

PLANNING BOARD

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

**February 12, 2018
Meeting Minutes**

Present: Kevin Balachick, Member
Gordie Woolbaugh, Member
Tom Tracy, Member
Marchie Diffendorf, Chairman
William Graves, Attorney
Chad Moran, Code Enforcement Officer

Absent: Jim Bukowski. Member

Chairman Diffendorf called the meeting to order at 7:02 PM.

APPROVAL OF MINUTES:

Motion by Gordie Woolbaugh and second by Kevin Balachick to approve the minutes of the January 8, 2018 meeting as submitted. All voted in favor. Motion Carried.

E.A.F. DETERMINATION – TERB’S TREATS / TREVOR TERBOSS

Chairman Diffendorf stated there are a few questions in Part 1 that we need to answer.

On page 1: Question 1 - Does the proposed action involve the legislative adoption of a plan, local law, ordinance or regulation the box was checked yes and should be checked no.

On page 2: Question 5B – Is the proposed action consistent with the adopted comprehensive plan the box is checked yes and should be checked no. The Town wants the concrete barriers removed. William Graves explained this site plan is for Terb’s Treats however this does apply to the property also.

On page 2: Question 8C – Are there any pedestrian accommodations or bicycle routes available on or near site of the proposed action. This question was left blank and should be answered no.

On page 2: Question 10 and 11 – Will the proposed action connect to an existing public/private water supply and will the proposed action connect to existing wastewater utilities, the small boxes should be checked yes to match the large boxes.

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 William Graves 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 Tom Tracy and second by Kevin Balachick to accept the SEQR Negative Declaration as submitted.

Roll Call Vote:	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Tom Tracy	Yes
	Marchie Diffendorf	Yes

Motion Carried.

SITE PLAN REVIEW – TERB’S TREATS / TREVOR TERBOSS

Chairman Diffendorf stated I would like to review the comments from Broome County. Chairman Diffendorf I support the comments, however I am not in favor of providing bike and pedestrian amenities. We don't have a bicycle lane on Court Street. It's my opinion this one is not the most important and can be overlooked. Chairman Diffendorf asked if the two (2) construction barriers would be removed later in the year. Tina Fernandez from Hinman, Howard & Kattell came up to speak. Ms. Fernandez said I represent the owner of Fishs Eddy Properties, John Miller and the engineer, Edwin Gent. Ms. Fernandez said yes on last page, figure 8 in the plans they will be removed. Chairman Diffendorf asked will you be removing the concrete barriers that run around the drainage ditch, with the pipe that runs between them. I would like to see them removed and replaced with large fence. Ms. Fernandez said I am not sure if that is practical for the owner. This would add additional cost, there has to be some cost in the middle for us to meet. Chairman Diffendorf said this is the first time we have required improvements on this property. Ms. Fernandez said there will be many more times this comes to the Planning Board. Take into consideration the added cost on the barriers they are removing. Chairman Diffendorf stated we appreciate all the improvements that have been made but there are a few more we want to see. If they are made now there probably won't be any more requirements needed in the future.

Town Attorney, William Graves asked if it is feasible to remove the barriers. Mr. Miller, owner stated he has already spent \$150 thousand dollars cleaning up this property. I have plans to do another section of paving to clean up the parking lot. Then maybe I can remove the barriers next year. If you tell me I have to, then I will but the paving will not get done. I only have so much money I can spend. Chairman Diffendorf stated it's a recommendation from Broome County it's something I have to address. Ms. Fernandez said they are recommending it, it's not a requirement. William Graves stated that is correct, the Planning Board is aware of that as well. Kevin Balachick stated it is hard to get in and out of there, it's tight where the island is especially with the snow piling up now.

William Graves asked a question about the site map. The property boundary looks like it's more of the two (2) concrete barriers in figure 8. Mr. Miller stated that was pulled off from Broome County GIS and it is not always correct. William Graves said I actually looked at the deed on GIS today. Do you know where the right-of-way begins? I am wondering if Broome County is referring to the barrier on the south of the property line.

Do you have any information about the bounds of the right-of-way? Mr. Miller said no, I have a survey but it's not a great survey and those barriers have been there awhile.

Chairman Diffendorf asked owner of Terb's Treats, Trevor Terboss to come forward. Chairman Diffendorf asked him if the bakery will be dine in. Mr. Terboss said no. Chairman Diffendorf asked if he will have a fryer. Mr. Terboss said no. William Graves asked approximately how many parking spaces do you expect to use. Mr. Terboss said maybe ten (10) spots. William Graves asked what other businesses there demand for parking. Edwin Gent, Engineer stated earlier on I meet with the fire marshal and code officer and they both

agreed that no additional parking spaces are needed. Chairman Diffendorf asked Mr. Terboss what the hours will be. Mr. Terboss said 9am - 7pm for now but they may change depending on business.

Chairman Diffendorf asked William Graves about the removal of the concrete barriers near the drain. Mr. Graves stated we can't in force the comprehensive plan like we can the local law. Kevin Balachick asked are the barriers needed there for safety. Mr. Miller said the ones on the culvert I am not opposed to removing them. I have a budget to pave the parking lot in 2018 than in 2019 I can address the barriers. I have done improvements every year. Tom Tracy said he didn't see the pictures of the barriers, Chairman Diffendorf gave Tom Tracy the pictures to look at.

Chairman Diffendorf asked about landscaping. Mr. Miller said every year I put out planters in front of the building every year and they always get stolen. I have landscaping rocks and I will add flowers. Chairman Diffendorf asked the board if anyone had any other 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 Tom Tracy to accept the site plan review with the following conditions:

- 1) Replace lettering on the sign panel of the pylon sign within six (6) months.
- 2) Remove the concrete island and two (2) concrete barriers along upper Court Street and continue pavement improvements within four (4) months.

Roll Call Vote:	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Tom Tracy	Yes
	Marchie Diffendorf	No

Motion carried.

OTHER BUSINESS

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

Motion by Kevin Balachick and second by Gordie Woolbaugh to adjourn the meeting. The meeting was adjourned at 7:47pm.

Respectfully Submitted,

Lori A. Garvey
Secretary, Kirkwood Planning Board

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Planning Board Meeting Minutes

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