

PLANNING BOARD
Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795

January 11, 2016
Meeting Minutes

Present: Jim Bukowski, Member
Kevin Balachick, Member
Gordie Woolbaugh, Member
Warren Scofield, Member
Marchie Diffendorf, Chairman

Brady Begeal, Attorney
Tom Tracy, Associate Member

Absent: All in Attendance

Chairman Diffendorf called the meeting to order at 7:00 PM.

APPROVAL OF MINUTES:

Motion by Kevin Balachick and second by Gordie Woolbaugh to approve the minutes of the October 14, 2015 meeting as submitted. All voted in favor. Motion Carried.

Chairman Diffendorf asked Secretary Lori Garvey to resend out our September 2015 minutes to all board members for review and approval at our next meeting.

E.A.F. DETERMINATION – 4 PLAY SPORTS BAR

Chairman Diffendorf asked if anyone had any questions. Brady Begeal, Attorney for the town questioned: Page 1, Question 3B - Total Acres to be Physically Disturbed. He asked Ronald Gage partner of 4 Play Sports Bar if there will be any work done outside on the property. Mr. Gage said we did remove some scrubs. Mr. Begeal asked will you be paving the parking lot because this would be considered disturbance. Mr. Gage responded yes it will be paved. Brady Begeal stated Question 3B should be .049 not 0.

Chairman Diffendorf stated Page 1, Question 3A – Total Acreage of Site. If you look at the Broome County GIS System acreage of site should be .49 not .049.

Brady Begeal stated Page 2, Question 5B – Is the proposed action: Consistent with the adopted comprehensive plan should be answered Yes not N/A.

Warren Scofield stated Page 2, Question 12B – Is the proposed action located in an archeological area? This should be answered No.

Hearing no more questions, Chairman Diffendorf stated the board needed to review and answer the questions in Part 2 and Part 3 of the short E.A.F. filed. Chairman Diffendorf asked Brady Begeal if he would read the questions with the board:

Part 2-Impact Assessment: The board answered no, or small impact may occur to all eleven (11) questions.

Part 3-Determinantion of Significance: The board determined the proposed action will not result in any significant adverse environmental impacts.

Chairman Diffendorf will sign at the end of the meeting. Chairman Diffendorf asked the board if they had any further questions.

Hearing no more questions Chairman Diffendorf asked for a motion to accept the SEQR as submitted.

Motion by Kevin Balachick and second by Warren Scofield to accept the SEQR Negative Declaration as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Warren Scofield	Yes
	Marchie Diffendorf	Yes

Motion Carried.

SITE PLAN REVIEW – 4 PLAY SPORTS BAR

Chairman Diffendorf stated we will start with the parking plan. This is located in the one story building. Mr. D'Ambrosio said yes on the side. Chairman Diffendorf asked if the Escape Club would still be fully functional. Mr. D'Ambrosio said yes. Chairman Diffendorf asked if the upstairs is being used at all. Mr. D'Ambrosio said no, not at all. Chairman Diffendorf said that would impact the parking plan. Mr. D'Ambrosio said we don't use the basement or the upstairs. I am hoping since we don't use this space, this will give us enough parking spaces. Chairman Diffendorf said you can't use the upstairs for apartments. Mr. D'Ambrosio said we have no intentions of using it at all. Chairman Diffendorf said the total square footage on Broome County mapping system says it is 8514 feet, your using 900 square feet for the bar. That leaves 7600 feet, if you cut that in half because your not using the square footage upstairs, you have 3800 feet for one floor. In regards to your parking you have come up with 35 spaces plus 6 by the bar, total 41 parking spaces. Chairman Diffendorf stated one of our conditions for approval will be that you meet the criteria for parking. Warren Scofield said space is 9 ½ feet wide by 19 feet long. Your good on width but you are short length, you have 18 feet on the paper and you need 19 feet. Warren Scofield said by looking at your drawing, you received permission to use the parking lot towards Binghamton. Your drawings are very inadequate and hard to understand. Mr. Gage stated no, he then came forward to explain the drawing. Mr. Gage said you right, this drawing is backwards. Kevin Balachick asked was Drake Oil going to be a rental spot for parking. Mr. D'Ambrosio said no, he has not returned our calls and the drawings does not include his parking lot. Mr. D'Ambrosio asked if you cut off the top floor, will I have enough parking. Warren Scofield stated you have to have one parking spot for each 100 square feet. Chairman Diffendorf said even without the top floor, you still don't have enough. Mr. D'Ambrosio asked can I

get someone to measure the square footage of the top floor, that could possible show I have enough square footage. Chairman Diffendorf said the Code Enforcement Officer can do that for you. Chairman Diffendorf stated we can not approve your parking tonight because it is insufficient. Chairman Diffendorf said have Code

measure first if you still don't have enough. you will have to go to the Zoning Board of Appeals for an area variance.

Chairman Diffendorf asked how many exits do you have in the bar area. Mr. Gage said two. Chairman Diffendorf asked is there a door that goes into Escape in your bar. Mr. D'Ambrosio said no. Chairman Diffendorf asked if the stairway in the front of the building went to the second floor. Mr. D'Ambrosio said yes. Warren Scofield stated you should have a drawing that defines all of this to make it understandable. Chairman Diffendorf asked about signs, will you have one on the building. Mr. Gage said we will have two signs one on each side, not out front. Brady Begeal said when you resubmit your revised drawings, show exactly where the signs are.

Chairman Diffendorf stated there are conditions from Broome County that also need to be addressed. Will you repair and paint both buildings, if so what color. Mr. D'Ambrosio said yes we will paint a nice grey color. Chairman Diffendorf asked will you have a dumpster. Mr. Gage said no, we are not planning on it. Chairman Diffendorf said if you're not going to have a dumpster then I would prefer that the garbage not be stored outside. Mr. D'Ambrosio said no, it won't be. Chairman Diffendorf asked if there were any changes to the lighting. Will the parking lot be light. Mr. D'Ambrosio said yes the parking lot will be lighted, we have fixed a lot of it already, we removed trees also to help the lighting. Brady Begeal stated he is looking at a picture of the bar, this is not going to change. Mr. Gage said no it will not change.

Chairman Diffendorf asked will you be selling food. Mr. Gage said no not now, maybe down the road sometime. Chairman Diffendorf explained if you do put a kitchen in to serve food, you will have to come back for a site plan review. Brady Begeal asked what will be your estimated hours of operation for the bar. Mr. Gage said 11:30am till 1am during the week and on weekends we will close at 3am. Brady Begeal asked Chairman Diffendorf if the Town had a requirement or something that defines the hours. Chairman Diffendorf said no, but this is properly zoned. Chairman Diffendorf asked the board if they had any further questions.

Warren Scofield questioned the boxes that are checked on the 239 Review Submission Form. They should match the ones checked on the Site Development Application. The project tax map is located within 500 feet of the following:

Municipal Boundary should be unchecked and State/County Road should be checked.

Brady Begeal asked when do you expect to open. Mr. D'Ambrosio said hopefully May this year. Tom Tracy asked what will you be using the 14 feet of overhang for on the right hand side of the building. Mr. D'Ambrosio said a smoking area. Brady Begeal said this is why you need new drawings with labels because you can not see this on your drawings. Chairman Diffendorf asked will there be open containers or loud music. Mr. D'Ambrosio said no open containers, music yes but it won't be anything more than is there now. Chairman Diffendorf said you can have music, just make sure it is not loud. Brady Begeal questioned SWPP was needed.

He asked if the parking lot is correctly paved. Chairman Diffendorf said he doesn't think we need a SWPP, the parking lot is paved just broken up a bit. If you are going to repave it, that's when you need a SWPP because you are changing the drainage of the area. Mr. Gage said it is already paved, we are just going to resurface the existing blacktop. Chairman Diffendorf asked if anyone had any further questions. Mr. D'Ambrosio stated if I

get started on all of this tomorrow, will it take another month to get back in front of you again. Chairman Diffendorf said yes.

Hearing no further questions, Chairman Diffendorf asked for a motion to table the site plan review tonight with the following conditions:

- 1.) Parking comply Code or go to ZBA for Area Variance
- 2.) Update the Detail on drawings and Label Correctly
- 3.) Sign Location and dimensions
- 4.) Indicate Area of Paved Surface
- 5.) No garbage stored outside unless it is in a dumpster
- 6.) Upgrade fence and make sure it is not on DOT property
- 7.) Landscaping be Maintained
- 8.) Paint Building
- 9.) Need Email from NYSDOT
- 10.) No Food served with out coming back for Site Plan Review

Motion by Gordie Woolbaugh and second by Kevin Balachick to table the site plan review.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Warren Scofield	Yes
	Marchie Diffendorf	Yes

Motion carried.

OTHER BUSINESS

Hearing no further comments or questions, Chairman Diffendorf asked for a motion to adjourn.

Motion by Warren Scofield and second by Gordie Woolbaugh to adjourn the meeting. The meeting was adjourned at 7:58 pm.

Respectfully Submitted,

Lori A. Garvey
Secretary, Kirkwood Planning Board

cc:	Planning Board Members	Herb Kline
	Advisory Committee	Code Department
	Gayle Diffendorf	Dan Giblin
	Ray Coolbaugh	
	Bill Diffendorf	