern. I mean, how are you going to delineate it so it doesn't get destroyed?

MR. SINSEBOX: We could put up some markers and reflectors around the nose of that island, so that they're aware that it's there.

KAREN COX: Wouldn't a plow damage a tree?

MR. SINSEBOX: Does everyone know where she's talking about? It's this island, right here (indicating), that separates this parking from the entrance to the – we initially had this all sidewalk so the people that parked here could enter onto the sidewalk at this point and walk in this way (indicating).

KAREN COX: You put the island in, I presume, to help with traffic flow?

MR. SINSEBOX: Separation, right.

KAREN COX: Separation? I would rather have the island there, because you have moving cars coming up next to people parking, and if you don't have the island there and somebody gets out of that spot at that same time a car is coming, they might get smacked.

MR. SINSEBOX: The Conservations Board's suggestion was to put some plantings in there so that it can be seen when you plow in there. And we didn't object to that all, except we do want to keep the sidewalk here so that people can walk and get onto the sidewalk, and that cuts the plantable area in the island down to about three feet. So we put some plants in there.

KAREN COX: As the tree gets bigger, it will grow into the travel lane in the parking area. That's the only concern I have.

JAMES MARTIN: What about a decorative bollard? That might be enough to alert them so that it doesn't get destroyed.

MR. SINSEBOX: Yes, we could do that, too.

JAMES MARTIN: I think I'd rather see that.

JOHN HELLABY: Is there going to be a handicap access ramp at the end of that island? The only reason I ask is because I see most of the handicap spaces are in front of the island, but if for some reason somebody gets parked across the way and they have to access that, they're going to have to step up over a curb right there, correct? I mean, if there was a ramp right at the tip of the island, it might be a better feature.

MR. SINSEBOX: We have the handicap ramps in front of all the handicap spaces. We don't call for any handicap parking spaces on that side, but we can.

JOHN HELLABY: I'm not saying you have to, but I'm thinking you might want to look at that.

MR. SINSEBOX: We can do that.

KAREN COX: Then the plow wouldn't be tearing it up.

MR. SINSEBOX: Yes, we can add that, sure.

JAMES MARTIN: I was just going to say, put in a decorative bollard to mark the location of the peninsula.

KAREN COX: Well, if we put a ramp in, we won't need the bollard.

JOHN HELLABY: Well, they're still going to need it, because it'll ramp up and you'll have a curb there on the side. I'm just saying right on the tip, it might be a better feature.

MR. SINSEBOX: If you put the bollards in, it might make sense to center the ramp, and then at the sides of the ramp, you've still got curbs with the bollards.

JAMES MARTIN: All right. So I'll just add that you'll add a decorative bollard to mark the location of the peninsula and provide a ramp access. Does everybody understand that?

KAREN COX: Um-hum.

JAMES MARTIN: All right. Thank you. Anything else, Pat? We kind of jumped ahead here.

PATRICIA TINDALE: No, I think pretty much they did everything we had asked.

JAMES MARTIN: Okay. I really like the relocation of the generator down there.

MR. SINSEBOX: Yes, it makes sense. A good observation by the developer.

JAMES MARTIN: Okay. Karen?

KAREN COX: I don't have any comments except to say I happened to be up in Spencerport over the weekend and stopped by the facility there and I thought it was a really nice facility, and I think it's going to be a good addition to this area. So we appreciate you taking our concerns and addressing them.

MR. VALLE: Thank you.

JOHN HELLABY: I have nothing further as long as they can work with the engineer and answer all his questions.

JOHN NOWICKI: The only two areas, again, the letter from Ken Hurley, if you can work that out with him and Mr. Lindsay, all the areas there, and take care of that.

And the other question is, Pat, I just wanted to make sure, on the landscaping side, are you and the Board comfortable with the sizes of the plants?

PATRICIA TINDALE: I would say so, yes.

JOHN NOWICKI: Okay. I'm just a little bit concerned about that. You're satisfied with the size?

PATRICIA TINDALE: Yes.

JOHN NOWICKI: Okay. Thank you very much.

JAMES MARTIN: David?

DAVID CROSS: at the risk of sounding overreaching, I would really like the sidewalk along the front. I don't think there's a problem with keeping it back in off the right of way. I see the conflict with the gas main, but would the applicant consider a bench for pedestrians?

MR. SINSEBOX: Somewhere along the sidewalk?

DAVID CROSS: Yes, along the frontage, maybe off the back of the walk.

MR. VALLE: Yes. We have benches out in Spencerport, so we'll see how those last, but yes.

DARIO MARCHIONI: We did it at Walgreen's.

MR. VALLE: And I'm assuming you have a bench –

JAMES MARTIN: Your name, sir, please, for the court stenographer?

MR. VALLE: Bill Valle, the developer for the project. I'm assuming you have a recommended bench so it matches everything else in the village?

DAVID CROSS: I think we can work with you on that.

MR. VALLE: That's all we'd ask, for a consistency of look.

DAVID CROSS: Very good job.

JAMES MARTIN: Dario?

DARIO MARCHIONI: Nothing further.

JAMES MARTIN: Keith?

KEITH O'TOOLE: I was hoping we could get the Liber and page of deeds of the recorded easement shown on the subdivision map prior to its release by the Town, evidence that the off-site storm drainage easement has actually been recorded as between your client and the church.

MR. SINSEBOX: The Liber and page of the subdivision of the property, that's been done. The easement from the church has not been recorded, but we'll certainly give you that information the moment it's accomplished.

KEITH O'TOOLE: I'd just like to see it on the mylar before we release it, that's all.

MR. SINSEBOX: Sure.

KEITH O'TOOLE: Thank you.

JAMES MARTIN: David?

DAVID LINDSAY: We just hope to continue our review and sit down at some future date and resolve some of the comments that we have.

JAMES MARTIN: Ken?

KEN HURLEY: No additional comments. Thanks.

JAMES MARTIN: Pat, you're done?



PATRICIA TINDALE: No additional comments.

JAMES MARTIN: Paul?

PAUL WANZENRIED: No additional comments.

JAMES MARTIN: So the Liber and page number of all these shall be provided to us on the mylar prior to signing?

KEITH O'TOOLE: Yes.

JAMES MARTIN: Okay. Anything else from the Board?

JOHN NOWICKI: I just wanted to ask Lee, your conversation with Pastor Reeves (phonetic), that went well ?

MR. SINSEBOX: Yes. As a matter of fact, I had conversation with Rod Fitzgerald at Avery Engineers; he's the engineer that designed that pond. He didn't recall – he doesn't believe it meets the current phase two regs, but he discussed with the church the benefits of what we were proposing and the benefits of having that pipe – our pond piped on that. The only thing that came out of that that was a little bit different from our last meeting was they didn't want us to discharge directly into their pond. Without doing a full study on it, they wanted to reserve any capacity they had there for future expansion, realizing they may have to do some upgrades. So we're piping down to near their pond, and discharging into the same tributary that their pond discharges. The benefit they have there – and they understand this – is we're taking three acres of the drainage site that used to go into their pond and bypassing that, so that will offer them some additional capacity.

JOHN NOWICKI: So you're all set ?

MR. SINSEBOX: Yes.

JAMES MARTIN: There was one other comment about the possibility of getting a temporary construction easement along the east borderline.

MR. SINSEBOX: That was suggested in Ken's letter?

JAMES MARTIN: Yes.

MR. SINSEBOX: We can, but we don't think that's necessary. We're going to take great patience to make sure we're not encroaching on somebody else's property for our construction. We have kept everything back from that at least five feet, and where we have changed grades, we've tried to match the grade as close as we could at that edge. But we want to save those trees that are there. So I mean, we can ask for an easement, there's no guarantee they'll give it; but we prefer to be very cautious there. We'll put up orange construction fence or whatever it takes to keep the site contractors off that property.

JAMES MARTIN: All right. Now, I'm assuming you will be at least communicating with the neighborhood properties as you start the construction project to be sure that you're all on the same page.

MR. SINSEBOX: Yes. We can do that. Those folks that live on the east side in that house there, they were at the last meeting and we talked with them out in the hall, and they seemed quite receptive.

JAMES MARTIN: Okay. Very good. All right. Seeing there's nothing else –

DARIO MARCHIONI: One more thing.

JAMES MARTIN: Yes, go ahead.

DARIO MARCHIONI: Going back to what David said, the bench there, can we spot a location for it?

MR. SINSEBOX: I would say approximately in the center of the sidewalk area.

DARIO MARCHIONI: Similar to Walgreen's?

JAMES MARTIN: Yes, approximately in the center.

Okay. Let me go through the conditions that I've listed before we vote here. There's no SEQR required to do that.

James Martin reviewed the proposed conditions with the Board.

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

1. Contingent upon final approval by the Town Engineer and Commissioner of Public Works.
2. All previous conditions imposed by this Board remain in effect.
3. Any changes to the approved plan that are deemed significant by either the Town Engineer or the Commissioner of Public Works will subject the applicant to another review by the Planning Board.
4. Applicant shall submit a response to all Fire Marshal comments for his approval prior to a Building Permit being issued.
5. Applicant shall provide a decorative bollard to mark the location of the peninsula and provide a ramp access from the parking area to the sidewalk.
6. Applicant to install a bench along the sidewalk approximately in the center of the frontage.
7. Liber and pages of all site and off site easements must be included on the mylar prior to signing.

JAMES MARTIN: It's approved, and welcome to Chili. It's going to be a very nice development for the town, and we look forward to a long history with you here.

2. Application of PKG Equipment, 367 Paul Road, Rochester, New York 14624 for revised final site plan approval to erect addition to warehouse. Applicant was approved for a 93' x 140' warehouse addition in 1999. Applicant would now like to build a 79' x 145' warehouse addition, at property located at 367 Paul Road in L.I. zone.

JAMES MARTIN: Is there somebody here representing PKG Packaging?

MS. PONTARELLI: My name is Carla Pontarelli. I'm one of the owners of the property and PKG Equipment. I don't know how much I'm going to be able to help you. I was supposed to meet the engineer here. My brother had to go out of town unexpectedly. He's the one that's been handling the project. He said the engineer would be here, the engineer would have all the technical information. And there's nobody here.

KAREN COX: Does the engineer think the meeting was in July?

MS. PONTARELLI: He knew it was tonight. I don't know what happened. I can try to answer your questions, I could try to get my brother on the phone. I'm sorry.

JAMES MARTIN: Well, it's not your fault your engineer doesn't show up.

KAREN COX: You should get a credit on some of the work he's done for you.

DARIO MARCHIONI: I suggest we take a ten-minute break, and if he's not here by then –

JAMES MARTIN: Can you call him? Do you have his phone number?

MS. PONTARELLI: I can call my brother. He has the phone number.

JAMES MARTIN: You can call your brother and have him call the engineer and see if he is planning to be here, because probably a lot of the questions are going to be technical in nature.

MS. PONTARELLI: That's what I figured. Okay. Thanks.

JAMES MARTIN: Okay. We'll take about a ten-minute recess and give you time to regroup.

(There was a recess from 7:10 p.m. to 7:17 p.m.)

JAMES MARTIN: In our Code, a construction of this nature calls for a review of the elevations, the architecture that you're planning to build, by the Architecture Review Committee. All right. They have not seen any elevations of what you're planning to construct as far as this building goes.

MS. PONTARELLI: Okay.

JAMES MARTIN: Given that that is the current situation, we would have to table this pending the review of the Architectural Review Committee. I would suggest that you move ahead fairly quickly with any architectural drawings that you have, get them submitted to the Building Department for the review, and we can table this to the August meeting at this point. You won't have to resubmit any applications or anything; it will just be tabling it by vote. Get those elevations in so they have a chance to review it, and then find out what your engineer's doing.

MS. PONTARELLI: Should that have been done prior to this meeting, the elevations –

JAMES MARTIN: Yes, should have been.

MS. PONTARELLI: So that should have been in and it should have been all –

JAMES MARTIN: Yes. It pays to read the Code.

MS. PONTARELLI: Okay.

KAREN COX: Well, it pays to have the engineer read the Code.

JAMES MARTIN: Do you have a comment?

KEITH O'TOOLE: Mr. Chairman, can we hold on this for just a moment, please?

JAMES MARTIN: All right.

(There was an off-the-record discussion.)

JAMES MARTIN: I stand slightly corrected. The zoning that you're in, it is not in the Code as being required, but the Planning Board has the prerogative to ask that you do that. So I am going to ask that you submit the architectural design to the Architectural Review Committee for their comments, okay?

MS. PONTARELLI: Okay.

JAMES MARTIN: So that's what we're going to do.

MS. PONTARELLI: Okay.

PATRICIA TINDALE: Could you also ask that a Conservation Board checklist be presented?

JAMES MARTIN: Yes. There's also a Conservation Board checklist that you should fill out, submit that to the Conservation Board. Now, before we do anything further, our Code does say that the landscaping associated with the construction should be equivalent to one percent of your construction costs.

MS. PONTARELLI: That, I do know.

(Laughter.)

JAMES MARTIN: Now, I'm going to let you work with the Conservation Board on this. I know you're planning some additional trees in front of the ones that are already existing there, which is fine. That's just great. I think what we need to do, then, is to find out what the cost of that is compared to the one percent.

MS. PONTARELLI: I know it's going to be more than the one percent, because we were talking about \$300,000, and one percent of that is like \$3,000, and I think one tree is more than that.

JAMES MARTIN: I'll let you work it out with the Conservation Board, but let's say the difference between what you plant and what you should – the one percent, that would be donated to the Chili Tree Fund. So I'll let you work that out with Conservation, okay?

MS. PONTARELLI: Okay.

James Martin made a motion to table the application to the August meeting, and John Hellaby seconded the motion. The Board unanimously approved the motion.

**DECISION:** The Chili Planning Board, at their June 29, 2010 meeting, unanimously tabled, by a vote of six, the above described application until the August 10<sup>th</sup>, Planning Board meeting. The Board requests that the applicant submit architectural elevations for review by the Architectural Advisory Committee. The Board requests that the applicant work with the Conservation Board to finalize all landscape issues.

The meeting was adjourned at 7:21 p.m.