



## MEMORANDUM

**TO:** Town of Montgomery Planning Board

**FROM:** Bonnie Franson, AICP CEP, PP

**RE:** **RDM Neelytown Business Park DEIS – Substantive Review**  
Neelytown Road & Beaver Dam Road, Town of Montgomery – SBLs 36-1-33/11.221/11.23/11.212/11.211/11.11/10.1 and 33-1-91

**DATE:** January 27, 2025

**CC:** Sue Hadden, Planning Board Secretary  
Rich Hoyt, Esq., Planning Board Attorney  
Shawn Arnott, P.E., Planning Board Engineer  
Jesse Cokeley, P.E., Applicant’s Engineer  
David R. Everett, Esq., Applicant’s Attorney

This memorandum provides substantive comments on the accepted Draft Environmental Impact Statement (DEIS) for RDM Neelytown Business Park.

### DEIS Comments

#### Cover Sheet, Table of Contents and Preliminary Information

Comment #	Page #	Comment
1.	TOC	The TOC appears to be missing the Air Quality Section heading.

#### Chapter 1: Executive Summary

Comment #	Page #	Comment
1.		Please describe specifics regarding ownership and location of water tower, access road on Project Site, easement, use of access road for emergency access.

#### Chapter 2: Project Description

Comment #	Page #	Comment
1.		Reference is made in the cultural resource report to there being a separate trailer storage area, separate and apart from the two warehouse operations. Please confirm whether this is proposed.

## Chapter 3: Existing Conditions, Environmental Impacts and Mitigation Measures

### A. Geology

Comment #	Page #	Comment
1.		No comments.

### B. Soils

Comment #	Page #	Comment
1.		No comments.

### C. Topography

Comment #	Page #	Comment
1.		No comments.

### D. Water Resources

Comment #	Page #	Comment
1.		What is the status of the Army Corps of Engineers PCN?
2.		Please indicate whether the project is subject to the new NYSDEC wetland regulations. If so, what consultation has occurred?
3.		The actual limits of the NYSDEC wetland should be shown. It has not been determined whether the improvements are within or outside the 100-foot adjacent area on the site plan sheets. Reference is made to the Environmental Resource Mapper, which is not "official".
4.		With regard to "A small wetland area on the eastern portion of the Site was determined to be isolated by the Project Sponsor's wetland expert and, as such, not subject to federal jurisdiction", there should still be an evaluation of the wetland, its characteristics, and whether it holds any value or potential regulation, e.g., is it a vernal pool, etc. The wetland survey and maps do not show the location of this isolated wetland and whether it can still be avoided. Any isolated wetland should still be shown on the existing conditions map for the project and impacts to it discussed.
5.		In reviewing the DEIS and the site plan, it does not appear that the layout or grading sheets actually call out and quantify the wetland area being disturbed. The DEIS states the disturbance is at the entry, but does not appear to show what is being filled in. Additional detail is needed.
6.		We raise a question as to whether wetland area is being filled adjacent to Warehouse 1 by the proposed access aisle. The wetland, as shown on the layout sheet, suggests the wetland has a linear shape up against the aisle, but a review of Sheet 2 of 42 indicates that the wetland area bows out, and the aisle may encroach into it.
7.		There should be a discussion of how much area exists between the edge of the wetland and the retaining wall to assess whether there is sufficient area to construct the wall without any encroachments. How will encroachments be avoided?
8.		It seems the Natural Resource Survey and the DEIS erroneously refers to the entire wetland complex on the site as a "red maple swamp" and

Comment #	Page #	Comment
		therefore minimizes its value. As per the NWI mapper, freshwater emergent wetlands, two open water ponds, stream, and forested wetland is present creating a diverse matrix which would be richer biologically.
9.		Is any increase in stormwater being directed toward the NYSDOT right-of-way? If so, has the NYSDOT reviewed the stormwater plans?
10.		The Orange County DPW has indicated a need for full depth shoulders along Neelytown Road. Does the potential exist to encroach into the wetland area to meet this design requirement?

#### E. Wastewater Management

Comment #	Page #	Comment
1.		Consider requiring a new "will serve" letter from the Town as the previous letter is dated May 30, 2021.

#### F. Water Supply

Comment #	Page #	Comment
1.		Defer to Planning Board engineer.

#### G. Traffic and Transportation

Comment #	Page #	Comment
1.		The FEIS should address any comments issued by the Orange County Department of Public Works.
2.		The layout routes all truck traffic through one single access drive – as designed, it does not appear to anticipate that any security booths or other security fencing or measures would be needed for any of the tenants. This should be confirmed.

#### H. Noise

Comment #	Page #	Comment
1.		Please confirm that the warehouses will not be refrigerated, as the noise analysis did not consider potential noise from that type of warehouse.
2.		Please address sound levels that will emanate from Warehouse 2 which would be directed toward the residential area to the north of I-84. The warehouse is on top of the hill, and vegetation and grading could direct noise toward this area.

#### I. Air Quality

Comment #	Page #	Comment
1.		The Scoping Document requires the following: Future PM 2.5 and PM10 levels will be <u>predicted</u> for the Proposed Action. This analysis was not performed. A generic discussion is provided as to why an analysis was not done, rather than calculating future PM2.5 and PM10.
2.		The Applicant should review the NAAQS PM standards that are referenced – they were updated in 2024, although this does not appear to have been captured in the analysis.

Comment #	Page #	Comment
3.		A discussion of how to control fugitive dust should be provided, given the significant amount of earthwork being conducted on this site.

#### J. Land Use and Zoning

Comment #	Page #	Comment
1.		Under Potential Impacts, need for editing of second sentence, "can range between"...
2.		Also under Potential Impacts, second paragraph, add "municipal" to water tank. And the final sentence should note that the existing roadway also runs within the Project Site, along its northern boundary.
3.		Provide more description of the water tower, owner and location, including location of access road on the Project Site, easement, use of access road for emergency access for the proposal.
4.		Small portion of land banked parking lot along Neelytown Road appears to be within 75' front yard and 50' rear yard setback. Also, an interior driveway also appears within the full length of the 50' rear yard setback. Is this permissible?
5.		When referring to Performance Buffering requirements, note the reason why the Proposed Action is grandfathered from compliance. Discuss buffering goal for Grade B buffers, as the proximity of the proposed warehouse use to the existing residences across Beaver Dam Road may possibly require Grade D buffer, which requires more substantial buffering.
6.		Note that the Town's 2021 Comprehensive Plan also recommends part of the site, along Beaver Dam Road, as Low Density Residential/Agriculture.
7.		In the last sentence of the first paragraph, please consider whether Proposed Action will enhance the value of the nearby properties, particularly the residential properties across Beaver Dam Road.

#### K. Utilities

Comment #	Page #	Comment
1.		Defer to Planning Board engineer.

#### L. Community Services and Facilities

Comment #	Page #	Comment
1.		Comments are needed from the Maybrook fire department as to their firefighting capabilities and access to the site.

#### M. Fiscal and Employment Impacts

Comment #	Page #	Comment
1.		We question the use of valuation of properties within the Village of Maybrook for evaluating the impacts of residential properties within 1/2 mile of the Project Site, as detailed in Appendix M, Appraisal Report. We consider the residential properties along Beaver Dam Road, directly across from the site, and residential properties to the north of I-84, as

Comment #	Page #	Comment
		more appropriate for discussions of impacts. Impacts will include visual impacts on properties and traffic impacts along Beaver Dam Road.
2.		We question the conclusion of no fiscal impacts to home values, particularly along Beaver Dam Road. These questions also relate to the conclusions as stated in Appendix M, Appraisal Report, which references property Values in the Village of Maybrook.
3.		While trucks are to be accessed from Neelytown Road, employee traffic will access the site from Beaver Dam Road, thus potentially incurring negative impacts on residential properties along that road. Impacts and mitigation discussions are needed.
4.		Were any discussions held with the IDA to determine the length of the PILOT or its structure? Is the time period for the PILOT accurate? Other warehouses with PILOTS have longer terms.

#### N. Cultural Resources

Comment #	Page #	Comment
1.		The mapped area of potential effect may not match the limits of disturbance that are identified on the plans – please check.

#### O. Visual Resources

Comment #	Page #	Comment
1.		The Scope required a discussion of a tree survey removal as per the site plan and subdivision requirements. An analysis and discussion are not provided in this section.
2.		The proposed project will be visible from Beaver Dam Road north of I-84. A field visit to the neighborhood during off-leaf conditions indicates that the warehouse on Lot 2 will be visible from the Tweddle and Pelton Farms and homesteads. A visual analysis of the impacts to these viewsheds is needed, and a discussion of landscaping to mitigate views on the north side of Lot 2 is needed. Very little landscaping is being installed along the northerly end of the building.
3.		As per the Scope, a more full and detailed discussion of lighting is needed. There is no summary and reference is made to the lighting plan. What are the ranges of footcandles? Since one of the buildings is elevated, what will be seen from the residential area north of I-84? What is the proposed kelvin value? What are the proposed mounting heights of the wall mounted lights and are they elevated enough to be visible to residential uses? A full discussion of impacts and mitigations, especially regarding the Lot 2 warehouse, is needed, in terms of its visibility and impacts to the residential neighborhood on the north side of I-84.
4.		The egress ramp going from Beaver Dam Road up to proposed Warehouse 1 is not discussed and is minimally shown on the proposed viewsheds. This ramp will be clearly visible from Beaver Dam Road and the nearby residences. We recommend some landscaping be proposed to screen the ramp, if possible.

Comment #	Page #	Comment
5.	Appendix K & 155	The proposed viewshed from Beaver Dam Road for Vantage Point 3 is not provided? Proposed conditions are not discussed in the document.

#### **P. Animals, Plants & Threatened and Endangered Species**

Comment #	Page #	Comment
1.		Please provide any comments and correspondence from the NYSDEC.
2.		Appendix I, Natural Resource Survey, indicates that 30 shagbark hickories will be planted as mitigation for removal of trees which are utilized by regulated bat species. No such plantings are provided on the landscape plan as per the Plant Schedule. Specifically: "The applicant is proposing to plant a minimum of 30 shagbark hickory ( <i>Carya ovata</i> ) trees, in open areas around the facility and along the proposed access road which, when mature, may be used as roost trees by Indiana bats." Please address.
3.		As a general comment, all of the mitigations in the Natural Resource Study need to be incorporated into the mitigations of the FEIS, e.g., addressing effects of dust, etc.

#### **Chapter 4: Adverse Environmental Impacts Which Cannot be Avoided if the Project is Implemented**

Comment #	Page #	Comment
1.		No comments.

#### **Chapter 5: Alternatives**

Comment #	Page #	Comment
1.		No comments.

#### **Chapter 6: Irreversible and Irrecoverable Commitment of Resources**

Comment #	Page #	Comment
1.		No comments..

#### **Chapter 7: Growth Inducing Aspects**

Comment #	Page #	Comment
1.		No comments.

#### **Chapter 8: Effects on the Use and Conservation of Energy Resources**

Comment #	Page #	Comment
1.		Is there any commitment to placing solar on the rooftop of the 825K building, at a minimum?

#### **Chapter 9: Climate Change**

Comment #	Page #	Comment
1.		Is there any commitment to placing solar on the rooftop of the 825K building, at a minimum?