

# PLANNING BOARD

Town of Kirkwood  
70 Crescent Drive  
Kirkwood, NY 13795

July 10, 2023  
Meeting Minutes

Present: Jim Bukowski, Member  
Kevin Balachick, Member  
Gordie Woolbaugh, Member  
Dan Wasson, Member  
Chairman Diffendorf

Mike Maciak, Associate Member  
Matt Williams, Associate Member  
Chad Moran, Building & Code Inspector  
Gina Middleton, Attorney

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

## TRACT ENGINEERING – SEIDEL SOLAR FARM:

Chairman Diffendorf explained there is nothing new on it, still waiting to hear from the applicant as he prepares his statements on the Full EAF. Ms. Middleton explained the board had a special meeting, which had proper notice, where they had a formal Positive Declaration under SEQR and that Positive Declaration started a process. That process requires a Full EIS, Environmental Impact Statement and requires the applicant provide a scoping document, in draft form, presented to the board, a public hearing will be held to offer public comment and the board has 60 days to finalize that. Then there will be a draft EIS after that. This is not going to be a short process.

## APPROVAL OF MINUTES:

Motion by Kevin Balachick and seconded by Jim Bukowski to approved the minutes from the June 12, 2023 meeting as submitted. All voted in favor, motion carried.

## E.A.F. – ROY CHARLES EHERTS:

Chairman Diffendorf questioned #3 and #17 on Part 1 of the EAF that the applicant filled out. All answers were corrected in Part 1 of the EAF and are included in the file. Ms. Middleton read the questions in Part 2 of the EAF and the board members answered each question no. The completed form is included in the file.

Motion by Gordie Woolbaugh 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
	Gordie Woolbaugh	Yes
	Dan Wasson	Yes
	Chairman Diffendorf	Yes

Motion Carried.

**SITE PLAN REVIEW – ROY CHARLES EHERTS:**

Mr. Eherts was present.

Chairman Diffendorf explained the latest from NYS DOT is no work permit is required. There are two driveways to this property and one of them will be blocked. The Stated recommended blocking the driveway with concrete blocks but we would prefer you didn't use them. Planting and evergreens will be used instead, the blocks can remain until the plantings get started, for up to one year. That is if you use the driveway off Route 11. Mr. Eherts stated he would prefer to use the driveway off Route 11.

Chairman Diffendorf explained that Broome County wants to make sure screening is required for outdoor storage and no storage on the setbacks. It also requires the dumpsters to be enclosed and located not within direct view of the public right-of-way. Also, establish specific requirements or standards for outdoor storage, landscaping, screening, buffering, access management and ground signs.

Chairman Diffendorf asked if the containers will be empty and Mr. Eherts agreed. Chairman Diffendorf asked if the fenced in area will have plantings around it and Mr. Eherts stated yes. Chairman Diffendorf asked how many dumpsters will fit in the enclosed area and Mr. Eherts stated maybe 10-12, right now he only has 4. Chairman Diffendorf asked when they met at the site he said he may potentially put a building up and Mr. Eherts stated he is looking at a 12X32 building. Chairman Diffendorf asked if that would be an office and Mr. Eherts stated yes an office and storage. Chairman Diffendorf asked if it would have public utilities or electricity and Mr. Eherts stated no.

Ms. Middleton questioned the lease agreement. The only deeded title that was found was for Elizabeth Creedon and asked if she was Elizabeth Awad, Mr. Eherts stated he believes so. Ms. Middleton explained their preference is to have the titled property owner on the lease agreement. Another issue is the lease agreement doesn't mention anything about improvements on the property. Anything that is approved here would require her approval for any of the conditions, such as putting up a fence or screening. Mr. Eherts explained they do approve of everything he is doing and has talked to them through this entire process. Ms. Middleton asked if she would be willing to submit a letter to notify us Elizabeth Awad and Elizabeth Creedon are the same person and that she would be willing to agree to all the requirements of the site plan and Mr. Eherts agreed.

Jim Bukowski asked what size the containers are and Mr. Eherts explained they are 10 and 12-yard dumpsters. Jim Bukowski asked what will be done for odor control and Mr. Eherts explained he has a third party that will wash them out. Jim Bukowski if they would be clean and Mr. Eherts stated yes.

Kevin Balachick asked if the fence will be fully screened and if plantings will be in front of it and Mr. Eherts stated yes. Kevin Balachick asked about the existing fence in the back and Mr. Eherts explained that belongs to the bowling alley, he is going to talk to them, get a contract to improve their fence.

Motion by Gordie Woolbaugh and seconded by Dan Wasson to approve the site plan with the following conditions:

1. Dumpsters will be clean on site.
2. Blocks will be removed within one year.
3. Option 2 that was submitted with the application will be used, one driveway eliminated on Rt 11.
4. Letter from the property owner notifying the Board Elizabeth Awad and Elizabeth Creedon are the same person and that she agrees to all the requirements of the site plan, including the installation of a building in the future.

July 10, 2023 Planning Board Meeting

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

Motion Carried.

Chairman Diffendorf explained that the Tioga Down solar farm is online now. The applicant has invited the board to visit but we can't do it as a group. If someone wants to go and look they will get mileage and is considered a training session.

Motion by Kevin Balachick and seconded by Jim Bukowski to adjourn the meeting. The meeting was adjourned at 7:20 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

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

**PLANNING BOARD**

**Town of Kirkwood  
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**PUBLIC HEARING**

**July 10, 2023**

**SITE PLAN REVIEW FOR THE CLEARING OF THE PROPERTY TO STORE EMPTY CONTAINERS FOR DUMPSTER RENTAL BUSINESS ON THE PROPERTY LOCATED AT 993 NYS RTE 11 IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 162.04-1-31 AND LOCATED IN A BUSINESS TWO DISTRICT ON THE APPLICATION OF ROY CHARLES EHERTS**

Chairman Diffendorf read the notice of public hearing and commented we have the affidavits of posting by the Town Clerk, notice to property owners within 500 feet of the project, affidavit of publication in the Press & Sun Bulletin and Country Courier. We have the Broome County Planning Department 239-m recommendations and a Short EAF has been filed.

Chairman Diffendorf opened the public hearing to public participation at 7:02 p.m.

Hearing no comments Chairman Diffendorf closed the public hearing at 7:02 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board