

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

**February 28, 2023 Special Planning Board**  
**Meeting Minutes**

Present:       Marchie Diffendorf, Chairman       Gina Middleton, Attorney  
                  Matt Williams, Associate Member  
                  Kevin Balachick, Member  
                  Gordie Woolbaugh, Member  
                  Dan Wasson, Member

Absent:        Jim Bukowski, Member  
                  Mike Maciak, Associate Member

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

**FEE PROPOSAL & ASSIGNMENT AGREEMENT FROM CNY POMEROY APPRAISERS, INC. – PROPOSED SOLAR FARM ON TRIM STREET):**

Chairman Diffendorf explained the board needs to decide whether to have the applicant pay \$8500 to have this done or not and because the property values have been such a big item to the residents he thinks it should be done. The applicant does have concerns, they want full access to the appraisal, which they will be paying for, the proposed Seidel Solar Farm is not a large-scale solar array, it is a community solar project, and the fee is not in accord with charges usually made for services in the local area. Professional fees are in the town law, attorneys, engineers, and in this case an appraiser would be hired and paid for out of the applicant's retainer.

Ms. Middleton explained that the proposal is for a market study, not a specific appraisal of these specific houses located around the solar array. They are doing a market study of similar solar arrays that have been installed in the past 2-3 years, looking at 2 or more years and they have found 2-3 sites. Part of the cost is trying to find sites that are in the local area that are similar and have residential properties nearby. They will look at the prices of nearby residential properties before the installation of the solar array and then prices of properties that sold after it was installed to see if there was a difference or a change in the price value.

Chairman Diffendorf stated there is no public participation tonight, no public hearing. Mr. Matthew Nosenchuk was present to represent the applicant and had no comments.

Kevin Balachick commented we need to move forward with it, the market value it is a big concern and it is part of the Special Use Permit.

Matt Williams asked if the fee is passed on up front so they can't back out regardless and Chairman Diffendorf stated yes, they have a retainer or escrow account. Ms. Middleton commented she has spoken to Bob McKertich on this and they have to find out where they are on the retainer. Chairman Diffendorf explained that the retainer or escrow accounts are often above whatever is spent by attorneys or engineers but since this has been a long process we may be pushing the limit and sometimes we have to ask them to add to the retainer. Kevin Balachick asked if they are willing to do that, to move forward with this and Ms. Middleton explained she has spoken to Tim Gourley about it, and she will email him about this once a determination has been made to confirm with him it will be passed to the applicant. It will be confirmed there is enough in the escrow

account before it moves forward with CNY. Kevin Balachick asked who the contract will be between and Ms. Middleton explained it would be between the Planning Board, CNY, and the Town of Kirkwood but the applicant will have full access to the appraisal when it is completed.

Motion by Dan Wasson and seconded by Kevin Balachick to accept the proposal from CNY Pomeroy Appraisers, Inc., and to authorize Marchie Diffendorf to sign on behalf of the Planning Board.

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

Motion Carried.

Chairman Diffendorf explained this potentially could delay the process, they may need up to 45 days to complete this. Ms. Middleton commented the price would include CNY coming to a meeting to present their findings so the public has an opportunity to hear everything.

Motion by Kevin Balachick and seconded by Matt Williams to adjourn the meeting. The meeting was adjourned at 7:10 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