

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

**January 25, 2021**  
**Meeting Minutes**

Present:       Marchie Diffendorf, Chairman       Bob McKertich, Attorney  
                  Jim Bukowski, Member                Chad Moran, Building & Code Inspector  
                  Mike Maciak, Associate Member       John Mastronardi, Town Engineer  
                  Gordie Woolbaugh, Member         Gordie Woolbaugh, Member

Absent:        Kevin Balachick, Member

Chairman Diffendorf called the meeting to order at 7:02 PM.

Chairman Diffendorf explained that we have a member with a conflict because the company he works for is bidding on part of this work. Dan Wasson will be sitting out and Mike Maciak will be sitting in.

Chairman Diffendorf commented that there were nine people on Zoom.

**APPROVAL OF MINUTES:**

Motion by Jim Bukowski and second by Mike Maciak to approve the minutes of the December 14, 2020 meeting as submitted.

All voted in favor. Motion Carried.

**42 REAL ESTATE, LLC (Redevelopment of 265 Industrial Park Drive):**

Chairman Diffendorf explained this is a large project, with many environmental issues that have been address. He asked Chris Maby, Delta Engineers, to briefly explain the project.

Mr. Maby explained that the preliminary plan was presented in December. This year, through the 239 and Broome County and others they did get some comments back, which all have been addressed and incorporated into the plans. They are still working on finalizing the SWPPP. Other than that, all the comments have either been pulled into the plans themselves or there were some minor comments related to the Traffic Impact Study that were also rolled into the plans. A copy of that study would be provided to the Town.

Mr. Maby stated the comments that came back from Broome County regarding fire suppression are now shown. The building is sprinkled. There is a loop hydrant system, a water line going around the building with the hydrants spaced every 500 feet. They do have a perimeter road going all the way around it. Another comment was the shutoff for the backup water, which is shown now. There was a question if there was a trash compactor on site and there is one on the southwest corner of the building. The other items were clerical in nature, nothing of any significance. They did make some improvements to reduce the runoff reduction, which is a concern. They want to keep the stormwater runoff to a minimal. They are putting in grass swales in between the trailer parking on two locations on the east side of the building, another one on the west side. They are draining the west half of the roof into the vegetative swale, before all that eventually makes its way into the stormwater pond.

Mr. Maby went on to say they retained a specialty firm in dam design to work with them. They have been in contact with DEC to make sure they are all on the same page.

Chairman Diffendorf stated some of the comments from the County and in talking to John, Chad, and Bob have been addressed. The one comment that hasn't been addressed is the bus shelter. Chairman Diffendorf asked if you are going to add a bus stop, since the County asked for a minimum of a bench and/or a shelter, do you have plans for that and Mr. Maby explained that the County typically specifies what they want at the site and it didn't say one or the other. We will work with them and typically what they have seen in other places is the County would put the shelter in themselves but if that is the responsibility of the developer we would do that. Chairman Diffendorf stated it is required to be ADA compliant and Mr. Maby stated it would be ADA compliant. The location of the door going in is level with the road itself. It is not going to be a big grade change where a ramp would be needed.

Chairman Diffendorf asked if there was a bicycle rack and Mr. Maby stated they would put a bike rack in and showed the Board on the drawings where it would be placed.

John Mastronardi stated he has been working with Broome County and Delta on the SWPPP (Stormwater Pollution Prevention Plan) and they are in the final stages of the SWPPP and they are waiting for some infiltration testing so they can finalize that and address some of the comments from Broome County. Part of the SWPPP will include the Erosion and Sediment Control Plans. Those will be included in the final design of the SWPPP.

Chairman Diffendorf stated the DOT had no concerns on the Traffic Study. John Mastronardi stated they approved the Traffic Impact Statement that was prepared by Delta.

Chairman Diffendorf stated the County also asked about an onsite generator and Mr. Maby explained there are two planned but the exact locations are not known yet. They will be natural gas fired. Chairman Diffendorf asked about a truck repair facility and Mr. Maby stated there will be no truck repair facility. Chairman Diffendorf asked about fuel storage and Mr. Maby stated no fuel storage. Chairman Diffendorf asked about a fueling station and Mr. Maby stated no. Mr. Maby explained there is an oil water separator for the trench drains located just outside the building. Chairman Diffendorf asked about hazardous materials storage and Mr. Maby stated no. Chairman Diffendorf asked about outside storage and Mr. Maby stated no, other than salt storage. Chairman Diffendorf asked about shipping containers and stacking and Mr. Maby stated no. Chairman Diffendorf asked if there will be a dumpster and Mr. Maby stated yes, near the compactor. Chairman Diffendorf stated the salt storage is in compliance and Mr. Maby stated the salt storage building 20X30 and will be covered with one of two roof types, either a canvas roof or something more structural, metal or fiberglass.

**E.A.F – 42 REAL ESTATE, LLC:**

Chairman Diffendorf explained this is a Full Environmental Assessment Form. Part 1 has been submitted by the applicant. John Mastronardi questioned on Page 2 of 13, C. 2. B., the County commented that the Town was located within the NYS Susquehanna Heritage Area. He talked to Chris about this. The form is auto populated and for whatever reason it didn't populate with that so he is suggesting that adding the language NYS Susquehanna Heritage Area underneath or next to the NYS Major Basins.

Mr. McKertich stated there was a second issue brought up by the County on Part 1, Page 7 of 13, D.2.j. regarding the traffic. He isn't sure it requires any change to the form but the applicant should address that.

Mr. Maby explained that the traffic that was used for the Traffic Impact Study was based on the DOT current data as well as they went out and did a turning movement count at all the intersections in the area, which the DOT requested. That was then supplemented with site specific data for the traffic that is being generated by the site. They know exactly what will be coming in and they know the hours the trucks will be leaving, which was factored in as well. That traffic is included within the Traffic Impact Study. If you look in terms of the total number, yes, it is an increase. If you look at it in terms of traffic generated in 15-minute increments per hour throughout the day it becomes insignificant. Yes, there is an increase in traffic if you look at a 24-hour period but if you look at it segmentally across that 24-hour period which is how traffic studies are done there is no negligible change in traffic. Mr. McKertich stated the form is asking is there a substantial increase in traffic. The point is there will be an increase in traffic but it is not substantial as evidenced by your report which was approved by DOT. Mr. Maby agreed. Mr. McKertich stated Part 1 of the form doesn't need to be changed.

Mr. McKertich read each question in Part 2 of the Full EAF and the Board answered each question. The Board's responses are included in the file. Any changes that were made to the entire form were initialed by Mr. Maby and are included in the file.

Chairman Diffendorf filled out page 1 of Part 3 of the Full EAF by checking SEQR Status is Type 1 and all portions of the EAF were completed so Part 1, Part 2, and Part 3 boxes were checked. On page 2, box A was checked stating this project will result in no significant adverse impacts on the environment, and therefore an environmental impact statement need not be prepared. A Negative Declaration is issued.

Motion by Jim Bukowski and seconded by Mike Maciak that no significant adverse impacts on the environment, therefore the Planning Board is issuing a Negative Declaration.

Roll Call Vote:	Jim Bukowski	Yes
	Mike Maciak	Yes
	Gordie Woolbaugh	Yes
	Chairman Diffendorf	Yes

Motion Carried.

**SITE PLAN REVIEW – 42 REAL ESTATE, LLC:**

Chairman Diffendorf asked if there will be 100 employees and Mr. Maby explained there will be a minimum of 100 employees. Chairman Diffendorf asked if it will be a 24/7 operation and Mr. Maby stated yes. Those employees will be spread over three shifts, running 24/7.

Chairman Diffendorf asked if they would be using 300,000 gallons of water per day and Mr. Maby stated they do not intent to use that much water. They were told the Town could allocate 200,000 – 300,000 gallons per day, which is where that number came from. Chairman Diffendorf stated he talked to John Finch, Commissioner of Public Works for the Town and he said the town has adequate water. Mr. Maby stated they won't be anywhere near 10% of that number.

Chairman Diffendorf explained that Broome County mentioned about the back-flow preventer and Mr. Maby stated there was only one intended to be there but it wasn't clear where the location was. Mr. Maby showed the board where it was on the drawings. Chairman Diffendorf asked about the soil vapor screening and after talking to John Mastronardi it wasn't necessary. DOT has given their blessing on this project.

Chairman Diffendorf stated there are a couple of conditions including fire suppression, which should be added.

Motion by Gordie Woolbaugh and seconded by Jim Bukowski to approve the site plan with the following conditions:

1. Submission of a final SWPPP compliant with the SPEDES General Permit for the Stormwater Discharges for construction activity and acceptable to the Town Engineer and Broome County DPW prior to issuance of a demolition or building permit.
2. Submission of a final Erosion and Sediment Control Grading and Demolition Plan acceptable to the Town Engineer and Broome County DPW prior to issuance of a demolition or building permit.
3. Submission of a final Dam Permit from the DEC and Army Corp. of Engineers.

Roll Call Vote:	Jim Bukowski	Yes
	Mike Maciak	Yes
	Gordie Woolbaugh	Yes
	Chairman Diffendorf	Yes

Motion Carried.

Motion by Jim Bukowski and seconded by Gordie Woolbaugh to approve the site plan as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Mike Maciak	Yes
	Gordie Woolbaugh	Yes
	Chairman Diffendorf	Yes

Motion Carried.

Motion by Gordie Woolbaugh and seconded by Jim Bukowski 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	Dan Griffiths
Kelley Diffendorf	Scott Snyder
John Finch, Jr.	Bob Heary
Katie Legg	Code Department