



Hinman, Howard & Kattell^{LLP}
ATTORNEYS

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SARAH GRACE CAMPBELL

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April 6, 2022

Town Board of the Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795
bldgcode@townofkirkwood.org

**Re: Five Mile Point Warehouse Investors, LLC
Application for Zone Change
Tax Map #162.15-2-11, Tax Map #162.15-2-12
and a Portion of Tax Map #162.16-1-18 (West of Route 81)**

Dear Supervisor Grubham and Town Board Members,

We are happy to present this application for zone change review for a new industrial development project at the above referenced location. This project will utilize the property commonly known as the Five Mile Point Speedway together with the adjacent parcels controlled by Mr. Harpell. Five Mile Point Warehouse Investors, LLC seeks to construct two warehouse buildings on the property. Building #1 of 227,500 square feet and Building #2 of 236,250 square feet. Each of these buildings will be located on a separate tax parcel. You will note that both Building #1 and #2 have been designed to comply with the Town's zoning regulations with respect to parking of vehicles and trucks but have additional property reserved for future pavement should the need arise for additional parking area. These reserved spaces will remain green space unless or until additional parking is necessary and storm water design will anticipate the future construction of these reserved spaces. All bulk requirements including lot size, lot frontage, lot coverage, minimum yard dimensions, height and density are fully in compliance with the Industrial Development Zoning Regulations.

We look forward to the opportunity to meet with the Town Board (proposed date April 26th at 6:00 PM) and subsequently the Planning Board (proposed date May 9th at 7:00 PM) to begin the review and approval process for this project.

As this is a location which requires referral to the County Planning Board pursuant to §239 of the General Municipal Law, we respectfully request that that referral be done at your earliest convenience so that we may have the benefit of the County's comments during the review with the Town Planning Board.

On behalf of myself and my client, we are very excited to bring this project to the Town of Kirkwood and look forward to working with you. Should you have any questions or require any additional information at any time, please do not hesitate to contact me at my direct line at (607) 231-6730 or via email at scampbell@hhk.com.

Very truly yours,

HINMAN, HOWARD & KATTELL, LLP

By: 
Sarah Grace Campbell

SGC/tl

Enclosures

Cc: Chad Moran, Code Enforcement Officer
Robert McKertich, Esq.
Adam Meinstein, Manager, Five Mile Point Warehouse Investors, LLC
Mark W. Parker, PE, Keystone Associates
Kenneth Ellsworth, Keystone Associates

Application to Kirkwood Town Board for Change in Zoning

Date 4/1/22 CZ# _____
I (we) Five Mile Point Warehouse Investors, LLC residing at 1777 Sentry Pkwy W, Bldg 12, Suite 200 Blue Bell, PA 19422 request that the Kirkwood Town Board consider a change in zoning of the property in the Town of Kirkwood indicated in the map which is affixed to this application, which is all of/a part of Kirkwood Tax Map number 162.15-2-11 and a portion of 162.16-1-18 (West of Route 81)
Address: 110 William Street and a portion of 24 Sunset Drive

The Property is now zoned Business-1 and PUD and I (we) request that it be zoned Industrial Development

The reason for the request for rezoning is as follows:

Development of the property for industrial development

In our opinion such rezoning would not be inconsistent with the land use of surrounding or neighboring land for the following reasons:

The properties are adjacent to existing land zoned Industrial Development. The property was previously utilized for the Five Mile Speedway.

I (we) also understand that the Town Board will take formal action and hold a public hearing on the proposal. The Public hearing will be advertised in a local paper and property owners within one thousand feet (1000') of parcel will be notified as prescribed by law. I (we) agree to pay the cost of advertising the hearing and any other reasonable expenses billed by the Town Board. I (we) also agree to submit any additional information that is requested by the Kirkwood Planning Board in making their review of this request.

x _____
Print Name _____ Sign Name _____

*Note: Sign declaration on the back of this page.

Date: (Town Board meeting) _____
FROM: Kirkwood Town Board
TO: Kirkwood Planning Board
Planning Board meeting date: _____

The above requested change in zoning is referred to you for study and review. Please report your recommendations back to us no later than: _____, 20____.

Print Name _____ Sign Name _____

Date: (Planning Board meeting) _____
FROM: Kirkwood Planning Board
TO: Kirkwood Town Board
Town Board meeting date: _____

After studying the above application for a change in zoning at a meeting at the Board held on _____, 20____ and due deliberation having been held, said application is:

1. Approved
2. Approved, subject to modification as follows: _____

3. Disapproved because of: _____

Print Name _____ Sign Name _____

Addendum to
Application to Kirkwood Town Board for Change in Zoning

SECTION 809 CERTIFICATION

In accordance with Section 809 of the General Municipal Law of the State of New York, the undersigned certifies in submitting this application that no officer or employee of the State of New York or the County of Broome or Town of Kirkwood is interested in granting said application:

It is understood that:

1. A person is "interested" in such an application when he or his spouse or their brothers, sisters, parents, children, grandchildren or spouse of any of them
 - (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls stock of a corporation applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon favorable approval of such application, petition or request.
2. Ownership of less than five percent of the stock of a corporation whose stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
3. Any person who knowingly and intentionally violates the provisions of Section 809 of said General Municipal Law shall be guilty of a misdemeanor.

The forgoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

PUBLICATION EXPENSE

I (We), the understand that a public hearing is required to be held on this request that it will be advertised in a local paper as prescribed by law and I (we) agree to pay the cost of advertising the hearing and any other reasonable expenses billed by the Town of Kirkwood. I (we) agree to submit any additional information that is requested in reviewing this request.

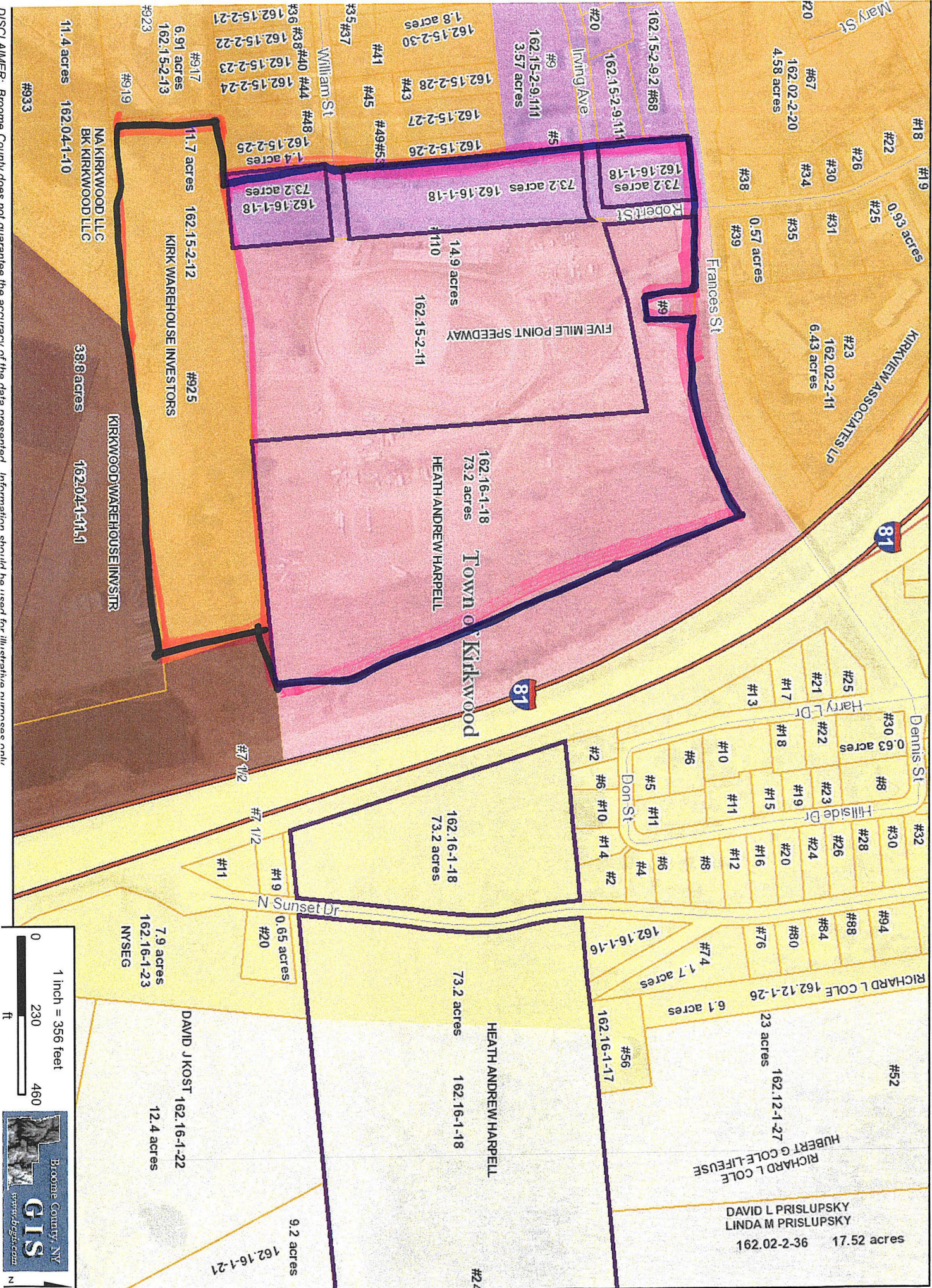
X _____
Date

by Applicant (sign name) Adam Weinstein

Five Mile Point Warehouse Investors, LLC
Applicant (print name)

917-886-3516
Telephone Number

Broome County Parcel Mapper

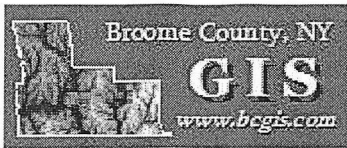




Five Mile Point Warehouse Investors, LLC is a newly formed affiliate of Equilibrium Equities, Inc. (www.equilibriumequities.com) of Blue Bell, Pennsylvania is the developer of the project. Equilibrium is an experienced, first-rate industrial real estate owner/developer founded in 1995 that focuses on the development, renovation and acquisition of high-quality industrial facilities in the Northeastern United States. Equilibrium seeks value-added projects where it may serve the needs of its tenants/users and maximize returns for its investor partners through application of its expertise and creativity in land use, entitlements/ approvals, design, construction, finance and marketing. Since 2001, Equilibrium has acquired and developed buildings and parks totaling over 5.7 million square feet of space and currently has over 1.0 million square feet of additional projects in its acquisition and development pipeline.

Equilibrium is actively involved in various projects in the Southern Tier of New York including the following:

- **Victory Business Center**, 340 Upper Oakwood Avenue in the Town of Elmira Heights, Chemung County, New York, is a distribution center of approximately 270,000 SF on 12.4 acres of land with 45 tailgate loading doors and ceiling clear heights ranging from 18' to 28'. The building was formerly a Flickingers Grocery distribution center. Equilibrium acquired the building in 2017 with a 50% occupancy level from a private owner and has completed renovations including improved exterior aesthetics and painting, roof replacement and repairs, lighting and signage upgrades, interior demolition, minor building system repairs and enhancements to dock doors/equipment. Victory is now 98% occupied with tenants including Frito Lay, Best Buy, Corning, the Painted Post School District and Pladis.
- **Southern Tier Commerce Center** (STCC) includes approximately 373,300 rentable square feet of buildings on 48 acres of land. STCC is located in Elmira, Chemung County, New York, only .8 miles from the Clemens Center Parkway and approximately 2.5 miles to Interstate 86. The main line of Norfolk Southern Rail is adjacent to the site. The complex was originally constructed by the U.S. Government during World War II for the production of the Norden bombsight. The "N-Plant", as the primary 300,000 SF building was known, was built to fortress-like strength to protect this revolutionary device. The roof of the N-Plant is 18 inches of steel reinforced concrete. Equilibrium acquired the STCC property in 2005 from a subsidiary of Tyco Corp. that had let it fall into a state of disrepair and has been consistently renovating the building over the last 15 years. Renovations include demolition of various structures totaling over 150,000 square feet, expansion of the truck court/parking areas, construction of a new entry drive, painting of the entire complex, installation of new energy efficient windows and lighting and major upgrades to the building facade, roof replacement, heating, electrical and life safety systems. Southern Tier Logistics presently occupies approximately 75% of the project.
- **Triumph Business Center**, One Grosset Drive in the Town of Kirkwood, New York, is comprised of an original section of approximately 368,000 square feet constructed in 1977 with a 28' ceiling clear height and 84,000 square feet added in 1994 with a 29' clear height. Equilibrium acquired the building vacant in 2015 from Penguin Random House Books. Renovations have included painting and improved exterior aesthetics of the property, new roofs, utility separation, lighting and signage upgrades, minor building system repairs and improved truck loading. They also included demolition of a 90' tall rack supported section of 62,000 square feet with a fully automated "storage and retrieval system" (ASRS). Triumph is now 98% leased with tenants including Crown Cork & Seal USA, Inc. and Max Finkelstein Wholesale Tire Distributors.



PROPERTY DETAIL SUMMARY

Parcel # 162.15-2-11

110 WILLIAM ST, 13795

VIEW:

[GIS Map](#) | [Tax Map](#) | [Real Property \(IMO\)](#) | [Deed](#) | [Streetview](#) | [Bird's Eye](#)

Ownership Information

Property Owner(s): FIVE MILE POINT SPEEDWAY

Mailing Address: P.O. Box 658 | Binghamton, NY 13902

Deed Book & Page: D1065-775

Site Information

Land Area: 14.9 Acres

Property Use: Recreational

Class Code: 522

Water: Public | Sewer: Public

Utilities: Gas & Electric

Broadband Availability

Highway Access: Under 0.5 miles

Adjacent to Rail? No

Location Map & Directions

Building Information

Year Built: 1960 | Historic? No

Square Feet: 240 | Stories: 1

Condition: NA | Grade: NA

Detailed Inventory and Improvement

Assessment Information

Assessed Value: Full Value:

Land: \$44,500 Land: \$67,170

Total: \$157,700 Total: \$238,038

Exemptions: None

School District: Windsor

Special Districts: FP341 SE341 US343 UW343
WD341

Property is Taxable

Municipal Taxes School Taxes

Last Sale: None Found

Planning Information

Municipality: Town of Kirkwood

Zoning: Business One

239 Review? No

Most Recent Review: 239-2020-019

Census Tract #: 126 Demographics

In Historic District? No

NYS Historic Tax Credit Eligible? Yes

In Opportunity Zone? No | In HUB Zone? No

In Ag District? No

Fire Coverage: Five Mile Point Fire

Election District: Kirkwood 3 | Officials

Existing FEMA Information

FEMA SFHA: Out, X

Panel #: 3600480004A | Date: 06/01/1977

Official FEMA Map

Preliminary FEMA Information

FEMA SFHA: Out, X

Panel #: 36007C0379F | Date: 02/05/2010

Preliminary FEMA Map

Natural Features

DEC Wetlands? No | NWI Wetlands? No

Watershed: Susquehanna River Great Bend

Aquifer: None | Steep Slopes? Yes

Soil(s): AcA CaC CaB Cw

DISCLAIMER: The information provided is prepared from a variety of sources including recorded deeds, plats, tax maps, surveys, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Broome County assumes no legal responsibility for the information contained herein. Document created on November 17, 2021 by Broome County GIS and Mapping Services.



PROPERTY DETAIL SUMMARY

Parcel # 162.16-1-18

24 SUNSET DR, 13795

VIEW:

[GIS Map](#) | [Tax Map](#) | [Real Property \(IMO\)](#) | [Deed](#) | [Streetview](#) | [Bird's Eye](#)

Ownership Information

Property Owner(s): HEATH ANDREW HARPELL

Mailing Address: P.O. Box 658 | Binghamton, NY 13902

Deed Book & Page: D2062-8

Site Information

Land Area: 73.2 Acres

Property Use: Vacant

Class Code: 322

Water: None | Sewer: None

Utilities: Electric

Broadband Availability

Highway Access: Under 0.25 miles

Adjacent to Rail? No

Location Map & Directions

Building Information

Year Built: | Historic? No

Square Feet: | Stories: 0

Condition: NA | Grade: NA

Detailed Inventory and Improvement

Assessment Information

Assessed Value: Full Value:

Land: \$69,600 Land: \$105,057

Total: \$69,600 Total: \$105,057

Exemptions: None

School District: Windsor

Special Districts: FP341 SE341 WD341

Property is Taxable

Municipal Taxes School Taxes

Last Sale: Sold on 02/04/2004 for \$69,600

Planning Information

Municipality: Town of Kirkwood

Zoning: Residence R

More than one zone, see map

239 Review? Yes, within 500 feet of

State/County Road

Census Tract #: 126 Demographics

In Historic District? No

NYS Historic Tax Credit Eligible? Yes

In Opportunity Zone ? No | In HUB Zone? No

In Ag District? No

Fire Coverage: Five Mile Point Fire

Election District: Kirkwood 2 | Officials

Existing FEMA Information

FEMA SFHA: Out, X

Panel #: 3600480004A | Date: 06/01/1977

Official FEMA Map

Preliminary FEMA Information

FEMA SFHA: Out, X

Panel #: 36007C0383F | Date: 02/05/2010

Preliminary FEMA Map

Natural Features

DEC Wetlands? No | NWI Wetlands? No

Watershed: Susquehanna River Great Bend

Aquifer: None | Steep Slopes? Yes

Soil(s): LrF DaC TuD LoE VoC VoD LdD AcA
CaC CaB Cw CpB

DISCLAIMER: The information provided is prepared from a variety of sources including recorded deeds, plats, tax maps, surveys, and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Broome County assumes no legal responsibility for the information contained herein. Document created on July 24, 2020 by Broome County GIS and Mapping Services.

SITE DEVELOPMENT APPLICATION

(To be completed by applicant)

Fifteen (15) copies of plans, maps, bound material, color brochures, and any extra pertinent information must be supplied by applicant and be received by the Building Code Officer at LEAST 35 days prior to the scheduled Planning Board meeting. The Planning Board meets the second Monday of each month.

Applicant's Name: Five Mile Point Warehouse Investors, LLC
Address: 1777 Sentry Pkwy W, Bldg 12 Suite 200
Blue Bell, PA 19422
Telephone: 917-886-3516 Fax: APM @ equilibrium equities . com

Plans Prepared by (name): Keystone Associates Mark Parker, PE
Address: 58 Exchange St. Bldg. M 13901 MParker@Keyscomp.com
Telephone: 607-722-1100 Fax: 607-722-2515

Owner of Property (name, if different): Five Mile Point Speedway / Heath Andrew Harpell
Address: _____

Telephone: _____ Fax: _____

(If more than one owner, provide information for each.)

Location of site: Tax map # 162.15-2-11 and a portion of tax map # 162.16-1-13 (w/ of Route 81)
10 William St and a portion of 24 Sunset Drive

Ownership intentions, (purchase options, proposed uses of site, etc.)

Current zoning classification: Business 1 + PUD ; zone change requested to Industrial Development

State and Federal permits needed (list type and appropriate department):

Total area of site (feet or acres): _____

Anticipated construction time: _____

Will development be staged? _____

Current land use of site (agriculture, commercial, undeveloped, etc.):

Five Mile Point Speedway and vacant / undeveloped

Current condition of site (buildings, brush, etc.):

Five mile Point various structures to be demolished

Character of surrounding lands (suburban, agriculture, wetlands, etc.):

Industrial , residential

Estimated cost of proposed improvement: \$ _____ - _____

Anticipated increase in number of residents, shoppers, employees, etc.: _____

TOWN OF KIRKWOOD
BUILDING AND CODE ENFORCEMENT DEPT.

TELEPHONE:
(607) 775-4313

MAILING ADDRESS:
70 CRESCENT DR.

LOCATION:
41 FRANCIS ST.
KIRKWOOD, NY 13795

FAX:
(607) 775-9924

E-MAIL:
bldgcode@townofkirkwood.org

PLANNING BOARD
SITE DEVELOPMENT APPLICATION

(Internal Use Only)

Planning Board meeting date: _____
Planning Board #: _____
Application Fee \$: _____ Cash/Check#: _____ Dated: _____
Publication Fee \$: 50.00 _____ Cash/Check#: _____ Dated: _____
Receipt # _____ Dated: _____

Applicant name: Five Mile Point Warehouse Investors, LLC

Property Owner/Name/Address/Telephone: Five Mile Point Speedway / Heath Andrew Harpell
PO Box 54 Kirkwood, NY 13795 harp1531@aol.com

Tax map #
Location: 162.15-2-11 and a portion of tax map # 162-16-1-1B (w of Route 81)
10 William Street a portion of 24 Sunset Drive

Tax Map #: See above

Name of proposed development: To be determined

Telephone #: 919-886-3516 - Adam Weinstein scampbell@hkh.com

Contact: Sarah Campbell, Esq. - Hinman, Howard & Kattell, LLP
80 Exchange St Bldg. NY 13901 607-231-6730 (For Code Dept. Official)
Date received/Initial

_____ Building Permit denied # _____ date _____ / _____

_____ Site Plan Application with Section 809 Certification
and Publication document, dated and signed. _____ / _____

_____ Environmental Assessment Form with Section 809 Certifi-
cation and Publication Expense document, dated and
signed (Short _____ Long _____). _____ / _____

_____ 239 Review Submission Form necessary? YES ☒ NO _____ / _____

Is property located within 500 ft. (1500 ft. for cell tower): (check all which apply)

	YES	NO
a) Any Town of Kirkwood Municipal boundary	_____	<input checked="" type="checkbox"/>
b) State/County Road	<input checked="" type="checkbox"/>	_____
c) Under Article 25AA of the County Law, a farm located in an Agricultural District	_____	<input checked="" type="checkbox"/>
d) State/County Park or Other Recreation Area	_____	<input checked="" type="checkbox"/>
e) State/County Drainage way/Watercourse	_____	<input checked="" type="checkbox"/>
f) State/County-owned land on which a public building or institution is located	_____	<input checked="" type="checkbox"/>

Please describe the following items below:

Described proposed use including primary use, ground floor area, height and number of stories for each building.

For residential buildings include number of dwelling units by size (efficiency, one bedroom, two bedrooms, three or more bedrooms) and number of parking spaces to be provided.

For non-residential buildings, include total floor area, total sales area, number of automobile and truck parking spaces.

Other proposed structures.

(Use separate sheet if needed)

Applicant proposed 2 warehouse bldgs. Building 1 will be 227,500 SF; Bldg #2 will be 236,250 SF. The buildings will be 50' in height. 305 parking spaces are proposed with an additional 242 spaces reserved as greenspace for future if needed.

The project will be staged with anticipated construction time 10-16 months (depending on time of year that construction begins)

The preliminary cost estimate of the project will be in excess of 40 million dollars.

The anticipated number of employees is 300+. Final employment counts will depend on building uses and tenant demand. Parking expansion has been allotted for variations in shifts and tenant variability.

Application Fees:

Zoning Local Law

Article XIV

Administration

Section 1407 - Application Fees

A. Site Plan Review:

1. \$100.00 involving a new structure or new use, plus cost of publication of legal notice in official town newspaper.
2. \$50.00 involving an existing structure or existing use, plus cost of publication of legal notice in official town newspaper.
3. The publication cost for legal notice in the official town newspaper under subsection A (1) and (2) shall be \$50.00, unless otherwise provided by the Town Building Inspector (Added 11/3/14).

The forgoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

Date: _____

✓ Applicant Print Name: Five Mile Point Warehouse Investors, LLC

Applicant Sign Name: _____

by: Adam Meinstein

Heath Andrew Harpell
P.O. Box 658
Binghamton, NY 13902

April 5, 2022

Town of Kirkwood
70 Crescent Drive
Kirkwood, NY 13795

Re: Five Mile Point Speedway
Our File No.: 18382-0009

To The Town of Kirkwood:

Please be advised that I am the owner of parcels located in the Town of Kirkwood in the area of the Five Mile Point Speedway, Tax Map number 162.15-2-11 and Tax Map number 162.16-1-18. (Only the portion on the west side of NYS Route 81 is to be conveyed). I hereby consent to all land use applications presented to the Town regarding property owned by Heath Andrew Harpell and/or Five Mile Point Speedway (on the west side of NYS Route 81) by Adam Meinstein and/or Five Mile Point Warehouse Investors, LLC.

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Heath Andrew Harpell", with a long horizontal flourish extending to the right.

Heath Andrew Harpell