

TOWN OF KIRKWOOD PUBLIC HEARING

April 25, 2023

A public hearing regarding the adoption of a Local Law of the Town of Kirkwood for the year 2023 entitled “A Local Law Rezoning 110 William Street (Tax Map #162.15-2-11), 925 NYS Route 11 (Tax Map #162.15-2-12), and a Portion of 24 Sunset Drive (Tax Map #162.16-1-18) to the Industrial Development Zoning District” was held on April 25, 2023 at 6 PM at Floyd L. Bell Elementary School, 15 Golden Street, Kirkwood, NY with Supervisor Lewis Grubham presiding.

Present: Supervisor Lewis Grubham
Councilmember William Diffendorf, Jr.
Councilmember Katie Legg
Councilmember Sandy Wasson
Councilmember Robert Weingartner

Also Present: Robert McKertich, Attorney
Kelley Diffendorf, Town Clerk
Marchie Diffendorf, Planning Board Chairman

Supervisor Grubham opened the hearing and briefly went over the agenda and asked Mr. McKertich to explain the rezoning process.

Mr. McKertich explained the rezoning process from beginning to end, clarifying that the hearing tonight is just one part of the process. The public has the opportunity to comment on the project so that the Board members can understand what questions, concerns, positive, or negative input the public may have regarding the project, as well as input from the applicant.

Keith Barney of Keystone Associates discussed the Francis Street property that is currently zoned Business and PUD and the request to rezone it to Business Industrial. He referenced displays that were hung in the auditorium and talked about two commercial buildings that would be constructed, each being 227,500 square feet. If granted the zoning change, we would comply with all the requirements including stormwater requirements. The plan is to hook up to the town’s sewer and water system. Keith Barney asked the Board to consider approving the application to rezone the Francis Street property.

Adam Meinstein of Five Mile Point Warehouse Investors, an affiliated company of Equilibrium Equities, introduced himself to the public and gave a brief background about his company. Mr. Meinstein described his current business as being a good, quiet neighbor, tax payer, and landlord with a solid relationship with the Town of Kirkwood and Broome County over the past eight years. He claims there has not been any issues with traffic, noise, or light pollution. Other points noted by Mr. Meinstein, were being a responsible developer and sensitive to the community and able to coexist and support the community, as well as provide jobs the community needs. Mr. Meinstein offered options to make Francis Street a shared road for residential and industrial use, such as, resurfacing the street, creating a walking path, adding a four-way stop at the intersection, adding warning signage, making an adequate right of way, road grading, and a crosswalk with flashing beacons between the two Valley parks. He explained traffic counts in the area and the slight increase that may happen, and noted that the increase was manageable.

Robert Gaube of Roberts Street expressed his concerns about putting industrial warehouses in the center of a residential neighborhood. Mr. Gaube conducted his own traffic study and worries about the number of school bus stops with the possibility of additional traffic. He is also concerned about future industrial development of the area, the strain on the pump station with the use of the Town water and sewer system, industrial sewage issues, additional burdens on tax payers, as well as on the State Police, Fire Department, Town Highway Department, and Schools, and the possibility of more accidents at the intersection. Mr. Gaube also questioned the legality of the zoning change proposal.

Dan DiGennero of Crescent Drive is concerned if the Town sewer lines can handle two industrial buildings being added to the system since he has already had sewer issues at his home. Also noting the road is not meant for truck travel, the need for sidewalks, safety of kids walking across the road, bad weather and stopping ability on the hill, accidents at the intersections, and that adjustments are needed.

Yulonda Velez mentioned that having the FedEx facility nearby is already loud enough, adding another industrial facility would make it worse, it’s a bad idea.

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Linda Glezen of Crescent Drive expressed her concerns about noise levels increasing, and not being able to hear at times currently, traffic increasing on the ramps near Haskins Road, Colpitts Drive, and Crescent Drive, property values will go down, and safety for the walkers up and down the road.

Lisa Batzel of William Street is against the loading docks that would be facing her street/house, the backup noise the trucks will make, and the property value decreasing. She concluded that it is wrong to be built in a neighborhood and totally against it.

Kevin Stevens of Crescent Drive made comments regarding the increased truck traffic, speed issues, his yard being damaged from traffic, the road not equipped for truck traffic, and the depleting property values. He also noted the racetrack noise is only once a week, during warm weather months.

Lois Whittemore of Roberts Street suggested the Industrial Park be used for projects such as this and asked the Board to show they care and keep the area residential.

Nancy Bieber of Harry L. Drive expressed her concern about Francis Street being the only exit out of the community, and the safety of the children walking on the street. She also suggested the Industrial Park should be used.

Nelfi Rosa of Crescent Drive told the Board he moved to the neighborhood because it was quiet, he is worried about the truck noise all night long.

Neil Turcotte of Hillside Drive also moved to this Kirkwood area because it was quiet, he is concerned about someone getting hurt and would like the Board to be proactive instead of reactive. He feels the studies should look at the human side (people per square mile), rather than just traffic, noise, etc.

Scott Hemenway of Crescent Drive mentioned more jobs sound great, but he doesn't want the added noise to the area.

Angela Coolbaugh made many points of concerns which included: character of the area being altered, residential not industrial, increased traffic is unsafe, school bus stop safety, children's safety while walking in the area, sight issues with many hidden driveways, noise, odor, pollution, drainage, sewer and water concerns. Angela Coolbaugh asked about the plans for the intersection, whether it be a four-way stop or traffic light, funding the upkeep of the road, and also referred to the Broome County 239 Review report. She asked the Board to vote no to rezoning.

Michael Stark expressed his concern for his grandchildren walking on Francis Street and the increased truck traffic, he suggested a New York State Department of Transportation study be completed and shared with the public, and he also has concerns about the noise and trucks not being able to stop on the hill.

Andrew Harpell, owner of the Five Mile Point Racetrack, spoke to the Board and the public noting this process started in November of 2020 and he wants to sell the property. He expressed his thoughts on how other suggested projects for the site could negatively impact the Town's sewer and water use, as well as crime rates. He explained having grown up in the area there has always been truck traffic and noise over the years with many different businesses past and present, it's been a hub for noise. Andrew Harpell supports all businesses in the Town and knows if this project is done it will be made safe for the community.

Kathleen Richmond lives right near the track and likes where she lives and the small community. She is concerned with the noise, the already busy road, and the kids that are constantly up and down the road. Kathleen Richmond believes warning signs and stop signs won't make a difference when it comes to safety. It may be a great project, but not for this area.

Cheryl Coolbaugh from the south end of Kirkwood feels this project affects all of Kirkwood and commented about all the industries already in the Town, noting the roads used by those businesses were constructed to accommodate the heavy traffic. She feels there are many questions that are not answered and handed in a list of questions to the Board for review. Cheryl Coolbaugh is concerned about the neighborhood should another flood happen, since the racetrack was used for different aspects in such situations.

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Stacey Duncan, Executive Director of the Broome County Development Agency, spoke to Board about her support of the proposed development. Points of interest were reference to: the need for industrial buildings in our area, the current Industrial Park in Kirkwood has no acreage, jobs would be created, and annual revenue would be increased. She looks forward to working with the Town on this project.

Leo Jones of Pyramid Brokerage Company, made note of the supply and demand issues in our area, explaining businesses are all going to Pennsylvania.

Jeremy Holt of Trim Street commented on the issues he sees with increased traffic on Francis Street, seeing first hand many wrecks at the intersection at its current status. He feels a four-way stop is ridiculous, and also noted how quickly the new guardrails have been destroyed. Also, giving the opinion that Route 11 is poorly designed and will continue to have trucks going the wrong way. He is concerned about accidents on Route 81 causing a backup on Route 11 and then backing up emergency services. Lastly adding, Andy Harpell has the right to sell, but the proposed project doesn't make sense.

Wendy Boettcher of Roberts Street suggested ideas of a senior citizen center or senior housing for the property.

Jason Coolbaugh of Haskins Road explained that it's too bad there is not enough industrial buildings in the area, but this is not the place for one. He also asked the Board to review the comprehensive plan regarding the truck traffic guidelines set in place for fracking.

Harry Polhamus of William Street expressed concerns about waste treatment issues and forcing residents to leave Kirkwood. He is worried approving this project will change this Kirkwood area to an Industrial Park.

Rick Searles a Commercial Real Estate Broker explained that companies are losing opportunities because there are no available buildings.

Bridget Mannix of Roberts Street told the Board she feels this part of Kirkwood is perfect the way it is and to have young families stay please consider not doing this rezone.

Dawn Shefler of Anthos Apartments is concerned about the silent neighbor situation, suggesting this could be problematic, not knowing what people can potentially be exposed to.

Katy Andrade of Daisy Lane expressed her concern about an increase in traffic and speeding issues.

Bill Teegarden of Don Street spoke to the Board about tractor trailer issues, GPS issues, Francis Street not meant for larger trucks, his concern about someone being injured or dying. He asked the Board to listen to the residents, vote accordingly, and protect the community.

Supervisor Grubham explained that the public hearing would not be closed tonight, it would be adjourned, therefore feedback from the Town Engineer can be considered and the public will have a chance to speak again. The process is still ongoing and there will not be a vote until the process is complete, with a time to be determined. The residents within 1,000 feet of the three properties listed above (known as the Five Mile Point Racetrack site) will be notified by mail when another public hearing is scheduled regarding this matter. Councilmember Diffendorf questioned why the public hearing was not being closed, since it has never been done like this before.

Councilmember Legg moved to adopt resolution to continue the Public Hearing on the Local Law Rezoning 110 William Street, 925 NYS Route 11, and a Portion of 24 Sunset Drive to Industrial Development District to a date and time to be determined, and to direct the Clerk to provide public notice of the continued Public Hearing, as required by law. Councilmember Weingartner seconded.

Roll Call Vote: Councilmember Diffendorf - no
 Councilmember Legg - yes
 Councilmember Wasson - yes
 Councilmember Weingartner - yes
 Supervisor Grubham - yes

MOTION CARRIED.

55:23
Continue PH to
date TBD
Racetrack
Rezone

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ADJOURNMENT:

Councilmember Weingartner moved to adopt resolution to adjourn the meeting. Councilmember Legg seconded. All voted in favor.

MOTION CARRIED.

Meeting adjourned at 8:11 PM

Respectfully submitted,

Kelley M. Diffendorf
Town Clerk