

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

June 28, 2023
Special Meeting Minutes

Present: Marchie Diffendorf, Chairman Gina Middleton, Attorney
 Jim Bukowski, Member
 Kevin Balachick, Member
 Mike Maciak, Associate Member
 Dan Wasson, Member

Absent: Gordie Woolbaugh, Member
 Matt Williams, Associate Member

Chairman Diffendorf called the meeting to order at 4:00 PM.

SEQR – POSITIVE DECLARATION – PROPOSED SEIDEL SOLAR FARM PROJECT:

Ms. Middleton explained to the Board the SEQR Positive Declaration process. When a Positive Declaration is issued it has to be provided to certain people and places and it has to be published in the DEC newsletter. The resolution is done and you have to append the Positive Declaration to it. Once the Positive Declaration is issued the applicant provides the board with a draft scope, which is a draft document that gives their understanding of what you want them to explore in the environmental impact statement. That is provided to us within 30 days and once that draft scope comes in the board has 60 days to review the draft scope, make changes, or work with the applicant to come up with a final scope that both parties agree on. That final scope is used to create the draft EIS. The Positive Declaration encompasses everything that was discussed at the last meeting. The Positive Declaration is available to the public.

Ms. Middleton read the resolution into the record. Ms. Middleton will make the following corrections: change Town Clerk to Secretary to Planning Board and change Walter Woolbaugh to Mike Maciak. A copy of the resolution and the Positive Declaration are included in the file.

Motion by Dan Wasson and seconded by Mike Maciak adopting State Environmental Quality Review Positive Declaration for the proposed Seidel Solar Farm Project.

Mr. Tim Gourley, Tract Engineering, was present and questioned the timeline. Ms. Middleton explained they have the draft scope at 30 days. In the SEQR Regulations, 617, after the draft scope the board has 60 days to provide a written final scope, in the event there is no response in those 60 days, the draft is automatically made into the final scope. In that period the public will be able to comment. After that, within 60 days the applicant has to prepare and submit a draft EIS off the final scoping document. Mr. Gourley commented that after tonight's meeting, they are going to proposed their plan to the board, the board will review it, accept the plan, then turn it back to the applicant to provide a final plan and Ms. Middleton agreed. Ms. Middleton explained the draft scope is just the identification of the items that will be addressed in the EIS. Mr. Gourley questioned when the public would comment and Ms. Middleton explained it would be within that 60-day period, we would publish it for one of our normal meetings, the final scope has been prepared, the public has the right to comment on it. Mr. Gourley questioned once there is an agreement on the technical document is there a timeline and Ms. Middleton explained there are timelines associated with that, she would have to look into that.

Mr. Gourley questioned if this would put it in limbo or if they would have to start from scratch and Ms. Middleton stated no, there are specific timelines that would be followed.

Mr. Gourley asked if they were to submit a draft response does it have to go to a meeting for discussion and Ms. Middleton explained if he were to submit the draft sometime in July it can be distributed to the board and discuss at the August meeting. Mr. Gourley asked if they could get something for the July 10th meeting what is the submission deadline for that and Chairman Diffendorf stated the Wednesday before. Ms. Middleton explained the board has 60 days to review.

Mr. Gourley questioned if the board has to approve the draft scope before it goes out for public comment and Ms. Middleton didn't think so but would check that out. It says during the scoping process the public needs to have an opportunity to participate, it would be between the draft and the final scope.

Jim Bukowski asked if this comes out no, is it a majority or a super majority vote and Ms. Middleton explained it is a regular SEQR vote. Jim asked if it comes out no would we be back to square one and Ms. Middleton explained if it comes out no you would have to revisit the SEQR. It has to be a positive or a negative. Mr. Gourley asked if you vote no on the positive and we turn around and say we would like to now vote on the SEQR, seemingly we had the votes, would that give us a negative declaration and Ms. Middleton stated hypothetically yes, it has to be either positive or negative declaration for SEQR. Kevin Balachick asked if the positive starts the EIS and Ms. Middleton explained yes and if it is not a majority vote for the positive then we would have to revisit the SEQR. Mr. Gourley asked if you pass a positive motion and that motion fails does that grant us negative declaration and Ms. Middleton explained she doesn't know that it would inherently do so, she assumes it would be a motion to make a negative declaration. We have already reviewed the SEQR, there has been no formal action on the SEQR yet, this would be the first formal action. You could go back and look at the SEQR, readdress that and go through the normal form, the third form and say yes there are potential impacts but here are how they are mitigated and why we feel it is a negative declaration. Mr. Gourley asked if it was more appropriate to vote on a negative SEQR to start with and Ms. Middleton commented that is up to the board. Mr. Gourley commented if it is a positive vote in the negative then we are done with it and the positive goes away. Ms. Middleton stated that is up to the board, we have a positive declaration on the table already, it has already been motioned and seconded and hasn't been withdrawn, we vote on that.

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

Motion Carried.

Motion by Jim Bukowski and seconded by Dan Wasson to adjourn the meeting. The meeting was adjourned at 4:27 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
John Finch, Jr.
Chad Moran

Bob McKertich
Gina Middleton
Katie Legg
Scott Snyder