

MEMORANDUM

TO: Town of Kirkwood Planning Board / Town of Kirkwood Town Board

FROM: Adam P. Meinstein, Manager, Five Mile Point Warehouse Investors, LLC

DATE: October 30, 2023

RE: Supplemental Information to August 23, 2023 Electronic Rezoning Submission for Industrial Development Project on the site of Five Mile Point Speedway

As a result of our meeting with the Town of Kirkwood, Town Board regarding our revised plan for the above-referenced project, attached please find additional comprehensive supplemental information to enhance the review by the Town Board, the Planning Board, the Broome County Planning Department and other involved agencies. I also want to inform the various parties of interest that, effective Friday, September 22, 2023, Five Mile Point Warehouse Investors, LLC purchased the subject property from Five Mile Point Speedway, Inc. and Mr. Heath Andrew Harpell, and we became the fee simple owner of the dirt track raceway.

Attached please find the following documents:

1. **Revised Plan Drawings from Keystone Associates** – The primary change to the drawings from the 8/23/2023 plan set is the addition of a Preliminary Grading Plan (page C110) that shows the preliminary contours of the site post development. Please note that, because of our grading exercise, the car parking for Building One has been modified with some parking spaces eliminated. Overall car parking still exceeds code requirements.
2. **Photometric Plan prepared by Keystone Technologies** – In our prior public hearings, we indicated that all lighting would be shielded, night friendly and would be designed to minimize light pollution and light infiltration past property boundaries. In order to address questions and comments in the meetings and provide additional comfort about our intentions, we have prepared and attached a photometric plan showing fixtures and overall lighting impact.
3. **Community Sound Study** - In our prior public hearings, we indicated that our revised building orientation toward the Interstate, large distances from the property lines and existing loud noise levels from Interstate 81 would serve to ameliorate sounds that might be generated from vehicular traffic. To provide data for your review, we engaged a well-respected firm, Thornton Acoustics & Vibrations (Consulting Engineers in Acoustics, Vibrations & Noise Control) to perform a sound study to analyze both pre and post project development. Mr. William Thornton will also make himself available at meetings and hearings to resolve any questions or confusion regarding the technical elements related to the topic of sound and acoustics.
4. **Supplemental Traffic Letter from GTS Consulting** – As you are aware, our revised plan eliminates all driveway access from Francis Street, William Street, Irving Avenue and Robert Street. All traffic will come and go via Grossett Drive, through the handful of industrial properties abutting the subject property on the south. Right-of-way and real property acquisition will enable this scenario to occur. GTS has prepared a supplementary letter to enhance our traffic study to better describe the impact of this major change.
5. **Photographic Log and Aerial Map/Key from Keystone Associates Engineers** – The maps we previously attached did not adequately show the extent of tree and landscape buffering as well as show the large distance that the proposed buildings have been sited from abutting residential areas and from residential areas on the east side of Interstate 81. Our property lines are located adjacent to large swaths of land along the Interstate owned by the Federal Government that have dense, tall mature trees. These areas will not be disturbed by this development and will enhance the existing buffers we are already providing. As will also be noted on the Photo Log and Aerial Map/Key, residences on the east side of Interstate 81 are not directly across from our building and are actually to the

north and south of the site, protected by our buffers, Interstate buffers, the Interstate itself and noise attenuation barriers on the east side of the Interstate.

6. **Alternate Affordable Apartment Plan for Subject Property** – No board member, economic development expert, real estate broker or neighbor/attendee at any meeting has tried to assert that the office, retail, restaurant, hospital or other “commercial” uses permitted under the property’s B-1 or PUD zoning have any viability or would ever possibly be developed on the subject site. Even prior to the pandemic, the subject property was an impractical location for those commercial uses; this site will not attract potential tenants or users for those types of buildings. The Five Mile Point Speedway will close and is not a practical long-term use of the subject site, having generated almost no taxes or jobs for the community. We firmly believe that, considering all of the factors involved, our proposed business park project is the highest and best use for the property.

A few people in our meetings have tried to suggest that “low-income housing” or “low-income senior housing” would potentially be a good idea on this large, 40-acre site. Although I do not think this is the best outcome for the community, we have created and attached an apartment site plan on the site just to give the reviewing parties and the community an opportunity to look at this plan and consider the impact of an alternate “as-of-right” use. The attached plan was briefly reviewed with Chad Moran, the Building Inspector in the Town of Kirkwood, to confirm that our interpretation of density, setbacks and lot coverage is correct.

Our comments and opinions on this potential plan are as follows:

- As sketched, the project is 549 apartment units, including a mix of 1-, 2- and 3-bedroom units and a combination of 3 and 4 story units. The Kirkwood zoning ordinance allows high density apartments of up to 45 feet tall to be constructed within the B-1 and PUD districts.
- Our estimate is that these units would likely house approximately 1,400-1,600 residents, although FHA regulations would permit up to 2,600 people (2 occupants per bedroom + 1). The total population of the Town of Kirkwood is estimated at 5,437 people (US Census estimate 2021).
- The apartment project would be “as-of-right” as shown and could legally utilize all of the various roads serving the site including Frances Street, William Street, Robert Street and Irving Avenue and would generate traffic on those routes.
- Sewer and water consumption has been an oft-mentioned topic in public hearings related to our plans. Sewer and water consumption for the apartment project as shown is projected to be more than 10 times our proposed project, per industry measures for “equivalent dwelling units” and the number of gallons of capacity needed.
- This apartment project will have a very different economic and practical impact on the School District than our business park plans. As an example, our adjacent Triumph Business Center has paid \$1.68 million to the Windsor Central School District over the past 8 years and has cost them virtually nothing. The affordable apartment project as sketched will add hundreds and hundreds of kids to the District, cost it considerable money to serve this new population and generate only a fraction of the real estate tax revenues projected for our business park project (which will be more valuable than the older renovated building that is now Triumph Business Park).
- Due to the site location and noise of Interstate 81, affordable apartment units (vs market rate) would be the only viable option for housing on the subject site. We are not in agreement that our well buffered and planned business park with its alternate/bypass access road would negatively impact housing values in the subject neighborhood. We feel strongly that our impact will be much more of a positive force with hundreds of new jobs and solid tax revenues, particularly compared to a 549-unit affordable apartment project.

Thank you very much for your consideration of this additional information, along with our August 23, 2023 submission. We look forward to meeting with the Planning Board on November 13, 2023 for your consideration of our revised plans and hope that the Town Board will subsequently take lead agency status for our project and forward our materials to the other reviewing agencies.