

**PLANNING BOARD**

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

**March 13, 2023**

**Meeting Minutes**

Present: Marchie Diffendorf, Chairman      Gina Middleton, Attorney  
Jim Bukowski, Member                      Chad Moran, Building & Code Inspector  
Kevin Balachick, Member                 John Mastronardi, Town Engineer  
Gordie Woolbaugh, Member  
Dan Wasson, Member

Absent: Matt Williams, Associate Member  
Mike Maciak, Associate Member

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

**APPROVAL OF MINUTES:**

Motion by Dan Wasson and seconded by Gordie Woolbaugh to approve the minutes of the February 13, 2023 meeting and the February 28, 2023 meeting as submitted.

All voted in favor. Motion carried.

**E.A.F. DETERMINATION – ALDRICH TRUCKING, INC.:**

Mr. Aldrich was present.

Chairman Diffendorf commented he had a few questions regarding what the applicant filled out which included #6, #11, #12 b, #17 a. and b. All answers were corrected on Part 1 of the Short EAF and are included in the file. Ms. Middleton read the questions in Part 2 of the Short EAF and the board members answered each question no and the form is included in the file.

Motion by Gordie Woolbaugh and seconded by Jim Bukowski 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 – ALDRICH TRUCKING, INC.:**

Chairman Diffendorf explained there were a few comments from Broome County including the site is located in a flood area, a NYS DOT Permit is needed for the driveway and along the road. Chairman Diffendorf asked if Mr. Aldrich had any plans for paving and Mr. Aldrich stated no but could possibly concrete the last 30 feet before the road. When it was getting mudding he installed gravel and there was no mud on the road, which has been working. Chairman Diffendorf commented that would be a good idea because we can't allow you to bring dirt onto the roadway. He asked Mr. Aldrich is he would do 50 feet X 30 feet on both the entrance and exit and Mr. Aldrich stated yes, it would benefit him. Mr. Aldrich explained he has every intention of putting in 14-foot pine trees by the roadway, he is waiting for a quote on the trees. That would help with the headlines shining on the house across the street, especially when turning left out of the lot.

Chairman Diffendorf commented there is no washing or repairing trucks on site and no hazardous materials and Mr. Aldrich agreed. A highway work permit will be needed and no signs are allowed in the right-of-way. The trees will be set back out of the right-of-way and Mr. Aldrich agreed. Chairman Diffendorf asked if there will be a sign with the address and Mr. Aldrich agreed, he could put a sign in with the address only. Chairman Diffendorf questioned back up alarms on the trucks and Mr. Aldrich explained they do have them but they have unplugged them because they didn't want to make noise, he would rather not have them. They don't really back up on that site because they come in, park, and then drive right out. Chairman Diffendorf asked about lights and Mr. Aldrich explained they are just on the building.

Motion by Jim Bukowski and seconded by Dan Wasson to approve the Site Plan with the following conditions:

1. Concrete will be installed at the entrance and exit, 50 feet by 30 feet.
2. A sign will be installed indicating the address for emergency purposes.

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

Motion Carried.

**E.A.F. DETERMINATION – MARSHALL MACHINERY:**

Nick Rayner, Engineer, Lakeside Engineering and Brandon Cole, Branch Manager, Marshall Machinery were present.

Dan Wasson is recusing himself because the company he works for is bidding on some of the work at Marshall Machinery.

Chairman Diffendorf reviewed the comments from Broome County, specifically they want to know about hazardous materials, oil, antifreeze, etc., and if there will be oil containment storage. They also want a spill response plan. Mr. Rayner explained they did develop a preliminary SWPPP, not completed, they are still in the process of developing their hydrology, which goes in the SWPPP. In the partial SWPPP they provided a narrative on their spill prevention response. Chairman Diffendorf commented they also want to know about floor drains and will they be connected to the public utilities. Mr. Rayner stated yes and they would be connected to the oil water separator. Chairman Diffendorf explained that since the SWPPP is not completed yet if the Board approves everything else, it will be a condition that the completed SWPPP will be submitted to the Town Engineer, who will sign off on it. Mr. Rayner commented that would be their preference, SWPPP

completion is contingent on approval. Chairman Diffendorf asked about the paving of the road and Mr. Rayner stated they have that included on the updated drawings.

Chairman Diffendorf explained there is concern there is no written agreement to do the paving. Chad Moran stated there is only a verbal agreement regarding the paving. Chairman Diffendorf explained this is a shared driveway with Monroe Tractor. He asked if they would be doing the ditch work and Mr. Raymer stated yes. Chairman Diffendorf stated a Broome County highway permit would also be needed, the culvert would need to be replaced, and a permit is need to hook up to the water and sewer. Mr. Rayner agreed.

Ms. Middleton asked about the agreement with Monroe on the shared driveway and Mr. Raymer stated there isn't at this stage because it was recently brought to their attention. Their client would need to work that out with Monroe. It is a right-of-way and the Town would need that so it can be approved by Ms. Middleton.

Ms. Middleton commented this is an Unlisted Action, with reference to the EAF.

John Mastronardi commented there are two changes to Part 1 of the Short EAF, that were requested by Broome County, #2 should include Broome County Highway Work Permit and #4 should also check Residential (suburban.) Those changes are included in the file.

John Mastronardi had a concern regarding the sewer, which extends through the Monroe Tractor property and questioned if there was a manhole on the proposed site and Mr. Raymer stated that is just a cleanout. John questioned the size of the proposed pipe and that hasn't been determined yet. John also questioned whether that should be expanded to the north to another property they own, for future development or future sale, and Mr. Cole stated at this time they have no intention of selling that other property. John stated if they were to sell they would have to find a way to connect other than going through this utility easement.

John Mastronardi also questioned whether gas and electric would be brought up through the utility right-of-way and Mr. Raymer stated that is the intention. They do need to verify connection points, utility wise this is preliminary but the intention is through the easement.

Chairman Diffendorf commented that the questions regarding this are starting to pile up and asked John if he was comfortable and could give his stamp of approval and John stated there are a lot of conditions so far and they aren't even through this yet. He said one of the biggest things is this isn't a true survey, property lines are approximate and Mr. Raymer explained this was just completed last week and wasn't ready for them to overlay their drawings prior to the meeting, which can be easily provided. Mr. Raymer explained all boundary were previously surveyed, they put approximate as a label for now until the final survey, which included them purchasing and combining all properties and them subdividing. The property lines shown have been surveyed. The proposed north boundary line of the 10-acre parcel is the only new property line, which has been verified. Chairman Diffendorf explained he appreciates them trying to get this going but he doesn't feel comfortable with these concerns. He recommends holding this over until the April meeting. Mr. Raymer questioned because of the survey and utility questions and Chairman Diffendorf agreed. John Mastronardi commented this is a sketch plan phase, a lot of questions and details still need to be added.

Chairman Diffendorf explained this will be held over until the April meeting and the EAF will be completed them. Mr. Raymer commented they respect that and they felt that what they compiled is comparable to the Anderson Equipment submission, which was approved. They understand this is a different project with different parameters. John Mastronardi commented he has never reviewed a project without a complete SWPPP and would like to see that before the next meeting. Mr. Raymer explained it may be a challenge to get that in a month and asked if preliminary calculations not final calculations would be okay and John explained a

completed SWPPP helps the board with their determination. Mr. Raymer wanted to know if that could be a contingency or if it definitely has to be provided at the next meeting. Ms. Middleton explained that part of the difficulties is the SWPPP directly impacts the EAF and the determination that the board makes in term of the

SEQR and they can't do that without a completed SWPPP.

**CONTINUATION OF THE PUBLIC HEARING – TRACT ENGINEERING, PLLC (SOLAR PROJECT):**

Chairman Diffendorf read the public hearing continuance notice.

Chairman Diffendorf commented he received a petition from the residents of Kirkwood that oppose the solar farm, 47 signatures, and acknowledges receipt of the petition. Chairman Diffendorf explained he received a letter from Kathleen Clapper from Valley Vista Court, who is present and would like to read the letter.

Kathleen Clapper, owner of 2 Valley Vista Court addressed the board. She doesn't live there but her daughter and family do and they are very concerned. In doing her research, every site she researched stated that no homes should be within 1.2 miles of a solar farm and this proposed one is a lot closer than that. There are a lot of negative affects in a neighborhood. This neighborhood is a very close nit one, many generations of families, very caring, they take care of each other. Soil farms are known to cause soil problems probably because of the number of trees they cut down. That area is a flood area, the creek behind the homes tends to overflow. That needs to be protected. Solar farms have environmental issues, carcinogenic, cadmium, and lead that leak from them. Other health risks from solar farms include anemia, behavioral issues in children. Referring to her own grandchildren, her 8-year-old grandson has health issues and now they are looking into cochlear implants and magnetic field affect the cochlear implants. They will be going to specialists soon and hopefully will be getting some information from the doctors. Another issue is the decrease in the value of the homes. Some living there are lower income families and can't afford to move and they don't want to move. According to Solar Nation it does affect rainfall and drainage. There is also the danger of children going up to the site to check it out.

Chairman Diffendorf commented that when he did talk to Mrs. Clapper he told her to get documentation from the doctors. He explained we can't go by what is on the internet in a lot of cases. Mrs. Clapper stated she went to government and medical sites and solar sites.

Larry Holt, 36 Trim Street, presented the board with the petition.

Chris Cook, Chief of the Kirkwood Fire Company and Shawn Skinner of the Five Mile Point Fire Company were both present. Mr. Cook commented they have reviewed the plan and as far as their perspective they can't find anything that is a deterrent to public health from an emergency service standpoint.

Chairman Diffendorf asked Mr. Gourley what the procedure is if there was a solar panel fire and Mr. Gourley explained their plan, includes a solar field, commercial grade transformer, and inverters, with no batteries at this site. Their company is remote monitoring and they are notified if something is going wrong. If something major, like a fire, that will escalate it and a tech is dispatched to the site. They do not have a tech but once they are operational with this site and others in the area they will hire a tech and train them on what to do. Dispatch time will depend on where the tech is hired from/coming from. If the fire department is first on site they wouldn't go inside, they would just contain, control and secure the situation, unless something is happening and they need to get inside the fence, a lock box will be there. Once the tech arrives they will assess the situation on what needs to be done. The equipment is all UL listed, everything has been inspected and they don't anticipate a problem but if there is they try to mitigate it. The plan submitted was preliminary because they didn't know

what concerns the town would have. Training will be provided to the fire companies and also future training will be provided at the request of the fire companies due to turnover.

Shawn Skinner commented his concern is brush fire containment and asked if a panel catches fire, they aren't going in, they are just stopping the brush fire from spreading into the woods, what do they have in place as far as access points, keeping this mowed down and giving them a fire line to slow it down. Mr. Gourley explained there would be a perimeter road inside the facility and since with this site they do not go to the property lines, there is a perimeter around the site itself. There is a maintenance plan, they are committed to mow two times per year but it could be more if needed. Mr. Skinner asked if they could have access to the outside of the fence for an AVT and Mr. Gourley agreed they could.

The board is waiting on the appraiser for his report. The escrow check will be sent out to the Town to cover that appraiser fee. The appraiser is aware that the board voted to accept the proposal and he will work with the town. Regarding extending the 20 days the applicant has to review/comments on the appraisal Ms. Middleton will check to see if that can be extended. Questions can be submitted after the 20 days it would just be an additional charge. The final appraisal will be given to the applicant at the same time it is given to the town.

Mr. Gourley asked at what point will the public hearing be closed and Ms. Middleton explained once the public has an opportunity to comment on the appraisal that should be the end. Mr. Gourley commented the only thing they are waiting on is the appraisal and Chairman Diffendorf commented unless something comes of the cochlear implants. Mr. Gourley explained he doesn't have any documentation but they have fielded these questions before on the magnet field, the components are magnetic but is nothing that is more prevalent than what is in the overhead lines on the side of the road. Chairman Diffendorf asked if that has been measured and Mr. Gourley stated no. Ms. Middleton commented if he does find any data on that he could send it to her to pass on to the Board. Mr. Gourley commented there are no heavy metals on the newer panels.

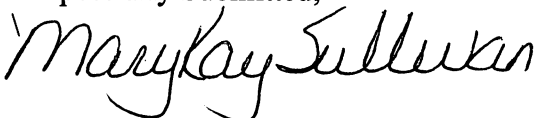
Chairman Diffendorf commented if there is no appraisal this will not be on the next agenda.

Larry Holt commented he has an issue with this meeting. He had called everyone that had planned on coming because there wasn't going to be any discussion and he didn't know the fire chief were going to be here. He is sure the people he called would have had a lot of questions but tonight was just to hand in the petition, no discussion. He doesn't think it is fair, he would have told everyone to show up. The solar people have their own ax to grind and we have an ax to grind. They aren't going to rush this decision through, you can't let them and we aren't going to let them. Chairman Diffendorf commented we haven't, it has been 6 months.

Ms. Middleton wanted to clarify that they are hold over the public hearing.

Motion by Gordie Woolbaugh and seconded by Kevin Balachick to adjourn the meeting. The meeting was adjourned at 8:12 pm.

Respectfully Submitted,



Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

cc: Planning Board Members

Bob McKertich

Page 6

March 13, 2023 Planning Board Meeting

Kelley Diffendorf

John Finch, Jr.

Chad Moran

Scott Snyder

Katie Legg

Gina Middleton

**PLANNING BOARD**

**Town of Kirkwood  
70 Crescent Drive  
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**PUBLIC HEARING**

**March 13, 2023**

**SITE PLAN REVIEW FOR THE USE OF OVERFLOW TRUCK PARKING FOR THE TRUCKING BUSINESS TO PARK A MAXIMUM OF 15 TRUCKS ON THE PROPERTY AND EXISTING GARAGE WILL BE USED FOR THE OWNER'S PERSONAL VEHICLES/RECREATIONAL VEHICLES FOR PROPERTY LOCATED AT 2461 NYS ROUTE 11 IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 229.17-1-17 AND LOCATED IN A BUSINESS TWO DISTRICT ON THE APPLICATION OF JOHN ALDRICH, ON BEHALF OF ALDRICH TRUCKING, INC.**

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.

Brian Kinney, lives across the road from the property, commented he wanted to make sure they don't run into the same problems as when the previous owner had it. They were creating noise at all hours of the night, which the new owner hasn't. Trucks coming out in the early morning, the headlights would shine in their bedroom window. Another concern would be the dust and/or debris in the road, if the property was muddy.

Hearing no other comments Chairman Diffendorf closed the public hearing at 7:03 pm.

Respectfully Submitted,



Mary Kay Sullivan  
Secretary, Kirkwood Planning Board

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**PUBLIC HEARING**

**March 13, 2023**

**SITE PLAN REVIEW FOR THE CONSTRUCTION OF A NEW HEAVY EQUIPMENT DEALERSHIP FOR KUBOTA BRAND FOR FARMING AND CONSTRUCTION EQUIPMENT FOR PROPERTY LOCATED AT 12 EQUIPMENT ROAD IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 146.03-3-45.12 AND LOCATED IN A PLANNED UNIT DEVELOPMENT DISTRICT ON THE APPLICATION OF MARSHALL MACHINERY, INC.**

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 7:04 p.m.

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

Respectfully Submitted,



Mary Kay Sullivan  
Secretary, Kirkwood Planning Board