



## Orange County Department of Planning

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**Alan J. Sorensen, FAICP**  
**Commissioner**

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### County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

**Local Referring Board:** Town of Montgomery Planning Board  
**Applicant:** RDM

**Referral ID #:** MGT 14-24N  
**Tax Map #:** 36-1-33, 11.221, 11.23,  
11.212, 11.211, 11.11, 10.1 and 33-1-91

**Project Name:** RDM Logistics Neelytown Road

**Local File #:** none provided

**Proposed Action:** Draft Environmental Impact Statement for revised project. No request other than for SEQR review at this time.

**Reason for County Review:** Request of the Town of Montgomery Planning Board

**Date of Full Statement:** Full DEIS received December 6, 2024

#### Comments:

The Department has received the above-referenced Draft Environmental Impact Statement. Although the Department has determined that the intended land use has the potential to cause inter-municipal and countywide impacts, the project itself is not referred for review at this time. Therefore County comments are limited to the DEIS only, and we make no recommendation for action. We offer the following **advisory comments** for your consideration.

**Potential Impacts:** The DEIS notes several areas in which the proposed project is likely to have a moderate to large impact: Traffic, Land, Stormwater, Visual Resources, Noise and Lighting. We noted several additional potential impacts in our review of the provided materials: Wetlands, Endangered and Threatened Species, Agricultural Land, and Air Traffic Impacts. These impacts and related advisory comments are described as follows:

- **Traffic:** There is likely to be a substantial increase—projected to be approximately 40% at weekday AM and PM peak hours--in vehicle traffic along Neelytown Road and Beaver Dam Road as a result of this project. The applicant has suggested mitigation in the Traffic Impact Analysis performed for this project; these measures include separate left and right turning lanes on Neelytown Road at Proposed Site Driveway #1 and potential timing changes for the signals at Route 208 and the I-84 access ramps. We advise the Town to coordinate with the Orange County Department of Public Works and the New York State Department of Transportation to ensure that the proposed mitigation is sufficient and what other measures, if any, would be necessary in order to reduce the adverse impacts of this project on Level of Service and road conditions in the area.
- **Land:** The applicant proposes the physical disturbance of 86.08 acres, including all potential grading for the buildings and parking areas. Although there is no potential mitigation for this impact other than reducing or eliminating the proposed project, which has already occurred, the applicant has proposed to balance cut and fill onsite to the greatest extent possible. We advise the Town to ensure that the grading and site engineering are designed to ensure this outcome. We further advise the Town to consider additional mitigation, such as potentially “banking” some of the required parking spaces for employees, to be developed later if needed but saved as unpaved land area at this time.

- Stormwater: The development proposes to cover 86 acres of the project site, which will have the effect of significantly increasing stormwater runoff. This runoff will ultimately be directed to Beaverdam Brook, a tributary of the Wallkill River, located immediately west of the project site. The scale of the proposed development and the limited area onsite that will not be subject to grading substantially limits the amount of onsite stormwater reclamation that can occur, such as detention ponds or bioretention areas. This is likely to increase erosion and sedimentation downstream on both Beaverdam Brook and the Wallkill River, causing potential flooding issues both upstream and downstream of the project site and causing potential negative impacts to the farming properties along the Wallkill, again both upstream and downstream.
- Visual Resources: The project will be visible from residential properties, I-84, Neelytown Road, and Beaver Dam Road. This impact does not appear to be substantially greater than that of the surrounding existing development; however if the Town desired to reduce the potential impact, landscaping solutions would likely be effective.
- Noise: The DEIS notes that noise during construction and noise resulting from site traffic and HVAC system during operations are likely to exceed ambient noise levels. The applicant has proposed installation of a noise barrier.
- Lighting: The applicant proposes to install lighting brighter than existing area conditions. The applicant notes that the lighting will be dark-sky compliant. We advise the Town that additional lighting constraints could be put in place if needed, such as reducing the height of light poles to 15-20' tall maximum.
- Wetlands: The onsite wetlands are under the jurisdiction of the United States Army Corps of Engineers, who will require a General Permit for construction work. The proposed design at this time shows only a small incursion into the wetlands, but mitigation will need to be determined between the applicant, the Town and the ACOE. Nearby wetlands around the area of the Beaverdam Brook are under the jurisdiction of the New York State Department of Environmental Conservation; the project as originally proposed had made incursions into the 100' wide buffer area. Those impacts are reduced if not completely eliminated by the project design changes.
- Endangered and Threatened Species: The proposed project is in an area known to contain habitat suitable for endangered or threatened species, including the Indiana Bat and the Northern Long-Eared Bat. We advise the Town and the applicant to ensure that best practices are followed during construction, in order to minimize any accidental takings of these species. Best practices are likely to include times for tree harvesting, among other measures.
- Agricultural Land: The property is within Orange County Agricultural District No. 1 and is within 500 feet of farmland in active agricultural production. Additionally, the Wallkill River is used by farming operations in this area of the County primarily to irrigate crops; flooding concerns, as noted above, could cause serious impacts to farming operations both upstream and downstream of the project site.
- Air Traffic: The project is close to both the Orange County Airport and New York Stewart International Airport. The applicant and the Town will need to consult the Federal Aviation Administration to ensure that the proposed building will not obstruct any flight paths or cause other impacts to the airports. Additionally, the applicant should coordinate with the Director of the Orange County Airport regarding the proposed project.

Energy: We recommend that the applicant explore options for integrating rooftop solar panels to offset the need to rely on the existing power grid and also to increase the resilience of the proposed facility. Orange County has adopted the C-PACE Commercial Property Assessed Clean Energy Program that can provide

financing up to 100% of the cost of a rooftop solar project. For more information go to [orangecountygov.com/295/C-PACE](http://orangecountygov.com/295/C-PACE).

Utilities: The applicant proposes to use the Town of Montgomery water supply. We advise the Town to confirm that they have the capacity and the willingness to serve this project.

Other Referrals: As discussed above, the applicant and the Town will need to ensure that the project is fully reviewed and necessary approvals and permits obtained from the Federal Aviation Administration, the United States Army Corps of Engineers, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Environmental Conservation, the New York State Department of Transportation, the Orange County Department of Public Works, and the Town of Montgomery Department of Public Works.

**County Recommendation: None at this time due to limitation of submittal to DEIS**

**Date:** January 23, 2025

**Prepared by:** Megan Tennermann, AICP, Planner

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**Alan J. Sorensen, FAICP**  
**Commissioner of Planning**

**As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).**