

lighting should be included in the amended application. Kevin Balachick asked if the poles are lit, only the screens are lit. Kevin Balachick asked if the poles would have any protection around them, they would be on concrete squares, up off the ground. Dan Wasson asked if there would be any additional signage, only on the front of them. Any bigger signs would need a sign permit.

CONTINUANCE OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT – TRACT ENGINEERING – SIEDEL SOLAR FARM:

Mr. Tim Gourley gave a summary of the Draft Environmental Impact Statement he submitted to the Board, which is included in the file. The Draft EIS included the project description, the project need, project site description, environmental impacts, and their conclusion. Also attached is the Final Scoping Document, meeting minutes of the September 11, 2023 Planning Board meeting, Market Study Supplement, and the NYSEG pole location information.

Mr. Gourley explained they feel they have addressed all the comments to the best of their abilities and have addressed the concerns from the Board with the appraiser and with NYSEG. He asked what is the next step and Ms. Middleton explained the next thing is to finalize the Draft EIS, which will then be finalized for public review, we have 45 days from Sunday to review, make any changes or comments on the Draft EIS. If we made no comment then it will be considered finalized at the end of that 45-day period. If we have comments then we have to provide those, in writing, to the applicant to allow formal revision to the Draft EIS. If we have revisions to the Draft EIS then it bounces back to Tim and the applicant to make those changes and once they make the changes they provide us with a new Draft EIS and you would have 30 days from receipt of that to do the same process. Once a final Draft EIS is put into place then we will have a public comment period, which has to be for at least a 30-day period. It is up to the Board whether you want to have a public hearing where the public can review the Draft EIS and make comments and interact with the Board or have a 30-day comment period for written comments. Mr. Gourley asked if the Board can decide that they accept this draft and go right to final at any time within that 45-days and Ms. Middleton stated yes, we don't need to let the clock expire. A public notice of completion must be filed, which will trigger the 30-day comment period.

Jim Bukowski asked if the Board could accept the Draft EIS now and Ms. Middleton explained the Board could if they chose to but she recommends reviewing it first. Mr. Gourley asked if there needs to be a meeting to accept it and Ms. Middleton explained yes, we would want a meeting to accept because we would want a motion to accept it so it is on the record and in our meeting minutes. If the Board wanted to do it sooner we could hold a special meeting.

Jim Bukowski asked where is the end game, when this process is all done and Ms. Middleton explained Draft EIS, public comment, Final EIS and then the Board reviews the EIS and makes the SEQR decision based on that, then it is your normal site plan review process. There are certain filings we have to complete with NYS.

Mr. Gourley asked the Board will review this document and hopefully next month declare it final with no comments, at which point you have to file the initial 30-day review period, does that review period coincide with the public meeting and Ms. Middleton explained if we do a public hearing it would be in the review period. Mr. Gourley asked if we go to a Final EIS, we do public comment and the public has comments on it what happens and Ms. Middleton explained the public comment will be on the Draft EIS, after that it would turn into the Final EIS, she doesn't think there is a second public comment but will check.

Nick Sarantino, Levene Gouldin & Thompson, explained he has been handling the real estate aspect of this project. They are asking for a timeline because they have an option to purchase this property that will expire at the end of this year. They appreciate the Board's time and efforts and they have put in a lot of time and expense

as well, with contracts, option agreements, title reviews, and surveys. A lot of legal work has gone on this past year and a half. If they could get some sort of expedient end to this it would be appreciated so they don't have to restart things again. Ideally, they get their approvals by the end of the year so they don't have to extend options.

Chairman Woolbaugh asked the board if they wanted the next month to review or do they want a special meeting and the Board agreed to meet in two weeks. The Board decided on Wednesday, October 25, 2023 at 7 PM for a Special Planning Board meeting.

Kevin Balachick asked if the public comments will be in writing and Ms. Middleton explained once the Draft EIS is finalized the public comment period will be 30 days. That public comment period will either be a public hearing or written submissions or both, it is up to the Board.

Mr. Gourley asked if there would still be a regular meeting in November and Ms. Middleton stated yes.

Motion by Dan Wasson and seconded by Jim Bukowski to adjourn the meeting. The meeting was adjourned at 7:56 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
John Finch, Jr.
Chad Moran

Bob McKertich
Gina Middleton
Katie Legg
Scott Snyder

PLANNING BOARD

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

PUBLIC HEARING

October 10, 2023

SITE PLAN REVIEW FOR THE INSTALLATION OF 4 ELECTRIC VEHICLE CHARGING STATIONS AT TRACY ROAD EQUIPMENT ON THE PROPERTY LOCATED AT 1515 NYS RTE 11 IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 195.01-1-44 AND LOCATED IN AN AGRICULTURAL/RURAL RESIDENCE DISTRICT ON THE APPLICATION OF CHAD MUTTER OF LUCK GROVE CONSTRUCTION, LLC

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 7:02 p.m.

Bill Diffendorf, 1541 US Route 11, asked what type of electric vehicles will be charging there and where will the charging station be at Tracy Road Equipment. Kevin Balachick explained according to the map two will be by the building and two will be by the road, along Route 11.

Bill Diffendorf asked what the zoning was there, is it agricultural and Chad Moran explained the zoning is agricultural but the use is commercial. It is a non-conforming use the way it is presented and it can still be used as commercial. Mr. Diffendorf asked why they didn't have to get a change in zoning and Chad stated it would be an accessory use, similar to what was done at Schneiders. Mr. Diffendorf asked if this is agricultural why are we expanding more commercial into agricultural areas. He has lived there all his life and has seen almost every house gone. If it is agricultural we shouldn't be using it for commercial because that is the only buffer they have, with three houses on Vernon Drive with very little buffer for commercial and that area there could be another buffer.

Chad Moran explained it is dual zoning. He did look up on the GIS map and confirmed that it is zoned B2, the entire strip and agricultural is in the back, other side of Route 81. Mr. Diffendorf asked if that was a proper use and Chad Moran stated yes. Mr. Diffendorf asked if charging stations were in the use laws and Chad Moran stated no, they would be an accessory use. Mr. Diffendorf commented as long as it is zoned properly he doesn't have a problem with it but he has a concern about the noise with tractor trailers coming in there, with back up alarms.

Mr. Diffendorf commented he would like to know what type of vehicles will be charging there, trucks or cars. Chairman Woolbaugh stated those questions would be asked at the site plan review.

Hearing no other comments Chairman Woolbaugh closed the public hearing at 7:11 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board