

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

**April 9, 2018  
Meeting Minutes**

Present: Jim Bukowski, Member  
Kevin Balachick, Member  
Gordie Woolbaugh, Member  
Tom Tracy, Member  
Marchie Diffendorf, Chairman

Daniel Wasson, Assoc. Member  
William Graves, Attorney  
Chad Moran, Code Enforcement Officer

Absent: None

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

Chairman Diffendorf introduced and welcomed new Ad Hoc member, Daniel Wasson to the board.

Attorney, William Graves explained there is a conflict of interest with the applicant and he will be sitting in the audience tonight. There firm has helped him in the past.

Chairman Diffendorf said there is a correction on the landscape plan, it says gravel parking area and should say black top parking area.

Chairman Diffendorf then spoke to the two ladies in the audience. He said the town board received a request for rezoning on Cedarhurst Road and he didn't find out until this afternoon that it was to be on tonight's agenda. Chairman Diffendorf said he spoke with council about this and he is going to do some research to see if this is spot zoning or not. He then apologized to them making the trip.

**APPROVAL OF MINUTES:**

Motion by Kevin Balachick and second by Tom Tracy to approve the minutes of the February 12, 2018 meeting as submitted. All voted in favor. Motion Carried.

**E.A.F. DETERMINATION – ONTRACK MOTORS, LLC**

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 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
	Tom Tracy	Yes
	Marchie Diffendorf	Yes

Motion Carried.

### **SITE PLAN REVIEW – ONTRACK MOTORS, LLC**

Chairman Diffendorf explained to the board that this project went to the Zoning Board of Appeals for a Determination if this fit in the zoning district. They determined it does however they had two (2) conditions for us to consider before approving. The condition are:

- 1) The Planning Board should recommend a fence be put up so neighbors cannot see what is there. Industrial Development District says outdoor storage should be screened.
- 2) The Planning Board should make sure they set and approve the number of vehicles that will be stored outside.

Chairman Diffendorf asked owner, Justin Cicio and Engineer, Kyle Ellsworth to come forward to answer some questions for the board. Chairman Diffendorf asked engineer, Kyle Ellsworth if he had prints for the building. Mr. Ellsworth stated no not yet. Chairman Diffendorf stated if you are you waiting for approval tonight, you will still have to come back for approval of the building. Chairman Diffendorf asked if he had the square footage of the building. Mr. Ellsworth said yes, it's 3200 x 2 square feet (two stories). Chairman Diffendorf asked do you have approval of all the conditions from Broome County, are there any issues that you see. Mr. Ellsworth stated the only problem with the conditions from the County is the spill prevention plan, Mr. Cicio will not need it. There will not be any repairs or hazardous liquids on this property.

Chairman Diffendorf asked about the parking lot. Will it be black topped? Mr. Ellsworth said it will be recycled asphalt with millings. Chairman Diffendorf asked will the parking lot be lined with markings. Mr. Cicio said no, I wasn't planning on it. Chairman Diffendorf asked you have thirty six (36) parking spaces with two (2) handicapped? Mr. Cicio said yes. Will there be cars or trucks. Mr. Cicio said mostly pickup trucks. Chairman Diffendorf asked will there be any big rigs. Mr. Cicio said no. Chairman Diffendorf asked will the business be wholesale only. Mr. Cicio said yes. Basically a storage facility for my business and personal storage. Kevin Balachick asked if the wholesale items would be outside and if he planned on using all thirty six (36) parking spaces. Mr. Cicio said yes wholesale items outside and no I doubt I will use all the parking spaces.

Chairman Diffendorf asked what kind of fencing you are proposing. Mr. Ellsworth stated the cars and trucks Mr. Cicio is buying are not junk vehicles, they are nice. It would be a large expense for him. Chairman Diffendorf said the Zoning Board of Appeals has made this a condition on this project. Mr. Ellsworth asked if the fencing had to be on all sides or just one side. Chairman Diffendorf said the rear I would not be concerned about. What are you proposing for a fence? Mr. Ellsworth said I would like to do vegetation. I was hoping not to have that added cost. Chairman Diffendorf stated it has to be screened but is vegetation what you are

proposing? Mr. Cicio asked what am I screening out. Chairman Diffendorf said Code says it has to be screened. All the others you see in Kirkwood are grandfathered in but with any new projects they have to be screened. The Zoning Board of Appeals is requiring it. Chairman Diffendorf said I don't see how vegetation will help in the winter, but in the summer it would be ok. Chairman Diffendorf stated I don't see how we can get around it, I am open to proposals.

Chairman Diffendorf then asked the board if anyone else had any ideas for screening. Kevin Balachick suggested stockade fence or ever greens for all year round. Mr. Ellsworth said stockade is just as expensive. Chairman Diffendorf said we have to go by the recommendation. Mr. Ellsworth asked if they could just do a portion of the property. Kevin Balachick said I would say you have to do at least Track Drive. Mr. Ellsworth then came forward with a map. Chairman Diffendorf explained the town has a real issue with car sales, we have several on Court Street. Court Street is the gateway to our town. That is why these requirements are in place. Chairman Diffendorf then asked the members again if anyone had any more ideas.

Gordie Woolbaugh suggested pine trees or ever greens. Chairman Diffendorf stated the Zoning Board of Appeals did say a fence. Mr. Cicio said when I spoke with the Zoning Board I told them this was ridiculous. They said it is a recommendation to the Planning Board. Chairman Diffendorf explained we like to follow their recommendations, they are allowing you to do it the first place. Chairman Diffendorf asked do you want to put up a living fence with some kind of ever greens. Mr. Cicio said it will come down to the cost. Mr. Ellsworth said his budget is already at \$100 thousand, he might just have to go somewhere else.

Jim Bukowski said I myself am not a big fan of stockade fences. Maybe vegetation would work. Chairman Diffendorf asked so would a living fence with some kind of ever greens be ok. Mr. Ellsworth said maybe, we would have to do a cost estimate. Chairman Diffendorf said I am not sure if it would be cheaper or not. Mr. Cicio asked where would you like this it, what is your main concern. Chairman Diffendorf said along Track Drive and around the corner where you can see from Track Drive. The corner on the end, just wrap it around where vegetation already is.

Mr. Cicio asked would a living fence be acceptable to the board. Chairman Diffendorf said yes I that will be ok, it would be screened and look nice and landscaped. Chad Moran said they will need some kind of time frame for the living fence to take off and we could have an issue with the run off and water control. Chairman Diffendorf said they don't need to be stamped drawings for now. Mr. Ellsworth said they could take some photos and come back with a proposal. Chairman Diffendorf stated we can't vote tonight but if you clear up the fence issue, I don't see any other issues. Chairman Diffendorf asked if any of the other members see any other issues.

Kevin Balachick asked if the entrance would be gated. Mr. Cicio said yes probably. Kevin Balachick asked what will be on the second floor. Mr. Cicio said maybe an office, I am not sure right now I might eliminate it. Chairman Diffendorf asked about the signs for the property. Mr. Cicio said I only have one sign and it will be attached to the building with just the company name on it. Kevin Balachick said no chemical storage, fuel storage or outdoor storage. Mr. Cicio said no. Chairman Diffendorf asked are you removing the building that is there now. Mr. Cicio said no, I am moving it to the back. Chairman Diffendorf said so there will be two (2) buildings in the back. Mr. Cicio said yes. Kevin Balachick said you will need to show that on the site plan. Chad Moran said yes as an accessory building. Chairman Diffendorf asked Mr. Cicio what he will use the building for. Mr. Cicio said I don't really know, just don't want to get rid of it.

Chairman Diffendorf asked the board if anyone had any other questions.

Hearing no further questions, Chairman Diffendorf asked if Mr. Cicio if he could be ready for our next meeting in May. Mr. Cicio said yes. Chairman Diffendorf stated the board would table the site plan review tonight and revisit on May 14, 2018.

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

Motion by Gordy Woolbaugh and second by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 7:45pm.

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  
William Graves