

PLANNING BOARD

**Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795**

PUBLIC HEARING

January 11, 2016

SITE PLAN REVIEW FOR A NEW BUSINESS (4 PLAY SPORTS BAR) LOCATED WITHIN ESCAPE GENTLEMEN'S CLUB. REGARDING PROPERTY LOCATED AT 624 COURT STREET, SUITE 2, BINGHAMTON AND LOCATED IN A BUSINESS-2 (B-2) ENTERTAINMENT DISTRICT ON THE REQUEST OF RONALD M. GAGE AND DAMIEN D'AMBROSIO, KNOWN AS TAX MAP # 161.08-1-18.

Chairman Diffendorf read the notice of public hearing and commented we have the affidavits of posting by the Town Clerk, notice to property owners within 500 feet of the project, affidavit of publication in the Press & Sun Bulletin and Country Courier. We have the Broome County Planning Department 239-m recommendations. We have a short EAF on file. Broome County Planning Department has not identified any significant countywide or inter-community impacts associated with the proposed project; however we recommend the Town Planning Board withhold taking action on the project until the following items have been addressed: The project site is located partially within the preliminary FEMA special flood hazard area. The applicants should be informed of the risks of placing the project in this area. The driveway opening needs to comply with NYSDOT standards. Any work proposed within the state right-of-way requires a highway work permit. The highway boundary needs to be verified to ensure nothing is placed in the state right-of-way. The applicants must obtain the necessary DOT approvals and permits. The project site is located in a highly visible and traveled route, all debris should be removed, repair and paint the building exterior, make cosmetic improvements to the building exteriors and pave and landscape the parking lot. The site plan should include a scale showing the entire property boundary and include the following: sports bar building, parking lot, parking spaces, driveway opening, NYSDOT right-of-way, pavement material, drainage, fencing, dumpster enclosure, landscaping, exterior lighting and signage. Based on the aerial photography for the area, it appears that the exiting parking lot and fencing encroach into the NYSDOT right-of-way. The Town Planning Board should ensure that the parking spaces, fencing and signage are located outside the NYSDOT right-of way. The dumpster enclosure should be moved to the back or side of the building. The Town Planning Board should ensure that the project included appropriate drainage. The New York State Department of Transportation (NYSDOT) has the following comments. The driveway should be brought into compliance with department standards. The maximum opening for a minor commercial driveway is 24 feet (one way) and 35 feet (shared two-way) for this location. The applicant's method of driveway opening modification shall be approved by the department and may require a highway work permit. Any work proposed within the right-of-way requires a highway work permit from our department prior to the commencement of such work. The highway boundary should be verified by the applicant to ensure nothing is placed with the state right-of-way including fencing or signage. The Binghamton Metropolitan Transportation Study (BMTS) has no issues with traffic impact or site access. The Broome County Health Department (BCHD) stated if any new food service activity is planned for the facility, a permit would be needed from the health department. An expansion of existing food service activity might require a permit modification. Broome County Department of Public Works (DPW) has no comments.

Chairman Diffendorf opened the public hearing to public participation at 7:06 p.m.

Chairman Diffendorf stated he did receive some communication today from a property owner nearby, it is not pertinent to our meeting tonight, he will turn it over to the Code Enforcement Office for his review.

Damien D'Ambrosio and Ronald Gage are partners of 4 Play Sports Bar, Mr. D'Ambrosio came forward to speak. He explained they had just received the comments from Broome County about a week and a half ago but we did address everything on the list. Chairman Diffendorf asked if they had removed the debris and made any repairs to the club and building. Mr. D'Ambrosio said we are remodeling the whole building, we have already started. Everything on the list will be done, the building will look beautiful. Chairman Diffendorf asked if he had spoken with NYSDOT about their concerns. Ronald Gage partner of 4 Play Sports Bar stated he spoke with DOT and we should have received an email from him today. Chairman Diffendorf said I did not receive anything, maybe code department did. Mr. Gage said everything was all set except a problem with the fence. NYSDOT asked why fix the fence and not take it down. I explained to him Code department asked us to fix it. Chairman Diffendorf asked if he recalled who he spoke with. Mr. Gage said no, it was a DOT engineer and he said he would email or fax something today. Chairman Diffendorf stated probably our code office has the email and we can get the information from them. Chairman Diffendorf said it will be a condition on the site plan, that you meet DOT standards. Chairman Diffendorf asked both gentlemen if they were the new owners of the business. Mr. D'Ambrosio said no, we don't own the building, this is a new business. Chairman Diffendorf stated we will discuss this more during the site plan review.

Hearing no other comments Chairman Diffendorf closed the public hearing at 7:12 p.m.

Respectfully Submitted,

Lori A Garvey
Secretary, Kirkwood Planning Board