



To: Planning Board Members, Sue Hadden, Richard Hoyt, Esq., Bonnie Franson, AICP, CEP, PP

From: Shawn E. Arnott, P.E.

Date: 24 January 2025

Re: Neelytown Business Park
 DEIS/SWPPP/Site Plan Review
 Tax ID: 36-1-33; 33-1-91
 Town of Montgomery, Orange County, New York
 PB# 21-03

The following documents were reviewed by our office:

- Response Letter prepared by Colliers Engineering & Design dated 5 September 2024
- Draft Environmental Impact Statement prepared by Colliers Engineering & Design dated 3 September 2024
- Plan Set (42 Sheets) prepared by Colliers Engineering & Design dated 23 September 2024
- Survey titled “Neelytown Development LLC” prepared by Lanc & Tully Engineering & Surveying, PC dated 25 April 2023
- Plan Sheet titled “Neelytown Road Access Alternative Plan” (1 Sheet) prepared by Colliers Engineering & Design dated 12 May 2023
- Alternative Site Layout (1 Sheet) prepared by Colliers Engineering & Design dated 12 May 2023
- Lot Consolidation & Subdivision Map prepared For Neelytown Development LLC prepared by Lanc & Tully Engineering & Surveying, PC dated 24 July 2024

Our comments are as follows:

#	Comments	Notes	Status
MHE DEIS Substantive Review Comments 24 January 2025			
1.	With regards to Chapter 3.A. – Potential Impacts, the applicant concludes that no blasting impacts are anticipated. A note to this effect should be added to the site plan.		
2.	With regards to Chapter 3.A. – Potential Impacts – Section 3 – Anticipated Soil Movement, the applicant concludes that the total net fill from the site is 860 cubic yards. Our office understands this total net fill is for the entirety of the project. As noted in Section 3 – Anticipated Soil Movement, the project will be constructed in phases. The applicant should provide a phasing plan cut & fill analysis to understand how much soil will be in excess or needed to construct each phase as well as identify potential locations where the soil can be placed during these phases.		
3.	Chapter 3.A – Mitigations – Section 3 Retaining Walls identifies that retaining walls over 3 feet in height will be installed with safety fence and designed by a NYS licensed		

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<p>structural engineer. Later in the report, retaining walls are noted to need to be designed by a structural engineer when greater than 4 feet in height. This height reference should be revised.</p>		
<p>4. With regards to Chapter 3.B. – Existing Conditions For Existing Topsoil, the applicant notes that “the exact depth of topsoil required for proposed planting areas will be coordinated with the landscape architect.” The applicant should advise how the cut & fill analysis was performed when the required amount of topsoil is unknown.</p>		
<p>5. With regards to Chapter 3.C. – Potential Impacts For Retaining Walls, fencing is noted to be required for fall protection where the height of the wall exceeds “36”. Our office understands that the Building Code requires fall protection where the retaining wall height exceeds 30 inches.</p>		
<p>6. Chapter 3.C. – Grading/Adjoining Water Tanks notes “the proposed construction will not require water tanks.” The water demand section of the DEIS identifies the need for an onsite water storage tank.</p>		
<p>7. With regards to Chapter 3.D. – Existing Conditions For Groundwater, the applicant notes that “the existing residences on the site will be demolished and the existing wells properly abandoned and taken offline.” The applicant should note that the existing wells will be abandoned in accordance with NYSDEC and AWWA requirements.</p>		
<p>8. With regards to Chapter 3.D. – Mitigation Measures, the applicant should note how the hotspot drainage will be utilized to mitigate impacts to groundwater.</p>		
<p>9. With regards to Chapter 3.D. – Surface Water & Wetlands, Existing Conditions, the applicant notes that there will be disturbance to approximately 0.23 acres of Army Corp wetlands. Given the recent regulation changes by the NYSDEC with regards to wetlands, the applicant should review these requirements and determine if the onsite wetlands are currently under state jurisdiction.</p>		
<p>10. With regards to Chapter 3.D. – Mitigation Measures, the applicant should describe the velocity and erosion potential of the flood waters during the 500-year storm event when water is directed downstream of the onsite basins’ emergency spillways.</p>		
<p>11. Chapter 3.D. – Mitigation Measures identifies the need for continued maintenance and rehabilitation of the proposed stormwater mitigation basins and conveyance systems. The applicant should incorporate the need for stormwater maintenance agreement between the Town and the property to be filed in the County Clerk’s Office to ensure proper maintenance in perpetuity.</p>		

<p>12. With regards to Chapter 3.E. – Existing Conditions, the applicant should revise the Town’s wastewater treatment plant discharge to the Wallkill River not “Wallkill Creek”.</p>		
<p>13. The applicant should review Chapter 3.E. – Existing Conditions and Potential Impacts with regards to providing an updated memo from the Town Engineer with regards to the identified additional capacity that has been purchased by the Town for sewer discharge.</p>		
<p>14. The applicant notes in Chapter 3.E. – Existing Conditions that the effluent of the project will be conveyed via two separate pump stations before being pumped via proposed force main to the existing force main within Neelytown Road. The applicant should include this section within the potential impacts.</p>		
<p>15. With regards to Chapter 3.E. – Potential Impacts, the applicant should provide the calculation for the sizing of the pump stations.</p>		
<p>16. With regards to Chapter 3.E. – Potential Impacts, the applicant should provide a note regarding maintenance responsibilities for the proposed sanitary sewer pump stations. A note should be added to the site plan noting who is responsible for the required maintenance.</p>		
<p>17. With regards to Chapter 3.E. – Potential Impacts, the applicant should evaluate the existing force main to determine if the proposed development impacts the size of the existing force main.</p>		
<p>18. With regards to Chapter 3.E. – Potential Impacts, the sanitary sewer demand for the proposed action assumes a warehouse classification. The applicant should clarify if manufacturing is anticipated for the project site. Further, input should be received from the Board’s Attorney and Planner with regards to if the SEQRA study should include options for a change in sewer (and water) demand should a future tenant require additional capacity for manufacturing purposes.</p>		
<p>19. Chapter 3.E. – Potential Impacts notes that “the proposed sanitary sewer collection system will be reviewed by the Town Engineer and Sewer District Superintendent.” The applicant should provide acceptance from the Town’s Engineering Consultant.</p>		
<p>20. Chapter 3.F. – Existing Conditions assumes Lots 36-1-10.1 & 11.23 are on private wells whereas Lot 26-1-11.1 is assumed to have a shared well or other means of potable water supply. The applicant should provide further information with regards to the wells and their locations on the site as the wells should be noted to be abandoned in conformance with AWWA and NYSDEC Standards prior to construction on the site.</p>		

<p>21. Chapter 3.F. – Potential Impacts notes a single connection to the existing 12-inch water main within Neelytown Road. The plans identify two water connections (one for each building).</p>		
<p>22. Chapter 3.F. – Potential Impacts discusses the need for a 180,000-gallon water tank and fire pump for fire suppression for one or both of the buildings. Based on a review of the DEIS, it is unclear if this pump station and tank will serve both buildings.</p>		
<p>23. Chapter 3.F. should discuss the long-term maintenance of the proposed fire pump and tank on site.</p>		
<p>24. Chapter 3.F. – Mitigation Measures should discuss the proposed tank and fire pumps for fire flow protection.</p>		
<p>25. With regards to Chapter 3.G. – Construction Impacts, the applicant notes the potential maximum number of truck deliveries over a period of a day. The applicant should clarify the total number of anticipated truck trips solely based on the importation of select materials to be delivered to the site as well as the export of material from the site.</p>		
<p>26. With regards to Chapter 3.G. – Construction Impacts, the applicant notes the construction management plan including traffic control measures will be implemented with State and Local requirements. The applicant should provide such a plan for the Board’s review.</p>		
<p>27. The applicant has included a Geotechnical Report under Appendix H. Our office notes that the Geotechnical Report prepared for the project contemplated the previous version of the project (3 buildings). The applicant should provide a plan similar to the “Bedrock Identification Exhibit” prepared by Colliers Engineering & Design dated 30 August 2024 with all the borings performed for the project.</p>		
<p>28. The applicant should provide the calculations which identify the required fire flow and pressures needed for the project.</p>		
<p>29. The Engineers Report For Sanitary Sewer System dated 14 August 2024 prepared by Colliers Engineering & Design provides a calculation for pipe capacity with an 8-inch PVC pipe. The report does not contemplate flows within the proposed force mains onsite and existing Town owned force mains offsite.</p>		
<p>30. An Engineers Report For Domestic Water Demand was prepared on 14 August 2024 by Colliers Engineering & Design for the project site. Report contemplates water flow for the potable water service only. The applicant should update their calculation to contemplate fire flow on site.</p>		
<p>31. The Engineers Report For Domestic Water Demand dated 14 August 2024 prepared by Colliers Engineering & Design calculates water flow through an 8-inch ductile pipe via</p>		

<p>Mannings Formula. The calculations should be updated to contemplate pressurized flow through the water main.</p>		
<p>32. Although our office defers the review of the visual resources section of the DEIS to the Board’s Planner, our office notes that Chapter 3.O. – Potential Impacts does not identify the proposed water tank on the site.</p>		
<p>MHE Site Plan Review Comments 24 January 2025</p>		
<p>1. The Index Of Sheets identifies 42 sheets of the plan set whereas 41 sheets were found in the set. Sheet 42 in the index indicates a minor subdivision plat. The applicant should clarify if this plat is the “Lot Consolidations And Subdivision Map Prepared For Neelytown Development LLC” prepared by Lanc & Tully Engineering and Surveying dated 24 July 2024.</p>		
<p>2. Table 3.I.1. identifies asbestos containing materials within buildings located on the site. As such, a note should be added to the demolition plan that states “A demolition permit from the building department is required for demolition of existing structures. Demolition of the existing structures shall be conducted in accordance of all local, state and federal regulations.”</p>		
<p>3. The tree clearing notes on Sheets 2, 3 & 4 of 42 should be updated to required tree clearing from November 1st to March 31st.</p>		
<p>4. The tree clearing notes number 2 require bright flagging/fencing shall be used to demarcate trees to be clearing. The applicant should clarify how these will be demarcated. Alternatively, the applicant could propose a line on the outer limits of the property where construction fencing would be placed identifying the limits of tree clearing.</p>		
<p>5. The Board should discuss with the Board’s Attorney the need for easements for each proposed lot. Will the easements be required to include metes and bounds descriptions?</p>		
<p>6. General Note 8 on Sheet 5 should be removed from the plan set.</p>		
<p>7. Sheet 9 shows a driveway to the rear (northwest side of Warehouse 2). The applicant should evaluate the need for an emergency access gate between the parking lot on both the southwest and northeast sides of the building and the emergency access drive to the rear.</p>		
<p>8. No fire access is provided on the west/southwest side of Warehouse 1. The applicant should evaluate the NYS Fire Code to determine if fire apparatus access is required in this vicinity.</p>		
<p>9. As the applicant is aware, the proposed water services include fire hydrants. As such, Orange County Department of Health approval will be required for water main</p>		

extensions for each of the proposed water services.		
10. Based on a review of the overall utility plan, it appears that only Warehouse 2 is proposed to be connected to the fire pump building and storage tank.		
11. The utility plans should be updated to include the locations of the existing water and sewer mains within Neelytown Road.		
12. The utility plans identify two separate sanitary sewer pump manholes in close proximity to one another. The applicant should evaluate the ability to share a common pump station for both buildings.		
13. The line between Sanitary Sewer Manhole SS-7 and Manhole S-6 is noted as a force main (no size and type of pipe noted). Is this line a gravity line?		
14. The size and type of force mains to be connected to the existing Twon owned sanitary sewer force mains should be noted.		
15. Calculations should be provided for the proposed fire hydrants on site to ensure the required fire flow is met.		
16. Utility plan Sheet 18 identifies a water line entering the proposed pump building and water storage tank for fire protection measures from Warehouse 1 with no discharge side.		
17. There is no proposed water main connection from the water storage tank to the pump building.		
18. There is no feed/supply side of the fire pump building to serve Building 2.		
19. The proposed water mains serving each site are identified as 6-inch ductile iron water main whereas the fire protection lines from the proposed pump building are identified as 8-inch.		
20. Sheet 19 identifies a single valve at the 4-way T prior to entering Warehouse 2. The applicant should clarify where valves are proposed to be placed.		
21. The following note should be added to all proposed lighting plans: <i>Planning Board's acceptance of the lighting design shown hereon is premised on the representation of the applicant that the lighting will not cause a glare or other deleterious effect on adjoining properties and/or roadway traffic. Should any such conditions result from the installation, in the sole opinion of the authorized representatives of the Town, the applicant agrees to modify and/or replace fixtures to cause the correction of the condition, to the satisfaction of the Town representatives.</i>		
22. The lighting plan should be updated to include the cut sheets for all proposed lights including the proposed color temperature of the fixtures.		

<p>23. With regards to the proposed handicap parking spaces, the applicant should update the accessible parking line strip stall detail (Detail 11 on Sheet 36) to require 8-foot minimum accessible aisle and include the required signage at the front of this aisle.</p>		
<p>24. The concrete curb details indicate a depth of 20 inches or 18 inches. The applicant should clarify the required depth.</p>		
<p>25. The applicant should include our offices standard retaining wall notes on the proposed retaining wall detail: <i>Design for the retaining wall shown hereon shall be prepared by a NYS Licensed Professional Engineer and submitted to the Town Building Inspector for record prior to construction. Such design drawings (or shop drawings) shall bear the stamp and signature of such engineer, and shall be specific for the site and specific to the retaining wall system to be utilized and shall consider all appropriate and necessary possible loadings and conditions related to this project.</i></p>		
<p>26. The applicant should review Detail 1 on Sheet 39. The detail requires geogrid to be installed behind the proposed retaining wall. The applicant should review if the fencing will conflict with the proposed geogrid.</p>		
<p>27. The applicant’s pole mounted luminaire detail (Detail 2 on Sheet 39) includes a concrete footing. The detail should be updated to include the required height above finished grade such that it would protect the lighting fixture from damage from being hit by a vehicle.</p>		
<p>28. The applicant should provide the required elevations in details 10 & 11 on Sheet 39.</p>		
<p>29. The applicant should provide a truck turning diagram for the northwesterly most truck loading dock on the southwesterly side of Warehouse 1.</p>		
<p>30. It would be helpful if a larger scale drawing could be provided for the truck turning diagrams.</p>		
<p>31. Input from the Jurisdictional Fire Department should be received with regards to their review of the application.</p>		
<p>MHE SWPPP Review Comments 24 January 2025</p>		
<p>1. Call out the design points on the existing and proposed conditions plan.</p>		
<p>2. It appears that the existing conditions drainage area for Wetlands/Undeveloped is incorrect as there are pipes very close to each leader arrow that should be used as design points. Revise the existing and proposed drainage area plans to utilize existing pipes that the site drains to as design points, to show the potential impact the project will have on existing infrastructure. Based on the plans there are 7 pipes that take water from the project site onto other properties. At a minimum, these 7 pipes must be design points.</p>		

<p>3. There appears to be a pipe crossing the road where the TC path ends for Existing Drainage Area 2. If this is correct, show the pipe, the pipe size and invert elevations on the plan and make this a design point for existing and proposed conditions.</p>		
<p>4. Provide soil testing meeting the NYSDEC Infiltration testing requirements and Frequently Asked Questions 2004 for Infiltration Basin 1G, 1H,1B, 1C. This office recommends using a minimum safety factor of 2 for the infiltration rates based on soil tests, as the infiltration rates always slow down over time.</p>		
<p>5. Applicant’s engineer to discuss how the infiltration rates for each of the proposed infiltration basins was determined.</p>		
<p>6. Show that all the infiltration basins have the required pretreatment volume based on the infiltration rate for the basin.</p>		
<p>7. Revise the existing conditions drainage area plan to follow existing topography and not the proposed layout, specifically for area 1 and 2.</p>		
<p>8. Provide pretreatment for Bioretention Basin 4A, 4B.</p>		
<p>9. Revise the TC path for proposed area PDA-1J to have a minimum of 6 minutes, which is required by HydroCAD to run the model correctly.</p>		
<p>10. Show the underdrains for the bioretention basins on the plans.</p>		
<p>11. Revise the bioretention basins to have a ponding depth of 6” by having the first orifice located 6” above the bottom of the basin Rerun the HydroCAD model to show how this affects the bioretention basins.</p>		
<p>12. Provide the elevations for the bioretention basins in the detail on sheet 38.</p>		
<p>13. Show the underdrains for the infiltration basins on the plans.</p>		
<p>14. Provide the elevations for the infiltration basins in the detail on sheet 38.</p>		
<p>15. Provide a minimum of 1 ft. of freeboard for Bioretention Basin 1A, which currently only has 0.04 ft. of headboard during the 100-yr storm event.</p>		
<p>16. Provide a minimum of 1 ft. of freeboard for Bioretention Basin J, which currently only has 0.01 ft. of headboard during the 100-yr storm event.</p>		
<p>17. Provide a minimum of 1 ft. of freeboard for Bioretention Basin 4A, which currently only has 0.08 ft. of headboard during the 100-yr storm event.</p>		
<p>18. Additional comments may be required as further information is provided.</p>		

MHE DEIS Scope Comments 23 June 2023		
1. The following comments are with regards to the review of the completeness of the DEIS.		Statement
2. The Executive Summary Section E under Stormwater Management identifies the wrong SPDES General Permit for stormwater discharges from construction activities.		Addressed
3. Section A. Potential Impacts – 2. identifies a net 15,000 cubic feet of cut from the proposed earthwork, which is noted to be used for the proposed berms on the Northwest side of the site. Did the cut and fill analysis contemplate the proposed berms on the Northwest side of the site?		Addressed
4. Under Section A. Potential Impacts – 2. - the applicant should include the various cuts and fills depths anticipated for the site.		Addressed
5. Section B. Mitigation Measures – 6. - the applicant should discuss the stormwater practices utilized during and after construction in accordance with the Town’s General Enhanced Stormwater Erosion & Sediment Control Plan for large projects.		Addressed
6. Pursuant to Section C. Potential Impacts – 3. - the applicant should provide a Cut & Fill Map.		Addressed
7. Section C. Potential Impacts – 5. - the applicant should discuss the potential impacts of the grading and potential undermining of the existing water tower structure.		Addressed
8. Section D. Groundwater – Existing Conditions – 1.c - the applicant should discuss the quality of the groundwater.		Addressed
9. Section D. Groundwater – Existing Conditions – 1.d - the applicant should identify the quantity and flow of the existing aquifer and recharge areas.		Addressed
10. Section D. Groundwater – Existing Conditions – 1.e - the applicant should describe the direction of flow of the existing aquifer and recharge areas.		Addressed
11. Section D. Groundwater – Existing Conditions – 3. - the applicant should discuss how water quality volume and run off reduction practices will be addressed in accordance with the requirements of the NYS Stormwater Design Manual.		Addressed
12. Section D. Groundwater – Potential Impacts - the applicant should evaluate any potential impacts from fuel and oils spill into groundwater.		Addressed
13. Section D. Surface Water & Wetlands – Existing Conditions – 2. -the applicant should identify the uses and level of use of all surface water including but not limited to public/private water supply, industrial uses, agricultural uses and recreational uses (fishing, swimming, etc.).		Addressed
14. Section D. Surface Water & Wetlands - Mitigation Measures – 1. - Page 50 of the DEIS includes a reference to the former		Addressed

SPDES General Permit for stormwater discharges from construction activity.		
15. Section D. Surface Water & Wetlands - Mitigation Measures – 2. - the applicant should identify the need to restrict use of salt or sand for road and parking areas snow removal.		Addressed
16. Section D. Stormwater Management – Existing Conditions - the applicant should identify the storm events utilized for the 1, 10, 25, 100, and 500 year storm events identified in Table 3.D.5.		Addressed
17. Section D. Stormwater Management – Existing Conditions - the applicant should identify the extent the resiliency study being conducted by Orange County is made available during preparation of the DEIS and FEIS this stormwater analysis will discuss recommendations of a study and the project’s consistency with same.		Addressed
18. Section D. Stormwater Management – Mitigation Measures - the applicant has incorrectly identified the SPEDES General Permit for general stormwater discharges from construction activities on page 53.		Addressed
19. Section E. Mitigation Measures - the applicant should identify any potential for reduction in water demand/sewer generation from the project including the use of low flow bathroom fixtures.		Addressed
20. Section F. Potential Impacts - the applicant should identify the existing pressures and availability of the existing water infrastructure to supply the required sprinkler flow and pressure.		Addressed
MHE SWPPP Comments 23 June 2023		
1. The Chambers practices in HydroCAD show the chambers as being up to nearly 875 feet in length. The provided Stormtech maintenance guide specifies that the max typical JetVac hose length is 400 feet, so it should be ensured that these chamber lengths will be able to be maintained. Additionally, it should be evaluated if the infiltration will occur uniformly at this length, as the water will have to flow over 400 feet through the chambers and gravel to reach the middle of the chambers.		Addressed
2. If the detention basins are not utilized for infiltration, it should be ensured that the lowest outlet is at the same elevation as the basin bottom so the basin does not maintain standing water.		Addressed
3. The GI Worksheets provided for the infiltration chamber practices do not account for the limited void space, this should be revised to ensure they are sized properly.		Addressed
4. It is noted that if 100% pre-treatment must be provided, a single isolator row may not be enough to meet the pre-treatment volume goal. Review and revise as necessary.		Addressed

<p>5. The proposed bioretention basins show outlets at 0.5' above the bottom of the basin. This would provide an average ponding depth of 0.25'. For the average ponding depth of 0.5' stated in the GI worksheets, the catch basins should be placed 1.0' above the bottom of the basin.</p>		<p>Addressed</p>
<p>6. It should be ensured that adequate soil tests are performed for each proposed infiltration practice. One deep and infiltration test per every 5,000 sf of practice area is required, with a minimum of four of each per practice.</p>		<p>Addressed</p>
<p>7. It is noted that all stormwater management practices should be accessible by vehicles as necessary for maintenance.</p>		<p>Addressed</p>
<p>8. The applicant should be aware of the Erosion & Sediment Control comments from Vice – Chairman Beaumont.</p>		<p>Addressed</p>

The above comments represent our professional opinion and judgment, but may not necessarily, in all cases reflect the opinion of the Planning Board. Please review your plans to reflect these comments with the understanding that further changes may be required. In all cases, the requirements of the Zoning Law and Subdivision Regulations shall be adhered to by the applicant and shall be shown on the plans. Where variances to the Zoning Law are required or where waivers from the Subdivision Regulations are needed, specific requests shall be made to the Planning Board for a waiver or for referral to the ZBA.

These comments are prepared based on the current zoning and subdivision regulation requirements. Any change in those regulations prior to final approval of these plans could require revisions beyond the scope of our existing comments. We hope that these comments are helpful to the Board in its review of this project. Should you have any questions, please don't hesitate to contact us.

Respectfully submitted,
MHE Engineering, D.P.C.



Shawn E. Arnott, P.E.
 Engineer for the Planning Board

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