

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

**February 8, 2016
Meeting Minutes**

Present: Jim Bukowski, Member Brady Begeal, Attorney
 Gordie Woolbaugh, Member Chad Moran, Code Enforcement Officer
 Warren Scofield, Member
 Tom Tracy, Associate Member
 Marchie Diffendorf, Chairman

Absent: Kevin Balachick, Member

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

Chairman Diffendorf introduced the Town's new Code Enforcement Officer, Chad Moran to the board.

APPROVAL OF MINUTES:

Motion by Jim Bukowski and second by Warren Scofield to approve the minutes of the September 14, 2015 meeting as submitted. All voted in favor. Motion Carried.

Motion by Warren Scofield and second by Tom Tracy to approve the minutes of the January 11, 2016 meeting as submitted. All voted in favor. Motion Carried.

E.A.F. DETERMINATION – MADAME OAR'S

Chairman Diffendorf stated there are several questions on Part 1 that were left blank; they all have to be answered. I will review them the board now.

Brady Begeal, Attorney for the town answered:
Page 1: Question 3A - Total Acres – should be .86 and Question 3C – should be also be .86.

Chairman Diffendorf and board answered the following questions:
Page 2: Question 8B and 8C – should both be checked yes. Question 9 – should be checked yes. Question 10 – should be checked yes. Question 11 – should be checked yes. Question 16 – should be checked yes. And question 17A – should be checked no and 17B – should be checked yes.

Chairman Diffendorf asked Stanley Kunzman, owner of Madame Oar's to initial the corrections in Part 1, at the end of our meeting tonight.

Hearing no more questions, Chairman Diffendorf stated the board needed to review and answer the questions in Part 2 and Part 3 of the short E.A.F. filed. Chairman Diffendorf asked Brady Begeal if he would read the questions with the board:

Part 2-Impact Assessment: The board answered no, or small impact may occur to all eleven (11) questions.

Part 3-Determinantion of Significance: The board determined the proposed action will not result in any significant adverse environmental impacts. This is an unlisted action for SEQR.

Chairman Diffendorf will sign at the end of the meeting. Chairman Diffendorf asked the board if they had any further questions.

Commented [AAS1]:

Hearing no more questions Chairman Diffendorf asked for a motion to accept the SEQR as submitted.

Motion by Warren Scofield and second by Jim Bukowski to accept the SEQR Negative Declaration as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Gordie Woolbaugh	Yes
	Warren Scofield	Yes
	Tom Tracy	Yes
	Marchie Diffendorf	Yes

Motion Carried.

SITE PLAN REVIEW – MADAME OAR’S

Chairman Diffendorf asked owner Stanley Kunzman to come forward and explain the drawing that was submitted to the board. Mr. Kunzman explained where currently Madame Oar’s and there office are now. He then explained where the wall will be removed and the office will be relocated. This will allow the extra almost 1,000 square feet to be utilized by Madame Oar’s. Warren Scofield questioned the 1000 square feet. Mr. Kunzman said it is actually 960 square feet. Warren Scofield said so the only viable thing you are doing is cutting a hole in the wall. Mr. Kunzman said yes, cut a hole and frame it up.

Chairman Diffendorf asked Chad Moran, Town Code Enforcement Officer if the parking is adequate. Chad Moran stated he was under the impression that this new space was going to be used as office space. Mr. Kunzman stated it will be an entrance way, bathrooms, storage and office space. Chad Moran stated so you won’t be using this as space for Madame Oar’s, then correct? Because if so this extra 1000 square feet will create 10 more parking spaces. Mr. Kunzman said no. Chairman Diffendorf stated this space is currently being used by a retail business. Warren Scofield stated both of these businesses are classified the same so if the parking is adequate now it will be adequate then. Chad Moran said it is being used already so then have parking for this space already.

Chairman Diffendorf asked if the large display window in Leatherbound will be removed. Mr. Kunzman said we will leave the window but will black out the glass. It will not be an open visible store front window anymore. Chairman Diffendorf said ok.

Chairman Diffendorf asked when the door is open into the new area, will there be a foyer there so people won’t be able to see in. Mr. Kunzman said yes. We won’t be utilizing this door from the parking lot. Customers will use Madame Oar’s existing front entrance. This door won’t be used. Mr. Kunzman then explained all of the emergency exits to the board. Warren Scofield asked will this door be closed. Mr. Kunzman said this door will be used as an emergency exit. Warren Scofield commented your drawings are hard to understand and

inadequate. Chairman Diffendorf stated the one drawing is old and is very confusing. Owner of the property, Edwin Braunstein stated he has owned this property for 11 years and this is the only drawing I have.

Chairman Diffendorf asked the board if they had any further questions.

Warren Scofield stated there is a box on both the 239 Review Submission Form and the Site Development Application that should be checked. Broome County GIS summary states this property is located within 500 feet of a State or County Facility.

State/County-owned land on which a public building or institution is located should be checked on both forms.

Tom Tracy questioned the accuracy of the map that the board received from Broome County which shows the state/county right-of-way. It appears that half of the parking spaces are over the line. Chairman Diffendorf explained Broome County has a disclaimer on their GIS system, this has come up before. Chairman Diffendorf said that NYSDOT also received a copy of this application, and they did not see any issues. Warren Scofield asked if there was some land or curbing along the front between the road and your parking lot. Mr. Kunzman said yes there is a curb. Owner, Edwin Braunstein stated this might be the original survey, I don't know. Brady Begeal said NYSDOT reviewed this and they had no comment, this is there issue if they want to make it an issue.

Jim Bukowski asked Chad Moran if they block the front entrance way of Leatherbound, will it affect them in case of fire. Chad Moran stated again, I thought it this was just going to be an office space so I will have to go back and take a look at it but it shouldn't affect it. Chairman Diffendorf stated the building will have to be inspected by the code enforcement officer before you can get a certificate of occupancy. Mr. Kunzman said ok.

Hearing no further questions, Chairman Diffendorf asked for a motion to accept or reject the site plan review as submitted. Brady Begeal stated we need to add the condition that the front window is blacked out.

Motion by Jim Bukowski and second by Gordie Woolbaugh to accept the site plan review with the following condition:

- 1.) The front large window must be blacked out and not visible to see thru it.

Roll Call Vote:	Jim Bukowski	Yes
	Gordie Woolbaugh	Yes
	Warren Scofield	Yes
	Tom Tracy	Yes
	Marchie Diffendorf	Yes

Motion carried.

REVISIT SITE PLAN REVIEW – 4 PLAY SPORTS BAR

Chairman Diffendorf stated last month we did the public hearing so we do not have to review that again. I would like to go over some of the conditions that we asked for. We asked Chad Moran, Code Enforcement Officer go measure the first floor. There is 5,025 square feet which equals 50 (fifty) parking spots.

Chairman Diffendorf stated you do not have 50 (fifty) parking spots. Damien D'Ambrosio said correct. Last month we talked about this. Chairman Diffendorf said yes we talked about not using the second floor. Mr. D'Ambrosio said correct but we would like to break up the space on the first floor that we are not utilizing. Chairman Diffendorf said so you want to break the building up into smaller pieces. Mr. D'Ambrosio said there is space in the main hall that we are not utilizing. Chairman Diffendorf stated we have never taking a single structure and downsized it to fit a parking requirement. If it is a strip mall, like Rocket Plaza where you have several different facilities in there and one of them is empty, that does not count against the parking. You still have to comply with a certain number of parking spaces. So you want to take out room that is actually in the main hall on the first floor. Mr. D'Ambrosio said correct. Tom Tracy asked what does fire code say about having space in a building that is completely sealed off. Chad Moran stated he is still doing research on it. Sprinkler systems would have to be in place and you would have to have a way to get into the space. The main issue I have is they want to take out the one wing on the left side. This space is 16 foot wide and the full length of the building, right in the middle.

Chairman Diffendorf stated this was all submitted before Chad Moran came on board and probably should have never accepted this application but we are going to deal with it. I can't myself support breaking this building up, we have given you the second floor by letting you keep that vacant. I myself can not vote to allow this building to be chopped up just to meet the parking requirements. Especially when there is another avenue, you could go to the Zoning Board of Appeals for a variance. Chairman Diffendorf asked the rest of board how they feel about this. Jim Bukowski stated its pretty clear, we have already given you the second floor, which is not in use and understandable but to cut up the building, does not hold water, especially when they can go to the ZBA for a variance. Mr. D'Ambrosio said he thought it may be an option from last month meeting but we can go to the ZBA. Warren Scofield also stated he would not support this either. Chairman Diffendorf stated this park issue will still have to be resolved.

Chairman Diffendorf asked will you have a sign on the bar. Ron Gage said yes. Chairman Diffendorf said we will need a drawing of all signs, dimensions and location. Mr. Gage said ok.

Chairman Diffendorf stated the parking lot needs repair and is full of pot holes. Broome County also wants you to indicate the paved areas. What are your intensions for the parking lot? Mr. D'Ambrosio said we are going to fix it.

Chairman Diffendorf asked about the rebuilt fence, are you going to paint it. Mr. Gage said yes. Chairman Diffendorf suggests that the end post be marked with reflectors so it's visible. Landscaping, the brush needs to be trimmed if it's on your property. This is our "Gateway" to the town. You also stated you were going to paint the building. Mr. Gage said yes we will trim the brush and be painting the building.

Chairman Diffendorf stated the email from NYSDOT was never received by our code office. You will have to get something from them and you must comply with there request. Mr. Gage said he will find out where the letter is.

Chairman Diffendorf stated there is electrical conduit around the building, some of it is just hanging, and it

needs to be repaired or fastened up. Everything must comply with NYS building codes before you get a certificate of occupancy. Mr. Gage said ok.

Chairman Diffendorf asked about the deck that you are putting on, will it have a roof. Mr. Gage said yes. Chairman Diffendorf told Mr. Gage to talk to Chad Moran to see what the state requirements are for building a deck and putting a roof on it. Make sure there is structural support or a railing, if required. Mr. Gage said ok. Chairman Diffendorf reminder Mr. Gage there will be no use of the second floor. Mr. Gage agreed.

Chairman Diffendorf said there is a light with a lot of disrepair hanging near where the bar is going to be by the stairwell. This needs to be repaired. Mr. Gage said I know but I can't do a lot of the work until we know for sure if this Site Plan will be approved. Chairman Diffendorf said I understand but I just want to make it clear, as we are looking at it as it is now, I want all of these things to get corrected.

Chairman Diffendorf stated at ground level there is OSB board with a hole in it. This board is exposed and needs to be cleaned up also. Mr. Gage said ok. Chairman Diffendorf stated there were already several conditions and I have just added a few more.

Chairman Diffendorf suggested to the board that this be tabled until the parking is resolved. Brady Begeal stated we also need an updated Site Plan in writing showing us exactly what is happening. Nothing has changed since the last time they were here. It is very important to have correct information and drawings. All of these items we have talked about need to be on an updated site plan. We are having minutes taken but they are not word for word. So when you do come back we can say all of these conditions have been addressed. Mr. D'Ambrosio asked about new conditions from tonight. Chairman Diffendorf stated I will give you a copy before you leave tonight of the new conditions. Chairman Diffendorf asked if anyone else had any further questions.

Warren Scofield asked about the deck/patio isn't there a limit on the number of people, capacity limitation requirement. Chad Moran said I will make sure it meets all of the requirements of code. Warren Scofield asked if we should mention this in the conditions. Chairman Diffendorf stated the condition's already say everything must comply with NYS building code.

Hearing no further questions, Chairman Diffendorf asked for a motion to table the site plan review tonight with the updated conditions and until the parking issue is resolved.

- 1.) Must go to ZBA for Area Variance for parking
- 2.) Update the Details on all drawings and Label Correctly
- 3.) Need Sign drawings, location and dimensions
- 4.) Indicate Area of paved Surface
- 5.) No garbage stored outside unless it is in a dumpster
- 6.) Upgrade fence, paint and must be well maintained. Make sure it is not on DOT's property.
- 7.) Brush needs to be trimmed and landscaping must be well maintained
- 8.) Paint Building, need a completion date and No certificate of occupancy until complete.
- 9.) Need Email or letter from NYSDOT
- 10.) No Food served with out coming back for Site Plan Review

- 11.) Fix electric conduit which is in need of repair
- 12.) Do Maintenance around the building – Fix and Repair
- 13.) Everything must comply with NYS Building Code.
- 14.) No use of the second floor.

Motion by Jim Bukowski and second by Gordie Woolbaugh to table the site plan review until the parking issue is resolved.

Roll Call Vote:	Jim Bukowski	Yes
	Gordie Woolbaugh	Yes
	Warren Scofield	Yes
	Tom Tracy	Yes
	Marchie Diffendorf	Yes

Motion carried.

OTHER BUSINESS

Hearing no further comments or questions, Chairman Diffendorf asked for a motion to adjourn.

Motion by Jim Bukowski and second by Gordie Woolbaugh to adjourn the meeting. The meeting was adjourned at 7:48 pm.

Respectfully Submitted,

Lori A. Garvey
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Advisory Committee
Gayle Diffendorf
Ray Coolbaugh
Bill Diffendorf
Herb Kline
Code Department
Dan Giblin