

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

**June 10, 2024
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 Inspector

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

E.A.F. DETERMINATION – CLIFFORD AND JODY MOWERY DBA KIPPS HOBBIES:

Chairman Woolbaugh, referring to the Short EAF, #3 c. should be 3.8 acres. Chairman Woolbaugh asked if the zoning was ok up there for this operation and Chad Moran explained he had been after them to clean up the property and he noticed the sign. To legitimize the business, they were told they should go to the Planning Board for approval. It is a non-conforming use.

Chairman Woolbaugh questioned #9, meeting the energy codes, the answer should be yes. Chairman Woolbaugh asked if they had received the 239 comments from Broome County regarding sewer and Mrs. Mowery stated they had but since it is right next to the house they wouldn't need it.

Chairman Woolbaugh questioned #17, #18, #19, and #20. If the answer is checked no then the other boxes should be left blank.

Mike Maciak asked if this was for products to be picked up and Mrs. Mowery explained they do mail-order all over the world and they have a few walk-in customers, less than 5% of their sales are walk-ins.

Mrs. Mowery explained that their distributors they received product from require them to have a sign, a small banner. Chad Moran explained if they get approval they would need a sign permit and it does meet the specs for that.

Chairman Woolbaugh asked what the track is used for and Mrs. Mowery explained for testing and they do hold a few races per year for mostly friends and family, less than 50 people. So far, they have had 10-12 people show up. Jason Maxian asked how big the track is and Mrs. Mowery explained it is 250 SF run line. Chairman Woolbaugh asked Chad if there was adequate parking and Chad explained there is a driveway that goes all the way up, which is good size, and to the left of the garage there is more parking. Mrs. Mowery explained that where they have lived they have had tracks at each one. Mr. Mowery commented it is mostly a family atmosphere, very friendly. None of their neighbors have any problem with it. Chairman Woolbaugh asked if it was for demonstration and family entertainment, not selling tickets for this and Mrs. Mowery stated no. Chad Moran explained he has never had any calls about the tracks, no issues, he just saw the sign, which was his only concern.

Mike Maciak asked if they had to have one handicapped parking spot and Chad Moran explained he would take a look at it to see if it is handicapped accessible. If it is needed he will have them do it.

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Jason Maxian to approved the minutes from the May 13, 2024 meeting as submitted. All voted in favor. Motion Carried.

E.A.F. DETERMINATION – JOSEPH GUNTHER AUTO REPAIR:

Chairman Woolbaugh, referring to the Short EAF, questioned #3, it was left blank. The total acreage should be .86 acres, total acreage to be physically disturbed should be 1600 SF, and the total acreage owned or controlled by the applicant or project sponsor should be .86 acres.

Dan Wasson asked if there would be 5 or 6 parking spots and Mr. Gunther stated 4 spots out in front of the building including the handicapped spot.

Chairman Woolbaugh questioned #17. If the answer is checked no then the other boxes should be left blank.

E.A.F. DETERMINATION – CLIFFORD AND JODY MOWERY – KIPPS HOBBIES:

Motion by Dan Wasson and seconded by Jason Maxian declaring this an unlisted action pursuant to SEQR.

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

Motion Carried.

Ms. Middleton read the questions in Part 2 of the Short EAF and the Board members answered each question no and is included in the file.

Motion by Dan Wasson and seconded by Jason Maxian that the Planning Board as lead agency through this unlisted action declares 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 would not result in any significant adverse environmental impacts in the Town of Kirkwood.

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

Motion Carried.

SITE PLAN REVIEW – CLIFFORD AND JODY MOWERY – KIPPS HOBBIES:

Chairman Woolbaugh commented that the applicant must conform to the 239 recommendations on the New York State DOT right-of-way.

Motion by Mike Maciak and seconded by Adisen Harden to approve the site plan with the condition that they conform to the 239 recommendations on the NYS DOT right-of-way.

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

Motion Carried.

E.A.F. DETERMINATION – JOSEPH GUNTHER AUTO REPAIR:

Motion by Dan Wasson and seconded by Adisen Harden declaring this an unlisted action pursuant to SEQR.

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

Motion Carried.

Ms. Middleton read the questions in Part 2 of the Short EAF and the Board members answered each question no and is included in the file.

Motion by Dan Wasson and seconded by Jason Maxian that the Planning Board as lead agency through this unlisted action declares 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 would not result in any significant adverse environmental impacts in the Town of Kirkwood.

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

Motion Carried.

SITE PLAN REVIEW – JOSEPH GUNTHER AUTO REPAIR:

Chairman Woolbaugh commented he is concerned with the limited parking. If there is an overflow of vehicles the concern is parking on the DOT right-of-way or stacking them up behind the building with only three spots out front. Mr. Gunther explained they usually only have waiting customers, waiting for an oil change, break job. If it is a big job they will drop the car off and leave it. If it is overnight no cars stay in the parking lot, it gets pulled in the bay overnight. They have only had one overnight so far, both bays were full. In the three months they have been there they have never had more than 4-5 cars there at one time. Chairman Woolbaugh commented if it becomes a problem, with overflow of vehicles, Code will get involved.

Chairman Woolbaugh explained that the 239 recommendations must be met.

Ms. Middleton commented because it is a leased premise we would need to see a full copy of the lease agreement to ensure the lease agreement permits the use that you are requesting.

Motion by Jason Maxian and seconded by Adisen Harden to approve the site plan with the following conditions:

1. The 239 recommendations must be met.
2. No overflow parking.
3. A copy of the lease agreement must be provided to the Town.

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

Motion Carried.

RECOMMENDATION FOR A CHANGE IN ZONING – ROBERT EVANS:

Chairman Woolbaugh explained the Town Board has asked us to make a recommendation on a zoning change from Residence R1 to Agricultural/Rural Residence. All the properties around that parcel are agricultural.

Ms. Middleton explained this is primarily surrounded by the same or substantially similar agricultural rural residence. Chad Moran explained the property owner wants to keep it agricultural. He wants livestock. Ms. Middleton asked if it is going to be consistent with the Town’s comprehensive plan and Mr. Moran stated yes.

Motion by Mike Maciak and seconded by Dan Wasson to recommend to the Town Board changing the zoning on Tax Map # 211.00-1-17 from Residence R1 to Agricultural/Rural Residence.

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

Motion Carried.

Motion by Dan Wasson and seconded by Adisen Harden to adjourn the meeting. The meeting was adjourned at 7:47 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

June 10, 2024

SITE PLAN REVIEW TO CONVERT THE EXISTING TWO-STALL COMMERCIAL AUTO SHOP FROM A DETAILING BUSINESS TO AN AUTO REPAIR BUSINESS AT PROPERTY LOCATED AT 635 UPPER COURT STREET IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 161.08-1-8 AND LOCATED IN A BUSINESS TWO DISTRICT ON THE APPLICATION OF JOSEPH GUNTHER

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 and a Short EAF has been filed.

Chairman Woolbaugh opened the public hearing to public participation at 7:18 p.m.

Joseph and Tina-Marie Gunther were present. Mr. Gunther explained it is a family run business, only a two-bay garage. His wife runs the office and he and his son work the business. He has wanted to do this all his life, been turning wrenches for 30 years. He wants to give it to his kid, looking for a place where he can grow and show him what he has been doing the past 30 years. Mr. Gunther went on to say it isn't a big shop, they don't do a lot of stuff. They do brakes, oil changes, and there are no lifts in the garage. Maybe down the line, if they get approved they would put one in. They also maintain the carwash next door. When they moved in there the carwash was dirty, a lot of traffic going through there, throwing their garbage in the dumpsters. It is in his lease to keep it clean. They have been taking care of the property. Mr. Gunther added he wants to stay there if he can.

Hearing no other comments Chairman Woolbaugh closed the public hearing at 7:20 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

PLANNING BOARD

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PUBLIC HEARING

June 10, 2024

SITE PLAN REVIEW TO OPERATE A MAIL-ORDER BUSINESS OUT OF A 1200 SF GARAGE ON THE PROPERTY BEHIND THE RESIDENCE AT PROPERTY LOCATED AT 41 JOHNSON ROAD IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 179.03-1-6 AND LOCATED IN A RESIDENCE R DISTRICT ON THE APPLICATION OF CLIFFORD AND JODY MOWERY, DBA KIPPS HOBBIES

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 and a Short EAF has been filed.

Chairman Woolbaugh opened the public hearing to public participation at 7:01 p.m.

Jody and Clifford Mowery were present. She explained they purchased the property in 2007, which was a total mess but they have been cleaning it up since. They have always had a mail-order business and they want to keep it going.

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

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board