

PLANNING BOARD

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

**April 10, 2017
Meeting Minutes**

Present:	Kevin Balachick, Member	Brady Begeal, Attorney
	Gordie Woolbaugh, Member	Tom Tracy, Associate Member
	Warren Scofield, Member	Chad Moran, Code Enforcement Officer
	Marchie Diffendorf, Chairman	

Absent: Jim Bukowski, Member

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

Chairman Diffendorf stated the name of the business in the Site Plan is incorrect in areas. The correct name is Saucy Hog BBQ not Saucy Hot BBQ.

APPROVAL OF MINUTES:

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

E.A.F. DETERMINATION – 51 Fairview Associates, LLC/Saucy Hog BBQ

Chairman Diffendorf asked the board if anyone had any questions on Part 1 filled out by the applicant.

Brady Begeal stated on page 2: Question 5a – should be answered no instead yes. This is not a permitted use under the zoning regulations however after a lengthy discussion with the board, the board agreed it is a continuation of a previous use and is grandfathered in.

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. 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 Kevin Balachick and second by Gordie Woolbaugh to accept the SEQR Negative Declaration as submitted.

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

Motion Carried.

SITE PLAN REVIEW – 51 Fairview Associates, LLC/Saucy Hog BBQ

Chairman Diffendorf asked owner Sean Cook, to come forward to explain his project. Mr. Cook came forward and said he will address the comments from the audience first. Mr. Cook said as for bears in the dumpster, he does not plan on using a dumpster. He will use only a couple of garbage cans and they will be inside a fenced in area. I don't anticipate any impact on the sewer, we will not be using too much water and we will only be there one to two days a week. Depending on the contracts and jobs we have. There are only a total of six (6) employees and only 3-6 employees will be in the building at any given time. Mr. Cook said as far the use of too many vehicles and the speed of the vehicles. Mr. Cook said he will post signs with speed limits and in addition to our private vehicles there will only be two trucks on the property. Mr. Cook handed a picture to the board of the trucks that will be on site.

Warren Scofield asked what will be in the building. Mr. Cook said we will prepare menu items for catering. We have a smoker for outside; we will prepare salads, pulled pork and other items. Our BBQ chicken is not on site and is cooked at a different location. Brady Begeal asked if only the pork will be cooked in the smoker and where will the smoker be located outside. Mr. Cook said yes only the pork will be cooked in the smoker and it will be located near the unheated storage area #1 building. Warren Scofield asked is there a lot of smoke from the smoker. Mr. Cook said very little, most of it stays inside the smoker. Warren Scofield said no worse than if I am barbequing. Mr. Cook answered correct. Brady Begeal asked Mr. Cook to restrict the smoker to only where you have indicated it would be. Kevin Balachick asked if it would out of public view. Mr. Cook answered yes. Chairman Diffendorf asked if a larger smoker would be needed if business increased. Mr. Cook said no, the one we have should be big enough for all out catering jobs.

Warren Scofield stated I do not believe this is not a permitted use in a Residence 1 (R1) district. Brady Begeal asked Mr. Cook to give the board a back ground on the building. Mr. Cook said it has been a machine shop and a tool and die business. Warren Scofield asked how long the building has been vacant. Chad Moran said since July 2016. Chairman Diffendorf stated it is not a permitted use. He and Chad Moran discussed this a month ago and determined it was a non conforming use. It is a grey area. We can do a motion one way or the other. Brady Begeal read the Town of Kirkwood code laws to the members. After a discussion between Chairman Diffendorf, Attorney Brady Begeal, Code Enforcement officer Chad Moran and the board it was determined this is a continuation of a previous use and similar to what has been there in the past. Chairman Diffendorf asked the board if anyone wanted to make a motion hearing no motion, Chairman Diffendorf said we will move on.

Brady Begeal asked if there will be a lot of truck traffic. Mr. Cook said no we only have two (2) trucks and depending on sales, it will not be daily.

Kevin Balachick asked what hours you will be open. Mr. Cook said typically 9am-5pm.

Chairman Diffendorf asked if there is an apartment there now. Mr. Cook said yes but it is not occupied.

We would have to do some repairs to bring it up to code and then rent it and we have a second apartment. Chairman Diffendorf stated we would need to approve this tonight. Mr. Cook said it is located on the 2nd floor of the unheated storage area #2. Chairman Diffendorf asked if there has always been an apartment upstairs. Mr. Cook said yes. Chairman Diffendorf and Brady Begeal agreed this apartment is grandfathered in.

Brady Begeal asked Chad Moran if there are enough parking spaces on the property. Chad Moran said yes we measured and there is more than enough space. Brady Begeal asked Mr. Cook to show actual parking spaces on the Site Plan. Gordy Woolbaugh asked what the minimum space is needed for an apartment. Chad Moran stated 750 square feet to 1000 square feet. Kevin Balachick asked if they were to make a second apartment shouldn't we approve it tonight and have it added to the Site Plan. Brady Begeal said yes we should. Mr. Cook said he would update the Site Plan to include parking spaces and second apartment. Chairman Diffendorf asked if there are any floor drains. Chad Moran answered I did not see any. Chairman Diffendorf asked the board if they had any further questions.

Warren Scofield questioned one box that is not 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:

The following box should be checked: State/County Drainage way/Watercourse.

Chairman Diffendorf then asked Chad Moran if a notice was sent to the Town of Windsor for this application. Chad Moran said he would have to check with Sharon. Chairman Diffendorf asked Chad to let him know and if it was not sent, to please have it sent. Chad Moran said he will let him know.

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) Clean up area and paint the building.
- 2) Ensure no glare from lights to impact surrounding residents.
- 3) Grease traps are recommended - Consult with the BCHD.
- 4) Have water testing done.
- 5) Designate on site plan where the smoker will be placed on property.
- 6) Submit plans for second apartment to Code department within 30 days.
- 7) Garbage cans must be in a fenced in area.

Roll Call Vote:	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes

Warren Scofield	No
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 7:58pm.

Respectfully Submitted,

Lori A. Garvey
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Gayle Diffendorf
John Finch Jr
Bill Diffendorf
Code Department
Dan Griffiths
Scott Snyder
Oliver Blaise III
Brady Begeal