

PLANNING BOARD

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

**June 12, 2017
Meeting Minutes**

Present: Jim Bukowski, Member
Gordie Woolbaugh, Member
Tom Tracy, Associate Member
Brady Begeal, Attorney

Absent: Kevin Balachick-Member, Warren Scofield- Member, Marchie Diffendorf-Chairman

Co Chairman James Bukowski called the meeting to order at 7:05 PM.

APPROVAL OF MINUTES:

Motion by Tom Tracy and second by Gordie Woolbaugh to approve the minutes of the April 10, 2017 meeting as submitted. All voted in favor. Motion Carried.

E.A.F. DETERMINATION – DANIEL MCAVOY, DBA DKM AUTO/MARINE LLC

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

Brady Begeal stated on page 1: Question 3a – should be answered 5.22 acres, Question 3b – should be 0 acres and Question 3c – should be 5.22 acres. Question 12b – should be answered no. Question 17b – should be answered no. Question 20 should be answered yes instead of no because the property has been the subject of remediation for hazardous waste because the underground storage of two fuel tanks have been removed.

Co Chairman Bukowski stated the board needed to review and answer the questions in Part 2 and Part 3 of the short E.A.F. filed. Co Chairman Bukowski 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.

On the Site Development Application the following corrections need to be made:

- 1) Page 3 - Total area of site: should match Broome County GIS and say 5.22 acres it was left blank.
- 2) Page 4 - Is property located within 500 ft: should match Broome County GIS and state/county road should be checked yes not no.

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

Motion by Tom Tracy and second by Gordie Woolbaugh to accept the SEQR Negative Declaration as submitted.

Roll Call Vote:	Gordie Woolbaugh	Yes
	Tom Tracy	Yes
	Jim Bukowski	Yes

Motion Carried.

SITE PLAN REVIEW – DANIEL MCAVOY, DBA DKM AUTO/MARINE LLC

Co Chairman Bukowski asked owner Daniel McAvoy, to come forward to explain his project. Daniel McAvoy said he is relocating his existing business in Binghamton to stop leasing and actually own his own property. My business is a full service auto and minor marine repair business. The hours will be 8am-5pm Monday thru Friday and occasionally open on Saturdays. Co Chairman Bukowski asked what type of auto repair do you do. Mr. McAvoy said anything light duty for cars and trucks. I don't do medium duty or heavy equipment. Co Chairman Bukowski asked if he did any bodywork. Mr. McAvoy said no. Brady Begeal asked Mr. McAvoy if he received a copy of the comments from Broome County. Mr. McAvoy said no. Brady Begeal asked him if he has talked to Chad Moran from Code about the comments. Mr. McAvoy said yes I did talk to Chad Moran about landscaping and he did go over a small list with me. Brady Begeal asked Secretary Lori to make copies of the comments from Broome County to give to Mr. McAvoy and a few others in the audience.

Brady Begeal read the comments from Broome County. He stated to Mr. McAvoy this list should have been reviewed with you by Chad Moran prior to this meeting. Brady Begeal suggests we don't take action until all these comments are reviewed. Brady Begeal explained this is part of the process by law to give you approval for site plan. The application is sent to the County and they review it and send back comments. This has to be done on record and you should have received a copy of the comments also. Co Chairman Bukowski said just to clarify; Broome County gave us a list of items that they feel are delinquent and the board needs to verify this before we can proceed forward. However when you did turn in your site plan and maps, you did give us a lot of information to help answer some of these questions.

Brady Begeal asked Mr. McAvoy about parking. Based on the application and Code it looks like you need a few more spaces. It is based on square footage of the building, you have 250 square feet. So you would need 16 (sixteen) spaces total. The drawing with the application shows only 10 (ten) spots. Mr. McAvoy stated he did talk to Chad Moran about this, across the street we are going to outline an area, lay some gravel and add another 5 (five) or 6 (six) spots. Brady Begeal said that is fine but we will need to submit a plan to Code to show this. Mr. McAvoy said ok.

Brady Begeal said lets finish going thru the comments from Broome County. Co Chairman Bukowski stated there is no issue with access management the road goes right thru it. There are also sidewalks or access to them. For appropriate signage, how will you advertise your business? Mr. McAvoy said I am putting a sign on the building; I spoke with Chad about this. Brady Begeal stated we will need a drawing with dimensions on file at Code and you will need to get a sign permit. Mr. McAvoy said ok. Brady Begeal said you will also need to

clean up the property, around the immediate building and add some landscaping. Brady Begeal said as far as storage for unregistered vehicles and etc., the County just doesn't want this to become a junk yard. Mr. McAvoy stated he does not try to have vehicles or boats stored outside. I do have one or two every now and then. But I try to keep things moving.

Co Chairman Bukowski said the County is also looking for a boundary map; we do have the GIS map showing an aerial view. There are no curb cuts. There are no curbs; it's just a flat ground. Brady Begeal asked if there is a plan for the long parcel on the map. Mr. McAvoy said there is an apartment building there. Brady Begeal asked Mr. McAvoy if he will own the apartment building once he purchases the land. Mr. McAvoy said yes. Brady Begeal asked how many tenants are there. Mr. McAvoy answered 4 (four). Brady Begeal asked will there be any changes to this residential section. Mr. McAvoy said no. Brady Begeal asked what business was there before. Mr. McAvoy said Southern Tier Masonry. Brady Begeal asked how long they have been gone. Current property owner, Cathy Cunningham answered one year. Co Chairman Bukowski asked how long they were an established business. Mrs. Cunningham said they have been there since 1975, we took over in 1981. Brady Begeal asked how long the apartment building has been there. Mrs. Cunningham said 1982.

Co Chairman Bukowski stated the recommendation on the floor drains is they need to be closed or you can file for a USEPA permit. Mrs. Cunningham explained there is only one drain that drains into a pit. There are not multiple drains. Tom Tracy asked where the pit drains too. Mrs. Cunningham said I am not sure. But our insurance company would come thru and tour this building every year to make sure everything was up to date. The new owners are just taking over on a smaller scale. Tom Tracy asked if Mrs. Cunningham had any paperwork on the oil collection system that is within the building. Mrs. Cunningham said no, this was done years and years ago. Co Chairman Bukowski stated the drain will need to be closed or a permit will be needed, this will be one of your conditions if approved. Mr. McAvoy asked if I apply for a permit what is involved. Co Chairman Bukowski said you will have to contact them. Co Chairman Bukowski asked how you will store your waste oil and chemicals. Mr. McAvoy stated we don't have anything now but there will be a 55 gallons drum and I plan to recycle. Mrs. Cunningham stated there is a tank there that has already gone thru the DEC and is registered. I have all the paperwork. There were also two underground fuel tanks on property but both have been removed according to DEC regulations. Tom Tracy asked if Mrs. Cunningham if she also had paperwork from the DEC for the removal. Mrs. Cunningham replied yes. Brady Begeal stated we are not questioning whether or not this all happened, the issue is documentation. Four years from now when there is an issue, we have to be able to pull the file and we can say yes Mr. McAvoy submitted all the paperwork. We will need all this paperwork put on file at the Code office. Brady Begeal stated you will also need a spill prevention plan on file at the town. Mr. McAvoy said ok.

Tom Tracey asked how you plan to store your old auto parts. Mr. McAvoy said I fill two 55 gallons drums and once they are full, I load them into a truck and recycle them. Mr. McAvoy said as far as old tires, I have a person that comes once a week and takes them. Brady Begeal asked where they are stored until they are taken. Mr. McAvoy said right now I store them behind our existing building. Brady Begeal said they can be outdoors but there has to be a cover over them. We will need to see where the tires are stored on the site plan also.

Co Chairman Bukowski explained to Mr. McAvoy if you are approved, you will need to submit a new site plan

with all the items we have discussed tonight. Mr. McAvoy agreed. Brady Begeal stated something for the Board to consider is whether or not you want to or not proceed with an approval tonight. As you know if we proceed there will be conditions and the approval is not finale until all the conditions have been met. In this case there are a lot of conditions. I don't believe this is your fault because you did not receive the comments from Broome County.

Co Chairman Bukowski stated the County says it is hard for them to make a determination of what is going on so they are going to try and cover every base possible. We have the privilege of seeing the property and known the property for years so we have a little better advantage of what is going on. I think we can move forward with the project with all the conditions we have discussed tonight. Brady Begeal reminded Mr. McAvoy this approval will not be officially finale until you have meet all the conditions and Chad Moran agrees that you have met them all including a new site plan with drawings be submitted to Code to include everything we have discussed tonight.

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

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

- 1) Plan for signage including a signed permit application
- 2) Documentation reflecting proper remediation of the hazardous substances on the property
- 3) No junk vehicles or boats stored onsite.
- 4) No unenclosed outdoor storage or vehicles and boats waiting for repair.
- 5) No outdoor tire storage.
- 6) No outdoor storage or parking in the setback areas. .
- 7) No onsite fueling
- 8) Clean up of grounds of all debris and repair and paint to the exterior of the buildings.
- 9) Property maintenance plan for the entire 5.22 acres.
- 10) Closure of floor drains of USEPA permit is needed
- 11) Appropriate enclosed storage of all chemicals and petroleum products.
- 12) Spill Prevention Plan

All conditions must be met and completed by December 12, 2017 or applicant must come back to Planning Board.

Roll Call Vote:	Gordie Woolbaugh	Yes
	Tom Tracy	Yes
	Jim Bukowski	Yes

Motion carried.

OTHER BUSINESS

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Planning Board Meeting Minutes

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

Motion by Gordie Woolbaugh and second by Tom Tracy 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