

PLANNING BOARD

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

**October 10, 2023
Meeting Minutes**

Present: Jim Bukowski, Member
Kevin Balachick, Member
Mike Maciak, Associate Member
Dan Wasson, Member
Gordie Woolbaugh, Chairperson

Chad Moran, Building & Code Inspector
Gina Middleton, Attorney

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

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Jim Bukowski to approved the minutes from the September 11, 2023 meeting as submitted. All voted in favor, motion carried.

E.A.F. DETERMINATION – CHAD MUTTER, LUCK GROVE CONSTRUCTION, LLC – CHARGING STATION AT TRACEY ROAD EQUIPMENT:

Chairman Woolbaugh asked if there were any concerns or questions regarding Part 1 of the EAF, board members questioned #2, #3, #5a and b, #14, and #17. All answers were corrected in Part 1 of the EAF and are included in the file.

Kevin Balachick questioned the number of charging stations and parking spots for the stations. It wasn't clear on the drawing that was submitted.

A representative from Luck Grove was present and explained there are going to be 4 charging stations by the road, with 8 parking spots and 2 charging stations by the building with 4 parking spots.

Ms. Middleton explained it is up to the Board whether they want to asked for a new application with amendments. Jim Bukowski commented we don't know that we are voting on. The Board decided to hold this over until next month so the applicant can submit an amended application showing the number of parking spots and charging stations. Ms. Middleton suggested that since they are re-submitting the application they should update the Short EAF as well with the correct information.

Kevin Balachick asked if anything was mentioned on the 239 and Ms. Middleton explained the only thing mentioned was the additional permit that was required from NYSDOT and no items may be placed in the State right-of-way.

Jim Bukowski asked if it would accessible 24/7 and Mr. Ospelt from Tracey Road Equipment explained there isn't a gate there so it will be accessible 24/7. There is a gate in the back of the property for some of their equipment. As they expand the property the fencing will change. The area where the charging stations are going will not be fenced in. It will be lighted, visible at night with cameras. Chad Moran asked if there would be facilities for the public to use and Mr. Ospelt stated no, not after they close for the day. Kevin Balachick asked if there is enough parking for the business itself and Chad Moran stated yes. Additional details on the

lighting should be included in the amended application. Kevin Balachick asked if the poles are lit, only the screens are lit. Kevin Balachick asked if the poles would have any protection around them, they would be on concrete squares, up off the ground. Dan Wasson asked if there would be any additional signage, only on the front of them. Any bigger signs would need a sign permit.

CONTINUANCE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT – TRACT ENGINEERING – SIEDEL SOLAR FARM:

Mr. Tim Gourley gave a summary of the Draft Environmental Impact Statement he submitted to the Board, which is included in the file. The Draft EIS included the project description, the project need, project site description, environmental impacts, and their conclusion. Also attached is the Final Scoping Document, meeting minutes of the September 11, 2023 Planning Board meeting, Market Study Supplement, and the NYSEG pole location information.

Mr. Gourley explained they feel they have addressed all the comments to the best of their abilities and have addressed the concerns from the Board with the appraiser and with NYSEG. He asked what is the next step and Ms. Middleton explained the next thing is to finalize the Draft EIS, which will then be finalized for public review, we have 45 days from Sunday to review, make any changes or comments on the Draft EIS. If we made no comment then it will be considered finalized at the end of that 45-day period. If we have comments then we have to provide those, in writing, to the applicant to allow formal revision to the Draft EIS. If we have revisions to the Draft EIS then it bounces back to Tim and the applicant to make those changes and once they make the changes they provide us with a new Draft EIS and you would have 30 days from receipt of that to do the same process. Once a final Draft EIS is put into place then we will have a public comment period, which has to be for at least a 30-day period. It is up to the Board whether you want to have a public hearing where the public can review the Draft EIS and make comments and interact with the Board or have a 30-day comment period for written comments. Mr. Gourley asked if the Board can decide that they accept this draft and go right to final at any time within that 45-days and Ms. Middleton stated yes, we don't need to let the clock expire. A public notice of completion must be filed, which will trigger the 30-day comment period.

Jim Bukowski asked if the Board could accept the Draft EIS now and Ms. Middleton explained the Board could if they chose to but she recommends reviewing it first. Mr. Gourley asked if there needs to be a meeting to accept it and Ms. Middleton explained yes, we would want a meeting to accept because we would want a motion to accept it so it is on the record and in our meeting minutes. If the Board wanted to do it sooner we could hold a special meeting.

Jim Bukowski asked where is the end game, when this process is all done and Ms. Middleton explained Draft EIS, public comment, Final EIS and then the Board reviews the EIS and makes the SEQR decision based on that, then it is your normal site plan review process. There are certain filings we have to complete with NYS.

Mr. Gourley asked the Board will review this document and hopefully next month declare it final with no comments, at which point you have to file the initial 30-day review period, does that review period coincide with the public meeting and Ms. Middleton explained if we do a public hearing it would be in the review period. Mr. Gourley asked if we go to a Final EIS, we do public comment and the public has comments on it what happens and Ms. Middleton explained the public comment will be on the Draft EIS, after that it would turn into the Final EIS, she doesn't think there is a second public comment but will check.

Nick Sarantino, Levene Gouldin & Thompson, explained he has been handling the real estate aspect of this project. They are asking for a timeline because they have an option to purchase this property that will expire at the end of this year. They appreciate the Board's time and efforts and they have put in a lot of time and expense

as well, with contracts, option agreements, title reviews, and surveys. A lot of legal work has gone on this past year and a half. If they could get some sort of expedient end to this it would be appreciated so they don't have to restart things again. Ideally, they get their approvals by the end of the year so they don't have to extend options.

Chairman Woolbaugh asked the board if they wanted the next month to review or do they want a special meeting and the Board agreed to meet in two weeks. The Board decided on Wednesday, October 25, 2023 at 7 PM for a Special Planning Board meeting.

Kevin Balachick asked if the public comments will be in writing and Ms. Middleton explained once the Draft EIS is finalized the public comment period will be 30 days. That public comment period will either be a public hearing or written submissions or both, it is up to the Board.

Mr. Gourley asked if there would still be a regular meeting in November and Ms. Middleton stated yes.

Motion by Dan Wasson and seconded by Jim Bukowski to adjourn the meeting. The meeting was adjourned at 7:56 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