



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Beth Lucas, Director

December 14, 2023

Supervisor Lewis Grubham
PB Chair Gordie Woolbaugh
Town of Kirkwood
70 Crescent Drive
Kirkwood, New York 13795

RE: Review Pursuant to Section 239-l and -m of the General Municipal Law

Dear Supervisor Grubham and Chair Woolbaugh:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

Applicant: Adam Meinstein, Five Mile Point Warehouse Investors, LLC
Project: Rezoning: Construction of two (2) warehouse buildings on combined parcels at 110 William Street, 24 Sunset, and 925 NYS Route 11
Municipality: Town of Kirkwood
Tax Map No: 162.15-2-11, 162.16-1-18, 162.15-2-12
BC Case: 239-2023-177 (239-2022-143 and 239-2023-11)

The Planning Department has reviewed the above-cited case including the updated site plan and additional supplemental information related to the project. We have not identified any significant countywide or inter-community impacts associated with the proposed project contingent on the following:

- Approval of proposed rezoning is restricted to light industrial or less intensive allowed uses within the Industrial District, per the description of the intended use provided by the applicant.
- Implementation of any mitigation measures as requested by NYSDOT. We have been informed that NYSDOT review is ongoing and may include mitigation requirements.

In addition we provide the following advisory comments:

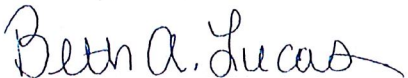
- The Town may also consider the following in the review and in conditions of approval if applicable: hours of operation limited to those noted in the SEQR FEAF; right to inspect and monitor; O&M Plan; tree maintenance and restoration; any onsite truck repair and fuel station; any outdoor storage and container stacking; potential for future expansion; and any potential for battery storage, recycling, and manufacturing.
- The Town should also consider BMTS recommendations for a proposed crosswalk across NYS Route 990F to provide for safe pedestrian access between the two sections of Valley Park and installation of signage and beacons (See BMTS comments).
- While the updated concept plan removes site access from Francis Street, mitigating impacts along the eastern portion of Francis, the Town should continue to assess the community character of the hamlet/Town Center in regards to the changing traffic patterns associated with the project along the western portion of Francis and along Crescent.
- The applicant and Town should ensure that all project documents, including the SEQR FEAF consistently reflect all properties included in the proposed rezoning.

- Previous comments from BC Transit regarding transit needs should be addressed.
- The following additional project details should be further clarified or addressed in the site plan when submitted for approval:
 - Water supply and wastewater treatment capacity should be confirmed for the proposed uses. The current SEQR form indicates use by employees but does not note any potential water or wastewater needs for industrial operations.
 - Confirm USACOE coordination and wetland delineation.
 - Address any potential air emissions.
 - The SEQR historic and archaeological “no” responses should be addressed. Considering the historic nature of the racetrack, opened in 1951, documentation of no impact to historic resources from SHPO should be provided to document this.
 - Note the nature and location of any hazardous materials storage, outdoor storage, or other site features of a similar nature.
 - Note emergency access points.
 - Renderings of the project to include key views from the residential neighborhoods and community center depicting the visual impact of the project would be beneficial to demonstrate land use compatibility in the portions of the property adjacent to these uses.
 - Complete landscaping plan
 - HVAC and generator plans
- The site plan should reflect compliance with the BMTS, NYSDOT, and DPW comments and with all other applicable agency requirements as necessary.

The case file was routed to the Binghamton Metropolitan Transportation Study (BMTS), New York State Department of Transportation (NYSDOT), Broome County Department of Public Works (DPW), Broome County Transit (BCT), Broome County Health Department (BCHD), and Broome County Office of Emergency Services (OES) for review. NYSDOT review is ongoing. Enclosed are comments from BMTS, and DPW that need to be addressed. Previous comments from BCT and OES are also enclosed. BCHD had no comments.

Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record. Thank you for your cooperation.

Sincerely,



Beth Lucas
Director

BL/lmz

cc: BC File Copy

Zier, Lora M.

From: McCullen, Leigh A.
Sent: Thursday, December 14, 2023 1:09 PM
To: Zier, Lora M.
Cc: Murphy, Sean W. (DOT)
Subject: RE: 239-2023-177 Kirkwood FW: 5 Mile Point Development, Grossett Drive

Hi Lora,

BMTS has reviewed the proposed rezoning and related TIS. Since the project would primarily involve access to the state highway system, we would defer to NYSDOT on any specific recommendations and/or comments on the TIS.

We note public transit is currently not available in the area for overnight shift workers. The developer should consider alternatives to public transit for workers who may not have access to a personal vehicle, such as riding sharing or van pooling.

We would suggest that the Town consider requiring that developer install a crosswalk across NYS Route 990F to provide for safe pedestrian access between the two sections of Valley Park. Installation of signage and beacons may be necessary in addition to the crosswalk striping.

Leigh McCullen
Binghamton Metropolitan Transportation Study
[Welcome | bmtsonline](#)

From: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Sent: Wednesday, December 13, 2023 1:43 PM
To: McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@broomecountyny.gov>; Cohen, Brian R. <Brian.Cohen@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; 'marie.giurastante@dot.ny.gov' <Marie.Giurastante@dot.ny.gov>; Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>; Brown, Roger V. <Roger.Brown@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Rogers, Chuck M. <chuck.rogers@broomecountyny.gov>; Pandich, James C. <james.pandich@broomecountyny.gov>; Haight, Neal J. <neal.haight@broomecountyny.gov>; Kilmer, Gregory B. <Gregory.Kilmer@broomecountyny.gov>
Subject: 239-2023-177 Kirkwood FW: Industrial Development, Grossett Drive, Revised EAF Mapper Summary Report

From: Keith Barney <kbarney@keyscomp.com>
Sent: Wednesday, December 13, 2023 12:47 PM
To: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Cc: Campbell, Sarah G. (<scampbell@hhk.com> <scampbell@hhk.com>); Lucas, Beth A. <Beth.Lucas@broomecountyny.gov>; Robert H. McKertich <RMcKertich@cglawoffices.com>; Adam Meinstein <apm@equilibriumequities.com>; Mark Parker <mparker@keyscomp.com>
Subject: Industrial Development, Grossett Drive, Revised EAF Mapper Summary Report

You don't often get email from kbarney@keyscomp.com. [Learn why this is important](#)

Lora,

Zier, Lora M.

From: Zier, Lora M.
Sent: Tuesday, December 5, 2023 12:41 PM
To: Lucas, Beth A.
Subject: DPW Comments FW: 239-2023-177 Kirkwood FMP ZIP Files FW: Final Five Mile Point Warehouse Proposal Application attached
Attachments: 239-2023-177_Review 1.pdf

From: Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>
Sent: Tuesday, December 5, 2023 12:38 PM
To: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Cc: Brown, Roger V. <Roger.Brown@broomecountyny.gov>
Subject: RE: 239-2023-177 Kirkwood FMP ZIP Files FW: Final Five Mile Point Warehouse Proposal Application attached

Good afternoon Lora,

Review for this project is attached.

Regards,

Eduard

From: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Sent: Thursday, November 16, 2023 12:35 PM
To: McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@broomecountyny.gov>; Cohen, Brian R. <Brian.Cohen@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; 'marie.giurastante@dot.ny.gov' <Marie.Giurastante@dot.ny.gov>; Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>; Brown, Roger V. <Roger.Brown@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Rogers, Chuck M. <chuck.rogers@broomecountyny.gov>; Pandich, James C. <james.pandich@broomecountyny.gov>; Haight, Neal J. <neal.haight@broomecountyny.gov>; Kilmer, Gregory B. <Gregory.Kilmer@broomecountyny.gov>
Subject: 239-2023-177 Kirkwood FMP ZIP Files FW: Final Five Mile Point Warehouse Proposal Application attached

From: Carol Preston <carol@townofkirkwood.org>
Sent: Thursday, November 16, 2023 12:01 PM
To: Mary Kay Sullivan <marykay@townofkirkwood.org>; John Mastronardi <jmastronardi@griffithsengineering.com>; rmckertich@cglawoffices.com; Kelley Diffendorf <kelley@townofkirkwood.org>; Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Subject: Final Five Mile Point Warehouse Proposal Application attached

Here is the final electronic paperwork for the Five Mile Point Warehouse Proposal. Please disregard the five files sent yesterday and replace with this one. Hard copies in color will be made available to our office for distribution shortly so that no one needs to print this massive document.

Any questions/concerns, please contact either myself or Chad.



State of New York
County of Broome Government Offices

Department of Public Works – Engineering Division

Jason T. Garnar - County Executive · Roger V. Brown, PE – Commissioner of Public Works

To: Lora Zier – Broome County Planning

From: Eduard Lavrinovich – Engineer II

Date: December 5, 2023

Subject: DPW Engineering Review Comments
BC Case No: 239-2023-177 – Town of Kirkwood
Rezoning – 110 William St, 24 Sunset Dr & 925 NYS Route 11

The above referenced “239” has been reviewed by the Department of Public Works - Engineering Division, and the following is pertinent:

- This application includes a request for the rezoning of three (3) parcels at the above listed addresses for the construction of two (2) warehouses along with associated drives, parking, and stormwater areas.

The provided supporting documents for this rezoning indicate a large disturbance of the existing ground for the construction of the proposed buildings and associated infrastructure. The applicant should be aware that the three (3) parcels are in the Municipal Separate Storm Sewer Systems Permit Area (MS4 Area) and as such, should adhere strictly to the developed Stormwater Pollution Prevention Plan (SWPPP) during and post construction. During the site plan review process, please provide a final SWPPP for review and record keeping.

There are no other apparent impacts to Broome County infrastructure, therefore Broome County Department of Public Works Engineering Division has no additional comments related to the project located at Tax Map #'s 162.15-2-11, 162.15-2-12 & 162.16-1-18.

EVL: evl

cc: Roger Brown, P.E. – Commissioner of Public Works

Zier, Lora M.

From: Kilmer, Gregory B.
Sent: Monday, October 3, 2022 2:23 PM
To: Zier, Lora M.
Subject: RE: FW BC Transit FW: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Lora,

I am not familiar with this project and am finding it hard to comment from the information contained in the attachments. With 305 (+) parking spaces it tells me that there could be a number of employees who may need public transportation. Is this just warehouse space built to attract tenants or is there known business(s) associated with the project? Will these be multiple shift operations? We do have public transportation that serves the nearby area which is already struggling to meet the needs of the area employers.

Thanks,

Greg

From: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Sent: Monday, October 3, 2022 10:51 AM
To: Kilmer, Gregory B. <Gregory.Kilmer@broomecountyny.gov>
Subject: FW BC Transit FW: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Greg,

Please see the emails below and the 11 attachments for this project.

Sincerely,
Lora M. Zier
Senior Planner
Broome County Department of
Planning and Economic Development
Tele: 607-778-2370
Fax: 607-778-2175
lora.zier@broomecountyny.gov

From: Zier, Lora M.
Sent: Friday, September 16, 2022 4:38 PM
To: McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>; Gowe, Brenda L. <Brenda.Gowe@broomecountyny.gov>; Boulton, Leslie G. <Leslie.Boulton@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Rogers, Chuck M. <chuck.rogers@broomecountyny.gov>; Andrews, Karen B. <karen.andrews@broomecountyny.gov>
Cc: Sloan, Gillian S. <Gillian.Sloan@broomecountyny.gov>; Dewing, Patrick E. <Patrick.E.Dewing@broomecountyny.gov>
Subject: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Zier, Lora M.

From: Kilmer, Gregory B.
Sent: Monday, October 3, 2022 3:25 PM
To: Zier, Lora M.
Subject: RE: FW BC Transit FW: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Lora,

Just got your message, thanks. My only concern is the potential demand for services especially for shift work. Let me know if you learn more.

Thanks,

Greg

From: Zier, Lora M. <Lora.Zier@broomecountyny.gov>
Sent: Monday, October 3, 2022 10:51 AM
To: Kilmer, Gregory B. <Gregory.Kilmer@broomecountyny.gov>
Subject: FW BC Transit FW: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Greg,

Please see the emails below and the 11 attachments for this project.

Sincerely,
Lora M. Zier
Senior Planner
Broome County Department of
Planning and Economic Development
Tele: 607-778-2370
Fax: 607-778-2175
lora.zier@broomecountyny.gov

From: Zier, Lora M.
Sent: Friday, September 16, 2022 4:38 PM
To: McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>; Gowe, Brenda L. <Brenda.Gowe@broomecountyny.gov>; Boulton, Leslie G. <Leslie.Boulton@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Rogers, Chuck M. <chuck.rogers@broomecountyny.gov>; Andrews, Karen B. <karen.andrews@broomecountyny.gov>
Cc: Sloan, Gillian S. <Gillian.Sloan@broomecountyny.gov>; Dewing, Patrick E. <Patrick.E.Dewing@broomecountyny.gov>
Subject: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Leigh, Sean, Eduard, Matt, Gregory, Chuck, and Karen,

Zier, Lora M.

From: Zier, Lora M.
Sent: Monday, September 19, 2022 9:28 AM
To: Carol Preston
Cc: Chad Moran
Subject: BCOES Comments FW: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Carol,

Please see the email below from Chuck Rogers with BCOES comments for this project.

Sincerely,
Lora M. Zier

Senior Planner

Broome County Department of
Planning and Economic Development

Tele: 607-778-2370

Fax: 607-778-2175

lora.zier@broomecountyny.gov

From: Rogers, Chuck M. <chuck.rogers@broomecountyny.gov>

Sent: Saturday, September 17, 2022 12:51 AM

To: Zier, Lora M. <Lora.Zier@broomecountyny.gov>; McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L. <Jennifer.Yonkoski@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; Lavrinovich, Eduard V. <Eduard.Lavrinovich@broomecountyny.gov>; Gowe, Brenda L. <Brenda.Gowe@broomecountyny.gov>; Boulton, Leslie G. <Leslie.Boulton@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Andrews, Karen B. <karen.andrews@broomecountyny.gov>

Cc: Sloan, Gillian S. <Gillian.Sloan@broomecountyny.gov>; Dewing, Patrick E. <Patrick.E.Dewing@broomecountyny.gov>

Subject: Re: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Hello Lora,

I have reviewed the information and have one comment for the Office of Emergency Services.

We strongly urge the Town of Kirkwood to fully enforce the latest New York State building codes regarding NFPA 72, NFPA 1271 and IFC 510 which relate to the required design, installation and maintenance of Public Safety Emergency Responder Radio Coverage Systems (ERRCS). Additionally should a device or system be needed, the developer will contact the Broome County Office of Emergency Services for any needed information as the Federal Communications Commission License holder for the Broome County Interoperable Communications System.

Thank you.

Chuck Rogers

Public Safety Systems Supervisor

Broome County Office of Emergency Services

153 Lt. VanWinkle Dr, Binghamton, NY 13905

607-778-8214 office

607-238-9340 mobile

*New Email chuck.rogers@broomecountyny.gov

From: Zier, Lora M. <Lora.Zier@broomecountyny.gov>

Sent: Friday, September 16, 2022 16:38

To: McCullen, Leigh A. <Leigh.McCullen@broomecountyny.gov>; Yonkoski, Jennifer L.

<Jennifer.Yonkoski@broomecountyny.gov>; Murphy, Sean W. (DOT) <sean.murphy@dot.ny.gov>; Lavrinovich, Eduard V.

<Eduard.Lavrinovich@broomecountyny.gov>; Gowe, Brenda L. <Brenda.Gowe@broomecountyny.gov>; Boulton, Leslie

G. <Leslie.Boulton@broomecountyny.gov>; Laine, Matthew J. <Matthew.Laine@broomecountyny.gov>; Rogers, Chuck

M. <chuck.rogers@broomecountyny.gov>; Andrews, Karen B. <karen.andrews@broomecountyny.gov>

Cc: Sloan, Gillian S. <Gillian.Sloan@broomecountyny.gov>; Dewing, Patrick E. <Patrick.E.Dewing@broomecountyny.gov>

Subject: 239-2022-143 Kirkwood SP RZ FMPWI LLC 110 William Portion 24 Sunset FW: 239 Review - Town of Kirkwood

Leigh, Sean, Eduard, Matt, Gregory, Chuck, and Karen,

Please see the 11 attachments and the emails below. Town Attorney Robert McKertich sent the attached SITE and Full EAF files today. I included the routing form and our 2020 comments for the cell tower project. Kelli Gallegos sent the other files on March 12, 2022. The cell tower area is shown on the attached site plan. Chuck and Karen, I included you in this review in case you need to review and comment on this 2022 project.

Sincerely,

Lora M. Zier

Senior Planner

Broome County Department of

Planning and Economic Development

Tele: 607-778-2370

Fax: 607-778-2175

lora.zier@broomecountyny.gov

From: Robert H. McKertich <RMckertich@cglawoffices.com>

Sent: Friday, September 16, 2022 1:27 PM

To: Zier, Lora M. <Lora.Zier@broomecountyny.gov>

Cc: Kelli J. Gallegos <KGallegos@cglawoffices.com>

Subject: RE: 239 Review - Town of Kirkwood

Understood. See attached additional documentation that was just provided. Thanks, Bob.

Robert H. McKertich | Partner

COUGHLIN & GERHART, LLP

99 Corporate Drive | Binghamton, NY 13904

P.O. Box 2039 | Binghamton, NY 13902-2039

Tel: 607.723.9511