

people come there is the entire parcel. Chairman Diffendorf stated the application is for the tax map number, which is the whole project, .75 acres.

Mr. Graves, referring to #20, questioned the environmental remediation. It says it was completed by New York State. He asked do we have more information about that, do we have verification that it was completed? Mr. Kitchen stated that Broome County has that and they are still waiting on some 1200 sites that they haven't issued final documents for. That is what his attorney told him. It was remediated through the NYS Clean Act and the tanks were removed. He indicated on the drawing where the tanks were. Mr. Graves asked if he had provided any documents on that and Mr. Kitchen stated no. Mr. Graves asked if he had any documentation that there was an environmental issue on the premises at one point and Mr. Kitchen stated no but he thinks the County or the Health Department holds all that. Chairman Diffendorf stated that it is mentioned in the comments from the County. Mr. Kitchen stated he is currently seeking some type of paperwork. Kevin Balachick asked what was the remediation and Mr. Kitchen stated they aerated the entire property, all of those properties through there from Loughlin Road all the way to his property. That area was originally a junk yard.

Chairman Diffendorf, referring to the letter from Ron Brink, Broome County Health Department, stated the address in question has two NYSDEC-listed spills associated with it – one in 1994 and one in 2001 – both when Lechner's was situated at the property. These are old spills and have probably been cleaned up. He went on to say that is the most current information available. The tanks are gone.

Mr. Graves, referring back to question #20 stated it is definitely yes. The SEQR question doesn't require any kind of additional information.

Hearing no other issues, Mr. Graves reviewed with the Board Part 2 – Impact Assessment of the Short Environmental Assessment Form, which is included in the file. The Board answered No to all questions asked by Mr. Graves. Chairman Diffendorf commented the second box at the bottom of the page could be checked.

Motion by Gordie Woolbaugh and second by Jim Bukowski that the Planning Board, as lead agency in this Unlisted Action, declare a negative declaration for the purpose of SEQR, since based on the review of the short form EAF and the updated site plan, the proposed action will not result in any significant adverse environmental impact in the Town of Kirkwood.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion Carried.

SITE PLAN REVIEW – KAK, LLC:

Chairman Diffendorf stated that he and Chad met with applicant, Ken, and they talked about the outdoor storage. Chairman Diffendorf asked if he had a copy of the comments from Broome County and Mr. Kitchen stated yes, he thinks so. Chairman Diffendorf reviewed some of the comments from Broome County which included the following: screened outdoor storage, tires need to be screened so they can't be visible and they need to be covered, no storage or parking in the setback areas, the dumpster should be screened, clear standards for off-street parking, and appropriate traffic barriers. Mr. Kitchen commented they just finished the screening and he agreed with Chairman Diffendorf. Chairman Diffendorf commented that the clear standards for off-

street parking will not be a condition because it is understood and already accepted.

Chairman Diffendorf continued reviewing the comments as follows: addressing the encroachment of development within the New York State right-of-way, eliminating the use of construction barriers, and required defined curb cuts. Chairman Diffendorf stated that the construction barriers have been removed. As far as the defined curb cuts there is a 35 foot opening, ingress/egress off of Court Street, Chairman Diffendorf asked what about Barlow Road and Mr. Kitchen stated there is probably 45 feet there in the back. Chairman Diffendorf asked if it was going to be delineated, have some kind of signs or curbs there and Mr. Kitchen stated he hadn't thought about that. Chairman Diffendorf stated he thought that should also be defined. Mr. Kitchen stated he would like to stop as much of that as they can. They are having so much trouble with tractor trailers coming through there. This past week someone drove through there at 40-45 mph and almost ran over someone, cutting through from Barlow Road to Court Street. Chairman Diffendorf asked what is your proposal to alleviate that problem and Mr. Kitchen explained they were going to shorten it up between the end of the building and the fenced in area so there is a very limited access to come and go a long side the fenced in area. Chairman Diffendorf asked if he was going to put in a planter or something in there and Mr. Kitchen stated he wants to put up a fence with a screen on it. He will define parking for customers on the other side and the employees can park on the Barlow Road side of that fence. They want to restrict that and squeeze it down as much as they can. Chairman Diffendorf asked if it would be in the lot or along the right-of-way and Mr. Kitchen stated on the lot. Chairman Diffendorf asked if it would be along Barlow Road or inside your lot. There was a discussion regarding the problem with the bays that back out, where the planter would be by the dumpster and the fence that Mr. Kitchen wants to put up along Barlow Road so that trucks can't cut through his property. Chairman Diffendorf asked Mr. Kitchen to show the Board where on the drawing those would go, which he did.

Kevin Balachick asked what is happening with the fenced in area with the cars, will it remain and Mr. Kitchen stated yes. Kevin asked if there is anything in there and Mr. Kitchen stated there is some stuff in there including vehicles from the State Police. Mr. Kitchen stated they took all the lifts and the equipment out of the building.

Mr. Graves, referring to the letter Mr. Kitchen submitted explaining the project, the facility will continue to operate as a commercial repair and inspection facility, stated your site plan, at least indicated in the EAF, says sales lot for used equipment, trailers, RVs and asked if he is contemplating using this as a repair garage as well and Mr. Kitchen stated it will remain a repair garage, towing and inspection, which it has been for 50 plus years. Mr. Graves asked Mr. Kitchen if he was planning on doing that and Mr. Kitchen stated no, there is a tenant in there now. He went on to say he just bought the property. Mr. Graves asked if he bought it with a tenant there who will continue to operate as it has been operating and Mr. Kitchen stated yes. Mr. Graves asked what portion of the building is the tenant using and Mr. Kitchen stated all of it. Mr. Graves asked all except where your office will be and Mr. Kitchen stated he is going to use his office at another lot. Mr. Kitchen stated the tenant will use six of the bays. Mr. Graves asked about the area that says office and Mr. Kitchen explained that is the office the tenant is using. Mr. Graves asked if he planned on using the building and Mr. Kitchen stated he has one bay there he is using for storage of his forklift, skid steer, and tools.

Kevin Balachick asked if this is considered differently because multi businesses are operating there and Mr. Graves stated we do have a mixed use. Mr. Graves asked Chad Moran if he looked into mixed use at one point and Chad stated that was for something different. Kevin Balachick stated it wouldn't be much different than a plaza and Mr. Graves agreed. Chairman Diffendorf stated if we approve this and you bring in another use then you would have to come in for site plan review again. Mr. Kitchen stated he doesn't foresee that now unless it doesn't work out then he may use the same area.

Mr. Graves asked about the parking needs for your vs. your tenants parking needs and Mr. Kitchen explained it is so minimal, no more than two people a day. He thinks they have more parking spots than required. There was a discussion regarding parking and it was determined there is adequate parking.

Chairman Diffendorf stated that Broome County also wants the project to include a spill prevention plan and spill kit and no onsite fueling. He asked if there was onsite fueling and Mr. Kitchen stated no. Chairman Diffendorf stated petroleum products are stored outside it has to have dual containment. Mr. Kitchen stated he read that and said that double wall is not required inside the building, only outside. There was a discussion regarding used oil. By New York State law he has to take oil from anyone. It gets delivered or people just leave it. There will be a designated area for drop off which will include a containment tub. Chairman Diffendorf stated that should be a condition also.

Chairman Diffendorf stated that New York State DOT reiterates about not having anything in the right-of-way. He added that they have talked about the cleanup, no outside storage and inside storage.

Mr. Graves asked if he had submitted the sign plan and Chad Moran stated when he gets the sign he wants it will be required. Mr. Graves asked if he would get the design of the sign as far as the sign permit and Chad stated yes, the size of it and the actual picture of what it looks like. The sign will be part of the planter box.

Mr. Graves stated that one of the comments was access management which is delineated ingress and egress usually with signs but Broome County and BMTS talked about installing concrete curbs along the street. He asked Mr. Kitchen if he was going to be installing curbs and Mr. Kitchen stated there are curb stops. Chairman Diffendorf asked if it was poured curb and Mr. Kitchen stated no. Kevin Balachick commented it is a defined ingress and egress. Mr. Kitchen agreed and stated you can't cut through there.

The following are the conditions for the site plan review:

1. Screen the tires and the dumpster.
2. Define the ingress and egress from Court Street.
3. Delignate the ingress and egress from Barlow Road.
4. Designate the used oil drop off area.
5. Install a planter box near the dumpster on Barlow Road side
6. Dumpster will be near the screened in area along Barlow Road.

Motion by Kevin Balachick and second by Gordie Woolbaugh to accept the site plan review with the above mentioned conditions.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion Carried.

SEXUAL HARASSMENT TRAINING:

Chairman Diffendorf stated that New York State Law requires everyone to receive Sexual Harassment Training. It is required you have it with the Town. It will be an annual thing and hopefully next year it will be in the evening.

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

Respectfully Submitted,

Mary Kay Sullivan
Acting 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