

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

December 11, 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 Dan Wasson and seconded by Mike Maciak to approved the minutes from the November 13, 2023 meeting as submitted. All voted in favor, motion carried.

E.A.F. DETERMINATION – LOVE’S TRAVEL STOPS & COUNTRY STORES:

Ms. Middleton explained this is a Type II action under SEQR regulations, Section 617.5(c)9 states construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities are Type II actions requiring no further board action under SEQR.

Motion by Jim Bukowski and seconded by Kevin Balachick to declare this a Type II Action pursuant to the SEQR Regulations, 6 NYCRR Part 617.5, subsection (c)(9), requiring no further Planning Board SEQR Action.

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

Motion Carried.

SITE PLAN REVIEW – LOVE’S TRAVEL STOPS & COUNTRY STORES:

Chairman Woolbaugh questioned the owner of the property on the GIS is Akel Wholesales and Mr. Jason Panicaro from HFA-AE explained that is correct. Chairman Woolbaugh also questioned the property is 9.91 acres and is showing 6398 SF.

Kevin Balachick questioned if a release was needed from Akel Wholesales to do this. Ms. Middleton asked if the lease included improvements and Mr. Panicaro explained they are working through that now and will have a copy of the agreement and will provide a copy to the Board. That will be made a condition of approval.

Mr. Panicaro explained the building will be used for a prep kitchen for Loves, it will have a cooler and a freezer. There will be no public access, all back of the house operations. It will give them more room.

Chairman Woolbaugh asked about parking spaces and Mr. Panicaro explained they will lose 4 parking spaces. Chad Moran commented they are still within the regulations.

Dan Wasson asked if anything else would be done to the exterior besides cutting a hole for the door and Mr. Panicaro explained just cutting the door and some interior remodeling including the checkout desk.

Motion by Dan Wasson and seconded by Kevin Balachick to approve the site plan with the following conditions:

1. Provisions of lease or legal documents allowing LOVES's to make requested improvements.
2. Adhere to 239 requests regarding protection of the wetlands.

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

Motion Carried.

Motion by Jim Bukowski and seconded by Mike Maciak to adjourn the meeting. The meeting was adjourned at 7:14 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
70 Crescent Drive
Kirkwood, NY 13795**

PUBLIC HEARING

December 11, 2023

SITE PLAN REVIEW TO CONSTRUCT AN 815 SF ADDITION TO THE REAR RIGHT CORNER OF THE EXISTING BUILDING ON THE PROPERTY LOCATED AT 2 INDUSTRIAL PARK DRIVE IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 162.01-1-15 AND LOCATED IN A BUSINESS TWO AND INDUSTRIAL DEVELOPMENT DISTRICTS ON THE APPLICATION OF LOVE'S TRAVEL STOPS & COUNTRY STORES

Chairman Woolbaugh 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. We have the Broome County Planning Department 239-m recommendations. Broome County Planning Department commented they want the applicant to be aware that the project is located partially within the Special Flood Hazard Area and the Town should make sure the site plan shows compliance with the DPW and BCHD comments. The Broome County Department of Public Works commented the applicant should be aware that the project area is located entirely within the New York State Department of Environmental Conservation wetland checkzone with the following wetland on-site; NYSDEC Class 2 Wetland, Federal Freshwater Forested/Shrub Wetland, and a Federal Freshwater Emergent Wetland. To minimize the impact on the wetland areas, all on-site construction activities should follow updated erosion and sedimentation control guidelines found in the NYSDEC publication "New York State Standard and Specifications for Erosion and Sediment Control (2016 Blue Book)". Erosion control measures including but not limited to a soil stockpile area (if applicable), catch basin protection, and a concrete washout should be shown on the provided site plan. These measures should remain in place until work is complete and/or final stabilization of the disturbed ground is achieved; whichever applies to the implemented measure. The site is also located within the Broome County MS4 area with previously reported spill incidents and organic sheens. Care should be taken during construction to minimize risk of potential spills and/or contamination of the surrounding area and/or stormwater.

Broome County Health Department commented that no permit or floor plan review applications are needed. The applicant should contact the NYS Department of Agriculture & Markets for any required documentation associated with this project.

Ms. Middleton explained that the Short EAF has been filed, this is a Type II Action under SEQR which means we don't have to take any further action with regard to SEQR. Following public comments, we will have an EAF Determination based on that Type II action.

Chairman Woolbaugh opened the public hearing to public participation at 7:04 p.m.

Hearing no comments Chairman Woolbaugh closed the public hearing at 7:04 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board