

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

December 14, 2020
Meeting Minutes

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

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

APPROVAL OF MINUTES:

Motion by Jim Bukowski and second by Kevin Balachick to approve the minutes of the August 10, 2020 meeting as submitted.

All voted in favor. Motion Carried.

E.A.F. – KIMLEY-HORN AND ASSOCIATES, INC., ON BEHALF OF ELECTRIFY AMERICA:

Kevin Balachick questioned if #1 on Part 1 of the Short EAF should be answered NO and Mr. McKertich agreed, the answer should be NO.

Kevin Balachick questioned #2 regarding remediation done at other properties in the area. Mr. McKertich stated he interprets “adjoining property” would mean sharing a border with this property.

Mr. McKertich 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 seconded 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.

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

Motion Carried.

SITE PLAN REVIEW – KIMLEY-HORN AND ASSOCIATES, INC., ON BEHALF OF ELECTRIFY AMERICA:

Chairman Diffendorf stated he talked to the manager at Love’s and they will be removing parking spaces and putting in these electric charging stations. They aren’t much different than a gas pump, pay at the pump with a credit card.

Motion by Jim Bukowski and seconded by Gordie Woolbaugh to approve the site plan as submitted.

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

Motion Carried.

42 REAL ESTATE, LLC +/- ASSIGNS:

Chairman Diffendorf explained that this is not on the agenda tonight but has been added. The building that use to be the Link building there is a proposal that we will deal with next month in regards to demolition of that building and putting in a Fed Ex distribution center. Their representatives are here tonight to give the Board a heads up on the project. There are also some actions that the Board needs to take tonight. We will do those after the presentation.

Mr. Chris Maby and Mr. Brian Tyler, both from Delta Engineers introduced themselves to the Board. They represent 42 Real Estate, the potential developer for the parcel.

Mr. Maby explained this is the former Link building at 265 Industrial Park Drive, 93 and 121 Industrial Park Drive as well. There are three parcels involved and they will be combined. They spoke early on with DOT about a traffic impact study because it is within approximately 1200 feet of Colesville Road, which is owned by them and they need to follow their guidelines. With the traffic at the proposed site there is no negligible change in the time, the level of service essentially stays the same. The level of service is much like a grade in elementary school with A being good and F being horrible. All of the intersections themselves operate at a level of service of B or better now and they will when this project is done. DOT has reviewed the traffic study impact once already, they gave us comments and they have incorporated those and DOT is now formally reviewing it as part of the 239 review.

Mr. Tyler explained the things you will have the most questions or desire more information about is traffic and stormwater. The site is 51 ½ acres. Mr. Tyler showed the Board members on drawings the current drainage off the property and then the proposed drainage off the property when the project is done. They are going from approximately 20 acres of impervious area to approximately 40 acres. Flows will go to all the same locations. Currently there are no stormwater controls. They will be installing a stormwater pond, an extended detention wet pond. The majority of the site will have a stormwater collection system through all the paved areas. There will be no higher flows in the future.

Mr. Maby showed the Board members on drawings the proposed site plan and what things will look like. There will be concrete areas within the asphalt. That is where the trailers will be parked most of the time. That is

where they will get settlement in the asphalt on really hot days. It is an easy maintenance issue. There are some walls that are needed and Mr. Maby showed the Board members where they would be on the drawings. Mr. Tyler explained there will be two entrances into the property and showed where they were on the drawings. Mr. Maby stated both entrances will have gates on them and the entire property will be fenced. Mr. Maby showed the Board members where the landscaping would be on the drawings. They will have trees, shrubs, and boulders for the landscaping.

Jim Bukowski asked how big the building will be and Mr. Maby explained the building is 458,400 SF. It is approximately 370 X 12,000 feet long. It has truck bays on three sides. They are backup stalls, similar to what you would see at Dicks or CVS just past Sayre. There will be two signs, one on the building and one at the main entrance.

Chairman Diffendorf stated this is a preliminary review and next month we will plan on doing the entire site plan review. There are a couple of items we need to address. Chairman Diffendorf stated that Bob McKertich advised that this should be a Type 1 and the Planning Board should determine who should be the Lead Agency on this. Also, there is a professional fee, engineering fee from Griffiths Engineering to review these plans for us because it is such a large project. The estimated fee is a maximum of \$5,040. The Planning Board needs to do three separate votes tonight.

Motion by Dan Wasson and seconded by Jim Bukowski to designate this project as a Type 1 for environmental review.

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

Motion Carried.

Mr. McKertich explained under SEQR for a Type 1 Action all the involved agencies are required to coordinate their reviews. There is only one lead agency declared. There are several agencies that will be reviewing this project including DOT, DEC, SHIPO, and Broome County Planning. One of the agencies decides they want to be lead and if you wanted to be the lead agency you would make a motion to declare that. A notice would be prepared and would be sent out to all the involved agencies and they would have 30 days to object to that and contest it. If one of the other agencies wanted to be lead agency then ultimately there is a process where the DEC Commissioner makes the ultimate decision. Typically for a project like this where this board is conducting the site plan review it would be appropriate for this board to be the lead agency for SEQR purposes.

Motion by Jim Bukowski and seconded by Kevin Balachick that the Town of Kirkwood Planning Board would be the Lead Agency in this project.

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

Motion Carried.

Chairman Diffendorf explained with that lead agency, because it is a Type 1, the timeline is 30 days for the other agencies to review. With that in mind the math doesn't work out that this will fall on our next meeting on January 11, 2021. Chairman Diffendorf recommends that the Planning Board meeting be on January 25, 2021, which is two weeks later. It will allow time for them to respond.

Motion by Kevin Balachick and seconded by Dan Wasson to approve the estimated maximum cost of \$5,040 in Engineering Fees from Griffiths Engineering for their review of this project.

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

Motion Carried.

Motion by Kevin Balachick and seconded by Gordie Woolbaugh to adjourn the meeting. The meeting was adjourned at 7:36 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

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