

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

**August 8, 2022**  
**Meeting Minutes**

Present:       Marchie Diffendorf, Chairman       Gina Middleton, Attorney  
                  Jim Bukowski, Member               Chad Moran, Building & Code Inspector  
                  Kevin Balachick, Member             John Mastronardi, Town Engineer  
                  Mike Maciak, Associate Member  
                  Dan Wasson, Member

Absent:        Gordie Woolbaugh, Member  
                  Matt Williams, Associate Member

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

**APPROVAL OF MINUTES:**

Motion by Dan Wasson and seconded by Mike Maciak to approve the minutes of the July 11, 2022 meeting as submitted.

All voted in favor. Motion Carried.

**E.A.F. DETERMINATION – DON’S AUTOMOTIVE MALL:**

Chairman Diffendorf explained on the Short EAF there are a couple of changes. The total acreage of physical disturbance was listed as 4.17 acres and it should now be .36 acres. Referring to #5 the adjoining area is forest besides the residential. Referring to #9 it should be yes, they are meeting the state energy code requirements. Referring to #17 the answer is yes, the proposed action will create storm water discharge, either from point or non-point sources. Referring to #17 a. the answer is yes, storm water discharges will flow to adjacent properties. Referring to #17 b. the answer is yes, the storm waster will be conveyed to existing retention/sediment pond at 216 Colesville Road.

Ms. Middleton read each question in Part 2 of the Short EAF and the Board answered no to each question. The Board’s responses are included in the file. Chairman Diffendorf checked the second box on page 3 and filled out the bottom. The form is included in the file.

Motion by Kevin Balachick 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
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion carried.

### **SITE PLAN REVIEW – DON’S AUTOMOTIVE MALL**

Chairman Diffendorf explained there has been a change in the description of the site. Records from the Town from 2017 indicate that there were inspections on that site that were included in Don’s Automotive salvage yard. There was a SWPPP done and this property is included in the original SWPPP.

John Mastronardi explained the facility is covered by a multi sector general permit, which is a permit that the facility submitted and was approved by DEC. That addresses stormwater runoff from all their parcels that they own or control. The stormwater actually discharges into a sediment basin toward the southeast corner of the property before it eventually discharges into Stanley Hollow Creek. The sediment basin discharges are sampled and that sample is monitored and the results are sent to the DEC. The proposed additional vehicle storage also flows and is captured by the ditch that takes it to the sediment basin. A previous site plan that was submitted to the County for 239, the drainage pattern was incorrect so the applicant has since had their Engineer correct that.

Chairman Diffendorf commented that the site disturbed is .36 acres, not 4.71 acres. With the explanation from John a lot of the comments from Broome County were null and void because they were going on the basis of the 4.71 acres. John covered the inspections and monitoring of the site. One other condition we requested and they agreed is to join the two parcels into one.

Jackie from Fishs Eddy I, LLC, via Zoom, wanted to make sure their letter was received and will be made part of the meeting. Chairman Diffendorf stated yes, we have the letter and it will be addressed. The letter was read into the record and is included in the file.

Chairman Diffendorf explained he went up to 27 Link Drive, the Fishs Eddy property and from what he sees the vehicles that are visible from there are the ones that have been at Don’s Automotive Mall since the beginning, back in the 1940s. There is a heavy row of arborvitae and they are screening the new section. Since we are dealing with the new section and there are already arborvitae there, there is no need for more screening, there is plenty there already.

Chairman Diffendorf commented that during the public hearing a question was asked if this was pre-approved and he explained the expansion was not pre-approved. As far as putting up new fences that is part of site plan review. When you locate vehicles on property that previously did not have the vehicles that would be part of site plan review. What can be done tonight is try to protect the residents along Colesville Road from having to look at the vehicles that are stored there now. Chairman Diffendorf stated he has been up there several times on sunny days and the chrome and the windshields are shiny. He added he wouldn’t want to live across the road from that and see that.

Chairman Diffendorf explained we met with Don’s Automotive and they have agreed to put arborvitae up by the road so it will screen those cars from the houses across the road and from people passing by on the road. They will be sufficiently spaced from the road and with sufficient height so they won’t be seen from the houses across the road.

Kevin Balachick asked if the landscaping plan from the original package that was submitted is still valid because on there they have evergreens, 6-8 feet privacy screen, approximately 17 at 7 ft. apart and 120 feet long.

Mrs. Savage asked how close to the road will that be and Kevin Balachick stated it shows up close to the road. Mrs. Savage asked is anything else was going to be put in front of that and Chairman Diffendorf stated this site plan review is only for fencing and the vehicles that are there. Nothing more will be added without coming back to us for site plan review. The screening will be sufficient so you won't be able to see them from your house. They can't have a certificate of occupancy until those conditions are met.

Chairman Diffendorf stated that another concern is fluids. We had been told there are no transmissions or engines in those cars and Joe from Don's Automotive agreed, no engines or transmissions. Chairman Diffendorf asked about windshield washer fluid and that is also removed.

Steve Barkwell, via Zoom and with the help of Joe from Don's Automotive Mall, who showed drawings to the board, thanked the board for the opportunity to present this project. He went on to say he is a proud Kirkwood resident, grew up in Kirkwood, has lived in Kirkwood his whole life. He has been part of the businesses up on Colesville Road, Gary's and Don's his entire career, for 25 plus years. First off, they do hear the concerns by the board and the neighbors and will address those. They want to continue to be good neighbors.

Mr. Barkwell went on to explain the project, showing the Board an aerial photo of the property from 2018, which shows the new area to increase the number of cars they have. Joe pointed out the tree line that was there in 2018. In regards to the process the vehicles come in and all the fluids, oil, antifreeze, transmission, freon, gasoline and well as parts are removed from the vehicles including the motor and transmission. It is very organized and laid out neatly. They like to keep a clean facility. The second drawing shows how the vehicles are laid out. The roadways between the cars are 25 ft. wide. The spots where the cars are placed are 10X20. Those areas are kept straight and neat. The water flow will be the same, it hasn't changed. The water has always flowed the same direction down to the retention pond at the bottom of the property.

Mr. Barkwell went on to explain that the arborvitaes will be going in closer to the road than the pine trees were previously on the property. They will be between 6-8 ft. high and will try to get the tallest one they can. They grow approximately 2 ft. each year, they are fast growing. These are the best for full screening. The trees will be planted close together and will provide screening from the cars.

Mrs. Savage asked if they were going to leave the dirt and gravel that is up by the road and wanted to make sure they aren't going to use that for anything else and Chairman Diffendorf stated the trees are going to be very close to the road and there will probably be some grass growing up through it. Mrs. Savage asked if these were going to be closer than the ones before and Chairman Diffendorf stated yes.

Dan Wasson asked if they will have to maintain those trees and Chairman Diffendorf stated yes. Mrs. Savage asked how soon will these be planted and Joey from Don's Automotive stated they would be planted in the fall.

Kevin Balachick asked will the current water testing cover this property also and Mr. Barkwell stated yes, this property is added on the current permit. All the testing is done on the discharge side of the retention pond. Kevin Balachick asked what is the current testing frequency and Mr. Barkwell stated we test twice a year.

Motion by Jim Bukowski and seconded by Mike Maciak to approve the site plan with the following conditions:

1. Trees, as close to 8 ft. as possible, planted up by the road.
2. Trees must be maintained.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion carried.

### **E.A.F. DETERMINATION – EPIC ENVIRO PROTECTION INDUSTRIES COMPANY**

Mike Maciak stepped down and recused himself from this project due to being the owner of the property.

Chairman Diffendorf, referring to the Short EAF, #8 b. should be no, public transportation services are not available and c. should also be no, pedestrian accommodations or bicycle routes are not available. For #11 the answer should be no, proposed action will not be connected to an existing public/private water supply. For #17 a. and b. should be left blank because they answered no for the first part.

Ms. Middleton read each question in Part 2 of the Short EAF and the Board answered no to each question. The Board's responses are included in the file. Chairman Diffendorf checked the second box on page 3 and filled out the bottom. The form is included in the file.

Motion by Kevin Balachick 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
	Kevin Balachick	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion carried.

Sarah Campbell from Hinman, Howard & Kattell and also Mark Scoville, a builder from Binghamton were present representing the project. Mike Maciak, the building owner was present.

Chairman Diffendorf reviewed the comments from the BC Planning Department which included that the final site plan should include landscaping plans, which there is very little on landscaping. He asked if removing trees what about replacing them and landscaping around the facility and Mr. Scoville referring to a bigger drawing, commented that the drawing he had is a preliminary drawing to get construction estimates for Mr. Maciak.

Ms. Campbell explained that they were seeking site plan review subject to final sign off by the Town Engineer for the drainage plan. If you feel additional landscaping is necessary they can do that. Kevin Balachick stated the landscaping needs to be part of the plan. We didn't see it on there so if you could read what that box says about the trees and Mr. Scoville read proposed tree line TBD. Chairman Diffendorf stated

we need more information. Mr. Maciak commented do we need more up by the roadway, dress that up a little bit more than by the building and Chairman Diffendorf asked cut the trees south of the entrance and Mr. Maciak stated yes, that is what he would do.

Mr. Scoville explained the floor plan of the building is 13,750 SF with two loading docks. They will connect the building to the existing building. Chairman Diffendorf asked there are no proposed restrooms and Mr. Maciak stated correct. Jim Bukowski asked when you say you are putting a two-inch water line in for the future what is the future, anticipation or is it precautionary and Mr. Scoville stated precautionary for future tenants. Mr. Maciak added in case the tenant needs something to water their supplies down with. Jim Bukowski asked if they were going to stub out the sewer and bring a stub into that and Mr. Maciak explained there are three different lines coming out of the building and a lot of the bathrooms were on the second floor at one time along with offices. They are all gone now. Jim Bukowski asked if there is a septic there now and Mr. Maciak stated yes. John Mastronardi commented if they are going to add sewer down the road they would have to get approved from Broome County because it is a private septic system. If they want to provide water and sewer for future use it is up to them. If they were going to put it on line they would have to coordinate that with Broome County Health Department. Kevin Balachick asked if the current septic is not where they are putting it and Mr. Maciak stated no. The lines and tanks are in another area.

Chairman Diffendorf asked what do you want to do regarding the landscaping and Mr. Maciak explained when they come back they will have a better landscaping plan, a better design by the road and if we have to put something in front of the building they will do that. Kevin Balachick asked come back for what and Mr. Scoville stated once we get the final drainage plan. They are in the process of getting it surveyed so they can do a proper final contouring. They were on site and they are trying to see if they can incorporate the State's drainage system but they know they are going to have to take some of it out across the parking lot to Route 11 drainage system. Kevin Balachick asked if they are looking to resubmit this plan and just trying to get comments at this point and Mr. Scoville stated no we are trying to get this thing going in parallel. Kevin Balachick commented we don't have everything we need to decide. Mr. Maciak commented the landscaping itself is a different issue. Basically, they are trying to add more to the landscape to make it a better feeling for Kirkwood. They are right by the exit and they think the State is going to work with them to get those trees down by the road. They would like to open it up with colorful decoration with the landscape.

Ms. Campbell asked Mr. Maciak what his objective was here tonight and Mr. Maciak stated to get going on it and say this is okay, this site plan would be approved and we would come back with the landscape and the final survey and everything. Ms. Campbell asked if he was looking for final approval tonight and Mr. Maciak stated no. Ms. Campbell stated we are not looking for final approvals tonight, we are looking for you to say any of this is good and we are going to come back with a detailed landscaping plan and detailed drainage plan. Mr. Scoville commented we are going to the next phase of the site drawing.

Ms. Campbell asked other than the drainage and the landscape is there anything else you would like to see and Chairman Diffendorf stated if you are going to have future restrooms in there why not put them on the drawing.

Chairman Diffendorf wanted to let the rest of the board know that Mike, Chad, himself, Mark, and John met Friday at the site and some of the concerns were the drainage to Route 11. We don't want to increase that at all, in fact we could even decrease it some because the smaller white building, which was in front of us several years ago, and that was supposed to drain to the back of the site. There is about an 8-inch drain coming off the roof and it is going south, towards Route 11 eventually. We would want the drainage at the small white building corrected.

Page 6

August 8, 2022

Planning Board Meeting Minutes

Chairman Diffendorf stated the State wants something done with the entrance and they indicated paving a 20 feet apron and improve site distance mainly south. Also, the barrels that are stored outside, they need to be put inside or gotten rid of.

Chad Moran asked if the building will be sprinkled and Mr. Scoville stated no. There was a question regarding the other building and that is not sprinkled either. The new building is for storage and warehousing and the manufacturing is done in the older building.

Chairman Diffendorf stated we will table this until updated drawings are submitted.

Motion by Dan Wasson and seconded by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 8:13 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

cc: Planning Board Members  
Kelley Diffendorf  
John Finch, Jr.  
Chad Moran  
Scott Snyder  
Katie Legg  
Bob McKertich  
Gina Middleton