

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

**November 13, 2023  
Meeting Minutes**

Present: Jim Bukowski, Member  
Kevin Balachick, Member  
Mike Maciak, Associate Member  
Dan Wasson, Member  
Gordie Woolbaugh, Chairperson  
Chad Moran, Building & Code Inspector  
Bob McKertich, Attorney

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

**APPROVAL OF MINUTES:**

Motion by Jim Bukowski and seconded by Dan Wasson to approved the minutes from the October 10, 2023 meeting as submitted. All voted in favor, motion carried.

**E.A.F. DETERMINATION – ROCKY FACE PROPERTIES, LLC**

Chairman Woolbaugh asked if the board has any concerns or questions regarding Part 1 of the EAF and Kevin Balachick questioned #17, if the answer is no, a. and b. aren't needed. The answer is no so a. and b. should not be checked.

Mr. McKertich read the questions in Part 2 of the EAF and the board members answered no to each question. For Part 3, box #2 was checked. A completed copy is included in the file.

Motion by Mike Maciak and seconded by Jim Bukowski to accept the Short EAF.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**SITE PLAN REVIEW – ROCKY FACE PROPERTIES, LLC**

Dan Wasson asked if there would be a sign and Mrs. Mirch stated eventually they probably would get a sign.

Motion by Dan Wasson and seconded by Kevin Balachick to approve the site plan as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**E.A.F. DETERMINATION – CHAD MUTTER, LUCK GROVE CONSTRUCTION, LLC – CHARGING STATION AT TRACEY ROAD EQUIPMENT:**

Mr. Chad Mutter and Mr. Nick Feder from Luck Grove Construction were present. Chairman Woolbaugh asked if they had contacted NYS Department of Transportation regarding the work permit and Mr. Feder stated he had and it is contingent upon the Town’s permit.

Chairman Woolbaugh asked if the board had any questions on the updated EAF that was submitted. The applicant will initial #17 a. and b., which only says omit next to it.

Mr. McKertich read the questions in Part 2 of the EAF and the board members answered no to each question. For Part 3, box #2 was checked. A completed copy is included in the file.

Motion by Dan Wasson and seconded by Mike Maciak that the Planning Board, as lead agency in this Unlisted Action, declare a negative declaration for the purpose of SEQR, since based on the review of the Short EAF and the updated site plan, the proposed action will not result in any significant adverse environmental impact in the Town of Kirkwood.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**SITE PLAN REVIEW – CHAD MUTTER, LUCK GROVE CONSTRUCTION, LLC – CHARGING STATION AT TRACEY ROAD EQUIPMENT:**

Chairman Woolbaugh commented he didn’t see any updates on the lighting and Mr. Feder explained they have adequate lighting currently there as well as the panels on the charging stations will be back lit. If more lighting is needed they would put more in.

Jim Bukowski asked if there would be fencing separating the equipment and the charging stations and Mr. Mutter explained there would be bollards protecting them, no fencing will be installed. There is fencing on the other side for the equipment at the adjacent business.

Motion by Kevin Balachick and seconded by Dan Wasson to approve the site plan as submitted.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**RECOMMENDATION TO THE TOWN BOARD – FIVE MILE POINT WAREHOUSE INVESTORS, LLC – REQUEST FOR CHANGE IN ZONING:**

Adam Meinstein, Manager of Five Mile Point Warehouse Investors, LLC was present. He gave a long presentation to the Board outlining the changes he made to the Five Mile Point Racetrack site from his original submission. The topics discussed included changing the entrance and exit from Francis Street to Grossett Drive only, greater setbacks and distances on the Francis Street side to include more landscaping, possibility of creating a permanent easement across their Francis Street frontage eliminating their ability to use Francis Street or create a deed restriction or a combination of those two, or deed a parcel along Francis Street, flip flopping the building orientation to eliminate the historic front door of the racetrack with truck activities facing the highway, and dark sky fixtures for lighting.

Keith Barney from Keystone Associates reviewed the lighting study that was done, which is included in the file. All lights will be LED and will be down lit and none will be at the property lines. On the back of the buildings the only lighting would be a light bulb at the exit doors.

William Thornton, Thornton Acoustics reviewed the sound study that was done, which is included in the file. For the study he reviewed the Town's noise ordinance, performed an ambient noise study, and did a computer modeling study to look at the impact of the buildings and how they will change the sound scape. They used noise monitors to record the maximum noise levels over a 24-hour period. They found that the noise levels were from the interstates and the truck traffic. The maximum noise levels were consistently above the Town's residential noise limits. He explained the building noise barrier affects, which due to the size and height of the buildings will act as noise barriers for sound emitted in some locations on the property. Nowhere will the buildings increase the noise levels. They will also act as noise barriers for both the pre-existing highway noise and for any new truck sound that may occur onsite and will reduce the highway noise on the neighborhoods to the west of the site.

Jim Bukowski asked how tone and pitch integrates into this since back up beepers are a lot different than traffic on the highway and Mr. Thornton explained that with the backup alarms the buildings will act as a significant noise buffer. They are audible but well below, 10-20 decibels, below the existing ambient noise. Chairman Woolbaugh asked about east of the site, he can hear the backup noise and see the other buildings from his house and Mr. Thornton explained the levels are similar to what you are experiencing from the existing building. By design it is supposed to be a relatively low volume site, it isn't a Fed Ex or UPS terminal. There will be intermittent audible levels but will be well below the existing ambient highway noise levels.

Mr. McKertich asked to what extent does the occupancy of the building impact your analysis if you don't know what the occupancy is and Mr. Thornton explained from a vehicle traffic perspective it basically assumes the worst cases for the size of the buildings. The unknowns, not knowing the occupants, are what type of rooftop HVAC systems will be used, quiet options can be selected. Mr. McKertich asked if this rezoning is approved and got to a site plan stage, is that something that would be known at the site plan stage and Mr. Meinstein stated no. Dan Wasson commented when the trucks are there that is when your study should be done, when they leave and come in, it is going to make the sound louder on Crescent Drive. Mr. Meinstein commented all traffic will go down Grossett Drive. He explained they are restoring traffic that had been on the site of the old Putnam building. Approximately 5 years ago they demolished part of the building, their building #2 is now restoring that.

Gordon Stansbury, GTS Consulting, explained they completed an updated traffic study in June 2023, the only access is from Grossett Drive. The study utilized the previous counts, which were reviewed and accepted by NYSDOT and BMTS, and they used worst case numbers for a distribution facility. The expected use of the

building site would be very much like the Triumph building. They did a traffic count at the Triumph building, a full week of hourly counts, with 20 trips or less per hour per day. During the peak hours there were 20-25 vehicles, which is significantly lower than the previous study. He explained the trip distribution estimates, which are included in the file. The study demonstrated that even with the worst-case estimate, 55% of the traffic is assumed to be traveling through the Crescent Drive/Francis Street intersection, the proposed development will not have any significant impact on the intersection with site access now on Grossett Drive. With the potential shift in traffic using Exit 1 to access that site to/from the highway when travel to/from the south on I-81, the amount of traffic projected to use Crescent Drive and Francis Street could be significantly reduced, further minimizing impacts to this area.

Jim Bukowski asked for the trucks on Crescent Drive getting to the ramps, how much will traffic increase by putting the warehousing in and Mr. Stansbury explained it will depend on the use. If it is traditional warehousing comparable to Triumph, which is what they expect, 57 cars going in in the morning and out in the evening, if worse case half of that goes that way, 25-30 vehicles. Worst case scenario, which is 297, 150 cars, not trucks, only about 20 trucks. Currently it is about 200 trucks per day. Jim Bukowski commented it has increased considerably since Willow Run and Anderson went in.

Mr. McKertich questioned the Environmental Assessment Form says it is anticipated to have 200 semi-trailers per day, are they anticipating 200 trips or 100 trips and Mr. Stansbury explained 200 trips is 100 in and 100 out. Mr. McKertich asked if their model was done with 136 trips in and 136 trips out and Mr. Thornton stated that is the worst case. His expectation is this development will be similar to what they have today adjacent to it. Mike Maciak commented when Buckingham went in on Grossett they created more traffic than the original tenant and Mr. Thornton commented that it varies over time with users, you may have a more intense user or less intense user depending on if multiple tenants are in the two buildings. The worst case averages out to be 7-8 trucks an hour.

Mr. Meinstein explained that the Putnam/Penguin building has been there for 46 years, 38 occupied by Penguin and 8 Kirkwood Warehouse Investors and has been without incidents or problems. When they bought the building, they didn't know who the tenants would be, the same is true with the proposed buildings. They are not interested in truck terminals. This will be a project of 40-50 million dollars, offer hundreds of jobs, 10% of the assessed tax base in the town. The Triumph Business Center, in 8 years of ownership, has paid in 2.6 million in real estate taxes, with 1.68 million, 64%, has gone to the Windsor Central School District.

Mr. Meinstein presented an alternate use for this site, viable under the current zoning of PUB and B1, high density housing. Mr. Barney, Keystone Associates, explained there could be 3 and 4 story buildings, 1, 2, & 3-bedroom units with access through Roberts Street, Francis Street, and William Street. There would be 1062 bedrooms, the potential of 1500 occupants. They have met all the setbacks, this is very preliminary but they are far less than the density required, 12% and what would be allowed is 35% of filled space.

Mr. Meinstein explained they are not representing this as their alternate plan but they are looking at this ordinance to say what could be done on this property. It includes 40 acres that was part of the speedway site, not the additional 11 acres with setbacks of 15 feet from the property line and buildings up to 45 feet tall. The sewer and water consumption for a typical residence is 10x the volume, with the project being presented it would be much less.

Dan Wasson commented that sounds like a threat, do this or you get that and Mr. Barney commented this is not a threat. Originally there was a lot of residents that were questioning if they should do multi-family, so this plan was put together to show what could be done, no threat intended.

Mr. McKertich handed out and reviewed with the board members Section 1411, D. and H. of Article XIV of the Zoning Local Law referencing Zoning Map Amendments, which are the standards for the Planning Board when making a recommendation to the Town Board for a zoning change, and is included in the file.

There was a discussion regarding the current zoning and the proposed zoning. What Mr. Meinstein is proposing for the site is not allowed under the current zoning, which is why he is requesting the rezoning of all three parcels.

A question was asked if Building #1 could be moved more to the east and Mr. Meinstein explained that the building would get smaller. They try to make these buildings of a certain depth and certain dimensions because they know that is going to be marketable. He is willing to have that discussion.

Motion by Jim Bukowski and seconded by Kevin Balachick to recommend to the Town Board that the zoning for Tax Map # 162.16-1-18 and Tax Map # 162.15-2-11 be rezoned from Business-1 and PUD to Industrial Development and Tax Map # 162.15-2-12 be rezoned from Multi-Residence to Industrial Development with the condition that access to the property must be through Grossett Drive and not through Francis Street, William Street, Roberts Street or Irving Avenue, other than for emergency use by police, fire and ambulance.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

**RECOMMENDATION TO THE TOWN BOARD CRH PROPERTIES, LLC – REQUEST FOR CHANGE IN ZONING:**

Chad Moran explained they need the property to be ID, currently it is B1. Across the street is ID and the other side is also ID.

Howard and Cynthia Howard were present and explained they have a buyer for that property and they will be using it for equipment sales.

Motion by Kevin Balachick and seconded by Dan Wasson to recommend to the Town Board that the zoning for Tax Map # 146.03-3-42, Tax Map # 146.03-3-41 and Tax Map # 146.03-3-40 be rezoned from B1 to Industrial Development with the condition that neighboring properties be rezoned in a consistent fashion.

Roll Call Vote:	Jim Bukowski	Yes
	Kevin Balachick	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

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November 13, 2023 Planning Board Meeting

Motion by Dan Wasson and seconded by Jim Bukowski to adjourn the meeting. The meeting was adjourned at 8:49 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**

**November 13, 2023**

#### **SITE PLAN REVIEW TO USE THE EXISTING STRUCTURE FOR A NATURAL STONE FABRICATION BUSINESS ON THE PROPERTY LOCATED AT 2199 NYS RTE 11 IN THE TOWN OF KIRKWOOD, KNOWN AS TAX MAP NO. 228.02-1-21 AND LOCATED IN AN BUSINESS TWO AND RESIDENCE R DISTRICTS ON THE APPLICATION OF ROCKY FACE PROPERTIES, 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 7:01 p.m.

Sarah Campbell, Hinman, Howard & Kattell and Barbara & Bill Mirch, the applicants, were present.

Ms. Campbell explained they would use the existing structures, no new construction. The front building is a commercial building and the rear is a garage or storage area. They are under contract to purchase the property for a natural stone fabrication business. They will have two employees, no retail, the operation takes place entirely inside the building. They bring in slabs of stone that will be cut inside with saws. They will use a small amount of water for that purpose and that water has a filtration system, which is reused. There will be 3-5 trucks per week that will be bringing in and taking materials out. There will be minor palletized storage outside just waiting to be transported, nothing permanently will be stored outside. They will have a dumpster for scrap materials. They will occasionally use oxygen and propane torches for surface finishing but no special ventilation is required. The stone is not washed or sealed and no chemicals will be stored. The 239 comments from the county stated that they should only have one driveway, which the applicant is fine with. They will not be using this property until 2025 but would like their approvals now so they can go and purchase it. There will be no outside lights except what is already there.

Kevin Balachick asked if there would be a slurry mix used for the cutting and Mr. Mirch explained that the blades are cooled by the water so there will be a slurry, which will go into a tank and filtered out with the mud in one place and the clean water in another. Kevin Balachick asked if that would be outside the building and Mr. Mirch explained the above ground tank would be on the outside of the building.

Jim Bukowski asked if all the spare materials would go into the dumpster and Mr. Mirch stated yes, there would be small pieces. Jim Bukowski commented on the one down the road in PA and Mr. Mirch explained this is a different type of operation, all specialty products, not a mass-producing operation.

Kevin Balachick asked if both buildings would be used and Mr. Mirch explained they would be using the front building and the back building, which has no heat, will be used for storage, along with the pole barn. The only thing outside will be the palletized standard product. It will be very well kept and neat.

Glen Robbins asked about the size of the product and Mr. Mirch explained the stone they fabricate will be from ½ inch up to 10 inches thick, with some slabs up to 5' X 10'. Mr. Robbins asked what is the finished product and Mr. Mirch explained some would be stair treads, wall cap, and mantels.

Hearing no other comments Chairman Woolbaugh closed the public hearing at 7:08 pm.

Respectfully Submitted,

Mary Kay Sullivan  
Secretary, Kirkwood Planning Board