

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

May 14, 2018 Meeting Minutes

Present: Jim Bukowski, Member
Gordie Woolbaugh, Member
Daniel Wasson, Assoc. Member
Marchie Diffendorf, Chairman

William Graves, Attorney
Chad Moran, Code Enforcement Officer

Absent: Kevin Balachick-Member, Tom Tracy-Member

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

APPROVAL OF MINUTES:

Motion by Jim Bukowski and second by Gordie Woolbaugh to approve the minutes of the April 9, 2018 meeting as submitted. All voted in favor. Motion Carried.

REVIEW REZONING FOR 175 AND 189 CEDARHURST ROAD FROM RESIDENTIAL TO COMMERCIAL FOR KARAS'S

Chairman Diffendorf asked Pat Karas to come forward to speak with the Board. Ms. Karas said she was here on behalf of her son and brother-in-law. They have owned the property on Cedarhurst Road for twenty (20) years. We want to have it rezoned as commercial, we feel it will be more effective then residential. I also think it will open up more opportunities to grow in this area. I feel it might jump start this area. There is no water but water it available in this area, it would have to be piped in. There is also no sewer at the Welcome Center, but at some point in the future Exit 1 will need water and sewer.

Chairman Diffendorf asked if anyone in the audience wanted to speak on the rezoning:

David and Debbie Bunker from 234 Cedarhurst Road came forward. Mrs. Bunker stated they live across the street from the property. We are opposed to the rezoning because we don't want the extra traffic, noise and it could create safety issues. We have a signed petition from several neighbors in the area that are also opposed to the rezoning. The petition has thirty one (31) signatures on it, all living on Cedarhurst Road or Brink Road. Mr. Bunker came forward and gave the petition to Chairman Diffendorf.

Don Domurad from 109 Brink Road came forward to speak. Mr. Domurad stated he is not in favor of the property becoming commercial. He said the traffic on Cedarhurst Road and Brink Road would be crazy. I want it left residential. If someone wants it for commercial property let them come to the Planning Board and apply for it.

Pat Karas stated she has talked to a few residents in the area and they didn't have any issues with it becoming commercial.

Chairman Diffendorf asked Attorney William Graves to read the definition on spot zoning. Zoning must be done in accordance to the Town of Kirkwood's Comprehensive Plan. The Comprehensive Plan talks about what the goals are for the Town. Spot zoning is not permitted. Spot zoning defined is rezoning which affects a specific piece of land to the benefit of one property owner. Chairman Diffendorf asked the Board if they had any questions. Chairman Diffendorf stated we are charged with making a recommendation to the Town Board to have it rezoned to commercial or to have it remain as residential. Chairman Diffendorf asked if anyone wanted to make a motion to change the zoning or have it remain the same. Jim Bukowski asked what lot is it. Chairman Diffendorf said it is the first one on the left. The Board had a brief discussion and looked at a map. Attorney William Graves stated he cannot personally make a recommendation but my job is to inform the Planning Board as to my legal opinion and I believe it is spot zoning and it is not within the Town's Comprehensive Plan.

Chairman Diffendorf asked for a motion to approve or deny rezoning on 175 and 189 Cedarhurst Road from residential to commercial.

Motion by Jim Bukowski and second by Dan Wasson to deny it on the grounds that it is spot zoning and it does not comply with the Town's Comprehensive Plan.

Roll Call Vote:	Jim Bukowski	Yes
	Gordie Woolbaugh	Yes
	Daniel Wasson	Yes
	Marchie Diffendorf	Yes

Motion Carried.

Chairman Diffendorf stated he will make a recommendation to the Town Board. The Town Board can reject our recommendation or accept it.

REVISIT – SITE PLAN REVIEW – ONTRACK MOTORS, LLC

Attorney William Graves will be sitting in the audience because there is a conflict of interest with this applicant.

Chairman Diffendorf asked Engineer, Kyle Ellsworth to come forward. Kyle Ellsworth explained what they have done for the fencing. Chairman Diffendorf stated now that we have a building plan, is it what we talked about. Mr. Ellsworth said yes. Chairman Diffendorf stated the plan don't show any office space or a bathroom. Mr. Ellsworth said the office space will be on the second floor. Chairman Diffendorf asked if there was a floor plan. Mr. Ellsworth said no and we might not have a bathroom. Chairman Diffendorf asked will you have electric and water. Mr. Ellsworth said yes once approved we will have electric and water. Chairman Diffendorf

explained there will be another stage in this site plan review because we will want to see all your utility hook ups and the floor plan. Mr. Ellsworth said we are waiting for your approval first, we are not going through all the trouble and expense of getting drawings if we are not getting approved.

Chairman Diffendorf asked are you going to put shrubbery around the building. Mr. Ellsworth said yes. Chairman Diffendorf asked what kind of shrubbery are you putting in. Mr. Ellsworth said small bushes along the front and medium size bushes on the side. Chairman Diffendorf asked what size are they? Mr. Ellsworth said they are three (3) to five (5) feet and will grow up to ten (10) feet tall. Chairman Diffendorf asked if they will they be potted. Mr. Ellsworth said yes.

Chairman Diffendorf stated the Zoning Board asked for a blacktop driveway. Mr. Ellsworth said we discussed this at the last meeting, it will be recycled asphalt with millings. It is accentually the same thing as blacktop and it will be rolled and a hard surface. Chairman Diffendorf stated they wanted it to be striped for parking spaces. Mr. Ellsworth said yes we can stripe. Chairman Diffendorf asked what depth you plan on putting the millings in. Mr. Ellsworth said six (6) inches and Bothar Construction will be doing the work.

Chairman Diffendorf stated we had a list of recommendations from Broome County. Are you OK with all of these? Mr. Ellsworth said yes we discussed them at the last meeting.

Chairman Diffendorf asked the Board if anyone had any other questions or comments. Hearing none, Chairman Diffendorf stated I recommend if we do approve this tonight, Mr. Cicio will have to come back for site plan approval with a floor plan, utility hook ups, sign location, the location of the accessory building and I strongly recommend a bathroom or portable toilet.

Chairman Diffendorf also stated if we approve this tonight we are disregarding the recommendation from the Zoning Board of Appeals for blacktop. I just want everyone to know this.

Hearing no further questions, Chairman Diffendorf asked for a motion to accept or reject the proposed fencing for Ontrack Motors.

Motion by Jim Bukowski and second by Gordie Woolbaugh to accept the fencing proposal with the following condition:

1) Must come back to the Planning Board for site plan review approval with a floor plan, utility hook ups, sign location and the location of the accessory building.

Roll Call Vote:	Jim Bukowski	Yes
	Gordie Woolbaugh	Yes
	Daniel Wasson	Yes
	Marchie Diffendorf	Yes

Motion Carried

OTHER BUSINESS

Chairman Diffendorf announced that Thomas Tracy has resigned from the Planning Board. Daniel Wasson will now be a member and we will continue to look for a new Ad Hoc member.

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

Motion by Gordie Woolbaugh and second by Dan Wasson to adjourn the meeting. The meeting was adjourned at 7:36pm.

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