

PLANNING BOARD

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

**May 13, 2026
Meeting Minutes**

Present: Adisen Harden, Member
Jason Maxian, Member
Mike Maciak, Member
Dan Wasson, Member
Gordie Woolbaugh, Chairperson
Gina Middleton, Attorney
David Pasquale, Ad Hoc Member
John Mastronardi, Town Engineer
Bob McKertich, Town Attorney

Absent: Chad Moran, Building & Code Inspector

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

APPROVAL OF MINUTES:

Minutes from the April 8, 2026 meeting were approved as submitted. All voted in favor.

E.A.F. DETERMINATION – KATHY HIRST (K31 GEMS, LLC):

Motion by Jason Maxian and seconded by Dan Wasson to declare the project a Type II Action and no further SEQR Review is required.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

SITE PLAN REVIEW – KATHY HIRST (K31 GEMS, LLS):

Chairman Woolbaugh commented that an updated parking plan was submitted, he did speak to Chad Moran, and he said it was acceptable.

Dan Wasson asked if there would be a sign and Ms. Hirst explained there were images of the proposed sign on the building that were submitted and one would be underneath the storage unit sign.

Motion by Mike Maciak and seconded by Adisen Harden to approve the site plan as submitted.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion Carried.

E.A.F. DETERMINATION – NORBUT SOLAR:

John Mastronardi explained since the last meeting he and the applicant's engineer, Paul Congdon have been corresponding regarding comments from the last meeting and concerns over the erosion sediment control during the actual installation and construction when the soil is exposed and disturbed. He had ask Mr. Congdon to look at the erosion sediment control plan and try to mitigate the concerns. The extra mitigation efforts are actually above and beyond what DEC requires. Mr. Mastronardi felt it was necessary based on his experience with similar projects in the area. After the plan was submitted, it was reviewed and Mr. Mastronardi agrees with Mr. Congdon's additional comments and details. He is satisfied with the erosion sediment control plan and the SWPPP.

Mr. Mastronardi explained one of the mitigation efforts is when there is a known rain event of at least one inch predicted in the forecast the site is inspected within 24 hours before the rain and again within 24 hours after the rain event. That way they can keep a closer look on the site before and after a rain event. Typically, DEC requires one inspection per week and it doesn't evolve around precipitation events. Another measure is the addition of a silt sock.

Dan Wasson asked if the weekly inspections would be done as well and Mr. Mastronardi stated yes. These inspections would fall outside their normal inspections. It will be incorporated into the SWPPP and eventually he will provide a SWPPP acceptance letter. Once the SWPPP is accepted the applicant will file a notice of intent with the DEC. Once they get their letter of authorization that binds them to adhere to all the rules and regulations in the SWPPP and the DEC's guidelines for coverage under the general permit.

Ms. Middleton read into the record a letter from the Binghamton Gun Club and is included in the file.

Ms. Middleton explained she doesn't know of any townships that pay for legal representation for individuals outside of legal representative for the town as a whole. There are grassroots groups and foundations and sometimes groups that will band together to hire an attorney but that would not be paid for or funded by the Town or the Town Planning Board.

Ms. Middleton explained we did receive essentially approval for the wetlands. The main site plan is completely outside the wetlands and the engineer did provide confirmation that the new site plan has cleared the wetlands issue in regard to this particular application. That letter was dated May 4, 2026 and has been submitted to the board. The letter is included in the file.

Chairman Woolbaugh asked if the Board had any questions to the updated Part 1 of the Full EAF, which the Board did not.

Ms. Middleton first reviewed "Tips for completing Part 2" with the Board. Ms. Middleton read the questions in the Full EAF Part 2 and the board members answered each question. The completed Full EAF Part 2 is included in the file.

Ms. Middleton explained the next step is Part 3 of the Full EAF, which is an analysis of whether this should be a positive declaration or whether there have been appropriate measures provided by the applicant to mitigate the moderate to large impact responses. Ms. Middleton recommends doing Part 3 at the next board meeting so the engineer and herself can prepare responses with regard to the moderate to large impacts and so the applicant has the ability to provide those as well.

Mr. Saunders commented he thinks the board went through these questions very quickly and there weren't any references to the EAF workbook which provides analysis of how these questions can be answered. Several of them, the workbook clearly suggests the answers might be contrary to what the Board concluded without reviewing the workbook. His point would simply be when we get to Part 3 we would be wanting to focus on what the DEC workbook says with regard to whether the question should be responded to as none to small or moderate to large, which will be inconsistent with some of the conclusions the Board reached tonight. One in particular is question 17, this is just an example of how the workbook can direct municipalities to consider this question. Question 17. a., the proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s). The Board concluded that would be moderate to large but on page 255 of the workbook under the analysis it says a small impact could occur if the proposed project is not consistent with surrounding land use patterns but the community has specifically zoned the area for those new uses and the project is consistent with the community laws. Their point would be that it doesn't look like anything else in the community, clearly a solar panel doesn't resemble a house but the workbook suggests the board should act reasonably when it comes to the determination. The fact that the Town has legislatively determined that solar is an appropriate use if all the code provisions are followed suggests that is one example of an answer that the board found to be moderate to large, they would suggest it would be small. He believes that if next month's meeting would be their opportunity to rebut the conclusions you have reached on these then they will take the opportunity to do it.

Chairman Woolbaugh explained that in the rebuttals you would include the page numbers from the workbook and paragraphs. Mr. Saunders asked the board to consider their previous submission, which was lengthy, and they went through each question and cited the reasons they believed all the answers would come out none to small and in some case the answer is no. Ms. Middleton commented that the board did have those responses in front of them when they went through this. As far as the workbook she will send out a link to the workbook so everyone can review it. To note, the moderate to large impact probably came from the analysis that the proposed property is not consistent with its proposed use and overall scale and intensity with existing land use.

Ms. Middleton reviewed the list of questions that the board determined to have a moderate to large impact and are as follows: 1. a, b, c, f; 3. d, e, h, i; 7 g, h; 17. a; and 18. e, f.

Mr. Saunders commented that at the next meeting they will be presenting why they believe that any of the moderate to large should be reduced to small or none or mitigated. Mr. Saunders questioned how that would work and Ms. Middleton explained it is up to the Board but it is usually a back-and-forth dialogue.

Motion by Jason Maxian and seconded by Mike Maciak to table Part 3 of the SEQR review until the next meeting.

Roll Call Vote:	Adisen Harden	Yes
	Jason Maxian	Yes
	Mike Maciak	Yes
	Dan Wasson	Yes
	Chairman Woolbaugh	Yes

Motion carried.

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Motion by Dan Wasson and seconded by Adisen Harden to adjourn the meeting. The meeting was adjourned at 8:02 pm.

Respectfully Submitted,

Mary Kay Sullivan
Secretary, Kirkwood Planning Board

cc: Planning Board Members
Kelley Diffendorf
Poe Williams
Chad Moran
Bob McKertich
Katie Legg
Rick Pedro