

## **PLANNING BOARD**

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

**November 14, 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: None

Chairman Diffendorf called the meeting to order at 7:03 PM.

Chairman Diffendorf thanked Warren Scofield for running last month's meeting.

### **APPROVAL OF MINUTES:**

There was one correction on page 2. On paragraph six (6) the name Chairman Diffendorf needs to be changed to Co-Chairman Scofield.

Motion by Kevin Balachick and second by Gordie Woolbaugh to approve the minutes of the November 14, 2016 meeting with the correction. All voted in favor. Motion Carried.

### **E.A.F. DETERMINATION – MADAME OAR'S**

Chairman Diffendorf stated there is a few questions on Part 1 that need to be answered.

Chairman Diffendorf and board answered the following questions:

Page 2: Question 8C – should be checked yes. Question 9 – should be checked yes. Question 10 – should be checked yes. Question 11 – should be checked yes. Question 16 – should be checked yes. And question 17 – should be checked 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-Determination of Significance: The board determined the proposed action will not result in any significant adverse environmental impacts. This is an unlisted action for SEQR.

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 Gordie Woolbaugh and second by Jim Bukowski 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 – MADAME OAR’S**

Chairman Diffendorf asked owner Joseph Kelly, to come forward to explain his project. Mr. Kelly explained they want to expand the space of Madam Oar’s by utilizing the existing space next door. They would like to eliminate the existing restroom and convert it into a kitchenette and private dancing booths. Chairman Diffendorf asked Mr. Kelly if he has addressed NYSDOT comment about the parking and signage encroaching in the State right-of-way. Mr. Kelly answered no. I did not think this was issue. Chairman Diffendorf explained this needs to be resolved before you can move forward. Mr. Kelly said at our last meeting in February I thought it wasn't a problem or issue. Brady Begeal, Attorney for the town looked up the comments from NYSDOT from our February meeting and stated it was not an issue then. NYSDOT had no comments at that time. Chairman Diffendorf said it is in their comments now and it will be a condition. Mr. Kelly said ok.

Chairman Diffendorf asked Mr. Kelly if he has spoke to anyone at BCHD about the kitchenette. Mr. Kelly said yes. I did contact BCHD and they told me once we are done with the construction they will come out and inspect. Chairman Diffendorf asked Mr. Kelly if he has amended the original floor plans to include the dance booths. Mr. Kelly said yes. Then new plans show the kitchenette, dance booths and lounge area.

Chairman Diffendorf asked the board if they had any further questions.

Warren Scofield stated the floor plans are lacking clarity and are horrible. The plans are unable to read. Mr. Kelly came forward with a copy of the plans and apologized for the lack of clarity. Chairman Diffendorf said it is our Code department that should be asking for a better plan. Warren Scofield said it is not just these plans, several times this has happened. Chairman Diffendorf explained this is an internal issue and we will need to discuss this with Code.

Chairman Diffendorf asked the board if they had any further questions.

Hearing no further questions, Chairman Diffendorf asked for a motion to accept or reject the site plan review with the below conditions.

Motion by Kevin Balachick and second by Gordie Woolbaugh to accept the site plan review with the following conditions:

- 1) Must comply with NYSDOT on the parking and signage encroaching on the State right-of-way before building permit will be issued.

2) Must receive a food permit from BDHD.

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

Motion carried.

**E.A.F. DETERMINATION – SPIEDIE 3 LLC**

Attorney Brady Begeal stated there is a conflict of interest and he would be sitting in the audience for this part of the meeting.

Chairman Diffendorf stated there is one question on Part 1 that needs to be answered.

Page 2: Question 16- Is project site in the 100 year flood plain. Nothing was checked, it should be checked no.

Gordie Woolbaugh questioned:

Page 1: Question 3-Total Acres - 1.43, Broome County GIS says total acres are 1.47. Chairman Diffendorf stated Broome County GIS is not always correct. We are going to leave this answer 1.43 acre.

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 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-Determination of Significance: The board determined the proposed action will not result in any significant adverse environmental impacts. This is an unlisted action for SEQR.

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 Jim Bukowski and second by Kevin Balachick 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 – SPIEDIE 3 LLC**

Chairman Diffendorf asked owner Sam Lupo, to come forward to explain his project. Mr. Lupo explained they want to add an addition for the storage of materials and shipping of finished product. Chairman Diffendorf asked Mr. Lupo if when we did your site plan review, did you meet with NYSDOT and talked about the large rocks along the site frontage that are encroaching on the State right-of-way. Mr. Lupo said yes we did meet with them and the stones are inside the lines where the NYSDOT told us to put them. I know they are not encroaching on the State right-of way.

Chairman Diffendorf asked if the new addition construction will affect the septic system. Mr. Lupo said no, the construction is to the right and our septic goes out to the back of the current building. Chairman Diffendorf asked what are your product wastes. Mr. Lupo responded our product waste is only water and cleaning detergent. Chairman Diffendorf asked if there are any oils. Mr. Lupo said there maybe some oil products but when we have had it cleaned out there has not been issue. Mr. Lupo explained the addition that we are proposing is strictly storage nothing is changing with our manufacturing.

Chairman Diffendorf asked about parking, you have two loading docks, will you still have a tractor trailer parked in front of the building. Mr. Lupo stated the Nealon truck will not be there. Chairman Diffendorf stated you did not put any parking spaces in your plan for tractor trailers. Mr. Lupo said correct, we were asked to put in extra parking spaces for cars in the future even thou we don't think we will need it, we did add parking spaces to our plan. Kevin Balachick asked about the parking spaces shown on the plans. They are six (6) on the right and four (4) on the left. Mr. Lupo said the six (6) on the left are the additional ones.

Elliott Lupo stated he spoke with the contractor about putting up a flag pole and he said he was fine with it. Chairman Diffendorf said this is a good idea.

Chairman Diffendorf asked the board if they had any further questions. Hearing no further questions, Chairman Diffendorf asked for a motion to accept or reject the site plan review as submitted.

Motion by Warren Scofield and second by Gordie Woolbaugh to accept the site plan review as submitted.

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 Gordie Woolbaugh and second by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 7:38 pm.

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Respectfully Submitted,

Lori A. Garvey  
Secretary, Kirkwood Planning Board

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