

The Town of Cicero Planning Board held a meeting on Monday, September 21, 2009 at 7:00 p.m., in the Cicero Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the Board minutes from September 2, 2009 (approved)
- Preliminary Subdivision Plan, Public hearing, Northern Pine Meadows (previously called Island Meadows), Island Road, 4 Lots (public hearing left open)
- Site Plan, J.T. Properties LLC (Colonial Laundromat), 8007 Route 31, Ianuzi & Romans (to return)
- Site Plan, Parks Storage, 8822 Route 11 LLC, Proposed expansion, Ianuzi & Romans (to return)
- Site Plan, Proposed Bank/Credit Union (previously Germania Property), 6194 Route 31, CHA with Dunn & Sgromo (approved)
- Site Plan, SEFCU, 8086 Brewerton Road, Proposed branch office, Barton & Loguidice, P.C. (approved)
- Discussion, Shiva Estates, Guy Young Road, Preliminary Subdivision, 14 Lots (approved)

Board Members Present: Patrick Leone (Chairman), Richard Cushman, Robert Smith, Sharon May, Jason Mott and William Purdy

Absent Board Members: Christopher Rowe and Scott Harris

Others Present: Wayne Dean, Director of Planning & Development, Heather Cole, Esquire, Wladis Law Firm, Mark Parrish, P.E., O'Brien & Gere and Tonia Mosley, clerk

The meeting was opened with the Pledge of Allegiance. Mr. Leone noted the locations of the three fire exits and that there was one formal public hearing on the agenda. He encouraged public participation and asked audience members to use the microphone when addressing the Board.

APPROVAL OF THE PLANNING BOARD MINUTES FROM 9/2/09

Mr. Smith made a motion to approve the Planning Board minutes from September 2, 2009 as presented. Mr. Purdy seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes

Mr. Mott: Yes
Mr. Purdy: Yes
Mr. Leone: Yes

PRELIMINARY SUBDIVISION PLAN, PUBLIC HEARING
NORTHERN PINE MEADOWS (PREVIOUSLY ISLAND MEADOWS)
ISLAND ROAD, 4 LOTS, JOSEPH MASTROIANNI

Representative: None

Mr. Leone briefly introduced the project noting Mr. Parrish's request for some changes. The applicant has not responded to that request yet.

The public hearing was opened at 7:03 p.m. Mr. Leone asked if there was any public input. (There was no response by Board members or audience members.) Mr. Leone left the public hearing open to give the applicant time to respond.

SITE PLAN, J.T. PROPERTIES, LLC (COLONIAL LAUNDROMAT)
8007 ROUTE 31, PROPOSED LAUNDROMAT, ETC., IANUZI & ROMANS

Representatives: Peter Crissey, Architect and Tim O'Connell, Applicant

Mr. Crissey noted the project's location and that they were proposing to erect two buildings. One building would house the Colonial Laundromat and the Original Italian Pizza. The other building would be a Dollar General store. The Colonial/Pizza building would be 4,825 square feet. The Dollar General would be 9,100 square feet.

Mrs. May asked if the Dollar General would move from the location across the street.

Mr. Crissey: Yes. We meet the requirements for parking as indicated on the lower corner of the plan. We do have some nasty maneuvering necessities for the Dollar General because of the size of the trucks. They have to be able to enter and turn around behind the building. (Mr. Crisse showed the Board how that movement would be made and the location of the loading area.)

Mr. Leone asked where snow would be stored.

Mr. Crissey: There is about fifteen feet of grass across the front where snow can be stored. It can also be pushed across the back. Most would be pushed into the detention area.

Mr. Leone and Mrs. May noted the applicant would need to be aware of the visibility across the front.

Mr. Leone asked if the storm water basin could be inundated with snow.

Mr. Parrish responded yes. If they are getting into the forebay it would not be an issue.

Mr. Smith asked about the decision on the pipe to the drainage swale.

Mr. O'Connell responded they would not pipe the area but they would re-build the swale professionally. He showed the Board where the swale would be located.

Mrs. May asked for the square footage from the back of the Laundromat to the creek. I don't want you to push snow into the creek.

Mr. O'Connell: The Laundromat will be located where the old car wash was. That is a long way from the creek. We will not put any snow into the creek.

We received a variance for the rear-yard line from twenty-five feet to fifteen feet. That has been approved by the Zoning Board of Appeals. The site does meet side-yard setbacks.

Mr. Leone noted the fifteen foot greenspace across the front of the site and that the Board typically asks for twenty. But in this case, I think that it is a parking issue.

Mr. Smith stated that he had viewed the site and felt that the fifteen feet should be sufficient.

Mr. Parrish added the space was approximately ten feet from the right-of-way. The pavement that is shown is about seventeen feet.

Mr. Leone: Again, you have ten feet where the Board typically asks for twenty feet. What is the width of the drive isle?

Mr. Crissey: As dimensioned on the previous site plan, this is a twenty-four foot drive with twenty foot parking spots. I believe this area is twenty-two with twenty foot parking spots.

Mr. Parish asked if the plan was going to be revised. What is shown on the screen does not match the plan given out tonight.

Mr. Crissey noted the latest plan. The Dollar General requires thirty parking spaces.

Mr. Parrish: Twenty-four feet is the main drive isle that goes between the buildings.

Mrs. May: Will the pizza shop have a dining area or will it mainly be take-out?

Mr. O'Connell responded mainly take-out. It will be small. Ninety percent will be take-out.

The Board discussed the number of present parking spaces, the number of proposed parking spaces and the number of parking spaces needed.

Mr. O'Connell: Dollar General needs between twenty-five and thirty spots. The Laundromat needs fifteen to twenty spots. The pizza place will be take-out. They might have a couple of tables minimally.

Mr. Mott asked for the distance between the entrance and the closest points.

Mr. Parrish: Thirty-five feet. You are looking at twelve foot lanes, plus or minus. You have three lanes there.

Mr. Leone: Have you talked to the DOT about your driveway? You are not directly across from the mall. The site is wide open now.

Mr. Cushman: They may have to be curbed and defined.

More discussion occurred regarding parking and the basketball area/park.

Mr. Leone asked the applicant to discuss the layout of the entrances, handicap parking, etc.

Mr. Crissey: We have three lanes, one would be an in-bound lane the others are a left turn and a right turn. There is additional shared parking here. There are two entrances to the Laundromat, on the front.

Mr. Smith: There would be an emergency entrance in the back?

Mr. Crissey: Correct. Customers will not come in and out of that entrance.

Mr. Leone: Is there a rear, side or emergency entrance for the pizza place?

Mr. O'Connell: (Response not clear.)

Mrs. May: Can you go from the Laundromat to the pizza place and visa-versa?

Mr. O'Connell: We are not planning on that for this location.

Mr. Crissey: There are two dumpster pads, one for the Dollar General and the other for the pizza place and Laundromat. They both open up off the back. It looks like that should be changed. The Laundromat would be open 24 hours, 7 days per week.

More discussion occurred regarding the stacking of cars.

Mr. Crissey discussed the building's façade, lighting including pole lighting and the strip of fluorescent lighting under the over hang of the Laundromat.

Mr. Leone asked if the number of parking spaces meets the state's standards.

Mr. Dean responded that he would check the numbers.

Mr. Crissey explained that a 1/300 ratio was used.

Mr. Dean thought the 50 spaces number seemed low. He noted part of the ditch was not on the applicant's property.

Ms. Cole added a right of entry agreement would be needed.

Mr. O'Connell explained that they would take care of the lawn and other maintenance of the site.

Mr. Dean added the Board would need to wait for the County's response.

Mr. Parrish explained that the signage package needed to be re-done using frontage from each building.

Mr. Dean discussed doing a subdivision/re-configuration of lot lines to have two parcels.

SITE PLAN, PARKS STORAGE, 8822 ROUTE 11 LLC
8822 BREWERTON ROAD, PROPOSED EXPANSION
IANUZI & ROMANS

Representatives: Art Helmbold, Ianuzi & Romans
Dick Parks, Applicant

Mr. Helmbold noted the plans were revised to meet the requirements of the engineer's letter. There was a comment about additional parking which was added to the front. We have not changed the configuration of the access around the property. The Fire Department had reviewed and approved that. I believe that all of the storm water concerns have been addressed. We are going to move the sign.

We have pictures of the building Mr. Parks would put up. Nothing would be on the front except for the corner windows shown here. There will be a door on the side. There will be landscaping across the front as shown on the site plan. The building's colors will match what is currently out there, tan and green. The picture just shows the dimensions and the roof line.

The Board discussed how the pictures did not give a clear understanding of the façade. Mr. Leone explained storage units were generally located in an Industrial area. This is a General Commercial area. They requested that the area be dressed up a little more.

Mr. Smith: It needs to be dressed up. It looks like it belongs in an Industrial area. We are being asked to put this in a commercial area to accommodate you. It is not fitting.

Mr. Parks: Across the street is large garage/barn that was re-sided. It looks very industrial. That area has been cleaned up and has big doors. It would only be a sixty foot building, not very big, with corner windows and a door. The colors would be green, beige and white with a trim. There would be bushes and a hedge row. We think that it will look very nice.

Mr. Parrish asked if the building would be as high as the building pictured.

Mr. Parks: It would be the same height as our other buildings.

More discussion occurred regarding the picture not being an actual representation of the façade.

Mr. Leone: The issue in front of this Board is that the basics of this building have no curb appeal in regards to where it is going to be placed on Route 11. I am not sure that the Board has a clear understanding of what the applicant wants for approval tonight.

Mr. Helmbold: Apparently, we will have to get a building plan that is the same height and same colors as the existing buildings. It should show the corner windows and no garage door. Is there anything else that you would like to see on the building, for example decorative blocks?

Mr. Leone noted he was hoping for some decorative block, perhaps a half course.

Mr. Smith added in the front, not the whole building.

Mr. Parks: That is not a problem.

More discussion occurred.

Mr. Parks: Is that something that we can submit after approval, after the fact?

Mr. Smith: Speaking for myself, I can not vote yes without knowing what it is going to look like. That is a decision of this Board. It is not something that we would leave to the staff. It is not fair. That is a decision this Board has to make.

Mr. Mott: I would like to see a better drawing. I would like to see some architecture, some brick and some landscaping. When you drive by the building, I don't want to see a metal building and a metal roof, especially in that area.

Mrs. May: It looks like an over sized shed.

Mr. Leone: We have not dictated the height or color of your building. The board is asking for what you are building, with a picture of what you are building. If you would like to show the dimensions for the record, that would be great. I think that you are far enough along that we are only missing that one step.

Mr. Parrish: Can you explain where you are with the sewage disposal?

Mr. Helmbold: We spoke with Jeff Till from the Onondaga County Health Department. A representative from that office went out to the site and did a report. Unfortunately, I did not get anything back from them.

Mr. Parrish: The Board can approve the site plan contingent upon gaining approval for the sewage disposal system. They do show where it is, generally. Basically you are still investigating what you have out there. What you have may be acceptable, but you may have to do some improvements also.

Mr. Helmbold: I think that most likely there will not be any improvements. I think that it will be acceptable. The actual use would be decreased.

Mr. Parrish: I asked that the location of the septic tank be shown. You show the leech field.

Mr. Helmbold: That is what we are trying to get from them.

Mr. Leone: We went through lighting. We have the storm water. Turning radii are cool. The back buildings were okay. Basically, we need to see a response from the Health Department and what the building would look like.

SITE PLAN, PROPOSED BANK/CREDIT UNION PAD SITE
(PREVIOUSLY GERMANIA PROPERTY GROUP/ PATHFINDER BANK)
6194 ROUTE 31, PROPOSED BANK AND DRIVE THROUGH
CHA/DUNN & SGROMO ENGINEERS

Representative: Amy Franco, CHA

Mrs. Franco: We have gone through Mark's last comments and submitted updated plans. We had a review letter based upon those plans from September 16. As a review, this is a 3,914 sq. ft. building for a bank/credit union. We do not have a tenant at this point. There would be a canopy in the back. The location is along Route 31, with Walgreens across the street. The adjacent parcels are a union building, a gas station and a dentist's office. We have storm water proposed in the rear of the property, with a sidewalk along the front and greenspace. There is landscaping around the building.

Mr. Smith asked a procedural question. You are asking us to approve this pad. This will come back to this Board for approval of how the building will look.

Ms. Cole: That was clear to the developer all along because they do not have a tenant.

Mr. Leone: We have asked that the driveway be aligned with the driveway next door, or eliminate the driveway next door. Where does that sit?

Mrs. Franco: We have not had further conversation with the union property owners. We did have some concerns with the DOT and how they felt about it. I spoke with them yesterday. They felt that if the union ended up doing anything with their property, they would not allow them to use this curb cut to Route 31. It would have to be closed. They feel strongly that our connection across Route 31 is the primary access point. At this point showing potential future

cross access is the best that we can do. All of our improvements would be installed, the curbing, the radius, etc right up to the property line. The DOT said even if the radius currently encroaches upon the union's driveway, it is in their right-of-way and they want it. The union property does have access onto Sandra Avenue, so we are not taking anything away from them.

Mr. Leone: I do not have a problem proceeding that way as long as we get something from the DOT that says if this goes to construction...

Ms. Cole: You have something very close to that. There is a letter from the DOT dated March 11, 2009 which states: Please progress the design of the bank driveway with the center line of the proposed driveway aligned with the center line of the opposing driveway as shown on submissions from July 24, 2008. Cross assess with the adjacent parcel will be addressed at a future point in time.

Mr. Parrish: This plan is consistent with the design they are referencing.

Mr. Leone: I think that the DOT could be clearer and say that either they will combine or we will require them to close it. They do have access off of Sandra. They only need one point of public access.

Mr. Dean: I talked to the Union and their position has not changed. They do not want the combined access.

Mr. Leone: The Union may not want it, but they might not have a choice. The DOT can say if this is constructed, this is a better driveway and we will be closing your driveway. Then we would say get a cross access agreement or use Sandra.

Mrs. Franco: We will provide to the property line the potential for the cross access. It will be paved. That connection will be there.

Mr. Leone: The other issue we were dealing with is lighting under the canopy. At one point we were told that banking regulations required a huge amount of lighting. The canopy lighting seemed too strong. What are the levels now?

Mr. Parrish reviewed the lighting levels under the canopy. Directly under those lights you have some bright areas. But those tend to dissipate fairly quickly as you get further away from the center of the light.

More discussion occurred.

Mrs. Franco: There is a stockade fence in the back portion that would act as a buffer. The fence is six feet tall.

Mr. Leone: I thought that we were going to carry the fence up a little further to stop the swing of headlights?

Ms. Cole: I thought that I remembered because that building was there, it would not matter as much.

Mr. Smith: Is this strictly a drive up ATM? Can someone walk up and use it? With the fence it would become less visible.

Mrs. Franco: I think that the main plan is for it to be a drive up ATM, but that does not prevent someone from walking to it.

More discussion occurred.

Mr. Leone: Mark, we talked about the drainage several times. You said that there would still be free standing water and this improves that slightly. This was a residential concern.

Mr. Parrish: Wayne and I have been out there to look at this together and individually. It looks like there is water that sits on the property to the south, the Bragman property. A ditch has been constructed along the easterly property line of this property in an attempt to drain that area or drain a portion of the area in the middle of this site. A portion of it will be piped up to the Route 31 right-of-way on the north side of the site. The rest they are proposing to keep as a ditch. They have shown grading, to re-grade it so that the elevation can drain the water down to the swale. The swale will be flat.

Ms. Cole: Mark also noted that they are going to need a storm water maintenance agreement with the Town. Doing that now would be premature because we don't have anything under construction yet, but we want to note that when it comes back in for architectural, lighting and maybe signage that will need to be addressed at that time as well.

Mr. Leone: Have you adjusted the light poles?

Mrs. Franco: I think it was just the labeling.

Mr. Parrish: I have not seen a plan that addresses any of this.

Mr. Leone: I think that the Board's position is you may want to pull out from your request anything that has to do with lighting, signs, storm water agreement, and architectural features. You might want to have further conversation with the DOT to get something from them which notes how they are going to deal with the driveway in the future. Adjust the fence. I don't know what to say on the drainage thing. It is still a problem that I don't know if you can get around. I don't think that it is this site's problem.

Mr. Parrish: There is standing water in the back. I don't think that this project will make it any worse, but then again it is not going to necessarily make it any better.

Mr. Smith: Should we consider a time limit for the project?

Mr. Leone: I think that we should give it a two year time frame. If you can not do something within two years of the approval, it comes back to the Board.

Mr. Dean agreed.

Mrs. Franco: Do I need to come back? I think that we have addresses everything pretty much.

Ms. Cole: You can do an approval contingent upon the driveway.

Mrs. Franco: We can get a letter from the DOT.

More discussion occurred.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the environment and that this resolution shall constitute a negative declaration for the purposes of Article 8 of the Environmental Conservation Law of the State of New York. Mr. Smith seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

Mr. Leone made a motion to approve the site plan for a proposed credit union/bank pad at 6194 Route 31 with a revision date of September 11, 2009 which does not include approval for signage, lighting, architectural features and the storm water management agreement; all of which must come back in before this Board for approvals. Site plan approval also includes the following contingencies: the adjustment to the fence, a letter from the NYSDOT regarding their intent with respect to the Union's driveway and if their intent is to close that driveway and a two year sunset clause where the developer must present plans to the Planning Board for re-approval consistent with applicable laws and rules if the project has not commenced within two years of this approval date. Mrs. May seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

SITE PLAN, SEFCU, 8086 BREWERTON ROAD
PROPOSED NEW BRANCH OFFICE, BARTON & LOGUIDICE, P.C.

Representatives: Chuck White, Barton & Loguidice, P.C.
Dan Klune, SEFCU

Mr. White introduced himself giving a brief review of the project including what was discussed at previous meetings. He noted revisions to the sidewalk plan, the submission of a grading plan and the revised lighting plan with its reduced light levels. He noted they had not received a formal letter from the DOT, but that he had received some emails. He asked that approval for the site plan be given contingent upon a DOT letter and traffic.

Mr. Leone spoke about traffic being factored into the original entrance plan and if improvements were to be completed during Phase I or Phase II. He noted the DOT would want assurances that property was being transferred for improvements to the entrance, even though they did not give a specific date as to when said improvements should be done. He noted the applicant's need to modify the sidewalk plan along Route 11 adding when the drainage in that area was fixed by the State, the sidewalk must be continued.

Mr. White explained that the total number of parking spaces was down from 36 to 30. He presented correspondence from the Fire Department regarding access and circulation for the site.

Mr. Leone asked about snow storage.

Mr. Parrish responded there were some storage areas off to the side of the site, or that snow could be removed from the site.

Ms. Cole asked that the subdivision be a contingency of site plan approval.

Mr. Parrish agreed with Ms. Cole.

The Board agreed that the landscaping features looked good.

The Board discussed the lighting plan in detail. Mr. Parrish explained the levels within the five foot light radius from the ATM along with the spaces in between the grid points. More discussion occurred.

Mr. White gave signage details. There is 74 linear feet of building frontage including the canopy. There would be a pylon/monument sign at Route 11 with three signs on the building. The total square footage would be approximately 74. There would also be some directional or traffic signs.

We have a one way circulation pattern around this side of the site, given the one way for the drive through. There is a single lane here. This traffic sign is to discourage continuing back up in a clockwise direction on the north side of the site.

Ms. Cole: I don't believe that I have had the access agreements or easement agreements to review yet. So, I would like to make your site plan contingent upon those being provided to me so that I can review them. I will be asking Wayne's office to withhold issuing any building permits until those have been approved and recorded.

Mr. White: For the record, I will note that those will be provided by Rocklyn along with the subdivision portion of the application.

Tim Murphy, Noel Road: On September 2nd when these guys came in, they came over on the back of Noel and cut down all of the trees. Everyone said that was a great idea because they plan on giving us the fence that was promised to us five years ago. So now we are getting a five year old fence second hand? My point was, if they are moving Hanson's fence from that property and putting it up in the back of Noel, it is only 500 ft. long. Will they just stop it at that point? Are they going to remove the berm?

Mr. Leone: I have no idea. The fence coming from the Hanson property is being resurrected behind your house?

Mr. Murphy: Exactly. I don't have another bite at the apple. That is why I am here today.

Mr. Leone: Do they have the right to build part way on a fence?

Mr. Dean responded yes.

Mr. Leone: Do they have the right to put up a two year old fence if they want to?

Mr. Dean responded yes. A fence was not required there by site plan, according to my understanding. It was not required originally. They are re-using the fence rather than throw it away. They will use what they have and extend it along. They are helping the situation.

Mr. Murphy: Will it be on the line? How can they maintain it if it is on the line?

Mr. Dean: The last time I talked to them they were going to off set it six feet so that they can mow along the buffer.

Mr. Leone asked if any trees were cut down that were required by site plan. If there were conditions of trees along that edge for privacy, etc., they would have been included in the site plan. They would not have a right to remove those trees.

Mr. Murphy: I am not sure what it was legally as to what they could leave and what they could cut. I understand it is not a SEFCU issue, but I won't have another chance at this.

Mr. Leone: Eventually, we will get back to Phase II.

More discussion occurred.

Mr. Murphy: Did SEFCU do a traffic study?

Mr. Leone: We have done our own research. It appears that at some time the DOT took a position. Now we are asking them to re-state that position. If you took it, it is in a letter, re-state it.

Mr. Murphy: I wondered what they said about the intersections north and south. Are they passing or failing?

Mr. Dean: It is my understanding that the traffic for this out parcel is included.

Mr. Leone: Through this process this Board has done exactly what it set out to do. Some how, some way through the developer, the turn lane's land became available. We tried to make the intersection what it was supposed to be. The next step is getting it built some day. Hopefully when we get back to Phase II we can address some of your other issues.

Mr. Hanson of Eileen Avenue asked if there was a date for the house to go down.

Mr. Dean noted they have not applied for a demolition permit yet.

Mr. Hanson asked if the demolition would be a Fire Department project.

The Board did not know that which demolition method would be used.

Mrs. May made a motion regarding SEQR. She read: Be it further resolved that the Planning Board of the Town of Cicero hereby determines that the proposed action will not have a significant effect on the Environment and that that this resolution shall constitute a negative declaration for the purposes of Article Eight of the Environmental Conservation Law of the State of New York. Mr. Smith seconded the motion. The motion was approved with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

Mr. Leone stated there were a lot of hurdles on this project. We appreciate how much the developer and the tenant has worked with this Board. Mr. Leone made a motion to approve the site plan with a revision date of September 4, 2009 for the SEFCU project at 8086 Brewerton Road including the following contingencies: the sidewalk along Route 11 needs to be finished by the applicant as soon as the improvements to the drainage are made on the adjoining lot. That allows the extension for that sidewalk. The subdivision application should be filed and approved by the Town. The access agreements are to be filed and approved by the Town and its legal representative. Mrs. May seconded the motion. The motion was approved

with the following vote:

Mr. Cushman:	Yes
Mr. Smith:	Yes
Mrs. May:	Yes
Mr. Mott:	Yes
Mr. Purdy:	Yes
Mr. Leone:	Yes

DISCUSSION, SHIVA ESTATES PROJECT
PRELIMINARY SUBDIVISION
GUY YOUNG ROAD, 14 LOTS, FISHER ASSOCIATES

Mr. Leone: We had the Shiva Estates project scheduled for tonight. Mr. Smith pointed out to me that we don't want to lose our right. We want to assure ourselves that the time line is still acceptable.

Mr. Parrish: I think that the Board had 90 days, so the first meeting in October sounds good. The second meeting in October might be cutting it close.

Ms. Cole agreed. I think that you have at least one more meeting before you have a drop dead date.

Mr. Smith: Does it help to protect ourselves by noting the fact that we were here and prepared to discuss it?

Ms. Cole: I don't think that it would hurt.

Mr. Leone: Then for the record, we were here for them and the applicant decided not to attend the meeting. I want to assure that this does not relinquish this Board's right to move in the future with an automatic default.

Mr. Smith: The chairman had notified them that they would be on the agenda.

Mrs. May: We were prepared to discuss the subdivision plan this evening.

Mr. Smith: And to act.

Ms. Cole: This is by no means considered a default approval.

Mr. Leone made a motion to adjourn. Mrs. May seconded the motion. The motion was approved unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD, THE MEETING WAS ADJOURNED AT 9:10 P.M.

Dated: October 3, 2009

Tonia Mosley, Clerk

