

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

**April 11, 2016**  
**Meeting Minutes**

Present: Jim Bukowski, Member  
Kevin Balachick, Member  
Gordie Woolbaugh, Member  
Tom Tracy, Associate Member  
Marchie Diffendorf, Chairman  
Brady Begeal, Attorney

Absent: Warren Scofield, Member

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

**APPROVAL OF MINUTES:**

Motion by Jim Bukowski and second by Gordie Woolbaugh to approve the minutes of the February 8, 2016 as submitted. All voted in favor. Motion Carried.

**E.A.F. DETERMINATION – ACQUISTO’S DISCOUNT GROCERIES, LLC**

Chairman Diffendorf asked the board if anyone had any questions or concerns on Part 1 filled out by the applicant. Hearing none, Chairman Diffendorf stated the ZBA had already completed Part 2 and Part 3 of this E.A.F. Brady Begeal said it is normally the Planning Board who reviews the E.A.F. and he recommended the board review it together. Chairman Diffendorf asked Brady Begeal if he would read the questions in Part 2 and Part 3 to the board so the board can answer them.

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

Part 3-Determination 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.

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

Motion by Tom Tracy and second by Kevin Balachick to accept the SEQR Negative Declaration as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	Yes
	Tom Tracy	Yes

Marchie Diffendorf Yes

Motion Carried.

### **SITE PLAN REVIEW – ACQUISTO’S DISCOUNT GROCERIES, LLC**

Chairman Diffendorf asked Michael F. Acquisto, the owner of Acquisto’s Discount Groceries, LLC to come forward to speak about his project. Mr. Acquisto stated I would like to add a Delicatessen to sell sliced meat and submarine sandwiches to my existing grocery store.

Mr. Acquisto stated I am in agreement to do all of the items that Broome County has asked me to do. When I did my site plan, the plan was to have the compressors outside. I have not done it that way but they will be near the railroad tracks and you should not hear any noise. There is a bar that is now closed near me and this is where all my extra parking is. I will mark this area with yellow lines and have a couple signs put up that say over flow parking. I will add greenery and planters for landscaping. I will paint the exterior and front of the building. I also agree to remove the building with the fenced in area that my father put up, I don’t use this building anyway. This should also create two-three extra parking spaces and I will also clear all the garbage overflow.

Mr. Acquisto said the recommendation by NYS was if I open the doors on the front of the building, I will have to have them screened in. I won’t open the doors and I will take out the screens.

As far as the comment from BC Health Department, I am already regulated by the State of New York. I have two (2) licenses. One is for the grocery store and one for the Deli. The state comes to monitor my business, not Broome County. Chairman Diffendorf asked Mr. Acquisto’s if he has checked with Broome County. Mr. Acquisto said no, I asked the State and they said they have jurisdiction. Chairman Diffendorf said you will have to check with Broome County about a food service permit. I have the name and phone number. Mr. Acquisto said ok, I will call them; I will do everything you ask to comply.

Mr. Acquisto said I feel I take good care of this property. I went with a Deli because I was having a problem with my business so for me to stay I needed to do something to help my business grow. You always have to make changes to keep up. I do not own the building, it is owned by Peter Behlog. I have put thousands of dollars into the build and done a lot of work. I live in Dallas, Texas, when my father passed away I had to decide to shut it down or try to make it work. It’s been two and half years now, I come in town once a month to help run it. I have ten (10) employees. I don’t know what the future holds. Also, if there is still a problem with the parking, Mike Maciak owns the property behind me and he said he would sign an agreement for me to use this area.

Chairman Diffendorf stated these will all be conditions, which you will have to meet. Mr. Acquisto said that’s fine. Brady Begeal asked Mr. Acquisto approximately how long do you think it will take to complete these conditions. Mr. Acquisto said two (2) months. Chairman Diffendorf said June 11, 2016. Mr. Acquisto said yes. Chairman Diffendorf asked the board if they had any further questions.

Hearing no further questions, Chairman Diffendorf asked for a motion to accept or reject the site plan review with the below conditions.

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

- 1.) Landscaping be Well Maintained with floor planters
- 2.) Need a plan for pedestrian walkways with proper signs submitted to Code Officer
- 3.) Need a parking plan
- 4.) Paint exterior and front of the building
- 5.) Remove the screens from the overhead doors
- 6.) Remove the canopy where the outside storage in now
- 7.) No outside storage
- 8.) Repair broken windows
- 9.) Business signs must meet Code requirements
- 10.) Check with BC Health Department to see if a Food Service permit is required
- 11.) Complete all conditions by June 11, 2016

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Gordie Woolbaugh	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 Gordie Woolbaugh and second by Tom Tracy to adjourn the meeting. The meeting was adjourned at 7:22 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