

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

June 8, 2020
Meeting Minutes

Present: Mike Maciak, Associate Member Bob Heary, Attorney
Kevin Balachick, Member Chad Moran, Building & Code Inspector
Gordie Woolbaugh, Member
Dan Wasson, Member
Marchie Diffendorf, Chairman

Absent: Jim Bukowski, Member

Chairman Diffendorf called the meeting to order at 7:03 PM.

Chairman Diffendorf thanked Councilwoman Katie Legg for setting up the Zoom meeting and also thanked Mary Kay Sullivan for all the extra work she had done due to the virus. It has been a trying time but we will get through this.

APPROVAL OF MINUTES:

Motion by Dan Wasson and second by Kevin Balachick to approve the minutes of the March 9, 2020 meeting as submitted.

All voted in favor. Motion Carried.

E.A.F. – ACTION FIRE & SAFETY, INC.:

Chairman Diffendorf commented the applicant has submitted pages 1, 2, and 3 of the Short EAF. In reference to question #9, the applicant will meet state code requirements but not state energy code requirements, this is for code storage. Chad Moran explained there is a code they have to adhere to but it is for code storage and will not meet the energy code for efficiency but will meet the building standards. In reference to #9 there is no water in the building. In reference to #16 the answer is no. In reference to #17 the answer is no so the answers to a. and b. can be omitted.

Mr. Heary reviewed Part 2 with the Board Members and the Members answered no to all questions.

Chairman Diffendorf stated in Part 3 the second box should be checked. A copy of the complete Short EAF is included in the file.

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.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion Carried.

SITE PLAN REVIEW – ACTION FIRE & SAFETY, INC.:

Lori Raub, Raub Construction, was present.

Chairman Diffendorf stated we covered the comments that the DOT had. As previously stated he and Chad looked at the project and it would be more of a hazard if we made them meet the 30 ft driveway. They wouldn't be able to maneuver in the parking lot because it is close to the road. It has been like that for close to 50 years.

Chairman Diffendorf stated at the meeting at the site they talked about painting the existing building, which is a condition we are asking for and Ms. Raub agreed. Chairman Diffendorf stated they will also have well maintained landscaping. This is going to be on a slab and there will be two canopies in the front of the building that will be replaced and Ms. Raub agreed. The old front entrance will also be replaced. Bollards will also be added so the canopies won't be hit and those will be painted red as requested by the applicant.

Chairman Diffendorf asked if the building will have the driveway all the way around and Ms. Raub agreed. Chad Moran stated they said they would paint the building to match and Ms. Raub stated yes. Chad stated they are going to raise the smokestack on the outdoor boiler to 19 feet with guidewires.

Mr. Heary stated he doesn't believe it has enough parking spots for the square footage and it is something for the board to consider. You don't have to require them to have all the parking. Chairman Diffendorf asked if there was an increase in employees and Ms. Raub stated no. Mike Maciak asked if they would be parking trucks inside and Mr. Raub stated the employees usually park out front now and they are going to park outback so the entire front will be customer parking. Chad Moran stated there is a lot of stuff outback that is going to be put inside. It is to reduce clutter, not to increase square footage. The parking should be adequate since the employees will be required to park in the back.

Motion by Mike Maciak and second by Gordie Woolbaugh to approve the site plan with the following conditions:

1. Paint exterior.
2. Well maintained landscaping.
3. 2 canopies installed with bollards for protection.
4. Old front door replaced.
5. Raise the smokestack on the outdoor boiler.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion Carried.

E.A.F. DETERMINATION – ANDERSON EQUIPMENT COMPANY, INC.

Brian Grose, Fagan Engineers and Land Surveyors was present. Tim Asinger and Spencer Pehonsky from Kessell Construction, and Andrew Nethercott from Anderson Equipment were on Zoom Video Conference.

Chairman Diffendorf commented the applicant has submitted pages 1, 2, and 3 of the Short EAF. In reference to #6 the answer should be yes. In reference to #2, Mr. Grose stated he has revised that since then and the area variance is not needed. It is actually site plan approval and also added on NYS DEC they need Petroleum Bulk Storage, which they are going for. In reference to #13 a. should be marked no. In reference to #17 Mr. Grose explained that the plan is they will catch it in a series of catch basins which will outlet into a grass swale, which will eventually outlet into a pocket pond. The pocket pond will have an emergency overflow and an outlet structure and in extreme cases, a 100 year, it will outlet at a controlled flow into the roadside ditch. In reference to #20 Mr. Grose explained that is automatically generated. DEC sets a 2000 ft boundary and one of the parcels, in the Industrial Park, they had spill incident and has a DEC Spill Incident # 704206. Mr. Grose stated he has the corrected SEQR.

Mr. Heary reviewed Part 2 with the Board Members and the Members answered no to all questions.

Chairman Diffendorf stated in Part 3 the second box should be checked. A copy of the complete Short EAF is included in the file.

Motion by Gordie Woolbaugh and second by Dan Wasson 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.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion Carried.

SITE PLAN REVIEW – ANDERSON EQUIPMENT COMPANY, INC.:

Chairman Diffendorf asked in Broome County's comments in regards to the road work are you going to be hooking into the water line at Stratmill Road and Mr. Grose stated yes and said they always put the line 4 ft below. Chairman Diffendorf stated that is one condition.

Chairman Diffendorf asked Mr. Grose to explain the outdoor storage area, fuel tanks and waste oil storage and Mr. Grose stated he does have a more current plan. The general concept hasn't changed, just added more detail to it. There will be outdoor storage for the diesel fuel and the waste oils. There is a little cut out on the northwest corner of the building, the top left corner of the building on the plans, in the front side of the building. That area will be hatched out and will be the storage area for the tanks. Surrounding the tanks will be concrete barriers. Chairman Diffendorf asked if it will be dual containment and Mr. Grose stated yes. Chairman Diffendorf asked if it would have a roof and Mr. Grose stated no. Chairman Diffendorf stated the storage area with the dual containment will be a condition.

Chairman Diffendorf asked if they had a right-of-way in their deed and Mr. Grose stated yes. Chairman Diffendorf stated the truck traffic is minor and Mr. Grose agreed.

Chairman Diffendorf asked Mr. Grose to explain the floor drains and Mr. Grose stated the wash bay will have a floor drain and an oil water separator connected to that and the treated water goes directly to the sanitary sewer. Chairman Diffendorf asked if the rest of the building would have floor drains and if there are do they all channel to the oil water separator and Mr. Grose stated just he wash bay.

Chairman Diffendorf asked if the dirt/gravel road going in there will have any improvements to that and Mr. Grose explained there will be a concrete slab around the building itself for equipment to drive on as well as the parking areas but the remainder of the driveway will be gravel.

Mike Maciak stated you are not paving all the way down to the road and Mr. Grose stated no. Mike stated he was under the assumption they were doing that all the way down so the road could be turned over to the Town.

Mr. Heary asked if there is anything on the proposed signage for the building and Mr. Grose stated the placement is on the southwest corner of the property. Kevin Balachick asked on the pond side or the building side and Mr. Grose stated pond side. They will be in contact with the Code Department regarding the sign. Kevin Balachick asked if the flag pole will remain where it is or will it be moved and Mr. Grose stated the flag pole will be going with the sign, in the southwest corner.

Mr. Heary asked for parking at least under the initial filling there will be seven parking spaces but the plan is to have 7-10 employees plus customers and Mr. Grose explained right now their operation in Endicott they have seven employees and they only have seven parking spaces with an additional handicap spot with no issues. Most of their traffic is truck traffic. Chairman Diffendorf asked if the employees will use these parking spaces and Mr. Grose stated they may use some but there may be parking in the back.

Chairman Diffendorf asked if you would be able to drive around the building and Mr. Grose stated the employees will. There are gates on both sides. Chairman Diffendorf asked if a few parking spots could be added to the southeast side and Mr. Grose stated yes.

Mr. Heary asked about the equipment out front for display and how many pieces will you have and where will they be placed and Mr. Grose stated there will be 3-5 pieces of equipment. Mr. Heary stated there are restrictions on having things out in front of buildings in the code and Chairman Diffendorf stated this isn't on a public road. Mr. Heary stated it looks like it will be screened by the trees. Mr. Grose stated Monroe Tractor has equipment on display right now. It will be similar to what Monroe is doing.

John Mastronardi, Town Engineer, stated he officially reviewed the SWPPP and found it to be complete and it appears to contain all the information we need for DEC permit coverage. There were a few items in the NOI that needed to be edited, modified, or added to. He spoke directly to Brian Grose and they went through those items and Brian agreed to address those items and he will send a new, revised copy of the SWPPP. At that point he will execute the MS4 Acceptance Form on behalf of the Town. At that point the applicant will need to file that NOI with DEC along with the Acceptance Form. Chairman Diffendorf asked if we can make this a condition and John Mastronardi stated yes, you can make that a condition based on the engineer trusting the comments that were discussed and submission of a revised SWPPP. Chairman Diffendorf stated when he approves that he will send it the Chad and then at that point they will be able to get their building permit. All agreed.

Motion by Kevin Balachick and second by Dan Wasson to approve the site plan with the following conditions:

1. Water line will have adequate cover beneath the existing ditch.
2. Dual containment for the fuel oil storage.
3. Wash bay will have a floor drain to an oil water separator to be discharged to the sanitary sewer.
4. Additional parking spaces will be added to the southeast side.
5. Updated SWPPP to the Town Engineer for approval.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion carried.

E.A.F. DETERMINATION – LES SEIDEL:

Chairman Diffendorf commented the applicant has submitted pages 1, 2, and 3 of the Short EAF. In reference to page 2, #5, a and b the answer should be yes for both. In reference #15 Mr. Ellsworth explained that the mapper that is used picks up a broader area which included the creek and possibly the river.

Mr. Heary reviewed Part 2 with the Board Members and the Members answered no to all questions.

Chairman Diffendorf stated in Part 3 the second box should be checked. A copy of the complete Short EAF is included in the file.

Motion by Gordie Woolbaugh and second by Dan Wasson 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.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion Carried.

SITE PLAN REVIEW – LES SEIDEL:

Chairman Diffendorf commented this is pretty straight forward. The plans show the storage mall on the west side but he wants to put it on the east side. It meets all the same setbacks. Chairman Diffendorf asked what type of roof it will have, how will the water run off of it and Mr. Seidel stated it will have gutters. Mr. Ellsworth stated on the east side it will go back to the swale. Chairman Diffendorf asked if the driveway/parking lot will be paved or have crushed stone and Mr. Seidel stated crushed stone. Chairman Diffendorf asked about the driveway because the office has its own driveway and Mr. Seidel stated it will have its own driveway. Chairman Diffendorf asked you have landscaping and we want it to be well maintained landscaping. It doesn't say what type of landscaping. Mr. Ellsworth stated he will submit the landscaping plan

to Chad.

Mr. Heary asked if there is going to be a sign for this and Mr. Seidel stated maybe on the building. There won't be a sign out front. They will have to meet the sign requirements if a sign is put up. They will work with Chad. There will be no pole lights.

Mr. Heary explained that in the event there are 239 comments that were not addressed within the conditions made tonight then the Board would have to revisit them.

Chairman Diffendorf asked when construction would start and Mr. Seidel stated late summer or early fall. Chairman Diffendorf asked if there are Broome County comments that come back that need further discussion would they be available and Mr. Ellsworth stated yes.

Mr. Heary stated the condition will be that it is approved subject to any 239 comments requiring Board discussion that were not addressed within the conditions put forward by the Planning Board. Mr. Seidel and Mr. Ellsworth agreed.

Mr. Ellsworth stated the only thing he mentioned doing was fill work for now, no construction now and Chad Moran agreed.

Motion by Kevin Balachick and second by Mike Maciak to approve the site plan with the following conditions:

1. Additional drainage improvements.
2. Well maintained landscaping plan submitted for approval by the Code Office.
3. 239 comments requiring Board discussion that were not addressed within the conditions put forward by the Planning Board.

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| Roll Call Vote: | Dan Wasson | Yes |
| | Kevin Balachick | Yes |
| | Gordie Woolbaugh | Yes |
| | Mike Maciak | Yes |
| | Chairman Diffendorf | Yes |

Motion Carried.

Motion by Kevin Balachick and second by Dan Wasson to adjourn the meeting. The meeting was adjourned at 8:36 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

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| cc: | Planning Board Members | Dan Griffiths |
| | Gayle Diffendorf | Scott Snyder |
| | John Finch, Jr. | Bob Heary |
| | Katie Legg | Code Department |