

2 STATE OF NEW YORK : COUNTY OF ORANGE

3 TOWN OF MONTGOMERY PLANNING BOARD

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4 In the Matter of:

5 NEELYTOWN BUSINESS PARK - RDM GROUP LLC

6 299 Neelytown Road

7 DEIS and Public Hearing

8 -----X

9 Monday, December 9, 2024
7:00 p.m.

10

11 Town of Montgomery
110 Bracken Road
12 Montgomery, New York 12549

12

13

14 BOARD MEMBERS: FRED REICHLE, Chairman

15 JAY BEAUMONT, P.E., Vice
Chairman

16

17 JOHN H. BROWN, III

18

18 CHERI ZAHAKOS

19

19 RYAN A. MCGUIRE

20

20 ROSE PENNINGS (Absent)

21

21 ALSO PRESENT:

22 RICHARD HOYT, ESQ. Attorney

23 SUZANNE HADDEN, Secretary

24

25

2 A P P E A R A N C E S:

3 ON BEHALF OF THE APPLICANT:

4 JUSTIN FERRAZZANO, Colliers Engineering

5 ISAAC NEUMAN, Real Deal Management

6 PAUL VAN COTT, ESQ., Whiteman Osterman & Hanna, LLP

7

8

9 SPEAKERS

PAGE

10 JUSTIN FERRAZZANO, Colliers Engineering

5

11 TOM WEBER

18

12 PATRICIA HENIGHAN, CAC

22

13 TAMMY MALLEY

24

14 KARINA TIPTON, CAC

27

15 DONALD BERGER

34

16

17

18 ALSO PRESENT:

19 KARI L. REED, Court Reporter

20 K. JONES, Acquisitions Marketing, Videographer

21

22 The Public

23 The Press

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25

1 Public Hearing - Neelytown Business Park

2 CHAIR REICHLE: Okay, so we're right, we'll
3 get right to our first order, first order of
4 business, which is Neelytown Business Park, RDM
5 Group LLC, Neelytown and Beaver Dam Roads,
6 special use permit site plan, two lot commercial
7 subdivision, lot consolidations and DEIS, which
8 is the Draft Environmental Impact Statement
9 public hearing. This is the opening of the
10 hearings on the DEIS. And for anyone who may
11 have reservations about speaking this evening,
12 there will be also be a public comment written
13 comment period and you're always welcome to
14 submit written comments at any time to a point in
15 this, in this process. So with no, with nothing
16 else to say, I'll leave it over to Justin
17 Ferrazzano, who will explain the project and fill
18 us in over what's been transpiring. Thank you.

19 MR. FERRAZZANO: Thank you. Good evening,
20 everyone.

21 Fred, congratulations.

22 CHAIR REICHLE: Thank you.

23 MR. FERRAZZANO: Best of luck in everything
24 you do in the future.

25 Good evening to the public as well. My

1 Public Hearing - Neelytown Business Park
2 name is Justin Ferrazzano. I'm a senior project
3 manager with Colliers. The applicant on this
4 project is RDM. The project title is Neelytown
5 Business Park. I have a short presentation
6 prepared this evening. It's hopefully going to
7 be a high level summary of the project, where
8 we're at, where we're at in the process. There's
9 several reports, several iterations, there's
10 plans, various studies. Those are all available
11 for the public's viewing on the Town's website.
12 So we won't get into every little detail, but
13 we'll try to give a general overview. There's
14 also hard copies available at the town. There's,
15 there's another hard copy available at the public
16 library as well.

17 All right, so I'll try to use my pointer
18 here. So, as you can see -- oh, it's not going
19 to light up on the screen. As you can see in red
20 here, that is the project site. It's
21 strategically located in, along the blue line,
22 which is Neelytown Road, and the orange line,
23 which is Beaver Dam Road. This is a warehouse
24 corridor, and what I've done here is I've
25 highlighted some of the other warehouses along

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1 this corridor in yellow. You can see it's
2 appropriately located. It is consistent with the
3 Town's Comprehensive Plan. It's consistent with
4 the County's Economic Plan. It fits the zoning
5 regulations. And it's an ideal location not only
6 for the town but we feel for the tenant or
7 potential tenants, because in red along the top
8 here is I-84, which is a very desirable location
9 for people that we're going to try to attract to
10 lease warehouse spaces.
11

12 It also follows the current traffic plans
13 and models of the town. So the blue, as I
14 mentioned, Neelytown Road, that would be all the
15 truck traffic, all the tractor trailers would be
16 limited to that road. The orange would have
17 passenger vehicles only. The orange road is not
18 rated for tractor trailers. So even if we
19 desired to use that, it wouldn't be able to be
20 accessed through that road.

21 As I mentioned, it's in the I-1 General
22 Industry District. Warehouse only permitted by
23 way of special use permit. So what we're doing
24 is we're, we're going through the DEIS permit,
25 special use permit, site plan permit, and there

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2 is a subdivision. It's currently eight lots. As
3 you can see, it's surrounded, I've highlighted
4 the project again -- yeah, that's not going to
5 work -- I've highlighted the project site again.
6 And, as you can see, it's surrounded as well on
7 all sides by I-1 district as well, with the
8 exception of the pink to the bottom right there,
9 which is biomass gas to energy floating district.
10 It's currently the Taylor Recycling Facility.

11 I threw the zoning table on there as well
12 to show that we comply with all the zoning
13 regulations. And, you know, just again in
14 summary we do feel that this is a, a really prime
15 location for this, not only for the town but for
16 the applicant and any potential tenants.

17 All right, so I mentioned the studies that
18 I'm not going to get into, all the details for,
19 but just to show some of the level of detail,
20 these are all the areas that were reviewed,
21 analyzed, studied and summarized in the DEIS. So
22 we've got geology and soils, water resources,
23 topography, ecological wetlands, wastewater
24 management, water supply, traffic, acoustical,
25 land use, utilities, community facilities, fiscal

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2 impacts, cultural resources, visual; animals,
3 plants threatened and endangered species;
4 archaeological; environmental assessment; air
5 quality. And then we also have full design
6 plans, full design reports, we have a SWPPP
7 report, all those, all those reports to carry us
8 through the full approval here.

9 colliers as, as the, kind of the lead
10 consultant prepared several of these, but we also
11 brought in certain specialists for other specific
12 studies. So you'll see different, different
13 firms' names, different specialists' names on
14 some of them, to kind of review some of those
15 where, where necessary. The town also brought in
16 their own specialists on some of these to review.
17 So this has been going on for some time now.

18 So I'll jump now to the, call this the
19 original design. So after, after some time and
20 some back and forth, this was our original
21 preferred action. This had -- this is the first,
22 the first design that we submitted. You'll see
23 there's three warehouses. They totaled one
24 thousand one -- I'm sorry, 1,128,270 square feet
25 in total. We had buildings that fronted on all,

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2 all corners of the, of the site there, as you can
3 see. We also had two, again, I can't point but
4 you can see it, we had two pedestrian --
5 passenger access driveways on Beaver Dam Road.
6 And at this, in this area iteration we had three
7 access points on Beaver Dam. We had one, one at
8 the bottom of the property, one kind of central,
9 and then one at the, almost near the intersection
10 of Beaver Dam and Neelytown.

11 So we submit -- and then so in addition to
12 the three warehouses, we also had trailer storage
13 over near the Beaver Dam - I-84 intersection to
14 the bottom right of the image here. So we
15 submitted this. We were initially deemed
16 incomplete. We received several comments from
17 the board. We received consultant reviews. And
18 we received letters from the neighbor. So while
19 we were tasked with resubmitting and preparing
20 responses to all those, we took that opportunity
21 to take a beat, review everything, review all the
22 comments, and see if maybe there was a better way
23 to prepare this, this design, right, so, and also
24 we thought there might be a way to make it a
25 little bit more marketable.

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2 So after -- so while we were preparing our
3 resubmission we were able to update the design.
4 Let's see if it does the little fade that I put
5 on there. There you go. So I'll go back and
6 forth one more time. So original design, and
7 final after we took all those comments and
8 concerns into consideration, all the comments,
9 and kind of went back to the drawing board a
10 little bit here.

11 It is a major reconfiguration. The biggest
12 thing you'll note is there's two buildings
13 instead of three. So that, that becomes in our
14 mind a little bit more desirable, and for not
15 only us but for the town. That larger building
16 in the middle there, that will now attract some
17 more potential flagship tenants. That now
18 touches 850,000 square feet in one building.
19 Having two versus three tenants, it just becomes
20 easier logistics. There's less overlap, there's
21 less easements, less tenants to manage, less
22 traffic. Well, maybe the same traffic, but less
23 kind of overlap, maybe shift changes, things like
24 that.

25 The other thing that is more -- is also

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2 significant, sticking on traffic now, is that we
3 have an internal access road, right. So, if you
4 can see, it comes off of Beaver Dam, I'm sorry
5 Neelytown Road, it makes a right turn and it runs
6 along the back of the larger building. So trucks
7 would now, would still enter off of Neelytown
8 Road, but they would no longer be -- in the
9 original design they were kind of crossing over
10 each other's property. And this is a little bit
11 cleaner and a little bit more organized in our
12 minds.

13 we also, we also dropped from three
14 driveway access points on Neelytown Road to one.
15 So that's a significant change. Carrying that
16 through to Beaver Dam, where we were previously
17 had two access points, we now have one, okay.

18 Something that we tried to be cognizant of
19 in our, and I'll go back again to the original,
20 you can see we had access points that were almost
21 right next to on either side of the three
22 residential properties up there. So now in the
23 new design what we did was we were able to pull
24 that access point all the way, all the way up
25 Beaver Dam Road as far as we could, to the point

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2 where there's like a, there's currently a propane
3 station up there. So we were, we were -- we
4 tried to do our best to pull everything away from
5 that front corner. What you see, and that
6 formerly was a building up there, right, that
7 first building at the corner there, that has now
8 been replaced. And all the stormwater management
9 that was previously below ground in chambers has
10 now been converted to aboveground stormwater. So
11 that will be environmentally -- more
12 environmentally friendly, more green space, not
13 more but more vegetation. And we've also pulled
14 everything further away from the wetlands. So up
15 in the upper left corner of the property is
16 wetlands that we are doing our best to minimize
17 the impact to.

18 visually, again, two of the warehouses that
19 were previously front and center, one on, one on
20 Neelytown and one at the corner of Beaver Dam are
21 now gone, right. We still have the larger
22 building, but what we've done is with the smaller
23 second building, we have brought it up next to
24 the Fed Ex property, and we've created, you can
25 see this green area, that's going to be a large

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2 landscaped berm. And that berm, if you, if you
3 look through the visual studies, is almost going
4 to fully screen that second building. So we have
5 a large amount of landscaping proposed. There's
6 visual studies to kind of show that, what the
7 project will look like at the time of planting at
8 five year point, at ten year point.

9 Some other impacts. The utility design
10 becomes a little bit cleaner, a little bit easier
11 to manage. And the best part for the town is
12 that the -- nothing changes as far as tax
13 revenue. This is the same square footage, right.
14 So we matched the square footage. We just feel
15 this is a much stronger and much cleaner
16 organization of the two, right.

17 So a little bit more on the current design.
18 So building one, the larger building, like I
19 said, 850,000 square feet. There's loading on
20 both sides, top and bottom. Sorry, I'll use the
21 directions we'll say, yeah, east and west.
22 Passenger parking on either side of those, north
23 and south.

24 Now, on the upper part of the building
25 where there's loading, because of the proximity

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2 to the property line and to the residents, that
3 would have a, a sound wall that would also act as
4 a visual buffer. So you would have a solid wall
5 that covers the entirety of the loading docks.
6 So it blocks the sound completely and blocks the
7 vision completely as well.

8 Building two is 278,207 -- 278,270 square
9 feet. That was the balance, so that was what we
10 were targeting, kind of matching the square
11 footage from the original design. That has
12 loading in the rear only, a berm on the -- berm
13 to the front of the building. Passenger parking
14 on both the west and the, and the east. And,
15 like I said, that berm is significant in height,
16 and it will nearly buffer the entire building
17 from view.

18 We do have trailer storage. So what we did
19 with this one is we took the trailer storage that
20 was kind of where building two is here, we moved
21 it up to the front. Trailer storage is a little
22 bit easier to, as you can imagine, buffer with
23 the height of the trailers as opposed to a 55
24 foot building. So we used the topography of the
25 land, the balance of the soil, the berm, and the

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2 layout to kind of swap those, which we felt was a
3 better, a better fit. So that building two will
4 be buffered. The trailer storage will be
5 front -- will be out in front, but that will be a
6 little bit easier to screen from public view.

7 we've also, it's a little hard to see here,
8 but there's some grey areas along the front, both
9 at, at Neelytown Road and at the back of building
10 two. That is where, we've converted that to
11 banked trailer storage. What "banked" means is
12 that we're, we get approval for it, it's, it's
13 factored into the design, but we wouldn't
14 actually build those portions unless one of the
15 tenants actually needed it. So we wouldn't just
16 build the, the asphalt and the trailer storage if
17 it wasn't necessary, okay.

18 Again, access points. Like I said earlier,
19 all the trucks are limited to Neelytown Road. So
20 they enter Neelytown Road, they meander through
21 the site, whatever, whatever building they're
22 going to. They load. Each location has an
23 opportunity for the trucks to turn around and/or
24 circulate around and back out into Neelytown
25 Road. They would not be allowed access to Beaver

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2 Dam Road, so, and passenger vehicles would be
3 able to come on Beaver Dam Road. As I mentioned,
4 we moved that as far as we could up away from the
5 residential properties and the intersection.

6 In both designs, just quickly, you can see
7 there is a second access point on Beaver Dam Road
8 all the way at the bottom right corner. Now,
9 that is, you can see that's been there all along,
10 that is emergency access only, so that wouldn't
11 be -- that would be gated, emergency access only,
12 and access to the water tower that's further
13 down. So that wouldn't be used on an everyday
14 vehicle circulation. But it will be there. It
15 is worth mentioning that that is an access point.

16 And then the last, the last image up here
17 is just like a, an example I pulled from the
18 architectural package, there's a full
19 architectural package, plans, elevations,
20 renderings, again, on the website, showing that
21 these would be attractive buildings. They
22 present as a, almost like a high tech lab
23 facility. They don't look like your standard
24 variety warehouses. They're very attractive. We
25 put a lot of, a lot of thought and care into the

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2 design. That's done by Anderson Design Group
3 Architects.

4 The last here is, so this is just a quick
5 summary and update of kind of where we are in the
6 process. As I mentioned, this is a DEIS. We
7 have been working with the town for years. We
8 actually began this process in April of 2021.
9 And a little over one year later, step six was
10 completed. Step six is the scope, all right. So
11 between 2022 and now we've been preparing the
12 DEIS and working our way through completeness,
13 steps seven and eight. And now we're in step
14 nine, which is the public hearing phase. Okay,
15 so I put some bullet point notes at the bottom
16 here.

17 So what we'll do now, as Fred had
18 mentioned, we're in the public hearing. We will
19 be discussing the EIS, the special permit, site
20 plan and subdivision. Those have all been
21 noticed for, those within proximity were given
22 notice for that. Eventually we'll, when
23 everything, when the board feels it's sufficient
24 we'll close the public hearing. There will be a
25 written comment period. Sometimes it's ten days,

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1 typically. We will, we as the applicant will be
2 then tasked to respond to all the written
3 comments, all the comments received today. We
4 have brought a stenographer. She's keeping track
5 of all the, all the notes and comments that will
6 be, questions, anything that's brought up
7 tonight. So we won't probably get into a back
8 and forth tonight, but we'll, what we'll do is
9 we'll respond to everything in writing.
10

11 Once that is done we'll move to step 11,
12 which is the FEIS, the Final EIS, and that's
13 where we will update the EIS document as needed
14 based on comments, review, anything that, that
15 comes up along the way. The Planning Board will
16 then again prepare, perform a full review of all
17 the documents and we'll -- and, and the comment
18 responses as well. And then finally we'll
19 eventually come to step 12, which is the end of
20 the process and the Board will make a ruling.

21 So that, that was it. I just wanted to
22 give an overview. I'll go back to the -- I'll
23 probably leave this one up for now.

24 CHAIR REICHLER: Yeah, the one that you're
25 proposing right now.

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2 MR. FERRAZZANO: Thank you. And open it up
3 to the Board and any questions. Thanks.

4 CHAIR REICHLE: Thank you.

5 All right, so just to clarify, everyone,
6 the object tonight is to take public comment and
7 any board comments that we have. We also have
8 quite a few outside agencies that have yet to
9 comment. So we're not going to get into a back
10 and forth tonight over, over all of the issues.
11 But the idea tonight is to make your comments and
12 then they will be responded to when -- at the
13 appropriate time.

14 So I'll open the floor up to questions.
15 And please raise your hand and come on up, raise
16 your hand, identify yourself and come on up. And
17 you're welcome to state your comments and
18 questions for the Board and for the, for the
19 applicant.

20 CHAIR REICHLE: Hi, Tom.

21 MR. WEBER: Hello. Congratulations, good
22 luck to you.

23 CHAIR REICHLE: Thank you.

24 MR. WEBER: Here we go again to say the
25 latest version of the RDM project is totally

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1 unacceptable, to me anyhow. First, the
2 unfinished purchase of the three homes on the
3 west side of Beaver Dam Road. We had a purchase
4 agreement with RDM on our home and the contract
5 was being negotiated with them. Our lawyer
6 called us and said that they were putting us on
7 hold because of the critical environmental area,
8 right. This was an excuse to renege on the
9 agreement that was agreed on with Brian Maher,
10 with Kristen Brown present, if all the residents
11 agreed to keep this portion of Beaver Dam Road
12 zoned ID, they would buy us all. They purchased
13 all the homes on the east side, leaving the three
14 on the west on hold.

16 This version of the plan would disturb a
17 hundred feet of regulated wetlands, and the site
18 contains wetlands under the USACOE jurisdiction.
19 That is critical environmental area, so they
20 would not be able to build there. They can no
21 longer use the CEA as an excuse not to purchase
22 our home and need to follow through on the
23 contract.

24 Second. No exits or entrance should be
25 allowed on Beaver Dam Road. Three hundred cars

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2 on lot one, 156 cars on lot two. That's a huge
3 amount of traffic for our road, which is already
4 dangerous. It's difficult to exit our driveway
5 with traffic coming from the south heading north,
6 okay, because of the turn right there, okay.
7 That's a huge amount of traffic that's
8 difficult -- okay, I already went there.

9 We have many crashes to our mailboxes and
10 the wall at the entrance of our driveway due to
11 speeding vehicles. The amount of litter thrown
12 from the vehicles causes a constant -- constantly
13 pickup. It would be a 24 hour, seven day a week
14 operation. All other warehouses exit and enter
15 on Neelytown Road with all their traffic, cars,
16 trucks, the whole nine yards. Why not RDM. Why
17 do they need Beaver Dam Road.

18 Third. What's the physical disturbance of
19 the land consist of. Does it include blasting.
20 I'm sure. Okay. We have endured blasting when
21 UNFI behind us, which was built, which ruined our
22 well, we cannot endure more of this, so RDM must
23 continue to purchase our home, the homes, okay.

24 Fourth. The visual impact. We have UNFI
25 behind us as the lights, noise and pollution.

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2 Now we will have two warehouses in front of us.

3 We have absolutely no quality of life.

4 And fifth. We already have UNFI truck

5 noise, beeping, blowing of horns, loudspeakers.

6 Now you want us to live with even more noise that

7 exceeds the levels. We will never be able to

8 enjoy our yard or life. A twelve-foot sound wall

9 will do little or nothing to mitigate this.

10 The town created this problem with zoning

11 this area and not considering existing houses.

12 We have lived there for over 50 years, raising

13 our family and paying taxes, and this is what the

14 town and RDM has done and will do to us. We need

15 a remedy to this situation with hundreds of truck

16 bays directly facing our home. You had UNFI put

17 bays on the other side of the -- on the other

18 side of the building so that they wouldn't be

19 facing our home. UNFI did that, okay. Why not

20 RDM.

21 When I spoke to Steve Brescia about RDM not

22 buying the homes on the west side of Beaver Dam

23 Road, he said that they were running short of

24 funds, okay. Really? RDM wants to build seven

25 more warehouses in the Town of Wawayanda.

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2 They're in contract with seven more warehouses up
3 there. Don't tell me they don't have any money,
4 okay. They're definitely not running short of
5 funds. And in the end, something must be done to
6 prevent us from losing any more quality of life.
7 This is unfair, but you don't have to be. Thank
8 you.

9 CHAIR REICHLE: Thank you.

10 Anyone else for RDM? Yes.

11 MS. HENIGHAN: Hi. Patricia Henighan,
12 Walden. I'm also with the CAC.

13 CHAIR REICHLE: Hi.

14 MS. HENIGHAN: In this -- one thing about
15 this project is the forested area is being
16 reduced from 46 acres to seven. In our 2020
17 National Resources Inventory we talked about how
18 Montgomery has important forest patches that
19 serve as steppingstone forests for wildlife
20 corridors. Forests play an important role in
21 absorbing carbon in the atmosphere, in
22 maintaining moisture and habitat for wildlife.
23 In, I'll just, I'm just going to quote a section
24 from the NRI. "The remainder of Montgomery
25 consists of steppingstone forest patches that may

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provide habitat for some forest interior species, as well as relatively broad corridors for wildlife movement and plant dispersal. They enable a large array of species to move from one habitat to another across the landscape fragmented by roads and developed areas."

These forests nevertheless serve a critical ecological function as buffers to the town and village's streams, and help to protect steep slopes, promote groundwater infiltration, and reduce flood damage. Regardless of size or habitat value, all forests and trees in the town help to manage stormwater, moderate temperature and improve air quality, among other ecosystem benefits.

The second area where wildlife was discussed or not very much discussed on page 12, these were cited in very generic terms -- generic terms, such as "bird" or "insect". These should be looked into by qualified biologists who can say what actually is in that area. Nothing, and also, nothing is said about the presence of the endangered Indiana bat. These are often dismissed just because it's easy to say we'll

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2 only do the cutting at a certain time of year.
3 But it's really important to think about the
4 function they play in the ecology and how they
5 can help us in many ways, particularly in
6 agriculture by controlling insects. So I think
7 that we need to take more measures to protect
8 them. Thank you.

9 CHAIR REICHLE: Thank you.

10 Anyone else? Yes, hi.

11 MS. MALLEY: Hi. Tammy Malley. I'm a
12 resident on Beaver Dam.

13 I feel this is going to ruin my quality of
14 life. Like, they have the road coming out on
15 Beaver Dam. Who's to say everybody is going to
16 go to Neelytown to go out. We have all
17 residential the other way. We have children,
18 there's kids. We have horses that my daughter
19 has. And FedEx flies by there like crazy.
20 Yesterday they were going 50 miles an hour past
21 my house in a 30. I had to yell at them. And we
22 were loading a horse up to go have some fun.

23 My thing is worrying about traffic, where
24 it's going to go. About the blasting, if they're
25 going to blast, what that's going to do with the

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2 30,000 gallon propane tank across the street from
3 us, like does Mirabito get contacted at all, you
4 know, if it's going to do anything to that. Is
5 there going to be a buffer for people on the
6 other side of 84. Is there going to be, you
7 know, with the lights and everything and the
8 residents and stuff. So I'm just thinking about
9 the residents on the other side also.

10 CHAIR REICHLER: Okay, thank you.

11 MS. MALLEY: And the children. And
12 Montgomery, like where is the country going in
13 Montgomery. It's gone. Thank you.

14 CHAIR REICHLER: Anyone else. Don't?

15 MR. BERGER: No, you can go.

16 MS. TIPTON: Karina Tipton, 225 Union
17 Street. My first comment is I'd like you to keep
18 the public hearing open. I understand the
19 comment section will be open for some time. I
20 saw January 6th. However, there is another
21 community meeting tonight that I know several
22 people are attending. It's regarding the
23 potential for building another school in our
24 school district. And so quite a number of
25 homeowners and taxpayers are focused on their

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2 school taxes was the reason and they are
3 attending that meeting instead. So I, I would
4 like the Planning Board to keep this meeting
5 open.

6 Also, this is a really lengthy document. I
7 haven't even gotten to the Stormwater Prevention
8 plans myself, and I'm really not done with the
9 traffic study. So I know I can just write you
10 another letter, which I will do, submit formally
11 some letters. But I think it would be helpful
12 for others as well.

13 I'm just going to share some of my
14 highlighted comments that I, I feel are most
15 important at this time based on my status of
16 review. The first one, I also serve as a board
17 member for the Town of Montgomery Ambulance. And
18 while the applicant has reached out to the
19 president of the ambulance, the information
20 included in this document is inaccurate. It
21 refers to Mobile Life as a provider of ambulance
22 services. Mobile Life is no longer in business.
23 So I do think at a minimum any updates to this
24 document must include the ambulance as well.
25 Again, I know that that was requested on October

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2 30th, but there was no deadline given to the
3 president when that request was given to him. I
4 feel that needs to be provided.

5 The wetlands appendix, I have the wetlands
6 delineation report and the Natural Resources
7 study. As you all know, the amendments to the
8 New York Fresh Water Wetlands Act, Article 24, do
9 go into effect on January 1st, 2025. And the
10 wetlands report and the natural resources study
11 should be updated to confirm that the updates, in
12 particular whether or not the eleven established
13 criteria for wetlands have been evaluated by this
14 document. For example, there's no discussion of
15 vernal pools or anything like that in the
16 wetlands delineation report. It's purely a soil
17 study. And in the -- while the natural resources
18 study does discuss different types of amphibians
19 and other animals that may be wetlands indicator
20 species, it does not discuss them as wetland
21 indicator species. It only refers to them as to
22 whether they are species of special concern.

23 Also in this appendix there is a lot of
24 discussion around corridor -- corridors and
25 forest patches. There's a corridor

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1
2 identification exhibit and a preserved forest
3 patch exhibit. These two evaluations should
4 include additional information that illustrates
5 why these, this section of the property, if
6 preserved as the plans suggest, actually maintain
7 a corridor for migration and habitat use. The
8 corridor implies that there are connections off
9 property, and there is no evidence given that
10 there is a connection off property. While in
11 fact the construction of this warehouse does cut
12 off that connection to the east that runs towards
13 the Wallkill River. So a little bit more
14 information around whether or not this is
15 actually a corridor still should be provided.

16 Similarly, the discussion around the
17 forest, I'm a little, I'm a little -- okay, the
18 forest, it says that the site, while it's
19 removing 38 acres of forested habitat, that only
20 comprises .889% of potentially available forested
21 habitat within 2.5 miles of the site. While that
22 does sound like a great buffer, and the figure
23 that is provided, which is figure 3.3.3, suggests
24 that the area surrounding the site is forested
25 habitat. This implies that all of that habitat

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2 is a habitat of quality, a habitat that is
3 expected to remain in place. And further, that
4 aerial doesn't have a date attached to it. So I
5 have -- it's hard to confirm if that is a current
6 aerial, a 2024 aerial, or if it says, I don't
7 know, a 2017 aerial, I mean when we all first met
8 and we started to talk about all the development
9 in the Town of Montgomery.

10 Section M discusses financial and
11 employment benefits. I did not see any
12 employment benefits discussed. In other
13 environmental impact statements I've seen a
14 discussion around where the employees are going
15 to come from, and if these employees would
16 benefit -- will benefit those of us who live in
17 the town. If this is going to become an employer
18 that our children will want to work for, and if
19 this is going to be a partnership of longevity
20 with the town. And I understand that these are
21 spec warehouses, and perhaps there's no way of
22 knowing. But there are a lot of other
23 assumptions made in this report, and I think it
24 would merit is there even a workforce in the Town
25 of Montgomery that may go to work at this

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2 warehouse. In other DEIS's I've also seen
3 discussions around salary. And of course, like I
4 said, I have not read this as hard as I want to.
5 It may include this discussion. My apologies if
6 it does. But a discussion of salary would be
7 appropriate as well so we can evaluate if this is
8 actually going to be the type of long term
9 partner that can sustain people who can live and
10 work in this community, because I think that's
11 all of our goal in the Town of Montgomery. We
12 want people to be able to live and work in
13 Montgomery if they can.

14 Also the calculation of the services
15 required per capita, the cost of municipal
16 services required per capita does not reflect
17 conditions after construction of the warehouses.
18 Namely, it doesn't include any additional wear
19 and tear on the roads, including that, the three
20 hundred some passenger vehicles that will be
21 tooling around our, our area. It's not just the
22 trips to and from the site. It's also trips off
23 site to go pick up lunch at McDonald's or my new
24 favorite, Taco Bell, or maybe traveling into the
25 village to Java Blue to get a really great cup of

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2 coffee on your work break. So there is going to
3 be additional wear and tear on the town and the
4 village streets just from passenger vehicles. It
5 doesn't have to be a tractor trailer to rip up
6 the roads.

7 And then also the potential impact on
8 property values doesn't really seem to discuss at
9 all the houses that are currently on Beaver Dam.
10 It seems entirely focused on Maybrook. There's
11 no mention even that there are three houses
12 across the street from where this warehouse will
13 be built. And I would think that the proximity
14 of those homes would merit a specific evaluation.
15 I understand that this is not -- you can't make
16 any promises to property values, for example.
17 But it is, it is something that was notably
18 absent from this report.

19 And the last thing that I'll say is that,
20 especially in the executive session -- section,
21 there's a lot of use of "nonconforming uses" when
22 describing those neighboring properties, those
23 residential neighbors.

24 And then, again, you know, we're already
25 heard a little bit of this historical note, but

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2 RDM approached Montgomery during the finalization
3 of the Comprehensive Plan, which, you know, Fred,
4 we were promising the community for. Our plan
5 had identified the land use type as residential
6 along the entirety of Beaver Dam Road. And it
7 was because of RDM's intervention with the Town
8 and with the residents on this section of Beaver
9 Dam Road that the Town changed the zoning from
10 that which was proposed, from residential to
11 industrial use. And I think we should be very
12 clear in that fact, because although
13 "nonconforming use" may be the current legal
14 descriptor of those houses where people live, it
15 is unneighborly, I would say, and un-benefitting
16 a group that has come to Montgomery and asked for
17 our cooperation and partnership to continue to
18 refer to them as nonconforming. They were there
19 first. The zoning was what it was. We were
20 going to change it to residential in
21 acknowledgement of that, and we were not -- we
22 did not do that. In part, you know, of course
23 because of the applicant's intervention in our
24 zoning process.

25 So it isn't appropriate and, like I said,

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1
2 neighborly for the applicant to further minimize
3 the impacts of lighting, noise and vehicular
4 traffic for those who live along Beaver Dam Road.
5 That would include suggesting that there are no
6 right hand turns of passenger vehicles. They can
7 exit on that side and only turn to the left
8 towards the Neelytown intersection. The noise
9 study, I didn't see that it actually had any
10 modeling to represent the mitigation measures.
11 Again, I'm still working on this. But it would
12 be appropriate and perhaps comforting if those
13 neighbors understood if those mitigating measures
14 would actually be effective as modeled. And
15 there's quite a few other things, you know,
16 lighting issues as well, that I think that the
17 neighbors would really like to understand.

18 And you all know that I have family who
19 lives on Beaver Dam Road, and so this is personal
20 to me. But also, this is -- this is a project
21 that is coming in at the end of a long period of
22 growth, and not just physical growth in
23 Montgomery but I would say technical growth in
24 Montgomery. Our residents are much more aware of
25 the impact of these warehouses. They are tired.

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2 They are aware of the impact of these warehouses,
3 and they understand exactly what's going to
4 happen. And so this is something where I think
5 that as a planning board and as a lead agency you
6 have the opportunity to require some real
7 innovation in the plans as they are finalized to
8 prevent this further impact on those who live in
9 the Town and the Village of Montgomery. Thank
10 you.

11 CHAIR REICHLE: Thank you.

12 Anyone else? Don.

13 MR. BERGER: So I guess the ladies took a
14 lot of the things that I was going to talk about
15 here, so I'll keep it really brief.

16 Yeah, I agree with Karina. I think this
17 public hearing has got to remain open. I don't
18 think we have, the residents have had anywhere
19 enough time to review any of these documents. So
20 I think moving forward you should keep it open.
21 I think it's necessary to keep it open.

22 The other thing Ms. Malley touched on, and
23 I think Karina touched on it, the Beaver Dam
24 access to the warehouses, on the lower building,
25 the smaller building, I don't see where parking

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2 is for the people who are going to be working
3 there. I don't see -- it has a road going in
4 there. Is that a parking area right there or
5 what? And most importantly, with those two
6 entrances -- we had this problem, I don't know
7 when it was, a year ago, a year and a half ago,
8 two years ago, with FedEx going through Beaver
9 Dam and then speeding through Beaver Dam, and
10 there was this up -- outrage of FedEx and I think
11 UPS flying through Beaver Dam Road. What
12 measures are you going to put in to make sure
13 they don't take a right to access Beaver Dam Road
14 to Goodwill Road? What are you going to do about
15 that? We had a problem in the past. Are we
16 going to allow that problem to continue.

17 I think it's really necessary when you're
18 talking three hundred and some vehicles
19 traveling -- you know, the applicant comes up
20 here, tells you guys they're all going to go to
21 Neelytown. No, they're not. They're going to
22 access the village, they're going to go get their
23 cups of coffee and their breakfast in the
24 village, you know. So I think you've got to put
25 some measures to make sure that that happens.

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2 And I know that we come before you guys, and even
3 in the village we're, we're doing that right now,
4 we're fighting that, the access through the
5 village or anywheres into residential areas. We
6 don't want youse there, you know, get out.

7 So I think you have to put some sort of
8 agreement that or some sort of enforcement. And
9 I know applicants over in Montgomery that says
10 well, the police will handle it. No, the police
11 aren't going to handle it. The police don't have
12 the time to go out there to enforce that. So
13 what measures are you going to demand this
14 applicant to put in place. I think it's
15 necessary.

16 The other thing, the gentleman when he
17 spoke, the RDM consultant there, he said we're
18 going to receive -- there's going to be no
19 changes to revenue. Am I hearing him right, that
20 means he's not going to go before the Orange
21 County IDA? I know here in Montgomery, spec
22 warehouses you can't get a PILOT. So hopefully
23 he's going to be true to his speech and say the
24 revenues are going to stay full bodied. I think
25 that's very important.

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2 And there was mention that there's seven
3 warehouses going in, RDM warehouses, all RDM, in
4 Wawayanda. It's not seven, it's ten. I've been
5 to those meetings. And I know, and they're all
6 spec. Now, Karina brought it up, where the heck
7 are they going to get all these people to work in
8 all these warehouses, where? We're already done.
9 You guys all know, we've told you, go up and down
10 Neelytown Road right now, what do you see, every
11 warehouse has a sign up they need help. So where
12 are they going to get the people to work in these
13 warehouses? Where are they -- you know, I mean,
14 this is not Wawayanda, but certainly it's a total
15 impact of what's going on around here. Are we
16 going to have vacant warehouses around here, like
17 the one we have out on 17K in Crawford? Is that
18 what's going to happen here?

19 I think you've got to be wise and make sure
20 you make the right decisions and demand things
21 out of these guys. Thanks.

22 CHAIR REICHLE: Anyone else in the public
23 have any comments or questions?

24 (No response.)

25 CHAIR REICHLE: Okay. Board, any

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2 questions? Go ahead, Cheri.

3 MS. ZAHAKOS: If I may, I have a couple. I
4 can write them in, but just for very quick
5 coverage.

6 MR. BERGER: Cheri, could you put your mic
7 down so we can hear.

8 MS. ZAHAKOS: I thought I had a loud enough
9 voice. I certainly can.

10 MR. BERGER: I'm getting old.

11 MS. ZAHAKOS: Okay. I hear you.

12 In your notes on page -- in the DEIS, the
13 main volume, on page 167 and also on page 172,
14 when you do discuss the Indiana and the
15 long-nosed bat, you state that the tree clearing
16 is from October 1st on. It is actually November
17 1st via the DEC. So that is a misquote in
18 several places in the book.

19 It, it looks down, in talking to some of
20 the effects of the employment when it shuffled
21 down there was 30,000 in the areas between, in
22 Pennsylvania being your workforce source,
23 Dutchess, Sullivan, Ulster are your sources. And
24 it goes on to describe the possibility of driving
25 a change in the housing requirements in the area.

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2 And it states only 22 are going to be of the
3 executive level that may be able to do it out of
4 all of them.

5 It does state on page 181, just for
6 information, it's quoted, and you state it, that
7 it is an older document that's referenced. But I
8 think what's important here is that it be an
9 accurate reference. Because it states on that
10 page 181 "supply and demand for housing is
11 currently balanced." I think we all know that
12 that is no longer a valid statement.

13 On page 67 in another section it talks
14 about the sanitary sewer -- sewer flow
15 calculations, excuse me, and that it uses the
16 technical data of -- for this warehouse, 265
17 warehousing employees and 82 for the office.
18 However, when you go into the chapter seven for
19 growth, it states on page 180 and 181 that
20 there's to be 898 employees for the site if I'm
21 correct. So in quoting your septic usage, it
22 came out to 4,164 gallons per day. When you
23 multiply that say by about three times because
24 your employee numbers, if correct, are about
25 three times, you're actually a different rate of

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2 over 12,000 gallons a day. So I don't know about
3 that inconsistency. I guess that kind of needs
4 to be answered too.

5 And a -- that's it I think that are right
6 in front of me as I have now, but I thought those
7 could be some quick hits that you could look at.
8 Thank you.

9 CHAIR REICHLE: Okay. Anyone else, any
10 questions, comments?

11 (No response.)

12 CHAIR REICHLE: Okay. How about the
13 notices?

14 MR. HOYT: Notices are fine. They have
15 mailings to 19 different agencies and the
16 residents. All I would ask sue is to give the
17 Zoning Board their envelope.

18 MS. HADDEN: Okay, I sent them.

19 MR. HOYT: Then we're good, thanks.

20 CHAIR REICHLE: There were 19 outside
21 agencies that are to comment or we hope they'll
22 comment?

23 MR. HOYT: Yeah. That would include the
24 applicant and our consultants, so figure 17
25 maybe.

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2 CHAIR REICHLE: Okay. Okay.

3 All right, anybody else, any comments or
4 questions? I know that we have something that
5 they have to respond to.

6 MS. ZAHAKOS: Right.

7 CHAIR REICHLE: Okay. So I'm going to
8 suggest that we continue this hearing, this
9 public hearing. And with this many outside
10 agencies that have to comment, we haven't heard
11 from anyone yet; correct? I don't think -- I
12 think somebody may have something coming soon,
13 but we -- and with the holidays, I'm going to
14 suggest that we go to the second January meeting
15 and continue this hearing. So that will, that
16 will give everybody a chance to, hopefully they
17 have everything resolved about the school, and
18 they can come. So that will be tentatively
19 January 27th of 2025. Does that sound okay?

20 (Some "yeahs".)

21 CHAIR REICHLE: All right, so do I have a
22 motion to extend the hearing until that point?
23 By Jay, seconded by John. All those in favor,
24 signify by saying aye.

25 (Chorus of "ayes".)

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2 CHAIR REICHLE: And there won't be any
3 public notice mailed to people. This will be
4 your notice of that hearing. Thank you. At
5 7:30, right here in this hall.

6 (Whereupon, this agenda item was adjourned
7 at 8:30 p.m.)

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Public Hearing - Neelytown Business Park

CERTIFICATE

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Shorthand Reporter
(Stenotype) and Notary Public within and for
the State of New York, do hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not related,
by blood or marriage, to any of the parties in
this matter and that I am in no way interested
in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 9th day of January 2025.

Kari L Reed

KARI L. REED