



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 Kevin Balachick 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 – ONTRACK MOTORS, LLC:**

Chairman Diffendorf asked Mr. Ellsworth if he had seen the recommendations from Broome County and Mr. Ellsworth stated he had not. Chairman Diffendorf stated they recommended there be no storage within 10 feet of the property line and prohibiting storage of tires and requiring compliance with applicable performance standards and state and federal laws for hazardous material storage. The maximum number of cars that may be sold or stored or displayed onsite in the site plan approvals. In the drawing it shows parking spaces along Track Drive. Chairman Diffendorf asked if they were the only parking spaces that will be used and Mr. Ellsworth stated there are some up by the building but the ones along Track Drive would be mainly for the cars bought at auction. It does appear they are more than 10 feet away from the property line. Mr. Ellsworth asked if there was a maximum they are looking for and Chairman Diffendorf stated based on parking area the Town requires 9 1/2 X 20 feet. It does look like there is more room for more parking spaces. The only shown on the drawing are along Track Drive and a few by the building for employees. Mr. Ellsworth stated they ended up with 37 parking spaces, which is more than enough parking.

Chairman Diffendorf stated they also require spill prevention plan requirements for vehicle storage and display areas. That would be required and it would have to be submitted to the Code Office. There is to be no unscreened outdoor storage of the motor vehicle parts or partially dismantled motor vehicles. No vehicles display within the setbacks. Setbacks abutting the public road right-of-way to be landscaped. Landscaping is shown on the drawings. Chairman Diffendorf asked what type of shrubs or trees will there be and Mr. Ellsworth stated that the main thing is to clean up the entire area because there is a lot of under brush. That is the main goal on the back and on the front. Mr. Ellsworth stated that (5) blue spruce will be on the main entrance. Chairman Diffendorf stated he would like to see the front cleaned up and blue spruce there too for screening. Mr. Ellsworth explained they will probably clean up and leave some of the better trees there and put the blue spruce in there. They won't leave anything that is bad. Chairman Diffendorf stated we want it well maintained.

Chairman Diffendorf added that the dumpster, if he has one, is to be enclosed and located out of view from public right-of-way

Chairman Diffendorf asked if there will be any signs on the ground and Mr. Ellsworth stated just on the building, a 2 X 3 wall mounted, which will have to meet the sign ordinance. There will be no pole sign.

Chairman Diffendorf stated they also want to know what type of personal equipment will be stored there and Mr. Ellsworth stated he has a boat, a travel trailer, a 4 wheel drive side by side and a pickup truck. Kevin Balachick asked if that was all outside and Mr. Ellsworth explained he has a house in Conklin where the side by side is outside and he wants it inside. The boat is outside and he wants it inside. The travel trailer is up there and he wants that inside. Kevin Balachick stated there are no garage doors on this building and asked how he is going to get that inside. Mr. Ellsworth stated there will be three doors in the front and two windows. That is the purpose for that, for storage. There is no maintenance, he isn't maintaining them in there. Mr. Graves asked if he is using the building just to store his personal property and equipment and all the cars for resale will be in the parking lot and Mr. Ellsworth stated yes.

Chairman Diffendorf stated there is also a note from Broome County that the site plan shows an area of 5,000 SF building and another shows 50,000 SF. Mr. Graves stated that was corrected in the second submission with the new EAF. In the site development application there was a typo of 50,000 and was revised to state 5,000.

Chairman Diffendorf continued with Broome County's recommendation to include no vehicle maintenance or repair or fueling, no outside auctions, clean up the site and no unscreened outdoor storage. Ground cover, which was talked out. Designated parking for employees, customers, ADA compliance, and auction vehicles. Chairman Diffendorf asked if he would have employees and Mr. Ellsworth stated he didn't think so. He does have a guy that cleans cars once he gets them from the auction. He does the mechanical work in Conklin. Chairman Diffendorf asked if the existing building is going to be removed and Mr. Ellsworth explained that is coming out because that is where the parking is. Chairman Diffendorf commented there is nothing on the plans regarding exterior lighting and Mr. Ellsworth explained no pole lights or parking lot lights. There are going to be lights on the building over the doors only. Chairman Diffendorf commented they asked about loading and unloading areas and Mr. Ellsworth commented there will be no loading dock, they will be driven in or hauled in on a transport. Mr. Graves asked what kind of a transport it is and Mr. Ellsworth explained he typically has a 2 car transport that he pulls. Mr. Graves asked if it was an 18-wheeler and Mr. Ellsworth stated no. Chairman Diffendorf asked about a floor drain and Mr. Ellsworth stated no floor drain.

Chairman Diffendorf commented that all applicants should be given the comments from Broome County when they are received. Chad Moran explained that they do get forwarded to the applicant when they come in.

Mr. Graves stated if the number of parking spaces was based on one parking space for every 250 SF and under the zoning schedule that calculation is for a manufacturing, processing, fabrication or repair facility. Mr. Graves asked Chad do we know what the proposed use is under the zoning schedule and Chad explained with the new comprehensive plan it would be one spot for every 250 SF. What was recommended they exceeded. Mr. Graves asked if this was under the revised and Chad stated the first one was based on their square footage which was 40 X 60. The parking spaces exceeded that last one and doing the 50 X 100 it still exceeded the way it was calculated. Mr. Graves asked if he was using the building for manufacturing, processing, fabrication or repair facility and Mr. Ellsworth stated no. Mr. Graves asked why the one spot for 250 SF was used for this use when he isn't planning on doing any of those things. There is a requirement for a warehouse or a whole sale business but it is one space for every 5000 SF. Mr. Ellsworth commented it was probably the closest fit they had to go by. Mr. Graves asked if he was selling vehicles there and Mr. Ellsworth explained he isn't selling vehicles there, he sells them out of Conklin. He has overflow there. They are stored here on a temporary basis. Mr. Graves asked if he buys them at auction and sells them himself, not selling them to retail or other dealers and Mr. Ellsworth stated no, he finds cars for different individuals that are looking for something specific. He finds it and brings it back and sells to that person. Mr. Graves asked if he was the one that sells the cars and Mr. Ellsworth stated yes. He doesn't sell to other car dealers. Kevin Balachick commented he thought that was the

intent, it was just a wholesaler, temporary storage from the auction. Chad Moran commented he seeks out specific cars for people. He isn't going to have 15 cars every month. It may be 2 this month and 5-6 the next month. Mr. Ellsworth agreed.

Mr. Graves commented on the application there is a question regarding anticipated construction which wasn't filled out. He asked how long to build the site and Mr. Ellsworth explained he has a signed contract with Morton Building and he doesn't know how long it will take to build and ship. He plans on construction in the spring. Kevin Balachick asked if they needed to put a constraint on the construction time, a year and Chairman Diffendorf stated building permits are good for 6 months. Chad Moran commented they have to start within 6 months. The permit can be issued once he receives the revised energy prints. Mr. Ellsworth asked if planning board approval was good for a year and Mr. Graves commented it may be 6 months, he will confirm that.

Mr. Graves asked if the parking lot is going to be lit, there is reference to lights on the building and Mr. Ellsworth explained there are no intentions to put lights in the parking lot, only on the building, down lighting on the building. There is quite a bit of light up there.

Mr. Graves stated one of the requirements of the site plan is a plan to show utilities and utilities easements including methods of sewage disposal and detail. If a private disposal system is used plans for the system would have to be approved by the Broome County Health Department. How does he plan on receiving and send water and sewage? Is it public? Mr. Ellsworth stated yes. Chad Moran stated there is a diagram for that. It is public water and public sewer. Mr. Graves asked if he knew where the electric comes in and Mr. Ellsworth stated there is a pole with the electric, and another pole on the bank.

Mr. Graves asked if it was a one story building or 2 story and Mr. Ellsworth stated 1 story. Mr. Graves asked about the planting list, if that was the blue spruce and Mr. Ellsworth stated yes. Kevin Balachick commented they have a planter right in front of the building. Mr. Graves asked if there would be flowers of some sort in a planter and Mr. Ellsworth stated decorative plants.

The Board reviewed the list of conditions as follows:

1. Prohibiting outdoor storage of tires.
2. Spill Prevention Plan.
3. No unscreened outdoor storage of motor vehicle parts or partially dismantled motor vehicles.
4. Landscaping on Track Drive and the entrance with Blue Spruce.
5. Enclosed dumpster.
6. No vehicle maintenance or repair.
7. Removal of existing building/unit that is there.
8. No drains in the building.
9. No onsite auctions.
10. Indicating the maximum number of vehicles that can be stored, one car per designated parking space.

Mr. Graves asked even though he will not have any employees but he does have the handicap parking space are any of those parking spaces for something other than storage of the cars that he is reselling like a personal parking space and Mr. Ellsworth explained that if that does happen they could park along the one side or the other. The accessible space is more of a state code. There are four spots out in front for personal use. Mr. Graves asked if those were part of the 37 and Mr. Ellsworth stated yes. Mr. Graves stated he would have to subtract out any personal space from that and the designated handicap space.

Kevin Balachick commented that the updated site plan does show the overhead doors, three of them, on the left of the building as you are facing it that does not match the elevation use.

Chairman Diffendorf stated he doesn't know if they can approve this without the complete building plans. There are too many variables. He thinks they should address this at another meeting when we see the complete plans for the building and the layout. They aren't showing overhead doors. It isn't showing the utility hookups. He would like to see more complete drawings. Kevin Balachick commented there are a couple of different maps, a couple of different buildings on each one. Chairman Diffendorf recommended to the Board they get a better, complete set of drawings to make a final judgement. Mr. Ellsworth will provided the information needed.

Motion by Kevin Balachick and second by Dan Wasson to hold this meeting over until January in order to get a complete set of drawings. All voted in favor. Motion carried.

Mr. Ellsworth stated he would try to incorporate the conditions into the revised plans.

### **CANOPY GROWTH:**

Chairman Diffendorf explained that Canopy Growth is here to make a presentation to the Board and answer any questions regarding the revised project since the application was submitted.

Mr. Robert Switala from Bergmann Associates, explained that they did submit an application previously, back in October and before last month's board meeting they did withdraw that application. That is one of the reasons they wanted to come before the Board tonight to talk about what changes happened and why they withdraw it. The biggest change is, previously on the site plan they had an extraction tower on the east side. This is the old Felchar building on Pine Camp Drive. They are not proposing to do any improvements to the exterior of the building in terms of an expansion. That extraction tower was an expansion. The extraction tower was a 60 ft high structure that would extract oil from temp to create the CBD oil. Canopy has evaluated their process and they have determined they are not going to do that on site. They are actually going to have that brought in via truck. That will greatly reduce the amount of impact for this project. There isn't as much truck traffic coming in. The process of extraction involves certain chemicals that they have to store onsite, which goes away. The waste product that is produced and getting rid of that goes away. They were looking at possibly incineration, air permits, which goes away as well. They also don't need a zoning variance now. That was the big change and that is why they withdrew the application. A lot of the information they submitted for the SEQR included that extraction tower. Now it is the existing building. They will bring in the CBD oil and in this facility they are looking at make vape and gummies. They are looking down the road for other markets, other expansion opportunities.

Mr. Switala went on to say the circulation and the site itself will stay the same. The roads are beat up and they are going to come in and create new travel lanes around the exterior of the building. Trucks will exit the same way they came in. They are doing a parking expansion but only adding one space. The reason being those spaces are not code compliant. They are small spaces. They will make all the spaces code compliant. They will have a new patio area for employees. They will do some cleanup and landscaping, and stormwater management. They will add some new lighting. Basically cleaning up the site. In terms of the building they are not going to be doing any expansion. They are putting a new roof on. One concern Broome County had was truck traffic. They received data from former plant manager and they predict they are going to reduce truck traffic by about 50% as well as employees. Initially they are looking at 75-100 employees, one shift

with the expansion of up to 300 employees. This greatly reduces the amount of impacts. They will use existing water and sewer. A representative from Canopy will be here next month.

Chairman Diffendorf asked if they would get a letter indicating that a traffic study is not needed and Mr. Switala stated they hope to. They put a letter together and included the traffic data but they haven't heard yet.

Complete drawings will be available for the Board members to review. The County will get what they need for their review.

**TRAINING:**

Chairman Diffendorf stated there was information sent out to the board members regarding training webinar opportunities.

Motion by Gordie Woolbaugh and second by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 7:59 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

cc: Planning Board Members  
Gayle Diffendorf  
John Finch, Jr.  
Bill Diffendorf

Dan Griffiths  
Scott Snyder  
William Graves  
Code Department