

*TOWN OF ULSTER  
PLANNING BOARD  
August 9, 2016*

The monthly meeting of the Town of Ulster Planning Board was held on Tuesday August, 16, 2016 at 7:00 p.m. at the Town Hall Lake Katrine, New York. The following members were present:

Gary Mulligan-Chairman  
Frank Almquist  
Anna Hayner

Karl Allison  
Larry Decker  
Troy Ashdown  
Alan Sorensen – Planner

A motion to approve the minutes from the July meeting was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

**Lands of Fiore/Felton**

Dan McCarthy appeared on behalf of the application for a Lot Line Revision. Mr. McCarthy reviewed the maps with the Board; the applicant is transferring 1.80 acres from Mr. Fiore to Mr. Felton.

**Action:** A motion to open the Public Hearing was made by Mr. Almquist with a second from Mrs. Hayner.

No one spoke for or against the request.

**Action:** A motion to close the Public Hearing was made by Mr. Decker with a second from Mr. Almquist.

Mr. Sorensen stated the request meets the Zoning Standards and recommended the Board grant approval. Mr. Sorensen read the resolution.

**WHEREAS**, the applicants – William & Kimberly Fiore – are seeking approval for a Minor Resubdivision (Lot Line Revision) involving Town of Ulster Tax Lots SBL 39.001-4-17 & 18; and

**WHEREAS**, the Proposed Action involves the transfer 1.80-acres from Tax Map SBL 39.001-4-18 to Tax Map SBL 39.001-4-17 wherein SBL 39.001-4-18 would be reduced from 15-acres to 13.2-acres and SBL 39.001-4-17 would increased in size from 5.85-acres to 7.65 acres; and

**WHEREAS**, pursuant to Section 161-9 of the Town Code, the Proposed Action is a Lot Line Revision, which is subject to the approval of the Town of Ulster Planning Board and requires at least one public hearing; and

**WHEREAS**, the application materials in support of the Proposed Action includes:

- *Application for Preliminary Subdivision Plat Approval* by Daniel McCarthy dated 6/29/16;
- *Short EAF* prepared by Daniel McCarthy dated June 29, 2016; and
- *Lot Line Revision Map* prepared by Praetorius & Conrad, P.C., dated June 28, 2016.

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**WHEREAS**, referral to the Ulster County Planning Board was not required pursuant to the UCPB Land Use Referral Guide; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, a *Lot Line Revision Map* was prepared by Praetorius & Conrad dated June 28, 2016 and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the map subject to the submission of a map entitled Final Plat; and

**WHEREAS**, the proposed lots and improvements comply with the bulk requirements of the R-60 Residential Zoning District; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impacts; and

**WHEREAS**, a public hearing was held on August 16, 2016; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a *SEQR Negative Declaration* for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Revision approval as described above to William & Kimberly Fiore subject to the conditions, limitations and restrictions set forth below.

1. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. All fees, including consultant fees, shall be paid.

**Action:** A motion to accept the Planner's recommendation was made by Mr. Almquist with a second from Mr. Allison with all in favor.

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**Solar City/ Ulster County**

Dennis Doyle updated the Board of the solar facility project that will be constructed on the County owned property located at 1951 Frank Sottile Blvd.

**Stewarts**

Steven Kinsley appeared on behalf of the application for Site Plan. Mr. Kinsley stated the plans have been revised; the signage meets the Town Code and the lighting levels have been reduced. There were no questions from the Board. Mr. Sorensen stated the applicant has applied for a Lot Line Deletion as well as Site Plan. All issues have been addressed. Mr. Sorensen recommended the Board grant a Negative Declaration and approve the Lot Line Deletion and forward the project to the Town Board for approval. A motion to grant a Negative Declaration was made by Mr. Decker with a second from Mr. Almquist with all in favor. Mr. Sorensen read the resolution.

**WHEREAS**, the applicant – *Stewart’s Shops Corp with the Consent of George Devine (Owner of SBL 39.16-1-20)* – submitted an application seeking Lot Line Adjustment which would result in the creation of 1 lot by combining 2 tax parcels identified on the Town of Ulster Tax Maps as S-B-L: 39.16-1-20 & 21; and

**WHEREAS**, pursuant to §161-9 and §161-11.1 of the Town Code, the Proposed Action is a Lot Line Adjustment, which is subject to the approval of the Town of Ulster Planning Board; and

**WHEREAS**, the environmental review for the Proposed Action also involves *Site Plan Amendment approval* for demolition of their existing 2,320 square foot (sf) convenience store and canopy with 2 gas dispensers and to build a new 3,897 sf convenience store with a 3,358 sf fueling station canopy and 6 gas dispensers; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

**WHEREAS**, the Town of Ulster Planning Board has assumed Lead Agency for this Unlisted-Action Coordinated Review; and

**WHEREAS**, the application materials in support of the Proposed Action includes:

- *Project Narrative* prepared by Steven R. Kinley, dated February 25, 2016;
- *Site Plan Consent Form* signed by George Devine property owner, dated 2/17/16;
- *Site Plan Application* prepared by Stewart’s Shops Corp dated February 25, 2016;
- *Application for preliminary subdivision plat approval* by Stewart’s Shops dated 2/25/16;
- *SEQR Short EAF* prepared by Stewart’s Shops Corp. dated February 25, 2016;
- *Title Sheet and Elevations* prepared by Stewart’s Shops dated February 23, 2016; and
- *Proposed Site Plan* prepared by Stewart’s Shops dated February 23, 2016.
- *Project Narrative* prepared by Steven R. Kinley, Real Estate Rep., dated May 31, 2016;
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- *Site Plan Consent Form* signed by George Devine property owner, dated 2/17/16;
- *Title Sheet and Elevations* prepared by Stewart's Shops dated May 25, 2016;
- *Lot Line Adjustment Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Existing/Demolition Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Proposed Site Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Grading Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Stormwater Management Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Lighting Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Landscaping Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Erosion and Sediment Control Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Miscellaneous Details* prepared by Stewart's Shops dated May 25, 2016;
- *Vehicle Movements* prepared by Stewart's Shops dated May 25, 2016;
- *Emergency Vehicle Movements* prepared by Stewart's Shops dated May 25, 2016; and
- *Stormwater Pollution Prevention Plan* prepared by Stewart's Shops dated February 23, 2016.  
*Project Narrative* prepared by Steven R. Kinley, Real Estate Rep., dated July 29, 2016;
- *Title Sheet and Elevations* prepared by Stewart's Shops dated July 25, 2016;
- *Lot Line Adjustment Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Existing/Demolition Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Proposed Site Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Grading Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Stormwater Management Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Lighting Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Landscaping Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Erosion and Sediment Control Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Miscellaneous Details* prepared by Stewart's Shops dated July 25, 2016;
- *Vehicle Movements* prepared by Stewart's Shops dated July 25, 2016;
- *Emergency Vehicle Movements* prepared by Stewart's Shops dated July 25, 2016;
- *Stormwater Pollution Prevention Plan* prepared by Stewart's Shops revised July 2016;
- and
- *Threatened & Endangered Species Survey* prepared by the LA Group dated 6/14/16.

**WHEREAS**, the proposed lot and proposed improvements comply with the bulk requirements of the HC-Highway Commercial Zoning District; and

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and comments were received on July 7, 2016; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, a *Lot Line Adjustment Plan (i.e. Final Plat)* was prepared and submitted for review to the Planning Board with a recommendation by its consulting planner to accept the Final Plat; and

**WHEREAS**, a public hearing was not required to approve the Lot Line

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Adjustment; and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

**NOW THEREFORE BE IT RESOLVED**, the Planning Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby makes a SEQR Determination of non-significance and issues a *SEQR Negative Declaration* for the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby grants Lot Line Adjustment approval as described above to *Stewart's Shops Corp with the Consent of George Devine (Owner of SBL 39.16-1-20)* subject to the conditions, limitations and restrictions set forth below.

1. The applicant submits Final Lot Adjustment Map with required signature blocks for the Owner's and the Planning Board authorizations.
2. Plat may be filed with Office of County Clerk after signed by the Chairman of the Planning Board;
3. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
4. All fees, including consultant fees, shall be paid.

**Action:** A motion to approve the Lot Line Deletion was made by Mrs. Hayner with a second from Mr. Decker with all in favor.

Mr. Sorensen read the resolution for Site Plan approval.

**WHEREAS**, the applicant – *Stewart's Shops Corp* – submitted an application seeking *Site Plan Amendment approval* for the demolition of their existing 2,320 square foot (sf) convenience store and canopy with 2 gas dispensers and to build a new 3,897 sf convenience store with a 3,358 sf fueling station canopy and 6 gas dispensers; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

**WHEREAS**, the Town of Ulster Planning Board, as the Lead Agency for this Unlisted-Action Coordinated Review, has granted a SEQRA Negative Declaration; and

**WHEREAS**, the application materials in support of the Proposed Action includes:

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- *Project Narrative* prepared by Steven R. Kinley, dated February 25, 2016;
- *Site Plan Consent Form* signed by George Devine property owner, dated 2/17/16;
- *Site Plan Application* prepared by Stewart's Shops Corp dated February 25, 2016;
- *Application for preliminary subdivision plat approval* by Stewart's Shops dated 2/25/16;
- *SEQR Short EAF* prepared by Stewart's Shops Corp. dated February 25, 2016;
- *Title Sheet and Elevations* prepared by Stewart's Shops dated February 23, 2016; and
- *Proposed Site Plan* prepared by Stewart's Shops dated February 23, 2016.
- *Project Narrative* prepared by Steven R. Kinley, Real Estate Rep., dated May 31, 2016;
- *Site Plan Consent Form* signed by George Devine property owner, dated 2/17/16;
- *Title Sheet and Elevations* prepared by Stewart's Shops dated May 25, 2016;
- *Lot Line Adjustment Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Existing/Demolition Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Proposed Site Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Grading Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Stormwater Management Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Lighting Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Landscaping Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Erosion and Sediment Control Plan* prepared by Stewart's Shops dated May 25, 2016;
- *Miscellaneous Details* prepared by Stewart's Shops dated May 25, 2016;
- *Vehicle Movements* prepared by Stewart's Shops dated May 25, 2016;
- *Emergency Vehicle Movements* prepared by Stewart's Shops dated May 25, 2016; and
- *Stormwater Pollution Prevention Plan* prepared by Stewart's Shops dated February 23, 2016.
- *Project Narrative* prepared by Steven R. Kinley, Real Estate Rep., dated July 29, 2016;
- *Title Sheet and Elevations* prepared by Stewart's Shops dated July 25, 2016;
- *Lot Line Adjustment Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Existing/Demolition Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Proposed Site Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Grading Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Stormwater Management Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Lighting Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Landscaping Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Erosion and Sediment Control Plan* prepared by Stewart's Shops dated July 25, 2016;
- *Miscellaneous Details* prepared by Stewart's Shops dated July 25, 2016;
- *Vehicle Movements* prepared by Stewart's Shops dated July 25, 2016;
- *Emergency Vehicle Movements* prepared by Stewart's Shops dated July 25, 2016;
- *Stormwater Pollution Prevention Plan* prepared by Stewart's Shops revised July 2016;
- and
- *Threatened & Endangered Species Survey* prepared by the LA Group dated 6/14/16.

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide, and comments were received on July 7, 2016; and

**WHEREAS**, the UCPB issued required modifications in its July 7, 2016 decision letter that included the following: 1) Final approval of the proposed access by the NYSDOT will be necessary; 2) A sidewalk or stripped connection from the proposed sidewalk to the convenience store should be established; 3) Lighting Levels should conform to the Town of Ulster's standards for outdoor lighting levels and also not exceed the Illuminating Engineering Society (IES) Outdoor Site/Area recommended luminance

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levels; and 4) The proposed sign should conform to the standards of the Town's zoning statute; and

**WHEREAS**, the applicant's revised Plan Set dated July 25, 2016 complies with the required modifications of the UCPB; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, the Planning Board upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the Proposed Action did not pose any potentially significant adverse environmental impact; and

**WHEREAS**, the Planning Board determined it had complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and thereby issued a SEQR Determination of non-significance and issued a *SEQR Negative Declaration* for the Proposed Action at its August 16, 2016 meeting; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation to the Town Board to grant conditional Site Plan approval to *Stewart's Shops Corp* to amend the Site Plan as described above on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Applicant addresses all technical comments by the Town Designated Engineers Brinnier & Larios, PC;
5. In order to avoid impacting the Northern Long Eared Bat summer roosting, the applicant will perform any tree removal associated with the proposed project between November 1<sup>st</sup> and March 31<sup>st</sup>;
6. No blasting shall occur on the site without prior review and approval of an applicant prepared blasting protocol by the Town Designated Engineers Brinnier & Larios and the Town Building Inspector;
7. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
8. All fees, including consultant fees, shall be paid.

**Action:** A motion to forward the project to the Town Board for approval was made by Mr. Almquist with a second from Mr. Allison with all in favor

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**All Space Storage**

Shawn Curran appeared on behalf of the application for site plan revision. The applicant is construction 4 new storage building. The Ulster County Planning Board reviewed the project and issues a “No County Impact”. Mr. Sorensen stated all issues have been addressed and recommended the Board forward the project to the Town Board for approval. Mr. Sorensen read the resolution.

**WHEREAS**, the applicant – *Apollo Group, LLC dba All Space Storage* – is seeking *site plan amendment approval* for the construction of 4 storage buildings totaling 26,400 square feet, along with the construction of associated access drives, site lighting and stormwater treatment facilities on the subject site, which is located at 1693 Ulster Avenue; and

**WHEREAS**, the Proposed Action is Phase 2 of a Master Plan, which received a SEQRA Negative Declaration and was approved by the Town of Ulster Town Board in April of 2014; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

**WHEREAS**, the application materials in support of the Proposed Action includes:

- *Written Narrative for All Space Storage* by Kenneth Casamento, Principal dated 6/27/16;
- *Site Plan Amendment Application* by Jason Page – Apollo Group, LLC dated 6/27/16;
- *Site Plan Consent Form* prepared by Jason Page – Apollo Group, LLC dated 6/27/16;
- *Amended Site Plan Cover Sheet* prepared by LRC Group, Engineering dated 6/28/16;
- *Topographic Survey* prepared by Vincent P. Ausfeld, P.L.S, dated November 7, 2013;
- *Amended Site Plan Allspace (Phase II)* prepared by LRC Group, Engineering dated 6/28/16;
- *Site Plan Sheet* prepared by LRC Group, Engineering dated 6/28/16;
- *Grading & Drainage Plan Sheet* prepared by LRC Group, Engineering dated 6/28/16;
- *Erosion & Sediment Control Plan Plan* prepared by LRC Group, Engineering dated 6/28/16;
- *Lighting Plan Sheet* prepared by LRC Group, Engineering dated June 28, 2016;
- *Truck Turning Plan* prepared by LRC Group, Engineering dated June 28, 2016; and
- *Detail Sheet* prepared by LRC Group, Engineering dated June 28, 2016.



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- *Written Narrative for All Space Storage* by Kenneth Casamento, Principal dated 7/18/16;
- *Amended Site Plan Cover Sheet* prepared by LRC Group, Engineering dated 7/18/16;
- *Topographic Survey* prepared by Vincent P. Ausfeld, P.L.S, dated November 7, 2013;
- *Current Conditions Phase I Plan* prepared by LRC Group, Engineering dated 7/18/16;
- *Amended Site Plan Allspace (Phase II)* prepared by LRC Group, Engineering dated 7/18/16;
- *Grading & Drainage Plan Sheet* prepared by LRC Group, Engineering dated 7/18/16;
- *Erosion & Sediment Control Plan Plan* prepared by LRC Group, Engineering dated 7/18/16;
- *Lighting Plan* prepared by LRC Group, Engineering dated July 18, 2016;
- *Truck Turning Plan* prepared by LRC Group, Engineering dated July 18, 2016;
- *Master Plan Sheet* prepared by LRC Group, Engineering dated July 18, 2016;
- *Detail Sheet* prepared by LRC Group, Engineering dated June 28, 2016; and
- *Building Elevations* prepared by Nel-Struct, LLC dated August 25, 2015.

**WHEREAS**, referral to the Ulster County Planning Board was required pursuant to the UCPB Land Use Referral Guide and the Ulster County Planning Board opined the Proposed Action would have “No County Impact”; and

**WHEREAS**, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference) and the comments by the UCPB; and

**WHEREAS**, the Town’s consulting engineer Brinnier & Larios, PC have recommended the Planning Board accept the SWPPP prepared for the Proposed Action; and

**WHEREAS**, the Planning Board has received a recommendation by its consulting planner to accept the Proposed Site Plan; and

**WHEREAS**, the Planning Board upon review of the entire record (including the Town Board’s prior SEQRA Negative Declaration) found there were no issues related to the Current Proposed Action that would warrant supplemental environmental review pursuant to Part 617 of State Environmental Quality Review (SEQR) law; and

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**WHEREAS**, the Town of Ulster Planning Board recommends the Town Board reaffirm its SEQRA Negative Declaration of April 2014; and

**WHEREAS**, the Town of Ulster Planning Board has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board recommends the Town Board reaffirm its April 2014 SEQR Negative Declaration on the Proposed Action; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Planning Board hereby recommends the Town Board grant Site Plan Approval to – *Apollo Group, LLC dba All Space Storage* – at the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. The Town’s consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
4. All fees, including consultant fees, shall be paid.

**Action:** A motion to forward the project to the Town Board for approval was made by Mrs. Hayner with a second from Mr. Almquist with all in favor.

**Further Fitness**

Maribel Torres and John Stote appeared on behalf of the application for Site Plan. Ms Torres stated she would like to open a Personal Training Center in the building that housed “Breath Fitness”. After Breathe Fitness closed the owner of the property was granted a Use Variance for an office manufacturing use on the site. They were granted Site Plan approval for 2 new structures and the conversion of the existing structure. The existing building remained empty; never used for office/manufacturing. After a long discussion it was decided a Use Variance would be required. The Board agreed to grant approval of the Site Plan with the condition the buildings that have not been constructed are removed from the Site Plan and a Use Variance is granted.

**Action:** Mr. Decker motioned to grant conditional approval upon the ZBA issuing a Use Variance and the revision of the Site Plan. A second was made by Mrs. Hayner with all in favor.

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**Begnal Motors**

Mr. Begnal has requested temporary storage of cars on the parcel that is currently under construction. After a short discussion it was decided the request would be granted with the condition a note was added to the site plan. The approval will be for temporary storage that will cease prior to issuance of a Certificate of Occupancy.

A motion to adjourn was made by Mr. Almquist with a second from Mrs. Hayner with all in favor.

Respectfully Submitted,  
Mary Secreto, Planning Secretary