

PLANNING BOARD

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

**July 9, 2025
Meeting Minutes**

Present: Adisen Harden, Member
Jason Maxian, Member
Mike Maciak, Member
Dan Wasson, Member
Gordie Woolbaugh, Chairperson
Gina Middleton, Attorney
Chad Moran, Building & Code Enforcement
John Mastronardi, Town Engineer
David Pasquale, Ad Hoc Member

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

APPROVAL OF MINUTES:

Minutes from the June 11, 2025 meeting were approved as submitted. All voted in favor.

SITE PLAN REVIEW – CAMERON HORTON ON BEHALF OF BREWED AWAKENINGS COFFEE SHOP:

The applicant was not present at the Planning Board Meeting so there was no action taken.

E.A.F. DETERMINATION – SMALL ADDICTIONS RC:

Chris Conrad was present and explained he and his wife are the owners of Small Addictions RC, a retail hobby store currently located in the Northgate Plaza. They have been in business for just over 11 years, with ten full-time employees.

Chairman Woolbaugh asked if there was a floor plan of inside the building and Mr. Conrad stated no they are not changing anything inside the building. Chairman Woolbaugh asked if he could provide one and Mr. Conrad stated he would.

Ms. Middleton noted for the record that her office represents Small Addictions. They did get conflicts orders, and it needs to be put on record. There are no issues with that.

Ms. Middleton asked if the footprint of the building is changing and Mr. Conrad stated no.

Motion by Mike Maciak and seconded by Jason Maxian to declare the Small Addictions RC project a Type II Action and no further SEQR review or action is required.

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| Roll Call Vote: | Adisen Harden | Yes |
| | Jason Maxian | Yes |
| | Mike Maciak | Yes |
| | Dan Wasson | Yes |
| | Chairman Woolbaugh | Yes |

Motion Carried.

SITE PLAN REVIEW – SMALL ADDICTIONS RC:

Chairman Woolbaugh asked if he had received the comments from Broome County and Mr. Conrad stated yes. Chairman Woolbaugh asked if there were going to be any changes to the entrance and exit and Mr. Conrad stated no.

Dan Wasson asked about parking, the back lot is not in good shape, will most of the people park in the front and Mr. Conrad stated yes, the front parking lot they will be fixing. Chairman Woolbaugh asked if the overflow will use the back lot and Mr. Conrad stated if needed.

Chairman Woolbaugh asked if they would have a track inside for racing and Mr. Conrad stated not at this time, possibly in the future. Chad Moran explained later they may have an outdoor track that they would come back for approval for. If there is one inside they would not have to come back for approval on that.

Mike Maciak asked what the hours will be, and Mr. Conrad stated Tuesday – Friday 10 am to 7 pm and 10 am to 5 pm on weekends.

Dan Wasson asked if the sign was lit and Mr. Conrad stated yes, it is channel letters. A sign permit will be needed.

Motion by Jason Maxian and seconded by Dan Wasson to approve the site plan with the condition that a floor plan be submitted to the Town.

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| Roll Call Vote: | Adisen Harden | Yes |
| | Jason Maxian | Yes |
| | Mike Maciak | Yes |
| | Dan Wasson | Yes |
| | Chairman Woolbaugh | Yes |

Motion Carried.

E.A.F. DETERMINATION – NORBUT SOLAR FARM:

Ms. Middleton explained that previously the board tabled this and elected not to declare ourselves the Lead Agency for the EAF, which would then trigger the 30-day period to allow others to comment if they would like to act as Lead Agency. We were missing some information on the SWPPP, and we want John Mastronardi to comment so he is on the record of why we are comfortable now declaring ourselves Lead Agency where we were not last time.

John Mastronardi explained that the applicant emailed updated drawings and an updated SWPPP. A cursory review was done of those documents to make sure they were complete, which they were, and at this point they will go through a thorough review of all the documents. The documents were sufficient to deem complete.

Motion by Mike Maciak and seconded by Adisen Harden to declare the Planning Board of the Town of Kirkwood as the Lead Agency for the SEQR Review.

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| Roll Call Vote: | Adisen Harden | Yes |
| | Jason Maxian | Yes |
| | Mike Maciak | Yes |
| | Dan Wasson | Yes |

Chairman Woolbaugh Yes

Motion Carried.

NORBUT SOLAR FARM – CONTINUED:

Steve Saunders was present and explained what he submitted to the board today was not the responses to the public but the responses to the 239-m for the Broome County Planning Department. Mr. Saunders explained that as a company they have developed over forty different solar projects. They understand there are concerns and opposition regarding the project. They must comply with the provisions of the Town Code. The board's charge is to look at the ordinance and determine whether the project application complies with the ordinance.

Mr. Saunders responded to a concern from last month and again tonight regarding stormwater issues. The SWPPP, which was just revised and provided to the town engineer, is a document that must establish that the Norbut Solar Farm project will not increase runoff from the property during the life of the project. The runoff problems that people are complaining about are existing problems. Their project is not responsible for resolving any existing flooding problems that may occur in certain neighborhoods here. Their obligation is not to make the situation worse. If the residents have current issues with the runoff they need to take that up with the town, not Norbut. If they can establish that they will not increase the runoff situation they are entitled to the permit.

Mr. Saunders addressed the comments regarding water quality and the potential for having to drill new wells due to contamination concerns. There are no hazardous chemicals in the solar panels. Besides plastics and metals, the only other thing they contain is silicone. There are no heavy metals in the panels. When the panels are finished with their useful life they to be buried in the ground. He did not know if the assumption was they must be buried on this site, but that is false. If panels have to be replaced either from damage or run out of useful life before the project ends they have to be replaced. It is their responsibility to dispose of them in compliance with NYS DEC regulations. They will not be disposed of or repaired on site. There is no basis for residents or the Town or the Planning Board to be concerned about this project impairing water quality or ground water quality. They understand there is a shallow water table here and many have shallow wells, but this project is not going to cause wells to be adversely impacted. They will not impact the quality of the water. As far as quantity is concerned that will be addressed in the review of the SWPPP.

Mr. Saunders addressed the statement made last month regarding being fined five million dollars. That statement is false. They want to address the comments from this meeting and from the last one as well. Their company has been sued twice, one from a subcontractor that was hired for the project and was injured on the job and part of the lawsuit he filed against his employer he was required to name Norbut because they were the owner of the land of the project. They were dismissed from that lawsuit. The other claim that they were fined five million dollars by the DEC for environmental issues never happened. The other lawsuit that they were involved in was between Norbut and a company that bought one of their sites. After they bought the project, they still owned the land, they sold them the rights to develop the project that they had gotten approval from the community. After that sale was finalized, when the company went to construct the project according to the plans that municipality approved they wanted to locate the point of interconnection in a place the town had not authorized. They in turn sued Norbut, Norbut countersued, and they defeated the lawsuit and received money.

Mr. Saunders went on to say tempers are high and concerns are being raised, some legitimate and have no problem addressing those but some things are being said that are just not true. These meetings are only once a month, and it is his only opportunity to address them.

Mr. Saunders will reach out to the gentlemen from the Binghamton Gun Club to get clarification on their concerns of having them as a neighbor.

Mr. Saunders, referring to the public hearing minutes from the last meeting, addressed some of the concerns that were raised. The detention system and the quality of the stormwater will be addressed in the SWPPP that the town engineer will review. The comment regarding the five million dollar fine simply did not happen. The comment from Mr. Kennerup regarding water running off the hill, removing all the grass and vegetation, where will the water go. Mr. Saunders explained these are all existing water problems and residents should take that up with the town. Their responsibility is not to make the existing conditions worse.

Mr. Saunders, referring to removing grass and vegetation, they are removing an agricultural type of material that is on top of the ground and are replacing it with meadow cover, which is something that your engineer can explain what the significance is. Meadow cover is specifically designed to slow the rate of water runoff, it is a better way of controlling water runoff than if we leave the existing agricultural fields the way they are. This is a way of minimizing concerns about runoff, it is not going to get worse. If there were to be a housing development on the property the runoff would be 4 to 5 times worse than what is proposed. They are not paving, not putting in sidewalks, not increasing the population, not causing an increase in public services.

Mr. Saunders, referring to the concern regarding the pond not holding the water, wait until the engineer reviews the SWPPP, which is his area of expertise.

Mr. Saunders, referring to Mr. Crocker's comments from the last meeting, his property is to the north of this project and their project is not going to be built on the crest of the hill going towards his property. They are clearing trees but that is all, the result of clearing the trees is something that must be considered in stormwater management. That will be addressed when everyone has a chance to look at it.

Mr. Saunders, referring to comments on the wetlands, explained the project was submitted to DEC and we are awaiting a response. If there are DEC wetlands on the site they will be required to work around them or work in them with certain requirements. If they can meet those requirements, just because they are working in the wetlands if they meet the DEC requirements they are entitled to construct that activity. The Army Corp. of Engineers allows you to dig holes and insert poles into wetlands, you cannot dig up the silt, but you can dig a hole and put a post in.

Mr. Saunders stated they look forward to working with the Town and look forward to answering your questions. They know that if this is approved they will not be welcome in the community. Solar development is encouraged by the State of NY. The state is saying this is a good thing for the state and there is no basis to suggest that property values will decrease because of this project.

Ms. Middleton explained she will submit an email to them with the questions outlined from the last public hearing and tonight's public hearing. Letters that were read into the record at this meeting were given to Mr. Saunders.

Motion by Adisen Harden and seconded by Jason Maxian to adjourn the meeting. The meeting was adjourned at 7:58 pm.

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Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
Poe Williams
Chad Moran
Bob McKertich
Gina Middleton
Katie Legg
Rick Pedro