Draft Environmental Impact Statement (DEIS)

Neelytown Business Park
Tax Lots 36-1-33, 36-1-11.221, 36-1-11.23, 36-1-11.212, 36-1-11.211, 36-1-11.1, 36-1-10.1, and 33-1-91
Town of Montgomery, Orange County, NY

State Environmental Quality Review Act (SEQRA)
Classification: Type I Coordinated Review

First Revision: September 3, 2024
First Public Hearing Date: December 9, 2024
Second Revision: November 6, 2024
Second Public Hearing Date: January 27, 2025
Last Revision: June 15, 2026
Adoption Date:
Report Submitted: March 28, 2025

Prepared for:

Neelytown BD Developers, LLC
PO Box 351
Monsey, NY 10952

Lead Agency:

Town of Montgomery Planning Board
110 Bracken Road
Montgomery, NY 12549

Colliers Engineering & Design
300 Tice Boulevard
Suite 101
Woodcliff Lake, New Jersey 07677
Main: 877 627 3772
Colliersengineering.com

Project No. 21000327A

Accelerating success.

Preparers:

Colliers Engineering & Design (Civil/Site, Traffic, Planning & Air Quality
300 Tice Boulevard
Suite 101
Woodcliff Lake, NJ 07677

Ostergaard Acoustical Associates (Acoustical)
1460 US Highway 9 North
Suite 209
Woodbridge, NJ 07095

Hudson Cultural Services (Archeological)
P.O. Box 124
Lagrangeville, NY 12540

Anderson Design Group (Architectural/Visual)
25 Wallkill Avenue
Montgomery, NY 12549

Ecological Solutions, LLC (Ecological/Environmental)
121 Leon Stocker Drive
Stratton, VT 05360

Partner, Engineering & Science, Inc. (Environmental Site Assessment)
362 5th Avenue
Suite 501
New York, NY 10001

Additional Preparers:

Kevin Patton, P.E. (Geotechnical
36 Patton Road
Newburgh, NY 12550

Whiteman, Osterman & Hanna (Legal)
One Commerce Plaza
Albany, NY 12260

Colliers
Engineering & Design

Neelytown Business Park

Draft Environmental Impact Statement (DEIS)

Project Name:	Neelytown Business Park
Project Location:	Neelytown Road & Beaver Dam Road Town of Montgomery, NY
Tax ID No.:	36-1-33, 33-1-91, 36-1-11.221, 36-1-11.23, 36-1-11.1, 36-1-10.1, 36-1-11.211, and 36-1-11.212
Project Sponsor:	Neelytown BD Developers LLC PO Box 351 Monsey, NY 10952 (845) 202-4900 Contact: Isaac Neuman
DEIS Prepared By:	Colliers Engineering & Design 300 Tice Boulevard, Suite 101 Woodcliff Lake, NJ 07677 (201) 775-1281 Contact: Justin Ferrazzano
Lead Agency:	Town of Montgomery Planning Board 110 Bracken Road Montgomery, NY 12549 (845) 457-2643 Planning Board Chair: Fred Reichle Contact: Suzanne Hadden, Planning Board Secretary
Scoping Outline Approved:	August 8, 2022
Date DEIS Accepted as Complete:	
Public Hearing Date:	
DEIS Written Comments Due:	

Colliers
Engineering & Design

Table of Contents

Figures & Tables

Formatted: Font:

Formatted: Font:

Formatted: Font:

Colliers
Engineering & Design

Appendix K | Visual
Appendix L | Utility
Appendix M | Community Impact
Appendix N | Air Quality

Colliers
Engineering & Design

Preliminary Information

A. General Guidelines

1. The DEIS will cover all items in the Final Scope and will conform to the format outlined in the Final Scope.
2. The document should be written in the third person. The terms "we" and "our" should not be used. Conclusions and opinions should be identified as those of "the Applicant" or "the Project Sponsor."
3. Narrative discussions should be accompanied by appropriate charts, graphs, maps, and diagrams whenever possible. If a particular subject matter can be most effectively described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site should include adjacent homes, other neighboring uses and structures, roads, water bodies and a legend.
4. Impacts should be described in terms which the layperson can readily understand (e.g., truckloads of fill and cubic yards rather than just cubic yards).
5. All discussions of mitigation measures will consider at least those measures mentioned in the Final Scope. Where reasonable and necessary, mitigation measures will be incorporated into the Proposed Action if they are not already included.
6. The DEIS may incorporate in the text or as appendices all or portions of other documents including studies and reports that contain information relevant to the Project Site. Portions of the Project Site have been studied in detail as part of other development projects.
7. The DEIS will discuss, where appropriate, all related short-term and long-term impacts, cumulative impacts and associated environmental impacts.

B. Brief Description of Proposed Action

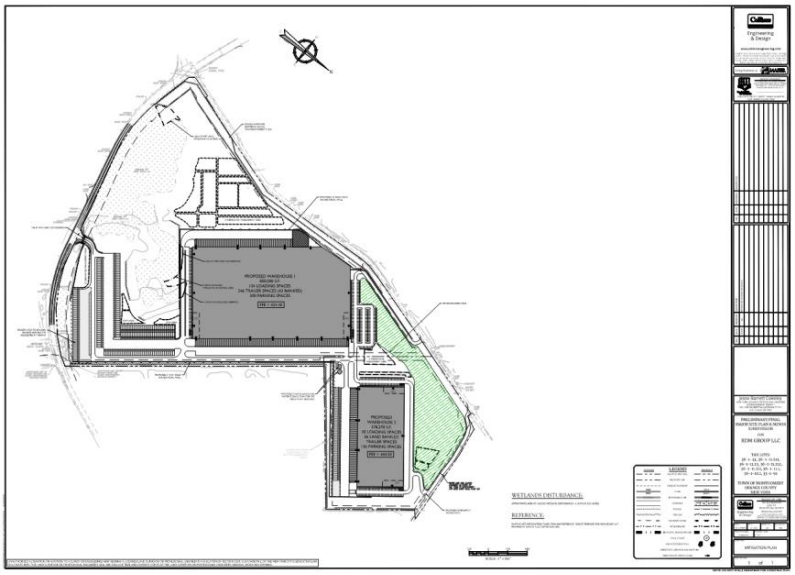
Neelytown BD Developers, LLC (hereafter, the “Applicant” or “Project Sponsor”) submitted a DEIS to the Town of Montgomery Planning Board (the “Planning Board”) for the Proposed Action on May 12, 2023, which was deemed incomplete on July 7, 2023. After consideration of the review comments and speaking with prospective tenants, the Project Sponsor reduced the Proposed Action from a three-building design to a two-building configuration. This design was circulated to the public by the Town of Montgomery on May 22, 2024, to inform them of the reduction in the number of buildings. The Project Sponsor received and reviewed written comments from the public until June 7, 2024, when the Public Comment period was closed by the Town. A Comparison Summary Matrix highlighting the improvements to the Proposed Action’s design has been provided within Appendix D.

The Proposed Action consists of two warehouses comprising a total of 1,128,270 square feet (“SF”) and related improvements on two new lots containing approximately 112.2046~~1~~ acres of land with frontage along Neelytown Road to the east and Beaver Dam Road to the west in the Town of Montgomery, New York (Tax Map Parcel number’s 36-1-33/11.221/11.23/11.212/11.211/11.11/10.1

and 33-1-91) (the "Project Site" or "Site"). The Proposed Action would consolidate the tax parcels comprising the Project Site and subdivide the lands involved into two lots, each with a warehouse and improvements including, among other things, accessory parking for employee vehicles and trucks, stormwater control measures, utility lines, dark-sky compliant lighting, signage, and landscaping. The Proposed Action would be serviced by Town of Montgomery Water & Sewer and Central Hudson Gas & Electric. Specifications for the two proposed lots and warehouses are as follows:

- Lot 1 would be a ±68.909.16-acre parcel (±85.3662 acres without reductions) with a ±850,000 SF warehouse containing 16,000 SF of office space ("Warehouse 1") as well as 134 loading spaces and 2456 overflow trailer storage spaces. Additionally, 210 standard spaces for warehouse use, 80 spaces for office use, and 10 ADA compliant spaces are provided; and
- Lot 2 would be a ±25.04-acre parcel (±26.83 acres without reductions) with a ±278,270 SF warehouse containing 8,000 SF of office space ("Warehouse 2") as well as 50 loading spaces and 56 overflow trailer storage spaces. Additionally, 110 standard spaces for warehouse use, 40 spaces for office use, and 6 ADA compliant spaces are provided.

Please refer to the graphic below for an overall layout of the site identifying key features that are intended to serve as mitigation.



C. SEQRA Positive Declaration and Scoping

On June 11, 2021, the Planning Board declared its intent to serve as lead agency for environmental review of the Proposed Action pursuant to the New York State Environmental Quality Review Act

(Article 8 of the New York Environmental Conservation Law) and its implementing regulations in 6 New York Codes Rules & Regulations (NYCRR) Part 617 (collectively "SEQRA"). A Notice of Intent to Establish Lead Agency was circulated to involved and interested agencies as required by SEQRA and, on July 26, 2021, after waiting the required 30 days and receiving no written objections from any agency, the Planning Board declared itself SEQRA Lead Agency on September 13, 2021. The Planning Board, acting as Lead Agency adopted a Positive Declaration on September 13, 2021, determining that that the Proposed Action had the potential to result in significant adverse impacts to the environment and requiring preparation of a Draft Environmental Impact Statement ("DEIS") for the Planning Board's review. The Planning Board's Positive Declaration found that implementation of the Proposed Action, when compared with the criteria listed in Section 617.7 of the SEQRA regulations, had the potential to result in the following significant adverse impacts:

- Impact on Traffic: The Proposed Action will substantially increase traffic above present levels. Access to the Project Site will be provided by Neelytown Road (truck traffic only) and Beaver Dam Road (employee vehicle traffic only).
- Impact on Land: The Proposed Action will involve the substantial physical disturbance of approximately 87.66 ~~6.08~~ acres of land.
- Impact on Stormwater: The Proposed Action will increase stormwater run-off and the potential for erosion and sedimentation into downstream water bodies.
- Impact on Visual Resources: Elements of the Proposed Action will be visible from nearby residential properties and from I-84, Neelytown Road and Beaver Dam Road.
- Impact on Noise: The Proposed Action may produce construction and operational sound that may exceed existing ambient noise levels on and around the Project Site as established by local or State regulation.
- Impact on Lighting: The Proposed Action may result in lighting brighter than existing area conditions.

Pursuant to SEQRA (6 NYCRR § 617.8), the Planning Board conducted scoping "to focus the EIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or not significant." Thereafter, the Applicant submitted a draft scoping document (the "Draft Scope") to the Planning Board, which the Board circulated to all involved and interested agencies for comment. On October 12, 2021, the Planning Board conducted a public scoping session at the Town Government Center on the Draft Scope and provided an opportunity for public comment on the document. The Planning Board also accepted written public comment on the Draft Scope until October 20, 2021. At its meeting held on October 25, 2021, after considering comments received from involved and interested agencies and the public, the Planning Board adopted a final scope for the DEIS for the Proposed Action (the "First Adopted Scope").

After the issuance of the First Adopted Scope in October 2021, additional properties were added to the Project Site and the Applicant revised the Proposed Action to construct a third warehouse on the overall Site. To ensure that the DEIS considered these changes and encompassed all of the potential impacts of the Proposed Action, as modified, on May 27, 2022, the Applicant submitted an amended

Draft Scope (the “Amended Draft Scope”) for Planning Board consideration. The Planning Board accepted written comment on the Amended Draft Scope until July 25, 2022. At its meeting held on August 8, 2022, after considering comments received from involved and interested agencies and the public, the Planning Board adopted an amended final scope for the DEIS for the Proposed Action (the “Adopted Scope”). This DEIS is intended to be consistent with the Planning Board’s Adopted Scope for the Proposed Action. The DEIS was then revised and resubmitted to the Planning Board around May 2023 as the Proposed Action scope had changed. The change included removing one of the warehouses from the project and shifting the parking areas and stormwater management areas to accompany the removal of one warehouse.

Pursuant to SEQRA, the Planning Board as lead agency must determine that the DEIS prepared by the Project Sponsor is adequate for public review and whether a public hearing should be held on the Proposed Action. Notice of completion of the DEIS and if a hearing is to be held must be provided in accordance with SEQRA requirements. Public comments on the DEIS will be accepted by the Planning Board in writing and at any public hearing that is held.

Within 45 days following any hearing on the Proposed Action or within 60 days of the filing of the notice of completion if a hearing is not held, the Planning Board must file and provide notice of a final EIS in accordance with SEQRA’s notice requirements (unless it has determined that the Proposed Action will not result in any significant adverse impact on the environment, in which case a Negative Declaration must be prepared). The Planning Board must wait at least 10 days before making any SEQRA findings or decision on the Proposed Action.

Before making any decision on whether to approve the Proposed Action under the Zoning Law, the Planning Board must make findings that:

(1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;

(2) weigh and balance relevant environmental impacts with social, economic and other considerations;

(3) provide a rationale for the agency's decision;

(4) certify that the requirements of this Part have been met; and

(5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.” See 6 NYCRR [insert section symbol] 617.11(d).

After making these findings, the Planning Board may decide whether to approve the Proposed Action pursuant to the Zoning Law. The DEIS dated 11/8/24 serves as the latest version of the document to address the comments by the Town of Neelytown and its review agencies so the DEIS can be accepted as final, and the Planning Board can approve the Proposed Action pursuant to the Zoning Law and collect the final SEQRA findings.

Chapter 1: Executive Summary

This summary will only include information found elsewhere in the DEIS and will describe the Proposed Action and identify any significant adverse impacts, the proposed mitigation measures, and the alternatives analyzed in the DEIS. It will also include a list of all required reviews and approvals from Town, County, State and Federal agencies.

A. Introduction

This DEIS has been prepared, in accordance with SEQRA, for applications by the Project Sponsor to the Planning Board for approvals to undertake the Proposed Action on the Project Site. Specifically, the Applicant seeks a special permit and site plan and subdivision approvals from the Planning Board for the Proposed Action. The Applicant's objective through the Proposed Action is to construct 1,128,270 SF of warehouse space in two warehouses of varying sizes on two lots.

The Applicant maintains that the Proposed Action would significantly contribute to the vision of positive and valuable industrial development in the Town of Montgomery and throughout the region. The Project Site is ideally suited for warehouse uses due to its location in a heavily developed General Industry (I-1) zoning district proximate to Interstate Route 84 ("I-84"), Orange County Airport and Stewart International Airport. This is an area where both Town and Orange County planning policies have specifically encouraged the type of development proposed by the Applicant. According to the Project Sponsor, the Proposed Action would result in the creation of many new jobs in the area, both directly and indirectly, and would generate substantial tax revenues for the Town, Orange County, and local school district in excess of the local service costs resulting from the Proposed Action.

Because of its location and design, the Project Sponsor submits that, from the reasonable alternatives considered in the DEIS, the new Proposed Action minimizes adverse environmental impacts to the maximum extent practicable consistent with the Applicant's reasonable objectives and social, economic and other essential considerations.

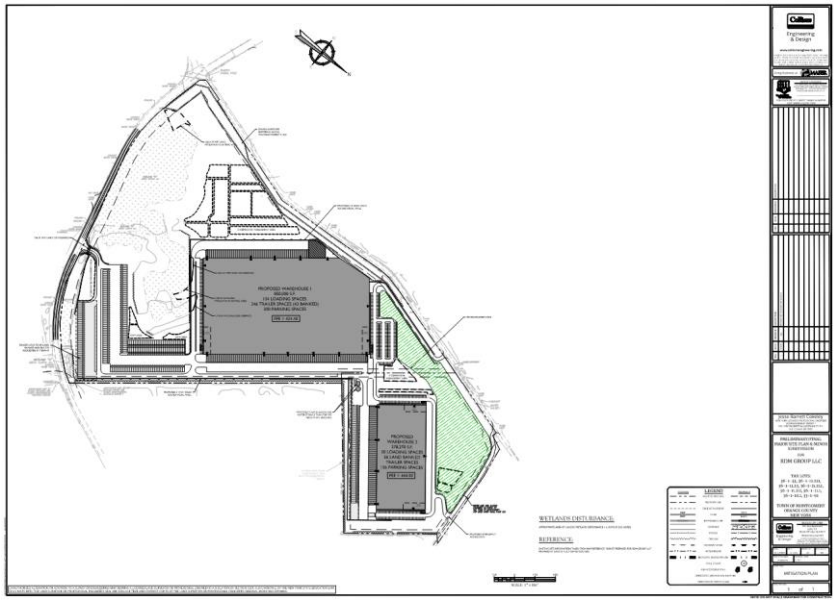
B. Proposed Action

The Proposed Action is for Planning Board approval of the development of two warehouses to be served separately by public water and sewer collectively comprising 1,128,270 SF located on separate lots involving approximately 112.2046 acres of land with frontage along Neelytown Road to the east and Beaver Dam Road to the west in the Town of Montgomery as follows:

- **Warehouse 1** on ±68.9069.16-acre parcel Lot 1 would consist of a single building containing ±850,000 SF of gross floor area, 300 passenger vehicle parking spaces, 134 loading docks, 2456 trailer parking spaces, stormwater management basins and improvements, accessory driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements.
- **Warehouse 2** on ±25.04-acre Lot 2 would consist of a single building containing ±278,270 SF of gross floor area, 156 passenger vehicle parking spaces, 50 truck loading docks, 56 trailer

parking spaces, stormwater management basins and improvements, accessory driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements.

Please refer to the graphic below for an overall layout of the site identifying key features that are intended to serve as mitigation measures.



The two intensive warehouses are anticipated to function independently within the definition of the term "warehouse" in the Town of Montgomery Zoning Law, including parking areas. No other principal uses or truck maintenance or repair services will occur. The proposed use will not expand to uses such as factory, truck terminal or other uses beyond the conventional definition of warehouse and/or distribution center. Separate water and sewer services will be provided for each of the two buildings, as well as separate electric and gas utilities. Cross-easements will be provided between Lots 1 and 2 for:

- Installation and repair of underground sewer and water lines;
- Installation and repair of underground electric and gas lines;
- Main driveway access onto Neelytown Road;
- Shared automobile access onto Beaver Dam Road;
- Shared emergency access driveway onto Beaver Dam Road; and
- Shared installation and maintenance of stormwater control facilities.

The Site has been reconfigured to present a more coherent and efficient design from both a planning as well as logistical and operational aspect. The previously proposed shared overflow trailer storage area has been eliminated and replaced with segregated trailer storage by lot, both of which include large, banked areas that will only be constructed if needed. The Proposed Action allows streamlined single access for trucks from Neelytown Road and majority access for passenger vehicles from Beaver Dam Road. Reducing the numbers of tenants and lots to two further reduces the various cross access agreements necessary and results in a shared "truck route" running along the FedEx parcel and a shared "passenger route" running along the rear of the berm.

C. List of Involved Agencies and Required Approval/Permit

SEQRA defines an involved agency as a local or state agency that has jurisdiction by law to fund, approve or directly undertake an action. If an agency will or may ultimately make a discretionary decision to fund, approve or undertake an action, then it is an involved agency notwithstanding that it has not received an application for funding or approval at the time the SEQRA process commences. The Lead Agency is also an involved agency.

The involved agencies for the Proposed Action are listed below:

1. Town of Montgomery Planning Board
2. Town of Montgomery Town Board
3. Town of Montgomery Building Department
4. Town of Montgomery Highway Superintendent
5. Town of Montgomery Industrial Development Agency
6. Orange County Department of Public Works
7. Orange County Health Department
8. New York State Department of Environmental Conservation (NYSDEC)
9. New York State Department of Transportation (NYSDOT)
10. United States Army Corps of Engineers (USACE)
11. Federal Aviation Administration (FAA)

D. List of Interested Agencies and Parties

SEQRA defines an interested agency as a local or state agency that lacks the jurisdiction to fund, approve or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the Proposed Action. An interested agency has the same ability to participate in the review process as a member of the public.

The interested agencies and parties for the Proposed Action are listed below:

1. Town of Montgomery Stormwater Management Office
2. Town of Montgomery Zoning Board of Appeals
3. Town of Montgomery Conservation Advisory Committee
4. Town of Montgomery Historian
5. Town of Montgomery Historic Preservation Committee
6. Town of Montgomery Engineer
7. Town of Montgomery Police Department

8. Orange County Planning Department
9. New York State Office of Parks, Recreation and Historic Preservation (SHPO)
10. US Fish & Wildlife Services (USFWS)
11. New York State Police
12. Coldenham Fire District
13. Orange County Sheriff's Department
14. Valley Central School District
15. Orange County Hazardous Materials
16. Town of Montgomery Volunteer Ambulance Corps
17. New York City Department of Environmental Protection
18. Coldenham Preservation & Historical Society
19. Central Hudson Gas & Electric

E. Summary of Potential Environmental Impacts and Proposed Mitigation Measures

The potential environmental impacts and mitigation measures associated with the Proposed Action are discussed in detail in Chapter 3 of the DEIS. Below is a brief summary of the potential environmental impacts and mitigation measures.

Geology

Some rock excavation may potentially be required on the southern end of the Project Site for construction of the proposed stormwater management facilities, however given a review of the geotechnical borings recorded in this area it is not anticipated. The potential excavation of this rock is not anticipated to require blasting. The process of excavating bedrock and moving soil throughout the Site will result in several soil stockpiles being placed throughout the Site; however, these soil stockpiles will be located away from property boundary lines and surrounded with silt fence to ensure the soil does not make its way offsite onto neighboring properties.

Based on the foregoing, impacts associated with the geology on Site will be minimal and have been mitigated to the maximum extent practicable.

Soils

There is potential for soil erosion and sedimentation associated with construction activities within the proposed 87.66 ~~6.08~~ acre limit of disturbance. Accordingly, a phased soil erosion control plan has been designed and will be implemented in accordance with applicable NYSDEC stormwater regulations and Town Enhanced Erosion and Sediment Control Guidelines.

Impacts to soils will be minimized through best management practices, erosion control measures, and sediment control measures undertaken both during and post-construction. To reduce and slow weathering, erosion, and surficial sloughing of temporary and permanent slopes, numerous erosion control measures will be implemented, as identified in Chapter 3B below and the Project's SWPPP and Site Plans (Appendices C and D). The erosion and sediment control measures will be designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.

Based on the foregoing, impacts associated with the onsite soils will be minimal and have been mitigated to the maximum extent practicable.

Topography

The Project Site has a combination of wetlands and areas of steep slopes. Based on the size of the proposed development, large areas of cut and fill are unavoidable for construction. The Proposed Action has been designed to work with the existing steep slopes on the site. This means 78% of the total disturbance for the Proposed Action will occur within existing areas that have a 0%-15% slope, 16% of the total disturbance for the site occurs within existing areas of 15%-25% slope and the remaining 6% occurs within existing areas of 25%-50% slopes. The location of Warehouse 2 in the northeast corner of the site will be built on an area with existing steep slopes. After Warehouse 2 is constructed, that area of existing steep slopes will be replaced with a level building designed around topography that allows for adequate drainage and safe operation. The Project Site will reduce the amount of existing steep slopes across the entire property and will redesign said areas, so no slopes are more 3:1 or 33%.

The Proposed Action has been designed to avoid the existing wetlands as much as possible. Berms are proposed to reduce the need for exporting significant amounts of soil off the Project Site. Proposed retaining walls and 3:1 slope grading reduce the total area of disturbance, including wetlands disturbance. Per the Cut Fill Exhibit in Appendix H, the building elevations were evaluated and revised throughout the design process to minimize the net cut-fill to the extent possible.

As there are locations within the proposed development that will either increase or decrease in grade by as much as 60 to 85 feet, impacts to the site topography will be significant. The largest area of these major grade changes is on the northern berm. The design intent of a berm requires additional fill on top of existing topography which means 60-85 feet of elevation must be accounted for in a small area. To mitigate the impact of such a large grade change, measures such as soil stockpiles will be used to separate soil areas and prevent erosion. Additional measures such as orange construction fences and bench areas will be used to ensure worker safety and reduce the impact of required soil. Several other approaches to soil erosion are outlined in the attached SWPPP and mentioned in the New York Standards and Specifications for Erosion and Sediment Control ("Blue Book") will be used to mitigate the impact of soil movement that occurs when creating a new topography surface across the site. The nearly completely balanced design of soil movement across the site will also help in mitigating soil movement to the maximum extent practicable.

Across the entire site there is a net fill of 860 cubic yards required to create the topographic design shown in the Grading & Drainage Plans of the attached Civil Site Plans. This additional soil will be imported to the site, however the soil that is cut from the site will be reused and recycled as fill to build land berms on the North, East, and West sides of the site and create the topographic design thus further mitigating impacts from soil movement operations.

Water Resources

Groundwater

The Proposed Action will connect to the Town of Montgomery municipal water supply system, and no groundwater or well use is proposed, therefore testing of groundwater quality is not applicable. The development of the Project Site will create additional areas of impervious surfaces, which will increase both stormwater runoff and the potential for erosion. Per the Groundwater Identification

Exhibit, in Appendix J, dewatering of the site is not anticipated to be necessary as the proposed grade will not disturb existing groundwater tables. While there is the potential that impacts from ice/snow treatment methods may occur, those would be mitigated with standard dewatering practices.

Various mitigation techniques identified by the DEC and NYS are proposed within the drainage facilities' design to reduce potential contamination sources caused by the Proposed Action. In addition, the Stormwater Pollution Prevention Plan ("SWPPP") will be implemented to treat stormwater runoff prior to recharge and will capture any potential erosion that could contaminate the groundwater. To prevent any potential impacts to the groundwater as a result of hot spot runoff which includes potential fuel and oil spills several pretreatment techniques are to be utilized as specified and required by the New York State Storm Water Management Design Manual (NYSSMDM). These could be fuel or oil spills during or after construction, however the systems outlined below will be used to treat said pollution concerns. Those techniques include grass filter strips where possible and where it is not possible a Manufactured Treatment Devices and basin forebays are proposed to capture all potential pollutants contained in the hot spot runoff prior to entering a stormwater system and ultimately being discharged from the system to infiltrate back into the ground and groundwater. As a result, no adverse effects are anticipated to the groundwater on the project site or town wells on adjacent sites across the roads surrounding it. Permeable areas, such as the wetlands, will be maintained and protected with silt fence, retaining walls, and additional measures to ensure there is no contamination and/or damage from the site's construction. The systems outlined above will be built and operational during the construction process and will remain operational post construction. Maintenance on the systems will vary depending on the system, but in general quarterly and yearly maintenance will ensure the proposed pre-treatment measures work properly, and address pollution concerns should a spill occur.

The primary method to treat snow will be to plow it to seeded lawn areas where it can naturally melt and be absorbed by the ground below. Ice removal and prevention will be accomplished by utilizing road salt while implementing best management practices to reduce potential impacts of salt as identified in the report by the Dutchess County EMC and the Cary institute of ecosystems studies entitled "road salt, the problem, the solution, and how to get there (2010)." Refer to the SWPPP for more information. Salt notes were also added to Sheet 7 of the plan set describing the procedures to be used on site.

Considering a 20% reduction for installation of water-saving plumbing fixtures, the estimated wastewater demand is 4,164 GPD. Collection of the flows from the Project Site are proposed by a combination of a pumped and gravity sanitary sewer system. Due to the existing force main within Neelytown Road, pump stations will be required to provide sewer service for the proposed development. The pump stations and force mains will convey sewage flows from the Project Site to proposed sanitary manholes east and west of the Site along Neelytown Road. Wastewater from the Proposed Action will be discharged to the public wastewater treatment plant, so no impacts from wastewater will occur. Similarly, the Proposed Action will use public water, so no wells for water supply purposes will be constructed. The (7) existing private wells on the Project Site will be properly abandoned in accordance with applicable standards. The existing wells, underground storage tanks, and septic systems identified in the Environmental Site Assessment are to be capped and

decommissioned in accordance with DEC and NYS regulations. Refer to Appendix J, Environmental Site Assessment, for additional information.

Based on the foregoing, impacts from the Proposed Action on groundwater will be minimal and have been mitigated to the maximum extent practicable.

Surface Water and Wetlands

The proposed disturbance excludes all but approximately 0.209 acres of the federal and state regulated wetlands on the Project Site and approvals for this wetland disturbance are being sought from the United States Army Corps of Engineers ("USACE") and the New York State Department of Environmental Conservation ("NYSDEC"). In addition to the wetland disturbance, RDM's application to NYSDEC also includes the proposed disturbance of ±3.517 acres of the state-regulated 100-foot adjacent area of the wetlands on the Site. NYSDEC has confirmed the updated delineation of the wetlands on the Project Site through a jurisdictional determination dated January 1, 2025, both of which are included in Appendix X to this FEIS. Mitigation of the wetland disturbance is proposed by the applicant to be provided through the creation of functionally equivalent wetlands on a 2:1 ratio, resulting in nearly 0.5 acres of new wetlands elsewhere on the Project Site. An application to NYSDEC for these wetland and adjacent area impacts is being prepared for submission pursuant to Article 24 of the Environmental Conservation Law. In addition, an updated Pre-Construction Notification is being submitted to USACE for coverage of the impacts and proposed mitigation under Nationwide Permit ("NWP") #39. Neither agency has indicated any major issues with the proposed impacts or mitigation that would materially affect the layout of the Proposed Action, and it is anticipated that any conditional approval of the Proposed Action would require issuance of the NYSDEC permit as well as federal coverage under NWP #39 as contemplated by the Final Scope.

~~The Proposed Action will result in the minimal disturbance of approximately 10,195 SF (±0.23 acres) of federally regulated wetlands associated with the driveway access for the Project Site. Coverage of this disturbance will be obtained from the United States Army Corps of Engineers ("USACE") under federal Nationwide Permit ("NWP") #39 for minor wetland disturbances associated with Commercial and Industrial Developments. Mitigation of this minor wetland disturbance under NWP #39 will require the creation of functionally equivalent wetlands on a 2:1 ratio, resulting in nearly 0.5 acres of new wetlands elsewhere on the project site after USACE approval of the mitigation plan. There are no designated surface waters or wetlands regulated by the New York State Department of Environmental Conservation ("NYSDEC"). The Proposed Action avoids any impacts to the 100-buffer on the project site for the NYSDEC-regulated wetland on the opposite side of Neelytown Road, so no wetland permit is required from NYSDEC. 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. This determination by the Project Sponsor's wetland expert will be reviewed by USACE through its review of the application for coverage under NWP #39.~~

Commented [PV1]: This is no longer accurate and needs to be updated based on new regulations and status of DEC J review. .

Commented [JW2R1]: Coordinate with MN and JF

Stormwater runoff from the Proposed Action has the potential to result in indirect impacts to downstream surface waters, during and after construction, if stormwater is not properly managed and treated on the site. To mitigate potential stormwater impacts during construction and post-construction, green infrastructure and stormwater management practices will be implemented in accordance with the SWPPP.

The Proposed Action has been designed to avoid and minimize impacts to wetlands and offsite surface waters as much as possible. Wetlands disturbance has been minimized to the maximum extent possible. As discussed further below with respect to Stormwater Management, no direct discharges to wetlands are proposed and onsite drainage patterns and flows have also been maintained to mimic existing conditions. Indirect impacts to downstream surface waters will be avoided through implementation of the Proposed Action's SWPPP.

Stormwater Management

The Proposed Action will create an impervious area of approximately ±51.91 acres, resulting in potential impacts from erosion and other sources of contamination such as oil spills due to proposed truck traffic that have the potential to enter the groundwater if it is not properly collected and treated.

To minimize the amount of stormwater generated by the Proposed Action and to ensure that it is treated to protect water quality, the Project Sponsor has prepared a SWPPP designed to conform to the requirements of the current GP-0-20-001 SPDES General Permit for Stormwater Discharges from Construction Activity as set forth by NYSDEC. This SWPPP provides details on the various forms of pretreatments proposed to prevent groundwater pollution. These pretreatment methods include grass filter strips, basin forebays and manufactured treatment devices. In review of the Orange County Climate Resilience Study, there is no indication that the subject site will be impacted by heavy precipitation, extreme heat, extreme storms and/or inland/coastal flooding as identified as the areas of concern illustrated in the Resilience Study. During construction, all activities will be performed in accordance with New York State Standards and Specifications for Erosion and Sediment Control as outlined in the SWPPP. Post-construction, the collection and treatment of stormwater will be undertaken in accordance with the approved SWPPP.

Based on the foregoing, all potential impacts from the Proposed Action on stormwater will be mitigated to the maximum extent practicable.

Traffic and Transportation

The Proposed Action will generate additional truck and passenger vehicle trips that will use the existing road network in the vicinity of the Project Site, generally described as NYS Route 416 to NYS Route 208's intersection with I-84 along Neelytown Road and along Beaver Dam Road from its intersection with Neelytown Road north.

At the intersections reviewed in this area, after construction the Proposed Action is not expected to have significant adverse impacts on traffic (I.e., cause significant traffic delays) so long as recommended signal timing adjustments are made to the lights at certain intersections as mitigation for the Proposed Action. The analysis considered not only the traffic from the Proposed Action, but also traffic from other anticipated developments in the area and a natural increase in traffic over time. Further, to provide a conservative analysis, the traffic estimated to be generated by the Proposed Action was potentially twice what will likely occur.

In addition, the proposed Site driveways are not expected to significantly impact the area roadways or its traffic operation. The Site driveways will require minor improvements to Neelytown Road.

Furthermore, the proposed segregation of passenger and trucks throughout the Project Action's internal circulation will assist in mitigating any confusion or potential hazard for drivers that could be expected with intermingling vehicle types.

Based on the foregoing and the traffic study in Appendix E, with the proposed mitigation in place the Proposed Action is not expected to significantly impact traffic or transportation.

Noise

Short term noise associated with construction of the Proposed Action, and long-term noise from Site traffic and Heating, Ventilation, & Air Conditioning (HVAC) equipment is anticipated and has the potential to affect the three nonconforming residences on the opposite side of Beaver Dam Road as well as at nearby residential zones, approximately 600 feet to the north, and 2,000 feet to the southeast.

During operations, distance, site geometry, and a proposed noise control barrier will sufficiently attenuate onsite HVAC and vehicle noise so that the project will fully comply with the Town's Noise Law limits by a wide margin at all receptors. In addition, average sound levels generated by the Proposed Action will have no negative effect on the surroundings as compared to existing average ambient conditions based on NYSDEC noise guidelines. I-84 and Neelytown Road provide the primary sources of existing noise for the immediate surrounding area including the three nonconforming residences on Beaver Dam Road. Through the design of the Proposed Action and proposed mitigation, the average noise levels identified in Appendix G will not differ from what they experience in the absence of the Proposed Action. Additionally, in response to comments received, the applicant has agreed to implement "shushers" to minimize potential noise impacts.

Based on the design of the Proposed Action and the proposed noise control barrier, no significant adverse impacts from noise are expected from the Proposed Action.

Air Quality

Onsite air sampling for PM2.5 and PM10 has been conducted to establish baseline emissions data within the Project Site. An analysis of the baseline emissions data as well as the results have been added to Appendix N. In general, the Project Site is not anticipated to adversely impact background air quality conditions based on the lack of long-term emissions originating from site operations and a review of traffic data. Based on surrounding facility information, it is unlikely that air pollution (above background levels) and associated odors will occur and affect the Project Site.

Some impacts to air quality may occur during demolition of residences where asbestos-containing materials (ACMs) were identified. Proper notification, removal, disposal, and clean up procedures for ACMs will be implemented in accordance with State law. Based on the foregoing, impacts to air quality are minimal and will be mitigated to the maximum extent practicable.

Land Use and Zoning

The Proposed Action is consistent with the existing and planned commercial and industrial character of the area where the Project Site is located. Both the Town and the County have identified the area where the Project Site is located as suitable and desirable for industrial development because of the job and economic benefits to the community a development such as the Proposed Action will

provide. The subject site is in the I-1 District (General Industry). The Proposed Action complies with all applicable zoning bulk regulations, as well as the specific special permit standards for intensive warehouses. The water tank, water line, and access easements north of the site will remain undisturbed.

Existing land uses on the south side of I-84 where the Project Site is located are dominated by warehouse and distribution facilities along Neelytown Road to the east and the west. To the west of the Project Site on Beaver Dam Road, there are three residential properties that are non-conforming uses in the I-1 district and that border an existing warehouse to their west.

Per the Zoning Map and Surrounding Land Use Map within Appendix M, the land uses on the north side of I-84 are zoned for agricultural and residential uses. Agricultural uses generally front I-84, with residential uses behind them. The highway corridor, topography and vegetation act as a barrier between land uses on the two sides of I-84. The municipal water tank, water line, access easements, and propane facility located to the north of the site will remain undisturbed.

Distance, topography, proposed berms, a sound wall, and robust landscaping will minimize visual and noise impacts to the three existing nonconforming residences across Beaver Dam Road from the Project Site. In addition, all lighting at the Project Site will minimize light pollution and avoid light trespassing onto adjacent properties.

The Proposed Action, involving the construction of two intensive warehouses on the Project Site, is allowed in the I-1 district subject to a Special Permit and is designed to comply with the Town of Montgomery's Zoning Law, including its applicable bulk and dimensional requirements. See Figure 3.J.2 below. The Project Site is also located in the Airport Overlay Zone and, accordingly, a note is provided on the subdivision map for the Proposed Action as required by Town of Montgomery Code § 200-21(N).

The Proposed Action is grandfathered from compliance with the performance buffering requirements adopted by the Town of Montgomery in Local Law #13 of 2022 (Zoning Law § 235-11.9), however, the Proposed Action includes the proposed retention of as much existing vegetation on the Site as possible, berms and walls and fences, and robust landscaping to lessen the visual impacts of the Proposed Action from public roads. Additionally, distance and topography will contribute to the reduction of potential visual impacts.

As demonstrated throughout the DEIS, the Proposed Action complies with the General Standards for issuance of a Special Permit set forth in Zoning Law § 235-15.4. Specifically, the Proposed Action:

- Will be in harmony with and promote the general purposes and intent of Zoning Law §§ 235-2(A),(C), (D),(G) and (H);
- Is located on a Project Site that is sufficient, appropriate and adequate for intensive warehouses and the reasonably anticipated operation thereof;
- Will not prevent the orderly and reasonable use of adjacent properties in the surrounding I-1 district;

- Will be undertaken on a Project Site that is particularly suitable for the location of intensive warehouses due to its location in the I-1 district surrounded by existing warehouse uses with nearby access from Neelytown Road to I-84;
- Will not be located near a church, school, theater, recreational area or other place of public assembly;
- Will involve uses that comply with the Zoning Law definitions of "warehouse" and "intensive warehouse;"
- Will provide access facilities that are adequate for the estimated traffic using Neelytown Road and for the estimated automobile traffic using Beaver Dam Road so as to assure the public safety and avoid traffic congestion. All of the Proposed Action's entrances and exits will be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection;
- Will provide off-street parking and truck loading spaces in compliance with Zoning Law § 235-12 and sufficient for the proposed uses, and will further provide a layout and driveways conducive to convenient and safe operation of the Proposed Action;
- Will provide adequate buffer yards and screening where necessary to protect adjacent properties and land uses consistent with what is to be expected in the I-1 district for similar uses along I-84 and Neelytown Road. Further, the Proposed Action will provide robust landscaping, site grading and fencing to buffer and screen the warehouses from the three remaining non-conforming residential uses along Neelytown Road;
- Will make provision for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse or other waste through a SWPPP, connection with the municipal wastewater treatment system and compliance with applicable legal requirements, respectively; and
- Will comply with the further specific conditions and safeguards required for intensive warehouse uses in Zoning Law § 235-15.4(C)(47), as set forth below.

Zoning Law § 235-15.4(C)(47) provides special conditions and safeguards for intensive warehouses that the Proposed Action will substantively achieve as follows:

- *"Loading bays may not face street frontage areas, except where buffers with an opacity of 90% are provided along the street frontage consistent with § 235-11.9 (Performance buffering)."* Zoning Law § 235-15.4(C)(47)(a).

  The Proposed Action's loading bays do not directly face either Neelytown Road or Beaver Dam Road, but will meet the performance goal of 90% opacity from those roads based on distance, site grading and berms, a 15' sound barrier and proposed landscaping intended to provide significant screening of the proposed warehouses from those roads;
- *"Truck storage, parking or running areas shall not be located within 500 feet of a residence located in a zoning district which permits residences as a use-by-right or by special use permit or*

300 feet from the lot on which the residence is located, whichever is less restrictive." Zoning Law § 235-15.4(C)(47)(b).

None of the Proposed Action's "truck storage, parking or running areas" are located within 300 feet of a lot in a zoning district "which permits residences as a use-by-right or by special use permit." Residential uses are prohibited in the I-1 district where the Project Site is located, and the three residences located along Beaver Dam Road are non-conforming residential uses in the I-1 district. Warehouse #2's truck storage, parking and running areas are more than 500 feet from any residence and more than 300 feet from any lot on which a residence is located on the opposite side of I-84, where the zoning district permits residential uses.

- *"Truck terminals and intensive warehouses shall be located on lots in excess of five acres in area."* Zoning Law § 235-15.4(C)(47)(c).

  Both of the proposed lots to be created through the Proposed exceed the 5-acre minimum lot size for intensive warehouses, with Lot 1 comprising 68.90~~69.16~~ acres and Lot 2 comprising 25.04 acres after application of the lot reduction calculations provided by Zoning Law § 235-11.2(B).

- *"Buffers shall be provided in conformance with § 235-11.9 (Performance buffering)."* Zoning Law § 235-15.4(C)(47)(d).

  As noted above, the Proposed Action is not required to comply with the Performance Buffering requirements of the Zoning Law, however, through a combination of site grading, fencing and landscaping will meet the otherwise applicable Performance Buffering goal for Grade B buffers, which "are intended to provide significant visual screening for persons standing at grade in proximity to the property line, and modest screening from more distant or elevated viewpoints." Zoning Law § 235-11.9(H)(3)(b).

The Proposed Action is designed to comply with the Required Site Plan Procedure and Standards provided in Zoning Law § 235-16.5. Specifically, based on consultation with the Town's lighting consultant, the Proposed Action will provide sight lighting that will "avoid light pollution that would cause glare, up-cast lighting or sky glow," "avoid nuisance light spillover or glare affecting nearby properties or traffic," and "distribute light levels more uniformly across" the Project Site. Zoning Law § 235-16.5(C)(1). Further, the Proposed Action will only have one access driveway on Neelytown Road and two access driveways on Beaver Dam Road to: (1) "avoid a proliferation of curb cuts onto existing arterial/collector roads;" and (2) "protect traffic safety and operating levels of service on existing and proposed arterial/collector roads." Zoning Law § 235-16.5(C)(2). In addition, the Proposed Action is designed to be consistent with the site layout and utility provisions of Zoning Law §§ 235-16.5(C)(3),(7), will follow the architectural design review process of Zoning Law § 235-16.5(C)(5) and does not involve any proposed signage. Finally, the Proposed Action must and will comply with the site plan standards provided in Zoning Law § 235-16.5(C)(8) due to its location within 250 feet of Neelytown Road, which is a county highway (Orange County Route 99).

To further enhance the consistency of the Proposed Action with community character, an architecturally appealing building design which is more representative of a high-tech R&D

production facility than a warehouse is proposed. The use of diverse, earth-tone colors will make the building more visually appealing when viewed from public locations, particularly along Beaver Dam Road.

Based on the foregoing, impacts from the Proposed Action on land use and zoning are minimal and have been mitigated to the maximum extent practicable given the Applicant's reasonable objectives.

The existing water tower structure is owned by the Town of Montgomery and is approximately 1,000 ft. north of the northern property limits and thus not at risk for any potential undermining due to grading on the project site. The existing access roadway and easement that leads to the water tower will have similar grades or be filled upon and thus not be at risk to impact emergency access.

Utilities

The Proposed Action will result in an increased demand for drainage, water, sewer, electric, gas, and telecommunication facilities. The Proposed Action would be serviced by Town of Montgomery Water & Sewer and Central Hudson Gas & Electric. The Proposed Action will include underground connections to these utilities. Therefore, no potential impacts have been identified and no mitigation measures are proposed.

Community Services and Facilities

The Proposed Action will result in an increased demand for Community Services and Facilities. Chief John Hank of the Town of Montgomery Police anticipates an increase of 75 to 100 calls per year resulting from the proposed development, which he indicated would not unduly burden the existing force. Kyle Shorette, President of the Town of Montgomery Ambulance did not indicate that there would be an increase in required services associated with the proposed development. It was discussed that the call volume for the Town of Montgomery and incorporated villages is 2,500 calls per year. Commercial calls make up 20 percent of the call volume.

The Proposed Action will be designed to accommodate all emergency service needs, including EMS equipment. There are two proposed standard ingress/egress driveways and one emergency access driveway that are designed to safely and effectively allow all emergency vehicles, including ambulances, to access each building on the Project Site.

Regarding police services, the parking lot, pedestrian walkways, driveways, building main entrances, trailer parking, and loading dock areas will be well lit for safety and security purposes. Future tenants may install additional security measures, including security fencing, gates and lighting, to further reduce the demand for police service.

For fire protection, the Project Site will have well-labeled sprinkler and standpipe connections on the outside of the warehouse building. Onsite fire hydrants will be located to avoid unnecessary hose lays that may block other fire apparatus from setting up at the scene. Direct access has been provided to each building at almost every facade to ensure that the proper fire apparatus can access the buildings from all points. Large, paved surfaces around the warehouse buildings will ensure safe operation of aerial fire apparatus, including outriggers. Proposed access driveways are designed to accommodate emergency vehicles and provide access around almost every facade of both buildings. Each building will be designed with a full Early Suppression Fast Response (ESFR) sprinkler

system and contain fire alarms designed in accordance with the National Fire Alarm Code and the National Electric Code. A monitoring service will be connected to the fire alarm system to notify the fire department. Horns and strobe lights will be provided throughout the building.

The proposed S-1 storage (storage for moderate hazardous products) use is not anticipated to require any significant safety equipment other than standard personal protective equipment (PPE). There will not be any hazardous materials on site.

Based on the foregoing, impacts from the proposed action on Community Services will be minimal, and all impacts have been mitigated to the maximum extent practicable.

Fiscal and Employment Impacts

Neelytown Road is located in the heart of the Hudson Valley, with approximately a regional population of 2.4 million people. The region is highly educated, with 90% of people are high school graduates, 23.80% of people have a bachelor's degree, and 21.37% have a master's degree. Of that population, 576,587 people are between the ages of 25 to 44 years old – prime labor/workforce age. Our regional employers are supported by the 30+ colleges and universities that support the success of the Biotech/Life Science, Food/Beverage, Healthcare, and Advanced Manufacturing sectors. This project will create jobs for local town residents, but also for residents along the 84 corridor that can easily access the site. More specifically, the Proposed Action represents an investment value of $126,546,763 and would provide an estimated 898 new jobs, as well as provide a number of substantial economic benefits to the local economy of the Town of Montgomery, including "one-time impacts" and "ongoing impacts." It is estimated the Town would experience a tax surplus of approximately $426,000 and the municipal school district would experience a surplus of approximately $2 million. By comparison, the anticipated cost of local services to the community would be minimal. Accordingly, no significant adverse fiscal and employment impacts are expected, and no mitigation is proposed. Within Appendix M, the Community Impact Statement contains a thorough analysis of the tax revenue assumptions and impacts of the proposed development. Additionally, a PILOT is discussed within the Community Impact Statement. A PILOT is a mechanism under which IDAs offer eligible businesses phased-in taxes for a specified time period as an incentive to locate in its jurisdiction. While a PILOT is not being pursued at this time, the Applicant is reserving the potential. The following is a summary of if a PILOT is pursued. The existing assessed value of $844,400 is subtracted from the proposed equalized assessed value of $62,007,913.87, which results in an increase assessed value of $61,163,513.87.

In summary, the proposed warehouse will provide a number of significant benefits to the local economy. These benefits can be categorized as "one-time impacts" or "ongoing impacts." One-time impacts usually occur during the construction phase and include the jobs, wages and services associated with the actual construction of the development. One-time revenues to the Town include building permit, utility connection and other fees. The ongoing benefits are the economic benefits to local providers of various goods and services and their employees. This project as proposed will have a positive ongoing impact on the current tax base for the Town of Montgomery by generating a surplus in total tax revenues. Additionally, there will be no substantial impact on population, schools, community facilities or municipal services.

Cultural Resources

There are no significant archaeological sites or historic structures within or adjacent to the Project Site, so no impacts to those resources will occur. Accordingly, no mitigation measures are required to minimize or avoid potential impacts to Cultural Resources resulting from the Proposed Action.

Visual Resources

The Proposed Action will result in visual impacts from vantage points along Beaver Dam Road and Neelytown Road that will be minimized by distance, topography, site design, landscaping and other mitigation measures proposed by the Project Sponsor. After the establishment of proposed landscaping, the Proposed Action will be partially visible from Neelytown Road during leaf-off conditions but will be consistent with or more attractive than other buildings located along the Neelytown Road commercial/industrial corridor. Visual impacts to surrounding areas will be consistent with other similar neighboring industrial properties and will be further minimized during leaf-on times of the year. The Proposed Action will not be visible from any officially designated federal, state, or local scenic or aesthetic resource, nor will it impact any officially designated scenic views.

To mitigate visual impacts from the Proposed Action, a comprehensive landscaping plan is proposed. The Proposed Action's landscaping plans include a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species. Additional densely planted coniferous landscaping is proposed along Beaver Dam Road. to soften the visual impacts of the Proposed Action from the road and residences.

In addition, visual impacts to surrounding areas along much of Beaver Dam Road will be minimized by distance, topography, site grading, a wooden sound wall, and dense coniferous landscaping.

Finally, to further reduce potential visual impacts, a lighting plan has been designed in consultation with the Town's lighting consultant. See Site Plans in Appendix D. All lighting at the Project Site will minimize sky glow and light pollution and avoid any light trespassing onto adjacent properties.

Animals, Plants, and Threatened and Endangered Species

Earth movement, heavy machinery operations, construction, drainage pattern alterations, increased impervious areas, traffic pattern changes, and increased human activities associated with the Proposed Action will cause impacts to vegetation, cover types, and wildlife.

Tree clearing activities, noise and dust generated by construction equipment, stormwater runoff, lighting, and increased human activity may cause adverse impacts on the Indiana and Northern long-eared bats, both federally designated Endangered Species.

To mitigate potential impacts to the Indiana and Northern long-eared bats, the Proposed Action will only involve minimal disturbance to the nearly 14 acres of federally regulated wetlands on the Project Site, which can potentially be used by bats as foraging and travel corridors. Site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and which are designed to not interfere with potential bat foraging activities. In addition, the Project Sponsor will implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-

tracking pads to prevent erosion and sedimentation to surface waters. All tree clearing activities will occur between October 1 and March 31 when bats will be in hibernation offsite. Forest areas impacted by the development will not be fully replaced but will be enhanced by revegetating corridors with native plant material. An additional Forest Patch Preserved exhibit map has been added to Appendix I highlighting the preserved microhabitat area dedicated to the surrounding wildlife. Prior to clearing, the limits of proposed clearing will be clearly demarcated on the Site with orange construction fencing (or similar) to prevent inadvertent over clearing of the Site. Stormwater ponds will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed. With these mitigation measures in place, impacts to the Indiana and Northern long-eared bat will be mitigated to the maximum extent practicable.

The temporary displacement of wildlife is a short-term impact that will occur during construction. Impacts from habitat and forest fragmentation can be minimized by maintaining corridors between natural habitat areas. The wetlands on the Site will be preserved to provide year-round habitat for most of the species located there, and will be surrounded by adjacent upland habitat, together comprising ±18.14 acres of habitat. See Appendix I, Corridor Identification Exhibit. The Site will continue to be "connected" to adjacent properties so that a potential wildlife migratory route remains. An additional Forest Patch Preserved exhibit map has been added to Appendix I highlighting the preserved microhabitat area dedicated to the surrounding wildlife.

General reptile microhabitat requirements that will remain intact on the Site in the area shown on the Corridor Identification Exhibit include:

- Woody debris (standing and down);
- Small open patches for basking, mixed with well shaded areas during drought periods;
- Undisturbed areas in and around wetlands for feeding and breeding; and
- Access to safe den areas.

Although not required under federal or state law, the Applicant will mitigate impacts to the Monarch Butterfly caused by destruction of habitat by including Common Milkweed (Asclepias syriaca) in the project Landscape Plans as part of the revegetation for the site.

Impacts to other vegetation will be minimized by establishing undisturbed, naturally vegetated zones demarcated on fields by orange construction fences. It will also be minimized by clearing only necessary areas within the limit of disturbance. Nearly 8 acres of forested areas will be retained, and other upland forest areas impacted by the development will be enhanced by way of revegetating corridors with native plant materials. Native planting will provide some habitat and food source to wildlife.

Based on the foregoing, all potential impacts to plants and animals, including threatened and endangered species potentially located onsite have been mitigated to the maximum extent practicable.

Chapter 2: Description of Proposed Action

A. Project Purpose, Need, and Benefits

This chapter describes the public need for the Proposed Action, the objectives of the Project Sponsor, and benefits of the Proposed Action. This DEIS has been prepared in support of a proposed warehouse use which is permitted by special permit on the Project Site, adjacent and proximate to other commercial and industrial facilities on both sides of the Site. Its location along highly traveled I-84 and proximity to the interstate's interchange with Neelytown Road, along with nearby access to I-87, makes the Proposed Action very attractive to high quality tenants that serve the New York and northeastern region as well as the Pennsylvania and New Jersey region.

The Project Sponsor is an experienced warehouse developer and is very familiar with the warehouse and distribution center market. There is a continuing, significant demand for more warehousing and distribution centers in the country, specifically in the New York and northeastern regions. The COVID-19 pandemic further increased the need for warehousing and distribution facilities with the shift to shopping via e-commerce and reduction in storefronts.

The Proposed Action has been specifically designed by the Project Sponsor to meet a widespread industry need for mid-sized warehouses. The Project Site and Proposed Action are perfectly suited to meet real time market needs, and the proposed warehouses are expected to attract high quality potential tenants once approvals are obtained.

Importantly, due to the significant requirements associated with acquisition of the Project Site, consulting fees, permitting costs related to the DEIS process, and anticipated construction costs, the Project Sponsor maintains that cumulative warehouse space below the amount included in the Proposed Action would not be practical on the Project Site. It is the Project Sponsor's position that in order to obtain a reasonable return on the costs of developing the Project Site with warehouses, given those substantial development costs, at least 1,128,270 SF of warehouse space is required. A reasonable return will be required in order for the Project Sponsor to obtain financing for the development of the Proposed Action from financial institutions and/or investors. Furthermore, the size of the warehouses proposed, and the Proposed Action's overall square footage are based on the Project Sponsor's internal assessment of current and future market needs intended to attract the interest of the maximum number of potential tenants. Any alternative below the Proposed Action's minimum square footage would not be practical for development and operation. This would drive away tenants and prevent the project from moving beyond the design stage. The business of the Proposed Action from the construction stage to the operation stage will bring in hundreds of jobs to the area and will benefit the local economy for many surrounding businesses. For these reasons, the Project Sponsor maintains that the Proposed Action reflects the minimum square footage required for achieving its reasonable project objective of the successful development of warehouses on the Project Site. Accordingly, the alternatives considered in the DEIS all include the same amount of warehouse square footage as the Proposed Action.

The anticipated benefits of the Proposed Action are significant and, for the Town of Montgomery, potentially unique to the Project Site due to the lack of suitable alternative sites along Neelytown Road in proximity to I-84. The Project Site is in an area identified by the Town of Montgomery and

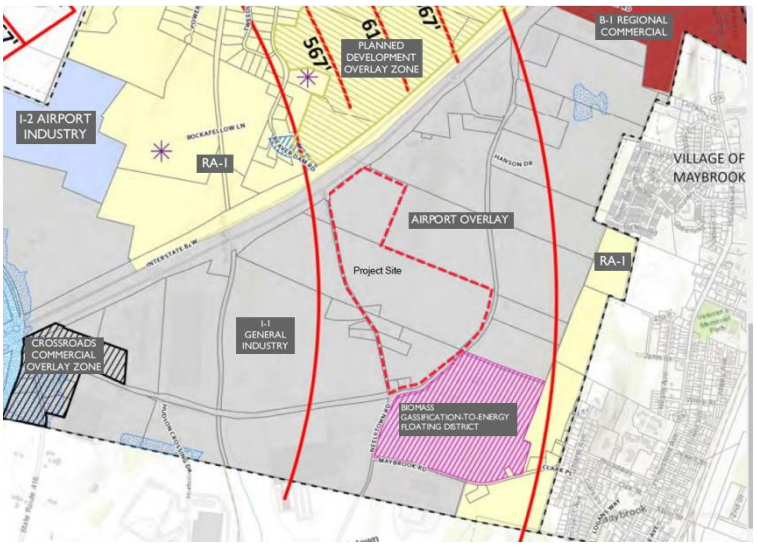
Orange County comprehensive plans as particularly suitable for development consistent with the Proposed Action. As discussed in more detail in Chapter 3M of this DEIS, according to the Project Sponsor, the Project will result in significant economic benefits for the area, including approximately $0.56 million annual tax dollars to the Town and County and $2.28 million to the school district. Currently, the Project Site is mostly unimproved, so all real property tax revenues generated from the Proposed Action are expected to provide significant new funds to the town, county, and school district. These economic benefits would be difficult if not impossible to otherwise generate. Short term economic benefits would be generated from the Proposed Action, including during construction from sales tax revenues and construction jobs. Long-term economic benefits include the potential creation of nearly 900 permanent jobs on the Project Site and additional economic activity generated around the Site. At the same time, based on the Project Sponsor's analysis, the Proposed Action will have a minimal impact on local governments or the school district. All of these benefits have the potential to contribute to a balanced and substantial investment in, and benefit to, the local community, which is in line with the goals and objectives of the identified Comprehensive Plans.

B. Location

The Project Site is located within the Town of Montgomery's I-1 (General Industry) zoning district, as well as the Airport Overlay district. It is situated approximately 2 miles southeast of Orange County Airport, approximately 0.6 miles northwest of the Village of Maybrook, approximately 1.1 miles south of the Village of Montgomery, approximately 6 miles west of Stewart International Airport, and approximately 9 miles west of the City of Newburgh. Access to the Project Site is served by I-84 via Exit 5, approximately 1.5 miles away from the Site along Neelytown Road, a 2-lane County highway from which direct access to the Project Site is proposed. Additional direct access to the Site, except for heavy truck traffic, is possible from Beaver Dam Road.

Most of the area within one-half mile of the Project Site is in the Town of Montgomery. The Village of Maybrook is located to the east within one-half mile of the Project Site. Large parcels of vacant land and some interspersed existing warehouses separate Maybrook from the Project Site. No streets exist that would connect the Project Site to the Village of Maybrook. South of the Project Site is the Town of Hamptonburgh, a small portion of which is within the one-half mile site radius.

Figure 2.B.1: Official Town of Montgomery Zoning Map



Existing land uses on the south side of I-84 where the Project Site is located are dominated by warehouse and distribution facilities along Neelytown Road to the east and the west. To the west of the Project Site on Beaver Dam Road, there are three residential properties that are non-conforming uses in the I-1 district and that border an existing warehouse to their west.

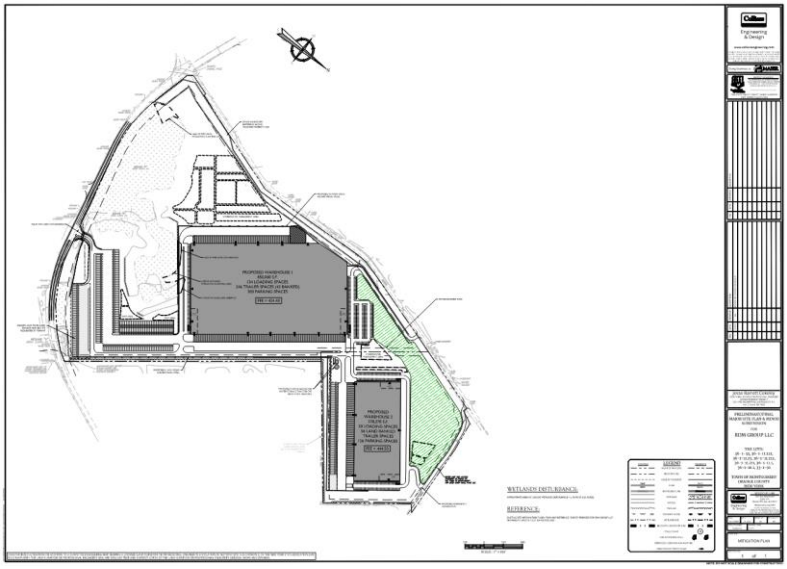
Per the Zoning Map in Figure 3.J.1 provided above and Surrounding Land Use Map within Appendix M, the land uses on the north side of I-84 are zoned for agricultural and residential uses. Agricultural uses generally front I-84, with residential uses behind them. The highway corridor, topography and vegetation act as a barrier between land uses on the two sides of I-84. The municipal water tank, water line, access easements, and propane facility located to the north of the site will remain undisturbed.

C. Design and Layout

At full build-out, the Project would include two precast warehouse structures with steel columns and exterior precast bearing walls. Warehouse 1 would consist of a single building containing 850,000 SF of gross floor area, 300 passenger vehicle parking spaces, 134 loading docks, 2456 trailer parking spaces, stormwater management basins and improvements, accessory driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements. Warehouse 1 measures 1,220 feet in length and 710 feet in width and is generally rectangular in shape with the west corner of the building cut back to comply with the front yard setback line being approximately 75' offset from the property line. The exterior building height measured from finished floor to the top of the parapet wall is 55 feet. The building complies with the maximum height requirement in the Town's

Zoning Law for buildings in the I-1 General Industrial zoning District (e.g., 55 feet). The interior clear height of the proposed warehouse is 36 feet.

Please refer to the graphic below for an overall layout of the site identifying key features that are intended to serve as mitigation measures.



Warehouse 2 would consist of a single building containing 278,270 SF of gross floor area, 156 passenger vehicle parking spaces, 50 truck loading docks, 56 trailer parking spaces, stormwater management basins and improvements, accessory driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements. Warehouse 2 measures 773 feet in length and 360 feet in width and is rectangular in shape. The exterior building height measured from finished floor to the top of the parapet wall is 55 feet. There are two easements that would affect the proposed use of the site. First, the presence of a Central Hudson Gas and & Electrical easement along the western frontage on Beaver Dam Road which indicates that gas service exists along the frontage as well. Second, the municipal water tank, water line, access easements, and propane facility located to the north of the site which will remain undisturbed. The building complies with the maximum height requirement in the Town's Zoning Law for buildings in the I-1 General Industrial zoning district (e.g., 55 feet). The interior clear height of the proposed warehouse is 36 feet.

The proposed building design for the warehouses is more representative of a high-tech Research & Development (R&D) production facility than a warehouse, with clean and simple lines and ample natural light. As shown in these renderings, the Project is designed as a long-life cycle, insulated concrete industrial building, with a contemporary aesthetic. As currently proposed, the warehouses will be earth tone colors; gray, blue, and almond painted on concrete panels. The buildings will have

precast wall panels which will be 12' wide. Stone and slate colors incorporated into the concrete panels are proposed to blend and complement the surrounding area.

Site Access & Egress

Access to the Project Site is proposed via two (2) driveways and one (1) Emergency Access Road. One passenger car and truck access driveway are proposed from Neelytown Road and the second driveway for passenger cars only from Beaver Dam Road. The Emergency Access Road on the north end of the project site is proposed to connect to building 2 and will be designed with a gate and an emergency key box for Emergency Vehicle use only. As shown on the arrival and departure figures in Appendix E, all truck traffic is proposed to enter and exit the site via Neelytown Road with the primary truck route to and from I-84.

Per the Driveway Delineation & Circulation Exhibit within Appendix E, Site Driveway 1 is proposed to intersect Neelytown Road and provide entering/exiting access for both passenger cars and trucks although the intent is that overtime this driveway will be primarily accessed by trucks. The driveway intersects the site along Neelytown Road, located approximately 778 feet from the adjacent FedEx facility. Based on the anticipated site traffic, a separate left turn lane and separate right turn lane for site entering traffic is proposed.

Site Driveway 2 is proposed to intersect Beaver Dam Road and provide entry and exiting options for only passenger cars on the west side of Warehouse 1. Beaver Dam Road is not rated for heavy truck traffic and exiting lanes of Site Driveway 2 will be furnished with signs advising drivers that trucks cannot exit the site at this location.

Internal Vehicular Circulation and Parking Layout

Per the Driveway Delineation & Circulation Exhibit within Appendix E, the layout of the Project Site has been designed to minimize the potential for conflicting truck and passenger vehicle movements as much as possible. Regarding Warehouse 1, employee vehicles will park solely on the east and west of the building while the truck loading will operate to the north and south. The trucks exiting Warehouse 1 have their own dedicated exit driveway separated from the passenger parking by a landscaped island.

Trucks accessing Warehouse 2 can do so without traversing a passenger vehicle parking area. Similarly, trucks accessing the Trailer Storage Area on the north side of the Project Site can do so without traversing any passenger vehicle parking areas. The combined Trailer Storage Area contains 302 stalls. Taking into consideration that the trailer storage spaces provided on Lot 1 (245~~6~~ spaces) and Lot 2 (56 spaces) can be utilized adjacent to the main access road, no delivery or trailer storage truck queuing is anticipated on Neelytown Road.

The main employee parking areas for Warehouses 1 and 2 are accessed via the passenger-car only driveways off of Beaver Dam Road. Per the Driveway Delineation & Circulation Exhibit, there are connections available between all passenger parking lots and the main circulation drives to allow for ease of access by first responders in the event of an emergency. The circulation configuration of the passenger car access and egress Driveway 2 will inhibit the departure of trucks from that access driveway. Additionally, signage will be placed to prohibit the departure of trucks from Driveway 2.

Table 2.C.1 below provides a breakdown of the required and proposed number of parking and loading spaces for each lot.

Table 2.C.1: Parking and Loading Requirements

PARKING & LOADING CALCULATIONS:

§235-12.8 MINIMUM STALL SIZE (PARKING STALL): 9' X 20' (COMPLIES)

§235-12.8 MINIMUM STALL SIZE (TRUCK LOADING SPACE): 12' W X 25' L X 14' H (COMPLIES)

WAREHOUSE USE:

§235-12.4 SUFFICIENT PARKING FOR ALL TRUCKS, TRUCK TRAILERS, AND TRUCK TRACTORS STORED OR BEING SERVICED AT ANY PERIOD OF TIME, PLUS REQUIRED PARKING FOR OFFICE AREAS, PLUS 2 SPACES PER 3 EMPLOYEES ON DUTY OR ON THE PREMISES AT ANY ONE TIME

REQUIRED:
§235-12.4: 1 LOADING SPACE FOR EACH 40,000 SF IN ADDITION TO THE FIRST 40,000 SQUARE FEET

LOT 1: 1 SPACE + (815,000 SF/40,000 SF) = 21 SPACES
LOT 2: 1 SPACE + (238,280 SF/40,000 SF) = 6 SPACES

PROVIDED:
LOT 1: 134 LOADING SPACES (COMPLIES)
LOT 2: 50 LOADING SPACES (COMPLIES)

LOT 1 HAS A TOTAL OF 246 TRAILER STORAGE SPACES (43 LAND BANKED)
LOT 2 HAS A TOTAL OF 56 TRAILER STORAGE SPACES (56 LAND BANKED)

OFFICE USE:

REQUIRED:
§235-12.4: 1 PARKING SPACE PER 200 SF OF FLOOR AREA

LOT 1: 8,000 SF / 200 SF = 40 SPACES
LOT 2: 16,000 SF / 200 SF = 80 SPACES

NON-OFFICE SPACES:

REQUIRED:
1 EMPLOYEE PER 4,100 GROSS FLOOR AREA**
2 SPACES PER 3 EMPLOYEES

LOT 1: 278,270 SF - 8,000 SF (OFFICE AREA) = 270,270 SF / 4,100 SF = APPROXIMATELY 66 EMPLOYEES
2 SPACES PER 3 EMPLOYEES:
(2 X 66) / 3 = 44 PARKING SPACES

LOT 1 TOTAL = 44 SPACES + 40 SPACES = 88 REQUIRED SPACES

LOT 2: 850,000 SF - 16,000 SF (OFFICE AREA) = 834,000 SF / 4,100 SF = APPROXIMATELY 204 EMPLOYEES
2 SPACES PER 3 EMPLOYEES
(2 X 204) / 3 = 136 REQUIRED SPACES

LOT 2 TOTAL = 136 SPACES + 80 SPACES = 216 REQUIRED SPACES

PROVIDED:
LOT 1: 210 STANDARD SPACES FOR WAREHOUSE USE
80 STANDARD SPACES FOR OFFICE USE
10 ADA COMPLIANT SPACES
300 TOTAL SPACES (COMPLIES)

LOT 2: 110 STANDARD SPACES FOR WAREHOUSE USE
40 STANDARD SPACES FOR OFFICE USE
6 ADA COMPLIANT SPACES
156 TOTAL SPACES (COMPLIES)

** NUMBER OF EMPLOYEES BASED ON ITE 4TH EDITION PARKING GENERATION FOR WAREHOUSE (LAND USE CODE 150 - WAREHOUSE)

D. Construction and Operation

Construction

1. Project Phasing

Construction of the Proposed Action will occur in phases. The initial phase would consist of general site preparation, and, most significantly, the removal of approximately 38.13 acres of existing forest, as depicted on the Site Plans located in Appendix D. The next phase would consist of roadway preparation and soil movement, particularly in the northwest corner of the Project Site where the future overflow trailer parking lot and large berm are proposed. The construction of roadways will follow the general scheme of the proposed roadways for efficiency but will only consist of subgrade

and base course until construction is complete. Silt fence would surround the disturbed areas and stabilized construction entrances will be installed at each intersection of Neelytown and Beaver Dam Road, where they will remain until construction is complete.

After the Project Site has been cleared, the construction roadway system prepped, and soil movement commenced, the Project Site will be divided into two (2) separate pad sites (one for each warehouse). Each of the two areas will be surrounded by silt fencing and constructed either individually or concurrently, depending on future tenants' needs.

Although the warehouse tenants are not yet confirmed, it is anticipated that Warehouse 1 (the larger of the two) will be constructed first, and Warehouse 2 will be constructed shortly thereafter. It should be noted that any pad sites not under active construction will be stabilized, maintained, and free of debris/overgrowth until such time as construction commences.

2. Schedule of Construction

The construction schedule will be fluid and evolve over time; however, currently it is appropriate to designate some approximate timelines and milestones that will likely occur.

The initial phase of the Proposed Action which consists of clearing the Project Site of wooded vegetation and preliminary grading will take between 2-4 months to complete. From this point the construction of the roadway system and preliminary earthwork will begin and should only take roughly 1 month to have everything in place. Conservatively, it is anticipated that within 6 months of the start of construction, the Site will be cleared, prepped, and divided into two (2) separate pad sites with an interconnected construction roadway system.

The construction of the two (2) pad sites and remaining site work will vary in overall timeline but can be estimated to take between 6-12 months for each pad site. The variation in the timeline of the Proposed Action will be determined based on building tenancy, as one scenario could result in all both sites being constructed simultaneously while another scenario could result in only a portion of the Proposed Action being constructed while the other waits for a tenant.

Although an exact timeline cannot be determined at this time, it is important to note that any portion of the Proposed Action that would need to delay construction while waiting for a tenant would be kept in acceptable condition, free of debris and overgrowth and stabilized to avoid soil run-off. Additional details on the phasing of construction have been provided on the Soil Erosion & Sediment Control Plans.

3. Demolition

As depicted on the Demolition Plan of the Site Plans, located in Appendix D, the Project Site will be cleared of wooded vegetation within the development area and rough graded in anticipation of construction. Concurrently, the existing dwellings, structures, asphalt/concrete, wells, and other existing site features within the limits of the Proposed Action will be demolished and disposed of in accordance with all local, state, and federal regulations including but not limited to well abandonment, septic abandonment, asbestos removal, and any other environmentally sensitive action. Any seasonal regulations such as the inability to clear trees during certain times of the year would also be adhered to.

4. Cut/Fill

Based upon the preliminary cut-fill analysis per the Cut Fill Exhibit, in Appendix H, the proposed balance of the site is approximately a net 860 cubic yards which can be considered nominal for a development of this size. These 860 cubic yards of fill are the amount required to be imported following the soil movement activities on site including the construction of proposed berms on the northwestern side of the side bordering Beaver Dam Road. Therefore, there is no significant surplus or deficit anticipated for the Proposed Action, resulting in minimal trucking of soil import or export. Almost all anticipated soil movement will be limited to within the boundaries of the Project Site, with the minimal trucks importing soil from registered and certified soil yards.

The process of excavating bedrock and moving soil throughout the site will result in several soil stockpiles being placed throughout the site. Per standard practice, these soil stockpiles will be surrounded with silt fence to ensure the soil does not make its way off the site onto neighboring properties.

Operation

The development of the Site will require truck trips for every operation, but the operations do not become cumulative. Traffic can be separated into two categories, regular deliveries and bulk deliveries, which are further divided into phases that are associated with 1) sitework, 2) building superstructure, and 3) finished work.

Based on information provided by the construction management team, if the project is constructed in its entirety, it is anticipated to be completed within 24 months. The number of construction vehicles/delivery trucks per day is a variable value depending on specific construction operation. The maximum anticipated number of trucks would occur during the earthwork phases and during the precast concrete structure erection phase however it is anticipated that there would be a total of 85 truck deliveries (or a total of 170 truck trips) over the course of a day during the most peak of construction activity.

A Construction Management Plan including traffic control measures would be implemented in accordance with all state and local requirements, and construction trucks would be required to use local trucks routes as designated by the Town. It should be noted that CR 99 (Neelytown Road) is designated as a major collector (urban) that supports trucks on a daily basis. The intent is to limit truck traffic to County and State facilities, i.e., not using local roadways. As Beaver Dam Road is not rated for heavy truck traffic, the majority of construction vehicles will be directed to access the site via Neelytown Road.

The tenant(s) of the two warehouses are not known yet. It is anticipated that at least one tenant would occupy each building for industrial warehouse and/or distribution, but most likely each building will host two tenants each. The warehouses are not anticipated to be utilized for industrial manufacturing. The hours of operation will be specific to the tenant(s). However, the facility will likely be running 3 shifts and operating continuously on a 24/7 schedule. Storage of hazardous materials or waste onsite is not anticipated.

E. Summary and Comparison of Alternatives with the Proposed Action

As required by the Adopted Scope, the Applicant has evaluated three alternative designs in addition to the Proposed Action. The Proposed Action provides two warehouses comprising 1,128,270 SF, while the three alternatives evaluated all include three warehouses with the same amount of proposed warehouse space. For the reasons discussed below, the Proposed Action was selected, "consistent with social, economic and other essential considerations from among the reasonable alternatives available…. avoids or minimizes adverse environmental impacts to the maximum extent practicable" based on its design and proposed mitigation measures.

First, there do not appear to be any nearby alternative sites that would serve the Project Sponsor's objectives and offer immediate access to I-84 from lands along Neelytown Road. The Project Site is in an area identified by the Town and County as desirable for development consistent with the Proposed Action. Lands along Neelytown Road that are large enough and do not contain wetlands are limited.

For reasonably feasible alternative site layouts that would achieve the Project Sponsor's objectives. Alternate Site Layout #1 (see Appendix D) would consolidate the previously proposed three driveway intersections with Neelytown Road into one driveway. By comparison, the Proposed Action's two building configuration and landscaped islands separating the various overlapping vehicle operations would provide far safer internal circulation for cars and trucks on the Project Site. In addition, the Proposed Action would result in less than ½ the amount of disturbance to wetlands as compared to this alternative. Finally, the Proposed Action would provide for significantly more efficient movement of trucks into, on and leaving the Project Site.

The Project Sponsor also evaluated Alternate Site Layout #2 (see Appendix D). In order to develop this alternative and to be consistent with the square footage goals of the Proposed Action, it was necessary to make one of the warehouses longer and narrower and to eliminate the accessory trailer parking area to provide room for the third warehouse. In terms of potential impacts, this alternative site layout would have a more substantial visual impact from Neelytown Road and the residences along Beaver Dam Road as compared to the Proposed Action. Operationally, the alternative site layout would be significantly less efficient as compared to the Proposed Action and, as a result, much less desirable for prospective tenants.

Finally, Alternate Site Layout #3, which was originally submitted as the Proposed Action, was considered in comparison to the modified Proposed Action (See Appendix D). The most significant differences between the two designs are the reduction from three buildings to two and the elimination of the shared trailer storage area. In comparison, the Proposed Action moves the buildings away from both the Neelytown and Beaver Dam frontages, lessening the potential for visual impacts from those roadways. Eliminating the shared trailer storage area makes it possible for the Proposed Action for the establishment of a substantial berm to shield the smaller warehouse from view. Finally, reducing the Proposed Action to two buildings eliminates several areas of cross access overlap, presenting a more streamlined and efficient design.

F. Permits and Approvals

Approval/Permit/Review	Agency
Site Plan Approval	Town of Montgomery Planning Board
Special Permit	Town of Montgomery Planning Board
Minor Subdivision	Town of Montgomery Planning Board
Building Permits and Certificates of Occupancy	Town of Montgomery Building Inspector
Driveway Access onto Beaver Dam Road	Town of Montgomery Highway Department
Water and Sewer	Montgomery Town Board, Montgomery Sewer District, Montgomery Water District
Town MS4 Acceptance	Montgomery Stormwater Officer
General SPDES Permit for Stormwater Discharges Associated with Construction Activities	NYSDEC
Highway Work Permits	NYSDOT
SPDES Sanitary Discharge Permit (Sewer Main Extension)	NYSDEC
Article 24 Freshwater Wetlands Permit	NYSDEC
401 Water Quality Certificate	NYSDEC
Nationwide Wetland Permit	USACE
Cultural Resources No Impact Letter	SHPO
Water Main Extension	Orange County Department of Health
239-m Review	Orange County Planning Department
Driveway Access onto Neelytown Road 239-f Review	Orange County Department of Public Works
Airport FAA Approval	FAA

Chapter 3: Existing Conditions/Environmental Setting, Anticipated Impacts, and Proposed Mitigation Measures

A. Geology

Based on the Geotechnical Report, included in Appendix H, this section describes the existing geologic characteristics of the Project Site, potential impacts to these features, and proposed mitigation measures to reduce the potential project related impacts.

Existing Conditions

1. Composition and thickness of subsurface material; Depth to, and nature of, bedrock formations

Geotechnical Investigation

The subsurface profile and depth to bedrock varies substantially across the Project Site. Geotechnical field investigations were performed on February 17-18, 2021, November 11-12, 2022, and January 23-25, 2023. A total of 23 borings and 33 infiltration test pits were drilled throughout the Project Site. Refer to Sheets B-101 and B-102 (pages 31 and 32, respectively) of the Geotechnical Report located in Appendix H of this report, for additional information.

Per the Bedrock Identification Exhibit in Appendix H, shallow bedrock was encountered only near Neelytown Road. Amongst the 23 borings drilled on Lots 1 and 2, bedrock was encountered at various depths ranging from five feet to eighteen feet deep. The bedrock will be removed only if needed via methods other than blasting. Blasting is not anticipated for any phase of construction in developing the Project Site.

Bedrock identification was inconsistent throughout the site. Per the Geotechnical Report and Bedrock identification Exhibit, the borings identified high points of bedrock along the west part to the site, followed by no bedrock identified towards the eastern slope of the site. More specifically, the following conclusions have been identified per the Soil Boring Logs:

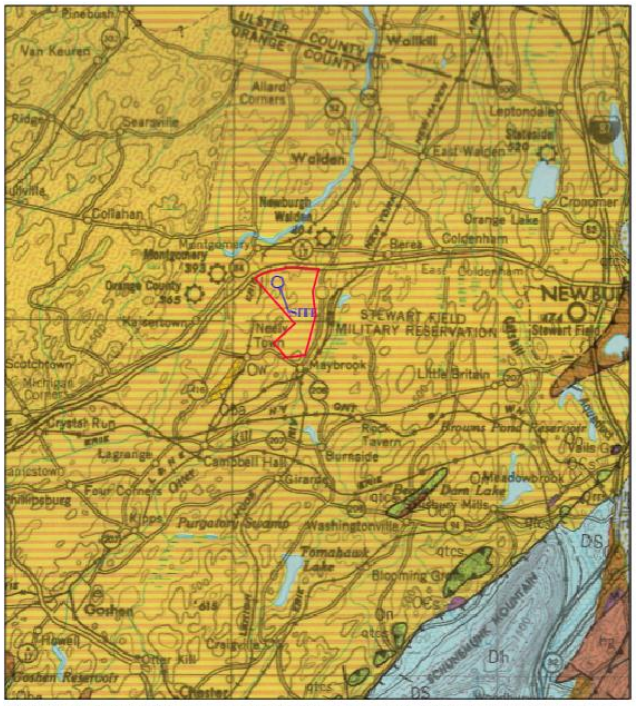
- Bedrock Identification:
    - B1, B3, B4, B10, B13, B14 and B16 encountered bedrock, while the remaining 16 borings encountered a mix of sand, gravel, and weathered shale rock.
    - B1, B3, B4, B10, and B16 encountered bedrock at depths of 8 to 10 feet.
    - B14 was the shallowest location where bedrock was encountered at a depth of 5 feet, where the existing grade is approx. 401.
    - B6 and B13 were the deepest locations where bedrock was encountered at depths of 18 feet and 15 feet, where the existing grade is approx. 404 and 408 respectively.
- Bedrock Relation to Proposed Grade:
    - As no structure is proposed near borings B1, B3, B6, and B10, bedrock will not need to be removed.
    - Although borings B13, B14, and B16 are near warehouse 1, the proposed grade is at 424.5 while the existing grade is around 400 to 406; therefore, bedrock removal at those locations will also not be necessary.

Bedrock was not encountered in the borings taken on the northern portion of the Project Site, although the borings did not conclusively prove that it is absent. Shallow bedrock may be present in the small hill close to Neelytown Road, at the eastern corner of the Site. In review of the Bedrock Identification Exhibit, located in Appendix H, blasting is not anticipated.

Regional Geology

The 1970 “Bedrock Geological Map of New York” published by the United States Geologic Survey was reviewed. As shown in Figure 3.A.1 below, the Site is part of the Norman skill Formation which consists of shale, argillite, or siltstone.

Figure 3.A.1: Bedrock Map

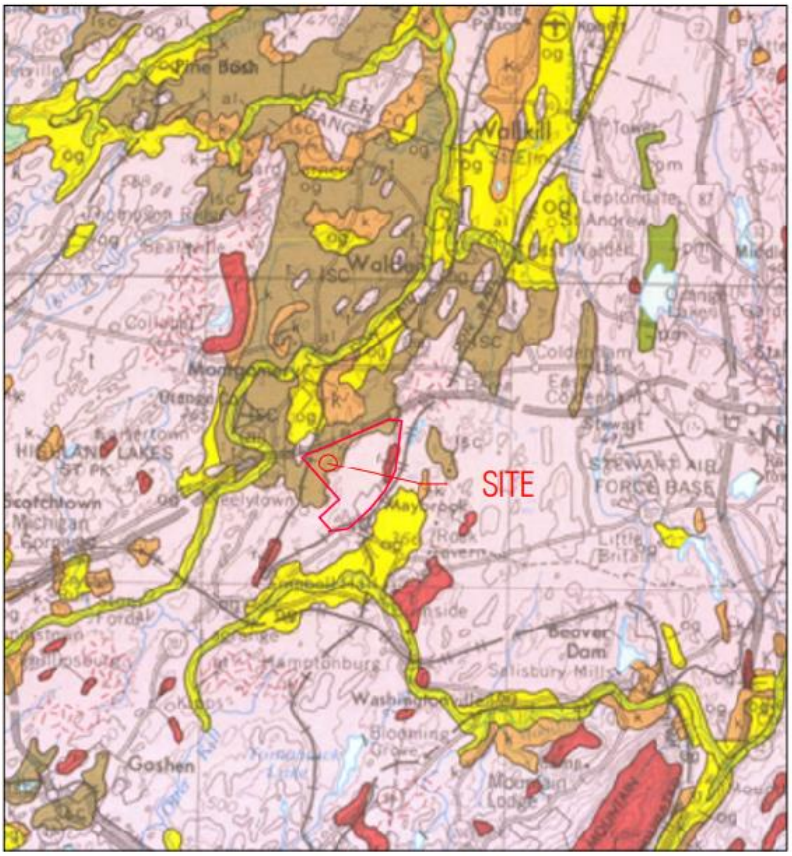


Approximate location of the project site, shown on part of the Bedrock Geologic Map of New York (1970.) The site is in the middle of a wide belt of Ordovician-age sedimentary bedrock consisting mostly of gray siltstone, shale and greywacke sandstone. The bedrock at the site is shown as Normanskill Formation (yellow with red stripes, symbol On,) which is the oldest member of this Ordovician sequence, with the Austin Glen Formation (yellow with red stipple) overlying it, which in turn lies below the Quassaic quartzite. These units form the bedrock of most of the Wallkill River valley. Older Ordovician carbonate rocks, the Wappinger Dolostone (symbol Ow) and the Balmville Limestone (Oba) outcrop about a mile south of the site, on the opposite side of the railroad; that bedrock was faulted into place and overlies the shale.

The 1989 "Surficial Geologic Map of New York," published by the New York State Geological Survey was also reviewed. As shown in Figure 3.A.2 below, the site contains the following soil types:

- Till (t): This soil is typically variable in texture, ranging in consistency from clay to silt to sand to gravel with boulders and cobbles. The soil is a product of deposition beneath glacier ice. The soil can be as thick as 180 feet.
- Lacustrine silt and clay (lsc): This soil is typically laminated silt and clay deposited by glacial lakes, generally found to be calcareous. This soil can be as thick as 300 feet.

Figure 3.A.2: NYS Surficial Geology Map



Approximate location of the project site, shown on a partial copy of the Surficial Geologic Map of New York (N.Y. State Museum, 1989.) The map indicates that the site is in an area of lacustrine silt and clay deposits (brown symbol 'lsc') associated with a recessional glacial moraine crossing the Wallkill Valley. Nearby soils include till (pink,) outwash sand and gravel (yellow) and kames (orange.) Kames form where sand and gravel are deposited on or against stagnant, melting ice. Shallow bedrock is indicated with a red stipple pattern and exposed rock is shown in red with the symbol 'r.'

Figure 3.A.3 :NYS Surficial Geology Map Key

MAP KEY
NEW YORK STATE SURFICIAL GEOLOGIC MAP

Usefulness of underlying material for construction:

Soils excavated from the Site are expected to be of fair quality for re-use as fill and backfill for foundations, slabs, and pavement areas. Most of the potential borrowed soil appears to have a clay, silty clay or silty clayey sand texture, with little gravel and occasional cobbles and boulders. Boulders will be excluded from the fill, except in landscaped areas. The expected stripping depth in the fill areas for Warehouses 1 about 1 to 2 feet, and as needed to remove stumps and boulders to reach suitable subgrade soils. Warehouse 2 also has an expected stripping depth of about 1 to 2 feet to reach suitable subgrade soils.

Within the footprints of the proposed buildings, the existing subgrade is too wet to support the foundations. A granular fill layer (sand and gravel, broken stone, recycled concrete, etc.) must be placed to provide a stable base for construction and to protect the bottom of the overlying fill from groundwater rise. It is anticipated that this granular fill layer will be approximately two feet thick.

Potential Impacts

1. Blasting

Some rock excavation may be required on the southern end of the Site for construction of the proposed stormwater management facilities, the excavation of this rock is not anticipated to require blasting. Where the rock has been exposed to prolonged weathering, it can typically be ripped to a depth of a few feet but will require hammering if removal of relatively fresh rock is required. Additional rock excavation methods could involve jack hammering with a device mounted on a boom of an excavator, and pre-splitting.

Based on the geotechnical investigation, there is minimal bedrock anticipated within the footprint of the proposed building foundations. Some rock excavation may be required however, it is anticipated that any excavation will not require blasting.

2. Depths and Volumes of Cuts and Fills

A preliminary cut-fill analysis was performed that took utility construction, gravel importation, and building foundation excavation into consideration, among other factors. The preliminary cut-fill analysis is summarized as an approximate balance of soils cut and filled to build the Proposed Action.

Based upon the preliminary cut-fill analysis per the Cut Fill Exhibit in Appendix H, the proposed soil balance is approximately a net fill of 860 cubic yards. These 860 cubic yards of fill is the amount estimated necessary to be imported following the soil movement activities on site including the construction of proposed berms on the northwestern side of the side bordering Beaver Dam Road. Therefore, there is no significant surplus or deficit anticipated for the Proposed Action, resulting in minimal trucking of soil import or export. All anticipated soil movement will be limited to within the boundaries of the Project Site.

The process of excavating bedrock and moving soil throughout the Site will result in several soil stockpiles being placed throughout the Site. Per standard practice, these soil stockpiles will be surrounded with silt fence to ensure the soil does not make its way off the Site onto neighboring properties.

3. Anticipated Soil Movement

As mentioned earlier the cut/fill analysis has indicated the Site will be balanced with soil in terms of what soil is cut from the ground and the amount of soil used to fill in the proposed planted berms. Therefore, there is no surplus or deficit anticipated for the Proposed Action resulting in minimal trucking of soil import or export. All anticipated soil movement will be limited to within the boundaries of the Project Site. There will be a minimal impact on traffic within the local area, limited to construction trucks arriving at the Site to move the soil from areas of cut to areas of fill. The use

of construction trucks for soil movement will also impact the environment as more CO2 emissions will be let out into the atmosphere. However, these impacts will be temporary as the bulk of the soil movement will take place in the initial phases of the overall construction of the Proposed Action.

Mitigation Measures

1. Blasting

Rock excavation methods for proposed work will be performed in a cost-effective manner and with the least impact on the surrounding areas based on further investigations and engineering.

Blasting is not anticipated for the Proposed Action.

2. Alternative Grading Scenarios

Based on the cut/fill analysis of the Proposed Action and the alternative site layouts, the Proposed Action provides a nearly balanced site, thus making it the best option to mitigate potential impacts. The Proposed Action has been designed with retaining walls, underground drainage, landscaped berms, and stormwater basins to minimize additional soil movement and steep slopes. The above measures help to maintain a balanced site by providing subsurface materials to replace the soil that has been cut. The cut soil can then be reused as fill to increase the height of the landscaped berms on the northwest portion of the Site. It is through this process of reusing cut soil the Proposed Action can maintain a balanced site with little to no impact of trucks importing/exporting soil from external sources.

Mitigation measures for potential impacts include the use of alternative grading scenarios. The Project Site has been graded in a manner to limit the amount of disturbance required through the application of land development practices to minimize disturbance (i.e. the avoidance of steep slopes where feasible, utilizing the existing topography, etc.). Proper erosion control management practices and phased construction, which would be stabilized before the beginning of the subsequent phase, will also be implemented.

Prior to commencement of grading or fill placement, any miscellaneous trash, debris, or other unsuitable materials would be hauled offsite for disposal. Trees can be chipped and used as mulch.

All clearing and stripping activities would be performed in strict accordance with the approved soil erosion and sediment control plan prepared for the Proposed Action. All site preparation work would be performed in accordance with any environmental regulations and requirements established for the Project Site as well as all local, State, and federal regulations.

All work would also be performed so as not to adversely impact any existing nearby structures, roadways, and utilities to remain. Protection of these elements would be provided as necessary during all construction activities at the Project Site.

In order to mitigate the potential impact of soil erosion and soil spillage onto neighboring properties the following measures will be put in place. The contractor will make sure to locate soil and rock stockpiles far away from property boundary lines. Additional measures include placing silt fencing around the toe of the soil and rock stockpiles to keep the soil from eroding and moving around the

Site. The silt fence in these areas must be installed properly and maintained on a regular basis in order for this mitigation measure to be effective.

3. Retaining Walls

Several retaining walls are proposed onsite to reduce the amount of grading and soil movement needed to construct the Proposed Action. In addition, they act as a physical barrier for keeping the wetlands on the Site undisturbed and free from contamination of the adjacent construction work. The retaining walls will limit soil movement, retain soil in place and prevent potential slope failures due to proposed elevation changes. Per the Retaining Wall Exhibit, in Appendix D, retaining walls will be constructed in several areas of the Project Site. These areas are also listed below:

1. Bordering Neelytown Road along driveway 1 (255 LF, 7ft. average height; 0.5ft. min. height to 9.46ft. max. height)
2. Bordering Neelytown Road along driveway 1 (520 LF, 8ft. average height; 0.5ft. min. height to 9.96ft. max. height)
3. Southeast side of Warehouse 1 (1094 LF, 16ft. average height; 0.5ft. min. height to 18.71ft. max. height)
4. West side of Warehouse 1 (252 LF, 2ft. average height; 1ft. min. height to 4ft. max. height)
5. Bordering Beaver Dam Road along west side of Warehouse 1 (770 LF, 20ft. average height; 0.5ft. min. height, 25.15 max. height)
6. Bordering Beaver Dam Road along west side of Warehouse 1 (642 LF, 15ft. average height; 0.5ft. min. height, 20.10 max. height)
7. North-East of Warehouse 1 (583 LF, 30ft. average height; 0.96ft. min. height, 39.18ft. max. height)
8. Southeast of Warehouse 2 (1061LF, 30ft. average height; 12ft. min. height, 36.05ft. max. height)
9. Northeast of Warehouse 2 (328 LF, 25ft. average height; 0.4ft. min. height, 40.04ft. max. height)

All retaining walls that exceed 3 feet ~~4 feet~~ in height are required to be designed by a licensed New York State Structural Engineer. As required, fencing will be provided on the top side of these walls for fall protection where the height exceeds 306~~6~~. Refer to Appendix D for the Retaining Wall Exhibit.

B. Soils

This section will describe soil types, potential impacts, and proposed mitigation.

Existing Conditions

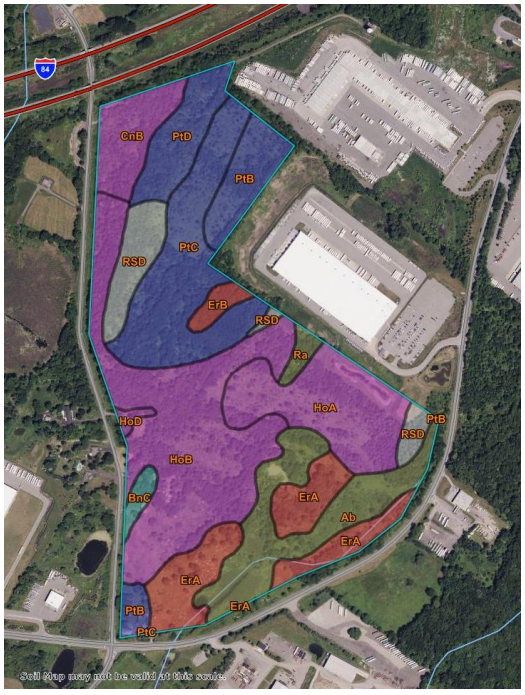
Soil Survey Data

The United States Department of Agriculture (USDA) Soil Conservation Service (SCS) Soil Survey for Orange County has been reviewed. As shown in Figure 3.B.1 below, the Site contains the following soil types:

- *Alden silt loam (Ab):* This soil typically consists of silt to fine sandy loam. The soil is very poorly drained and generally found above the glacial till deposits.
- *Bath-Nassau Channery silt loam (BnC):* This soil typically consists of silty loamy till derived from siltstone, sandstone, and shale. This soil is found to be well drained and generally found above bedrock.
- *Chenango gravelly silt loam (CnB):* This soil typically consists of gravelly silty loam to gravelly sand. The soil is deposited by glacial melt water derived mainly from sandstone, shale, and siltstone.
- *Erie gravelly silt loam (ErA and ErB):* This soil typically consists of gravelly silt loam to a silt loam with a fragipan near the surface. The soil is found on lower hillsides and is somewhat poorly drained. The water table is typically perched above the fragipan during spring and other wet periods.
- *Hoosic gravelly sandy loam (HoA, HoB, HoC, and HoD):* This soil consists of very deep, somewhat excessively drained soils formed in glacial outwash. They are nearly level to very steep soils on outwash plains, terraces, kames, eskers, and moraines.
- *Pittsfield gravelly loam (PtB, PtC, and PtD):* This soil typically consists of gravelly loam over gravelly sandy loam. This soil is found to be well drained.
- *Raynham silt loam (Ra):* This soil typically consists of silty loam deposited by glacial lakes, eolian, or alluvial deposits. This soil is found to be poorly drained.
- *Rock outcrop-Nassau complex (RSD):* This soil consists of channery till derived from acid shale and slate. The soil is typically found on summits, shoulders, and backslopes of ridges and hills on glaciated uplands and is excessively drained.

See Figure 3.B.1: Soil Survey Map below.

Figure 3.B.1: Soil Survey Map



The soil characteristics, such as permeability and depth to groundwater, were evaluated using the USDA SCS Soil Survey. These characteristics are summarized in the following tables:

Table 3.B.2: Soil Characteristics – Permeability

Map Symbol & Soil Name[1]	Permeability	Depth
Ab Alden silt loam	0.6 - 1.8 in/hr 0.2 – 0.6 in/hr 0.06 – 0.6 in/hr	0-9″ 9-36″ 36-60″
BnC Bath-Nassau channery silt loam	0.6 – 2.0 in/hr 0.2 – 0.6 in/hr	0-29″ 29-53″
CnB Chenango gravelly silt loam	0.6 – 3.3 in/hr 0.6 – 3.3 in/hr 6.0 – 13.0 in/hr	0-6″ 6-28″ 28-60″
ErA, ErB Erie gravelly silt loam	0.6 – 1.3 in/hr 0.6 – 1.3 in/hr 0.06 – 0.1in/hr 0.06 – 0.1 in/hr	0-10″ 10-18″ 18-56″ 56-70″

HoA, HoB, HoC, and HoD Hoosic gravelly sandy	2.0 – 11.1 in/hr 2.0 – 11.1/hr 20 in/hr	0-6″ 6-31″ 31-60″
PtB, PtC, and PtD Pittsfield gravelly loam	0.6 – 1.3 in/hr 0.6 – 3.3 in/hr 0.6 – 3.3 in/hr	0-9″ 9-31″ 31-60″
Ra Raynham silt loam	0.2 – 2 in/hr 0.2 – 2 in/hr 0.06 – 6 in/hr	0-8″ 8-26″ 26-60″
RSD Rock outcrop Nassau complex	-- 0.6 – 2 in/hr 0.6 – 2 in/hr 0.06 – 0.6 in/hr	0-60″ 0-10″ 10-18″ 18-22″

1. Information taken from Soil HSG Properties - USDA SCS Soil Survey for Orange County, New York

Table 3.B.3: Soil Characteristics – Depth to Groundwater

Map Symbol and Soil Name[1]	Depth to Groundwater[2]	Kind of Water Table[3]	Months
Ab Alden silt loam	0′ – 0.5′	Apparent	Jan-Dec
BnC Bath-Nassau channery silt loam	2.0′ – 4.0′	Perched	Nov-Mar
CnB Chenango gravelly silt loam	>6.0′	--	Jan-Dec
ErA, ErB Erie gravelly silt loam	0.5 – 1.5′	Perched	Dec-May
HoA, HoB, HoC, and HoD Hoosic gravelly sandy	>6.0′	--	Jan-Dec
PtB, PtC, and PtD Pittsfield gravelly loam	>6.0′	--	Jan-Dec
Ra Raynham silt loam	0.5 – 2.0′	Apparent	Nov-Dec
RSD Rock outcrop Nassau complex	>6.0′ >6.0′	-- --	Jan-Dec Jan-Dec

1. Information taken from Water Features - USDA SCS Soil Survey for Orange County, New York
2. Depth to Groundwater: only saturated zones within a depth of about 6 feet are indicated. A plus sign preceding the range in depth indicates that the water table is above the surface of the soil. The first number in the range indicates how high the water rises above the surface. The second numeral indicated the depth below the surface.

3. Kind of Water Table
    a. An apparent water table is a thick zone of free water in the soil. It is indicated by the level at which the water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
    b. An artesian water table is under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.

Agricultural Districts, Soils, & Lands

According to available historical sources, the Project Site was formerly agricultural and a farmstead from as early as 1902 to 2009 and has remained vacant wooded land with a standing silo from 2009-present. Known agricultural users on the Site apparently occupied a residential farmhouse (1902-2009). Although the loss of agricultural soils is present, per the Geotechnical Report in Appendix H, it can be concluded the soils on the site are not categorized as Prime Farmland or Soils of Statewide Importance.

Rock Outcrops

As shown in Figure 3.B.1, Soil Survey Map above, some rock outcrops are present onsite. Refer to Chapter 3A Geology, for further information.

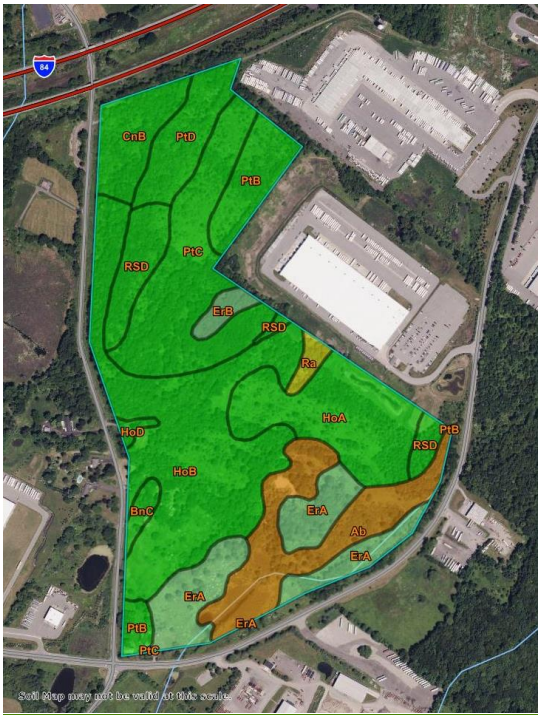
Once ripped, the rock borrow can be used as general fill and if processed can be used as pavement and slab sub grade or base course material. Subsequent site investigations will sample the rock to confirm these characteristics for the final design effort.

Hydric Soils

A portion of the soils onsite are classified as hydric soils. Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that have formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

As shown in Figure 3.B.4 below, the soils are color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components (RA and Ab for example), 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

Figure 3.B.4: Hydric Soil Map



The darker colors shown in the map above reflect the soils with 66 to 99 percent hydric components. While the light green shades represent soils with 1 to 32 percent hydric components and the darker green shades show soils with less than one percent hydric components.

It should be noted that while areas of hydric soils were identified on site in areas not identified as wetlands, no other jurisdictional wetlands area was located on the site. The section of RA soils near adjacent to the FedEx Facility to the north was reviewed and no federal jurisdictional wetlands were observed.

Engineering Properties

Based on the Geotechnical Report, an allowable bearing capacity of 2500 to 4000 psf (pounds per square foot) should be suitable for foundations bearing on the native soils or on properly compacted site borrow fill. As for the retaining walls proposed on Site, the bearing capacity for a modular block wall is 4,000 psf and for a reinforced concrete wall the bearing capacity is 6,000 psf. The Seismic Design Category of the Site is 'B.' No conditions were noted that indicate a risk of

seismic liquefaction, and the clay on the Site is non-expansive, with a low potential for shrinking and swelling resulting from moisture changes. See Appendix H, Geotechnical Report.

Distribution of Soil Types

Refer to Figure 3.B.1, Soil Survey Map above, for the distribution of existing soil types onsite. Without the Proposed Action, site conditions would remain in their current conditions.

The Proposed Action will result in an increase of impervious coverage and changes to distribution of soil types. Impacts to soils will be minimized using the mitigation measures discussed later in this section.

Suitability for Various Uses

Similar to the wide range of soil types located on the sites, the range of usefulness of these soils for construction materials varies. Table 3.B.5 below describes the general usefulness of each of the soil types which occupy the Project Site.

Table 3.B.5: Soil Characteristics – Construction Limitations

Map Symbol and Soil Name[1]	Roadfill[2]	Sand[3]	Gravel[3]	Topsoil[4]
Ab Alden	Poor: wetness, frost action	Fair: thickest layer	Poor: bottom layer	Poor: wetness
BnC Bath-Nassau	Fair: frost action	Poor: excess fines, small stones	Poor: excess fines	Poor: small stones
CnB Chenango	Fair: dusty	Fair: thickest layer	Poor: thickest layer	Poor: rock fragments
ErA, ErB Erie	Fair: wetness, dusty	Poor: bottom layer	Poor: bottom layer	Fair: wetness, rock fragments
HoA, HoB, HoC, HoD Hoosic	Good	Fair: thickest layer	Poor: bottom layer	Poor: Rock fragments
PtB, PtC, and PtD Pittsfield	Good	Fair: thickest layer	Poor: bottom layer	Fair: Rock fragments
Ra Raynham	Poor: wetness, dusty	Poor: bottom layer	Poor: bottom layer	Poor: wetness
RSDh Rock outcrop Nassau complex	Not rated Poor: depth to bedrock, slopes, too acidic	Not rated Poor: bottom layer	Not rated Poor: thickest layer	Not rated Poor: rock fragments, slope, depth to bedrock

1. Information taken from USDA SCS Soil Survey for Orange County, New York – Construction Materials.
2. Road fill: soil material that is excavated in one place and reused in another place. The soils are rated as a source of road fill for low embankments, generally less than 6 feet high and less exacting in design than higher embankments.

i. Good soils contain significant amounts of sand or gravel or both. They have at least 5 feet of suitable material, low shrink-swell potential, few cobbles and stones, and slopes of 15 percent or less. Depth to the water table is more than 3 feet.
ii. Fair soils are more than 35 percent silt- and clay-sized particles and have a plasticity index of less than 10. They have moderate shrink-swell potential, slopes of 15 to 25 percent, or many stones. Depth to the groundwater table is 1 to 3 feet.
iii. Poor soils have a plasticity index of more than 10, a high shrink-swell potential, many stones, or slopes of more than 25 percent. They are wet, and the depth to the water table is less than 1 foot. They have many layers of suitable material, but the material is less than 3 feet thick.

3. Sand and Gravel: provides guidance as to where to look for probable sources and are based on the probability that soils are in a given area contain sizable quantities of sand or gravel.
   i. Good or fair soils have a layer of suitable material at least 3 feet thick, the top of which is within a depth of 6 feet. Coarse fragments of soft bedrock material, such as shale and siltstone, are not considered to be sand and gravel. Fine-grained soils are not suitable sources of sand and gravel. The ratings do not take into account the depth to the water table or other factors that affect excavation of material.
4. Topsoil: used to cover an area so that vegetation can be established and maintained. The upper 40 inches of a soil is evaluated for use as topsoil. Also evaluated is the reclamation potential of the borrow area. The surface layer of most soils is generally preferred for topsoil because of its organic matter content.
   i. Good soils have friable loamy material to a depth of at least 40 inches. They are free of stones and cobles, have little or no gravel, and have slopes of less than 8 percent. They are low in content of soluble salts, are naturally fertile or respond well to fertilizer, and are not so wet that excavation is difficult.
   ii. Fair soils are sandy soils, loamy soils that have a relatively high content of clay, soils that have only 20 to 40 inches of suitable material, soils that have an appreciable amount of gravel, stones, or soluble salts, or soils that have slopes of 8 to 15 percent. The soils are not so wet that excavation is difficult.
   iii. Poor soils are very sandy or clayey, have less than 20 inches of suitable material, have a large amount of gravel, stones, or soluble salts, have slopes of more than 15 percent, or have seasonal water table at or near the surface.
   iv. Absence of an entry indicates that the soil was not rated.

Equalization of Cuts and Fills

To the maximum extent practical, the Site has been designed to balance cuts and fills and eliminate the need for importation of materials or movement of soil offsite. Where feasible, the existing topsoil and subsoils will be re-used onsite in accordance with recommendations made by the geotechnical engineer.

Based on the topographical design of the Proposed Action, there will be a required import of approximately 860 cubic yards into the Project Site. Much of the soil that is cut from the Site will be reused for the planted berms on the northwest side of Beaver Dam Road. Reusing the excavated soil on the Site will ultimately balance the cut/fill volumes needed to construct the Proposed Action. Additionally, a balanced site will most likely create no impact on local traffic for trucks leaving and entering the Project Site as everything will be self-contained. Finally, a balanced site means there will be little need to import or export soil on or off the Site making the efforts to control soil erosion sediment control easier as the Proposed Action is developed.

Existing topsoil

Per the Geotechnical Report, a thin layer of topsoil was encountered in all locations across the Site. The approximate depth of existing topsoil was 5 inches. It is recommended that existing topsoil be stockpiled onsite after stripping for reuse in proposed planting areas. The exact depth of topsoil required for proposed planting areas will be coordinated with the landscape architect. Potential soil stockpile locations are specified on the soil erosion and sediment control plans for reference.

Depth to Bedrock

The Bedrock Identification Exhibit in Appendix H, along with depth to bedrock detail and soil notes on the Landscaping Plan in Appendix D, determine what is needed to achieve a minimum of 30" of planting soil in all planting areas to help ensure successful establishment of new plantings. Furthermore, the depth to bedrock exceeds 60 inches in all proposed locations, which will provide an acceptable planting bed for all landscaping.

Potential Impacts

Soil Erosion

There is a potential for soil erosion and sedimentation associated with construction activities.

Loss of Agricultural Lands

According to available historical sources, the subject property was formerly agricultural and a farmstead as early as 1902 to 2009; and has remained vacant wooded land with a standing silo from 2009-present. Based upon review of the historic photographs, the Project Site appears to not have been actively farmed since 2009. In addition, the Site is not located within an Agricultural Districts #1 or #2. Therefore, the Proposed Action would not result in the loss of active agricultural property.

Environmental Impacts

A Phase I Environmental Site Assessment (ESA) was performed to identify the presence or likely presence, use, or release on the Project Site of hazardous substances or petroleum products. No evidence of any contamination requiring remediation was found. The underground storage tanks and septic systems identified in the Environmental Site Assessment are to be capped and decommissioned in accordance with DEC and NYS regulations. Refer to Appendix J, Environmental Site Assessment, for additional information. Additionally, per the Groundwater Identification Exhibit in Appendix J, groundwater seepage and the potential need for dewatering the site is not anticipated as the proposed grade will not disturb existing groundwater tables. In the event of unanticipated groundwater seepage, the groundwater will discharge at the downstream outfall as depicted on the plans.

Mitigation Measures

Construction of the Proposed Action would be managed to minimize and mitigate potential impacts to the greatest extent possible. Mitigation measures include the following:

1. Use of topsoil stockpiled during construction for restoration and landscaping:

Existing topsoil will be stockpiled onsite after stripping for reuse in proposed planting areas. The reuse of topsoil as fill or in areas where topsoil has been left in-place as described herein requires that a sufficient grubbing and root raking program be implemented to remove the roots and vegetative matter from the soil. Soil stockpile locations are mostly along the west and northern sides of the site. Said locations can be found on the Soil Erosion and Sediment Control plans as part of the Preliminary/Final Major Site Plan & Minor Subdivision in Appendix D. Soil stockpiles are created by stacking soil into a large pile as to keep it all gathered in a central location, this pile is then surrounded around all sides by a silt fence to keep the soil in place at the base of the pile and it prevents soil eroding from the pile and spreading to other areas of the site. As mentioned in the Geotechnical Investigation and Assessment Report in Appendix H, there is a mix of OSHA Type A, B, and C soil within the existing topsoil. OSHA Type A soil requires a minimum slope of 0.75 to 1, Type B soil slope is 1 to 1, and Type C soil is 1.5 to 1 (horizonal to vertical). Areas of deeper excavation are expected to primarily Type A soil.

The following guidelines for removal of the topsoil within the Project Site will be followed:

- Topsoil would be completely stripped from the proposed building footprint and 10 feet beyond the building limits.
- Topsoil would be completely stripped in pavement areas receiving less than 5 feet of new fill.
- In pavement areas receiving more than 5 feet of new fill to raise grades, the topsoil layer would be left in place subsequent to removal of vegetation and root mats and performance of subgrade preparation procedures recommended by the geotechnical engineer.
- The topsoil will be stockpiled and protected from erosion. Topsoil will be evaluated by a landscape architect for re-use in landscaped areas.

2. Minimize disturbance to non-construction part of site:

Land development practices to minimize disturbance (i.e. matching the existing topography and aligning roadways parallel to contours) were utilized and incorporated into the site design wherever possible. Maximum slopes of 3:1 and retaining walls have been proposed to limit the area of disturbance outside of the construction portion of the site. Based on recommendations for the geotechnical investigation, steeper slopes of 2:1 are utilized in some locations to further limit the area of soil disturbance. These slopes will be stabilized in accordance with the New York State Standards and Specifications for Erosion and Sediment Control, as shown on the soil erosion and sediment control plans.

3. Soil Erosion and Sediment Control Plan:

A phased soil erosion control plan has been designed in accordance with applicable NYSDEC stormwater regulations and Town Enhanced Erosion and Sediment Control Guidelines. This plan identifies eight phases to limit disturbed areas under the required 18 acres maximum. Erosion and sediment control plans are to be implemented for each phase including but not limited to temporary slope protection, diversion swales with check damns, sediment traps, and sediment basins with porous baffles, risers and skimmers to be utilized during construction. Measures proposed to provide mitigation after construction include installation of anchored stabilization

erosion matting and the establishing of permanent vegetive cover. For more information and details refer to the project SWPPP.

Impacts to soils would be minimized through best management practices, erosion control measures, and sediment control measures. To reduce and slow weathering, erosion, and surficial sloughing of temporary and permanent slopes, the following erosion control measures will be implemented:

- Seeding and other slope protection would be implemented immediately following construction of the cut. Temporary erosion control measures must be provided during construction activities and maintained until permanent erosion control measures are functional.
- Excavation of cut slopes would be limited during the wet season (typically spring and fall seasons) to minimize erosion.
- Concentrated surface water or significant sheet flow would not be discharged onto temporary or permanent slopes.
- Groundwater seepage, if encountered during construction, would be collected and discharged in accordance with the SWPPP.
- Surface water runoff would be properly contained and channeled in accordance with the SWPPP.
- Removal of existing natural vegetation will be limited to active construction areas.
- Surface water and drainage from impervious surfaces would be directed to appropriate stormwater facilities.

In addition, to the measures outlined above, the Project's SWPPP and Site Plans (Appendices C and D) identify additional erosion and sediment control measures to be implemented. The erosion and sediment control measures would be designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control. Refer to Chapter 3.D Water Resources for additional information.

4. Lateral stability for neighboring sites:

All work would also be performed so as not to adversely impact any existing nearby structures, roadways, and utilities to remain. Protection of these elements would be provided as necessary during all construction activities at the Project Site.

All excavations would be properly sloped and/or braced in conformance with applicable OSHA regulations including, but not limited to, temporary shoring, utilizing trench boxes and/or proper benching. The contractor would be responsible for maintaining the stability of the soil and rock excavations, and special attention should be given to properly protecting cut rock surfaces. Soil erosion and sediment control measures will be implemented to maintain lateral stability for soil adjacent to neighboring sites. These soil erosion and sediment control measures have been designed in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.

5. Adverse impacts to onsite soils, agricultural soils, hydric soils, or lands:

Best management practices would be employed to mitigate potential impacts to the soil during site preparation and earthwork operations. The excavation, handling, redistribution, and potential disposal of soils from the site will comply with any applicable requirements of the NYSDEC Part 360 regulations. Refer to Appendix D, Geotechnical Report for additional information.

As referenced in the potential impacts section above based upon review of the historic photographs, the Project Site appears to not have been actively farmed since 2009. In addition, the Site is not located within an Agricultural Districts #1 or #2. Therefore, the Proposed Action would not result in the loss of active agricultural property.

Regarding hydric soils, the proposed action would result in an increase of approximately ±0.27 acres, including the removal of ±0.2093 acres of USACOE wetlands removal and the addition of ±0.5 acres of wetland mitigation planting area.

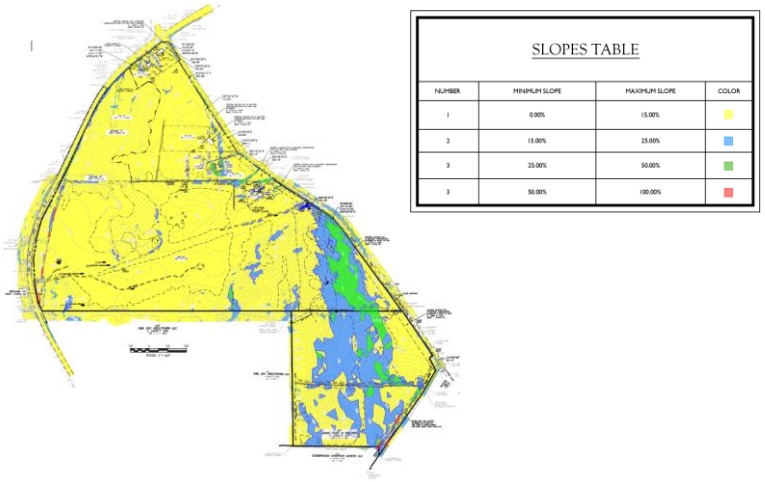
C. Topography

This section will describe the topography of the site, potential impacts to these features, and proposed mitigation.

Existing Conditions

The majority of the slopes on the Project Site are within the 0-15% range (83.55% of the site, or 93.91 acres), with steeper slopes in the north and northwest portions of the site. Approximately 14.15 acres of the site is in 15-25% slopes, 4.25 acres has slopes 25-50%, and 0.09 acres has slopes 50-100%. The existing slopes have been mapped by slope range as shown on Figure 3.C.1 and summarized below.

Figure 3.C.1: Existing Slope Range



Slope Category	Area on Site (acres)	Percent of Site (%)
0-15%	93.7191 acres	83.5255%
15-25%	14.15 acres	12.6159%
25-50%	4.25 acres	3.78%
50-100%	0.09 acres	0.08%
Total	**112.2046 acres**	**100%**

Under a "no build" scenario, the slopes on site would likely remain the same until the site is developed.

The Site is mainly abandoned agricultural land, with a silo and some building remnants remaining. The southwestern and western sides of the site bordering Beaver Dam Road contain several existing residences. The southern and middle portions of the site are low-lying and relatively flat, with light brush growth, a small pond, and a small natural unclassified stream. This area of the Project Site slopes gently toward the south-southwest. Furthermore, there are wetlands located in the south and southwest portions of the Site, which are discussed in Chapter 3D of this report. The north and northwest portions of the Site are on a hill, which is partly tree-covered, and slopes generally from east to west. Under a "no build" scenario, the features on the Site would likely all remain the same until such time that the Site is developed, although it is possible that the limits of the wetlands may slightly change over time.

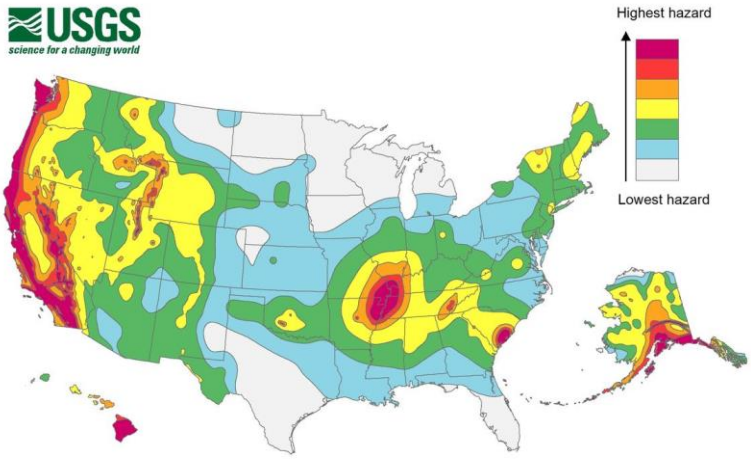
The United States Geological Survey (USGS) Maybrook, New York Quadrangle 7.5-minute series topographic map was used to determine topography of the surrounding area. Areas to the south and east are relatively flat and contain some wetland areas, with elevations between 400 and 420 to the south and between 420 and 440 along the eastern portion of the site and property line. West of the Site, the grade drops as low as elevation 366 adjacent to Beaverdam Road. On the northern

portion of the site, the existing hill continues up to approximately elevation 526 at the North-East corner of the site. Under a "no build" scenario, the topography of the surrounding area would not change.

Although runoff from the entire Site ultimately drains towards Beaver Dam Brook, it leaves the Site at five (5) different locations, and as such five design points were selected for this hydrologic analysis. Design Point 1 is located within the existing wetlands located at the southern end of the Site along Neelytown Road as the majority of the existing runoff gets to this point. While it does not appear the wetlands area has a designed point of discharge, the existing 36" RCP culvert to the south of the Site sign along Neelytown Road will ultimately be the point at which the runoff within the wetlands gets conveyed offsite. Design Point 2 is located at an existing depression on existing tax parcel 36-1-11.1 along Beaver Dam Road on the west side of the Site. Design Point 3 is located further north along Beaver Dam Road where an existing culvert adjacent to existing tax parcel 36-1-33 conveys the collected runoff across Beaver Dam Road. Design Point 4 is located further north along Beaver Dam Road where an additional culvert adjacent to existing tax parcel 36-1-33 conveys the collected runoff across Beaver Dam Road similar to Design Point 3. Design Point 5 is located at the most northern corner of the Proposed Action along the property line of existing tax parcel 33-1-91 bordering Beaver Dam Road. Similar to Design Points 3 and 4, Design Point 5 also has an additional existing culvert which conveys the collected runoff across Beaver Dam Road. Under a "no build" scenario, the same four sub-catchments would remain unchanged.

Per the Geotechnical Investigation Report in Appendix H, the Seismic Design Category of the site is 'B'. No conditions were noted that indicate a risk of seismic liquefaction, and the clay on the site is non-expansive, with a low potential for shrinking and swelling resulting from moisture changes. As the site was determined to fall under Seismic Design Category 'B', it is located in a region of seismicity where only moderately destructive ground shaking is anticipated. Furthermore, per the USGS Long-Term National Seismic Hazard Map, last updated in 2018, shown in Figure 3.C.2 below, the site falls in a region of low to moderate hazard level. This map shows peak ground accelerations having a 2 percent probability of being exceeded in 50 years, for a firm rock site. Under a "no build" scenario, the site and regional seismic characteristics would remain the same.

Figure 3.C.2: USGS Long-Term National Seismic Hazard Map



Potential Impacts

Grading

Approximately 860 cubic yards of soil will need to be imported to the site to complete the Proposed Action. The primary reason for the soil import is due to a recommendation in the geotechnical report that requires a 24" soil replacement below any proposed foundation. A majority of the excavated material on site will be used to construct the landscaped berm on the northwest side of the site bordering Beaver Dam Road while the remaining soil will be used across the site as is needed, which is displayed by the cut/fill exhibit in Appendix H. A preliminary Grading Plan showing existing and proposed grading on the site has been included as a part of the Site Plan set found in Appendix D of this document. Removal of fill from the site will not be necessary considering the site is balanced from a soil perspective.

Earthwork is necessary to construct the Proposed Action, as depicted on the Grading & Drainage Plan of the Site Plan Set in Appendix D. The proposed site improvements will require approximately 87.66 ~~6.08~~ acres of soil disturbance. Within the limits of disturbance, the following existing slopes will be disturbed:

Slope Category	Area Disturbed (acres)	Percent of Area Disturbed (%)
0-15%	69.48 ~~7.9~~ acres	79.26 ~~8.88~~%
15-25%	13.87 acres	15.82 ~~6.11~~%
25-50%	4.25 acres	4.94%
50-100%	0.06 acres	0.07%
Total	87.66 ~~6.08~~ acres	**100%**

Cut/Fill and Soil Importation/Exportation

The proposed development will result in approximately 860 cubic yards of fill material required resulting in an approximately balanced site. In the event there is any excess material it will be exported off site. The areas on the Project Site that will require cut and fill are displayed on the Cut Fill Exhibit in Appendix H and on the Site Plans in Appendix D.

Drainage Patterns and Grading

The drainage patterns in the proposed condition will generally mimic that of the existing condition. The main difference is that a large portion of the proposed site will be collected via catch basins and curb cuts and routed through various stormwater management practices before discharging to the same five (5) points that the existing site discharges to.

Retaining Walls

Retaining walls are proposed throughout the Project Site to tie into existing grades and to help minimize land disturbance. Per the Retaining Wall Exhibit in Appendix D, the proposed retaining walls are as follows:

10. Bordering Neelytown Road along driveway 1 (255 LF, 7ft. average height; 0.5ft. min. height to 9.46ft. max. height)
11. Bordering Neelytown Road along driveway 1 (520 LF, 8ft. average height; 0.5ft. min. height to 9.96ft. max. height)
12. Southeast side of Warehouse 1 (1094 LF, 16ft. average height; 0.5ft. min. height to 18.71ft. max. height)
13. West side of Warehouse 1 (252 LF, 2ft. average height; 1ft. min. height to 4ft. max. height)
14. Bordering Beaver Dam Road along west side of Warehouse 1 (770 LF, 20ft. average height; 0.5ft. min. height, 25.15 max. height)
15. Bordering Beaver Dam Road along west side of Warehouse 1 (642 LF, 15ft. average height; 0.5ft. min. height, 20.10 max. height)
16. North-East of Warehouse 1 (583 LF, 30ft. average height; 0.96ft. min. height, 39.18ft. max. height)
17. Southeast of Warehouse 2 (1061LF, 30ft. average height; 12ft. min. height, 36.05ft. max. height)
18. Northeast of Warehouse 2 (328 LF, 25ft. average height; 0.4ft. min. height, 40.04ft. max. height)

All retaining walls that exceed 3 feet ~~4 feet~~ in height are required to be designed by a licensed New York State Structural Engineer. As required, fencing will be provided on the top side of these walls for fall protection where the height exceeds 3~~0~~6. Refer to Appendix D for the Retaining Wall Exhibit.

Warehouse 2 was originally set at a lower finish floor elevation (FFE), and the retaining walls east and west of the building were higher. However, the FFE was raised to reduce the required cut on site,

which in turn reduced the height of the retaining walls to the east and west of the larger building. This also increased the height of the retaining wall south of Warehouse 2, which minimizes the disturbance to the wetlands to the south. The finished floor for Warehouse 1 is set at elevation 424.5; for Warehouse 2 the finished floor is set at elevation 444.5; Constructing the two buildings at varying grade levels helps with creating a stormwater design that can satisfy each building individually and the Project Site as a whole.

Grading/Adjoining Water Tanks

A portion of Lot 2 lies within Water District 1 and the remainder of the site lies within the Neelytown West Water Department. There are no existing water tanks on the subject site, however, ~~and~~ the proposed construction will ~~not~~ require a water tank~~s~~ for the fire suppression system. The water tank, water line, and access easements located to the north of the site will remain undisturbed. All water service laterals will be piped from existing mains running within Neelytown Road and Beaver Dam Road. Typical concerns with grading near a water tank is a suspension in service from damage to the structure. Any construction happening on or near a water tank requires a great deal of care as to not puncture or damage the tank in any way. A leak in the tank would have a significant impact as the portions of town that rely on the water tank for potable water would be without a vital resource.

Stormwater Practices

Stormwater practices utilized during and after construction have been designed in accordance with the Town's General Enhanced Stormwater Erosion and Sediment Control Plan for Large Projects, as well as the New York State Standards and Specifications for Erosion and Sediment Control (The Bluebook). Some examples of the Town's General Enhanced Plan include, but are not limited to, using silt fence, installing construction entrances, utilizing soil stockpiles, installing inlet protection around constructed catch basins, installing construction entrances at the start of construction, installing concrete washout areas, installing temporary sediment traps, and stabilizing roads with gravel. Refer to the SWPPP and Site Plans provided in Appendix C and D.

Mitigation Measures

The Project Site has a combination of wetlands and areas of steep slopes. Based on the size of the proposed development, large areas of cut and fill are unavoidable for construction. The proposed site improvements have been designed to almost entirely avoid wetlands, while also limiting steep slopes created by the proposed development. Retaining walls and 3:1 slope grading is proposed to reduce the area of disturbance and potential wetlands disturbance. The building elevations were evaluated and revised throughout the initial design process to minimize the net cut-fill to the extent possible. Additional mitigation measures are described below.

Adequate soil erosion measures using the Town Enhanced Erosion and Sediment Control Guidelines have been designed to protect sloped areas during and after construction. These measures include, but are not limited to, the following: slope protection measures shall be applied within 3 days after earthmoving on a particular slope is complete, flexible growth medium and hydraulically applied bonded fiber matrix shall be applied where applicable, and equipment tracking from top to bottom for bare slopes to be protected shall be performed. Refer to the SWPPP and Site Plans provided in Appendix C and D for more detail.

As previously mentioned, there are several retaining walls proposed throughout the site per the Retaining Wall Exhibit in Appendix D. The retaining walls will exceed three ~~four~~ feet in height and will therefore require a design by a licensed New York State Structural Engineer. Retaining walls are anticipated to be modular block walls utilizing rectangular blocks of an earth tone color (light/dark slate gray) to complement the proposed buildings. The integrity of the retaining walls will be maintained, and inspected once a year, or as indicated by the wall manufacturer. The New York State Structural Engineer designing the retaining walls on the site will work closely with the project's Geotechnical Engineer to coordinate selection of soil types and data pertinent to said soils. Safety is a top priority, and the engineer designing the retaining wall will install safety fences on walls over 3 feet in height in addition to any other necessary safety measures.

Berms are proposed for landscape screening and sound attenuation along the northwest side of the site bordering Beaver Dam Road. There are two berms: one closer to Warehouse 2 and the other closer to the Trailer Parking Area. Both berms will be landscaped primarily with evergreen trees, as well as some deciduous trees and the berms peak at approximately 80 feet in height. As for sound attenuation, on the southwest side of Warehouse 2 there is a sound wall that measures 15 feet in height. This wall will act as a sound barrier and will reduce the sound produced from warehouse operations. Additional sound attenuation is discussed in Chapter 3H of this report.

The access road to access a fire tank to the north of the site is proposed to be graded so that it will match the existing grades at the point of leaving the site. A proposed berm similar to the large hill that already exists is proposed adjacent to the access road. As such, minimal maintenance is expected during construction and in the future. A maintenance agreement put together within input from the Town of Montgomery is expected to be included as a condition of approval.

The size of the proposed disturbance requires the preparation of an erosion and sediment control plan, which is included in the Site Plan Set in Appendix D. Due to the size/scope of the project and the size of even the smallest proposed building alone, construction cannot be staged in such a way to limit soil disturbance below the 5-acre threshold at one time. It is understood by the Applicant as well as the design engineer that this project will require a waiver of this 5-acre limit.

The Soil Erosion & Sediment Control Plans have been designed in accordance with the Town's General Enhanced Stormwater Erosion and Sediment Control Plan for Large Projects, as well as the New York State Standards and Specifications for Erosion and Sediment Control (The Bluebook). The Plans and practices have been designed to help limit soil erosion and minimize sediment impacts from construction activity involving soil disturbance. Some of the mitigation measures include:

- Stabilized construction entrance
- Concrete washout areas
- Soil Stockpiles
- Silt fence
- Temporary sediment basins and diversion swales
- Inlet protection
- Slope stabilization with flexible growth medium or hydraulically applied bonded fiber matrix
- Equipment tracking for bare slopes
- Water skimmers and sediment filter bags for outlet of sediment basins

Finally, phasing construction will assist in mitigating the amount and location of soil movement. Please refer to the SWPPP and Site Plans provided in Appendix C and D for detailed information regarding construction of each phase.

D. Water Resources

This section will describe the ground and surface water resources of the Project Site and immediately surrounding environs, which includes creeks, tributaries, wetlands, and recharge areas with reference to ground and water resources. It will also discuss potential impacts to these resources and proposed mitigation.

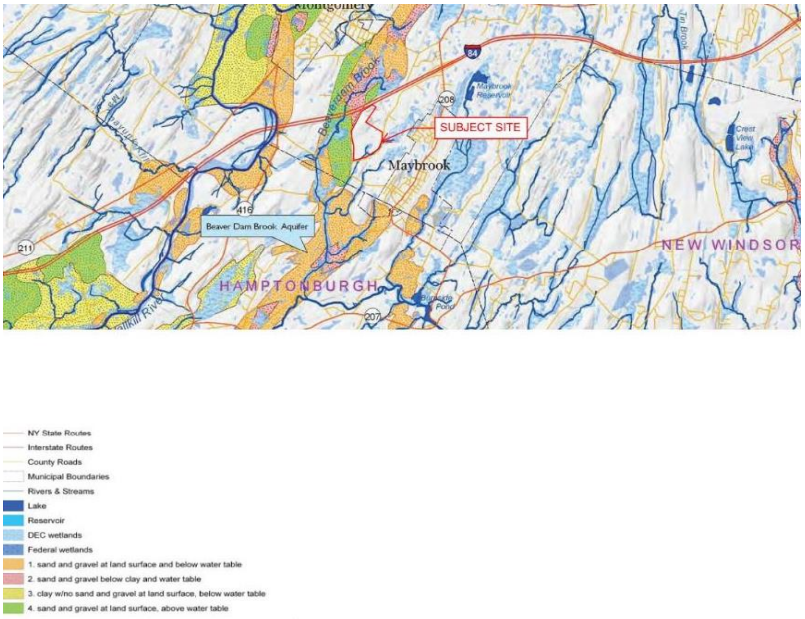
Groundwater

Existing Conditions

Aquifer mapping was reviewed to determine whether the site is over a sole source, primary, or principal aquifer. According to the Environmental Protection agency "Sole Source Aquifers" map the project site is not within a sole-source aquifer. See Figure 3.D.1 below. Sole Source Aquifers are designated as the sole or main source of drinking water for a community by the US Environmental Protection Agency under provisions of the Federal Safe Drinking Water Act. In addition, according to the "Major Aquifers Map of Orange County" the site is not over a primary aquifer or a principal aquifer as well. See Figure 3.D.2 below.

Figure 3.D.1: Sole Source Aquifer Map

Figure 3.D.2: Major Aquifers Map of Orange County



As depicted on Figure 3.D.1 and Figure 3.D.2, there are no existing aquifers within the property limits. The only sources of water on the Project Site are wetlands and seven (7) private water wells, identified on the Existing Conditions Plan in Appendix D, that service the existing residential properties on the Project Site. Neither of these sources qualify as a Sole Source as they do not provide potable water to a community. As for the Orange County Aquifer Map, again it is clear there are no aquifers on the Project Site. The closest aquifer is the Beaver Dam Aquifer which is several miles from the Project site. Although the Project Site will contain drainage hot spots and engage various methods of filtering contaminants prior to infiltration into the soil, there will be no risk of any contamination to any existing aquifers.

The depth to the groundwater is based on the high-water table (seasonal) and is the highest level of a saturated zone of soil in most years. The depth to the seasonal high-water table applies to undrained soils. The estimates are based mainly on the evidence of a saturated zone, namely grayish colors, or mottles in soil. The depth to groundwater for each of the soil types is summarized in Table 3.B.3 in Chapter 3B above.

In the Geotechnical Report in Appendix H, a total of 23 soil borings and 33 infiltration test pits were performed throughout the Project Site on each proposed lot, specifically in potential stormwater management areas and under the potential building footprints. Groundwater was encountered in several of the test pits at depths ranging from 1.25 feet to 6.5 feet below the existing ground surface.

Several residences on the western side of the Project Site bordering the eastern side Beaver Dam Road have groundwater wells. Through implementation of the Proposed Action, these residences would be demolished, and the existing wells will be properly abandoned and taken offline. The existing wells are to be abandoned in accordance with NYSDEC, NYSDOH, and AWWA requirements. Abandoning the private wells on site will reduce the amount of water the municipal well produces to satisfy the town's water needs. The Proposed Action will provide direct access to the municipal water service via a water main in Neelytown Road for the Project Site. This will provide adequate water to the site to meet the demand for potable and non-potable uses.

The Project Site is surrounded by industrial uses and residential properties. The industrial properties along Neelytown Road do not use groundwater due to the availability of municipal water service. Similarly, the Proposed Action will connect to the Town of Montgomery municipal water supply system, so no groundwater use is proposed, and testing of groundwater quality is not applicable. The residential properties opposite the Project Site on Beaver Dam Road are likely served by private wells due to the distance from the municipal line within Neelytown Road. These wells are to be decommissioned following all applicable state standards.

Water Quality Volume (WQv) and Runoff Reduction Practices (RRV) will be provided in accordance with the requirements of the New York State Storm Water Management Design Manual (NYSSMDM) are proposed to be provided on the site using a series of methods. The first of which are identified as “Green Infrastructure Planning General Categories and Specific Practices” (Table 3.1), “Runoff Reduction Techniques” (Table 3.2) and “Planning Practices for Preservation of Natural Features and Conservation” (Table 5.1) within the NYSSMDM and are all accomplished in the planning portion of the design project. The second series includes the various pretreatment methods provided specific to each stormwater management practice. The third series is the specific stormwater management practices themselves. This is further detailed in the Mitigation Measures portion of the Stormwater Management section below.

Potential Impacts

The Proposed Action will connect to the municipal water supply system and no groundwater use is proposed to serve the water supply needs for the Proposed Action.

Development of the parcel however will create additional areas of new impervious surfaces on the site which have potential to increase stormwater runoff and increase the potential for erosion on the site that could negatively impact the existing groundwater in the area.

With the development of the lot other potential pollutants such as ice/snow treatment methods and potential fuel and oil spills are to be considered for potential impacts as well.

The primary method to treat snow will be to remove it to seeded lawn areas where it can naturally melt and be absorbed by the ground below. Ice removal and prevention will be accomplished by utilizing road salt while implementing best management practices to reduce potential impacts of salt as identified in the report by the Dutchess County EMC and the Cary institute of ecosystems studies entitled "road salt, the problem, the solution, and how to get there (2010)". Refer to the SWPPP for more information. Salt notes were also added to Sheet 7 of the Site Plan set describing the procedures to be used on site.

To prevent any potential impacts to the groundwater as a result of hot spot runoff which includes potential fuel and oil spills several pretreatment techniques are to be utilized as specified and required by the NYSSMDM. Those techniques include grass filter strips where possible and where it is not possible a Manufactured Treatment Devices and basin forebays are proposed to capture all potential pollutants contained in the hot spot runoff prior to entering a stormwater system and ultimately being discharged from the system to infiltrate back into the ground and groundwater. As a result, no adverse effects are anticipated to the groundwater on the project site or town wells on adjacent sites across the roads surrounding it.

Mitigation Measures

The Proposed Action will feature drainage facilities that are to be designed per NYSDEC and town regulations including the preparation and implementation of a SWPPP to treat stormwater runoff prior to recharge and capture any potential erosion that could contaminate the groundwater as is further detailed in the Stormwater Management section below. A waiver will be necessary from the NYSDEC's 5-acre disturbance limit due to the size of the development (refer to the full SWPPP included within Appendix C). This will also include an operation and maintenance manual that will specify best management practices to reduce potential impacts of salt used for road and parking area snow removal identified in the report by the Dutchess County EMC and the Cary institute of ecosystems studies entitled "road salt, the problem, the solution, and how to get there (2010)". Refer to the SWPPP for more information.

Permeable areas, such as the wetlands, will be maintained and protected with silt fence, retaining walls, and additional measures to make sure there is no contamination and/or damage from the on-site construction. Low impact development techniques such as the preservation of natural areas (existing wetlands) prior to construction, soil restoration after construction, temporary diversion swales and outlet stabilization for example and as further outlined withing this document and the SWPPP, will be used during the construction phases of the proposed action, particularly when it comes to the construction of the warehouse structures and road construction.

Surface Water and Wetlands

Existing Conditions

The Project Sponsor is submitting an Article 24 Permit ~~nationwide permit~~ to ~~USACE~~ NYSDEC, which will review the wetland delineation done by the Project Sponsor's expert with respect to federally jurisdictional wetlands on the Site. Per the FEMA Map and DEC Map in Appendix D, no designated surface waters or FEMA flood zones are located on the Project Site; therefore, these resources will not be impacted by the Proposed Action as the project will not use or discharge into any surface water sources.

The ~~re are no NYSDEC-regulated~~ freshwater wetlands on the Project Site are now NYSDEC. Federally regulated wetlands were delineated in 2021 along the southeast property line of the Project Site between the southeast and southwest corners of the Site and are shown on the survey of the Site as Wetland "A" and Wetland "B," respectively. See Appendices D and I. Wetland "A" and "B" have a surveyed area of approximately 8.90 acres and 4.813 acres respectively. These wetlands are

Commented [PV3]: This needs to be updated.

Commented [JW4R3]: Coordinate with MN and JF

connected hydraulically to offsite wetlands across Neelytown Road by way of 24" and 18" RCP culverts. On the Project Site Wetland "A" is hydraulically connected to Wetland "B" by way of a 12" HDPE and 18" CMP pipe. These wetlands are ~~not currently~~ now regulated by NYSDEC~~. , nor has that agency indicated any to regulate them,~~ A smaller wetland on the eastern portion of the Site was determined to be isolated and not subject to ~~USACE~~ NYSDEC jurisdiction, however, this determination will be confirmed by ~~USACE~~ NYSDEC through its review of the Project Sponsor's application for coverage under ~~NWP #39~~Article 24 Permit.

The wetlands on the Project Site receive water primarily through overland sheet flow and are ultimately connected to the Hudson River via Beaver Dam Brook and OtterKill Creek. Hydrological indicators identified within the wetland included soil saturation, watermarks, drift lines, drainage patterns, and water-stained leaves. The wetland is mainly a broad-leafed deciduous forested wetland with some minor wet meadow and scrub/shrub components. It is predominantly a red maple-spicebush dominated swamp that is seasonally inundated and is surrounded by undeveloped meadow and second-growth forest. Functions and values provided by these wetlands include flood attenuation, sediment trapping, nutrient removal, production export, and wildlife habitat. Of these, the key functions are flood attenuation, sediment trapping, and wildlife habitat.

Existing stormwater runoff for the Project Site is divided into five (5) drainage areas, all of which drain towards Beaver Dam Road. Accordingly, for stormwater design purposes, the Project Site has been divided into five (5) total existing sub-watersheds shown in Table 3.D.3 below and illustrated in Figure 3.D.4 Existing Drainage Map. These five (5) sub-watersheds total approximately 112.20

~~46~~ acres.

Table 3.D.3: Pre-Development Watershed Areas

Watershed	Area (acres)
Watershed 1	18.29
Watershed 2	18.88
Watershed 3	15.85
Watershed 4	21.73
Watershed 5	10.56
Wetlands/Undeveloped Areas	~~27.15~~26.89
Total	**112.20~~46~~**

In the pre-development condition, five (5) stormwater Design Points were identified:

Design Point 1 extends from the southwestern corner of the property by the intersection of Neelytown Road and Beaver Dam Road. The watershed boundary runs northeast from the previously mentioned intersection towards the northeastern property line separating the project site from Lot 33-1-41.1. Design Point 1 is located within the onsite wetlands and represents the total peak flow from Watershed 1 in the existing condition and proposed condition. Runoff leaving the

Project Site at Design Point 1 will be discharged from several different above ground and underground basins.

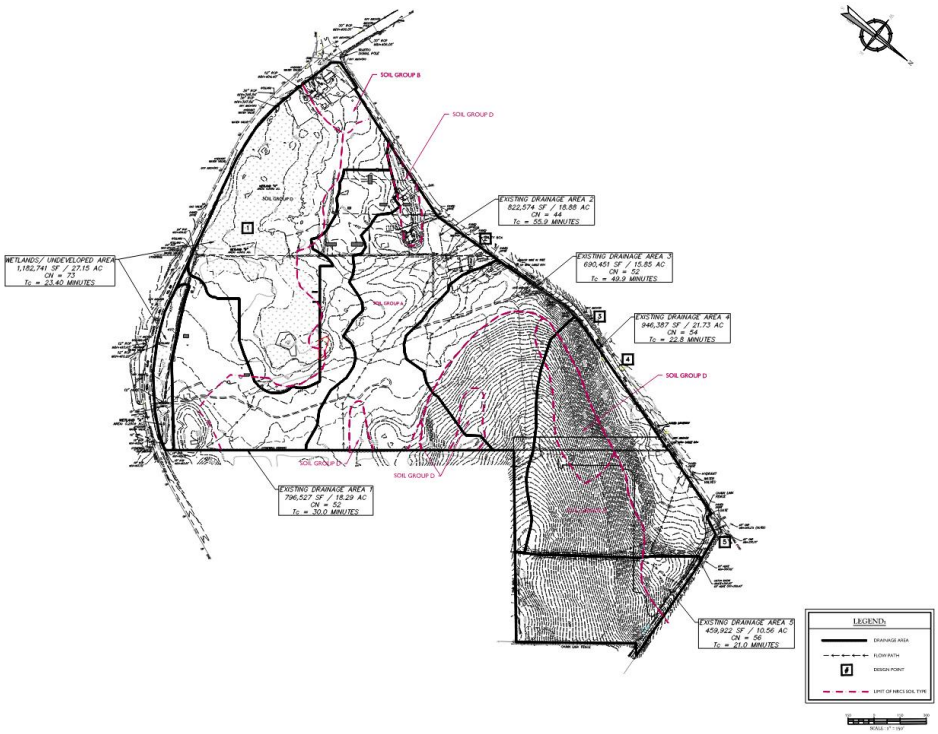
Design Point 2 is located on the western boundary line bordering Beaver Dam Road. Design Point 2 represents the total peak flows from Watersheds 2 in the existing and proposed condition. The proposed grading of the site allows for the design to reduce peak flows and total runoff quantity to this point by way of overland flow improving the existing conditions.

Design Point 3 is located to the west of the property across Beaver Dam Road by way of an 18" CMP culvert. Design Point 3 represents the total peak flow from Watershed 3 in the existing and proposed conditions. The proposed grading of the site allows for the design to reduce peak flows and total runoff quantity to this point by way of overland flow improving the existing conditions.

Design Point 4 is similarly located to the west of the property across Beaver Dam Road by way of an 18" CMP culvert further north along the frontage of the property. Design Point 4 represents the total peak flow from Watershed 4 in the existing and proposed conditions. The proposed grading of the site allows for the design to reduce peak flows and total runoff quantity to this point by way of overland flow improving the existing conditions.

Design Point 5 is located on the north corner of the site, near the crossing of Beaver Dam Road and US Interstate I-84. This design point is by way of a 48" HDPE culvert further north along the frontage of the property. Design Point 5 represents the total peak flow from Watershed 5 in the existing and proposed conditions. The proposed grading of the site allows for the design to reduce peak flows and total runoff quantity to this point by way of overland flow improving the existing conditions.

Figure 3.D.4: Existing Watershed Map



(Refer to the SWPPP in Appendix C for the PDF of this map and more information.)

Potential Impacts

The Proposed Action will result in the disturbance of approximately 0.2093 acres of the existing 14.00 acres of wetlands on the Site to allow site earthwork necessary for the achievement of finished grades for each of the proposed buildings. This leaves a total of 13.7917 acres of wetlands in addition to 13.75 acres of open space adjacent to these wetlands to be protected. Stormwater runoff from developed land is recognized as a significant contributor of pollution that can adversely affect the quality of the receiving waters. Development of the Project Site would create impervious areas, which can alter the hydrologic characteristics of a watershed and could have impacts on water resources, since pollutants and sediment carried by stormwater runoff can degrade the water quality of receiving waters. The potential pollutant sources during construction of the Proposed Action include sediment, vehicle fuels and lubricants, chemicals associated with building construction and building materials. The potential pollution sources after construction include sediment, debris, litter, and potential auto fluids from roadways. The Proposed Action will

implement Best Management Practices (BMPs) to minimize the water quality impacts. To minimize water quality impacts, the following BMPs will be implemented:

- Concentrated surface water or significant sheet flow would not be discharged onto temporary or permanent slopes.
- Groundwater seepage, if encountered during construction, would be collected and discharged in accordance with the SWPPP.
- Surface water runoff would be properly contained and channeled in accordance with the SWPPP.
- Removal of existing natural vegetation will be limited to active construction areas.
- Surface water and drainage from impervious surfaces would be directed to appropriate stormwater facilities.

In addition, to the measures outlined above, the Project's SWPPP and Site Plans (Appendices C and D) identify additional BMPs to be implemented. The BMPs will be designed in accordance with the NYSDEC regulations.

Mitigation Measures

With respect to wetland impacts, the Project Sponsor has avoided and minimized impacts as much as possible through the design of the Proposed Action. Coverage of the proposed minimal disturbance of federal wetlands is being sought from the ~~U.S. Army Corps of Engineers under NWP #39~~New York State Department of Environmental Conservation (NYSDEC). Because of the amount of disturbance involved, additional wetlands will be required by ~~USACE~~ NYSDEC to be created on the Site on at least a 2:1 ratio, resulting in an additional .5± acres of wetlands on the Site based on a ~~USACE-approved mitigation plan~~NYSDEC Article 24 permit. No direct discharges to wetlands are proposed and on-site drainage patterns and flows have also been maintained to mimic existing conditions. Based on the boundary and topographical information provided to our office for this project there are no known wetlands along the shared property with FedEx Ground. As mentioned earlier, wetland impact will remain minimal and any disturbed wetland areas will be replaced at a 2:1 ratio minimum. A prior Pre-Construction Notification (PCN) permit was submitted to USACE to verify and confirm the accuracy of the wetlands delineation. USACE ~~has~~ was provided a 45-day window to review the permit and provide comment, ~~if the permit is~~but the permit was not reviewed within the 45-day window ~~it is~~ was automatically deemed approved. ~~The 45-day window of this submission closes on November 6, 2024; see Appendix I for the correspondence with USACE in regard to this permit.~~ At this time the applicant is proceeding with an Article 24 permit to the NYSDEC for the wetland/wetland buffer disturbance associated with the proposed action.

For mitigation of potential stormwater impacts, including impacts to wetlands, a SWPPP for the Project Site has been prepared to conform to the requirements of the current GP-0-20-001 SPDES General Permit for Stormwater Discharges from Construction Activity as set forth by NYSDEC and is included as Appendix C. The SWPPP identifies green infrastructure and stormwater management practices to be implemented during and after construction to minimize stormwater related impacts. For example, the eight bioretention areas will work to absorb runoff created from construction and

from operation of the Proposed Action with plenty of vegetation and mulch. Infiltration bases will be used to store runoff by having depths greater or equal to the 100-year water surface elevation. This means each basin on site is designed to handle the 100-year storm. These basins will also have the capacity to hold the runoff produced from construction and project operation as well as provide a natural habit for local wildlife. The Operation and Maintenance manual further details the maintenance process for the proposed stormwater improvements and maintenance practices to reduce potential impacts of salt used for road and parking area snow removal including best management practices identified in the report by the Dutchess County EMC and the Cary institute of ecosystems studies entitled "road salt, the problem, the solution, and how to get there (2010)". Refer to the SWPPP for more information. See discussion below. Refer to the SWPPP for more information. Salt notes were also added to Sheet 7 of the plan set describing the procedures to be used on site.

Stormwater Management

Existing Conditions

Under existing conditions, there is approximately 0.95 acres of impervious area associated with the existing sites and former residential uses. In review of the Orange County Climate Resilience Study, there is no indication that the subject site will be impacted by heavy precipitation, extreme heat, extreme storms and/or inland/coastal flooding as identified as the areas of concern illustrated in the Resilience Study. The remainder of the Project Site is undeveloped void of stormwater controls except for existing culverts along Beaver Dam Road exist. Most stormwater under existing conditions infiltrates into the ground where it is naturally treated. Please refer to Table 3.D.3 and Figure 3.D.4 above for pre-development watershed areas. For pre-development peak flow rates refer to Table 3.D.5 below.

Table 3.D.5: Pre-Development Peak Flow Rates

Storm Event (in)	Design Point 1 (Cfs)	Design Point 2 (Cfs)	Design Point 3 (Cfs)	Design Point 4 (Cfs)	Design Point 5 (Cfs)
1 Year (2.64)	11.36	0.01	0.11	0.28	0.24
10 Year (4.80)	46.62	1.24	3.80	10.04	6.23
25 Year (6.04)	73.78	4.04	8.37	20.86	12.09
100 Year (8.57)	135.47	14.07	20.64	48.25	26.48
500 Year (11.0)	198.77	26.83	34.53	78.41	42.17

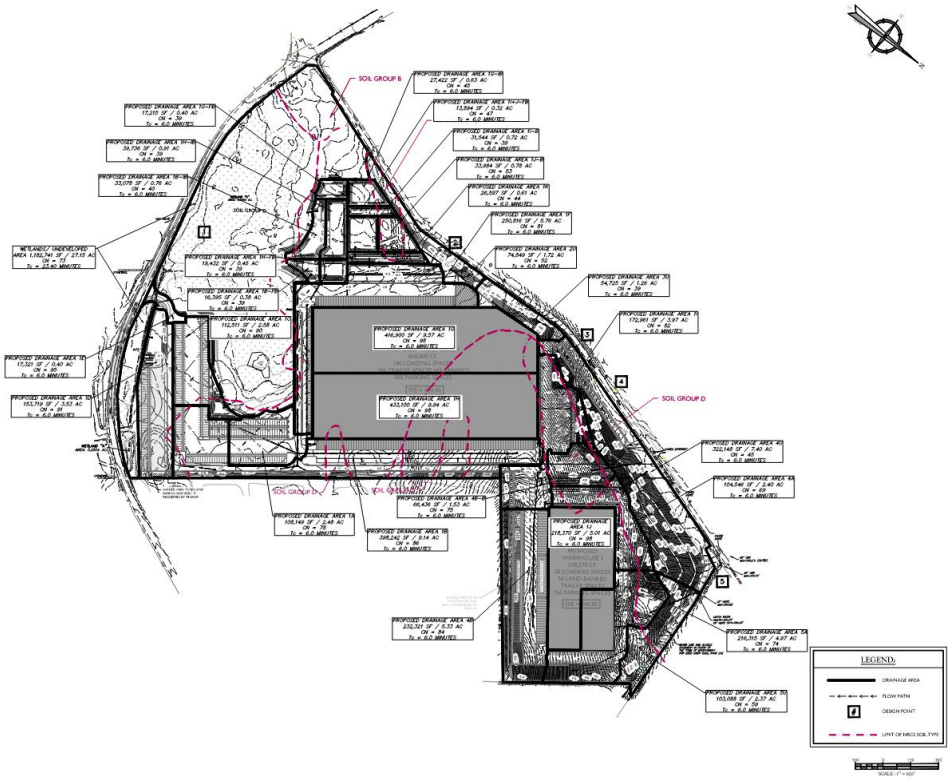
Potential Impacts

The Proposed Action will create an impervious area of approximately ±51.91 acres or ±52.72% impervious cover of the Project Site excluding wetlands. This is an increase of approximately 50.96 acres over the existing 0.95 acres of impervious area, resulting in increased amounts of stormwater requiring collection and treatment. In the post-development conditions, the drainage patterns will remain relatively unchanged as four overall watershed areas remain, but within them nineteen (19) sub-watershed areas have been identified.

Table 3.D.6: Post-Development Watershed Areas

Watershed	Area (acres)
Existing Wetlands / Disturbed Area	26.8927.15
Watershed 1A	2.48
Watershed 1B	10.28
Watershed 1C	2.58
Watershed 1D	3.53
Watershed 1E	0.4
Watershed 1F	5.76
Watershed 1G	10.60
Watershed 1H	11.30
Watershed 1I	5.40
Watershed 1J	5.40
Watershed 1K	0.61
Watershed 2U	1.72
Watershed 3U	1.26
Watershed 4A	2.40
Watershed 4B	6.86
Watershed 4U	7.40
Watershed 5A	4.97
Watershed 5U	2.37
Total	**112.2046**

Figure 3.D.7: Proposed Watershed Map



(Refer to the SWPPP in Appendix C for the PDF of this map and more information.)

Post-development flow rates are shown in the table below for the 1, 10-, 25-, 100- and 500-year storm events.

Table 3.D.8: Post-Development Peak Flow Rates

Storm Event	Design Point 1 (Cfs)	Design Point 2 (Cfs)	Design Point 3 (Cfs)	Design Point 4 (Cfs)	Design Point 5 (Cfs)
1 Year	11.36	0.01	0.00	~~0.01~~0.22	0.14
10 Year	~~42.34~~43.96	1.17	0.03	~~3.76~~7.50	3.09
25 Year	~~65.85~~71.65	2.56	0.19	~~11.84~~18.35	~~5.44~~7.53
100 Year	~~129.53~~130.81	6.06	1.77	~~40.58~~42.50	~~19.66~~21.24

500 year	~~244.22~~245.12	~~26.83~~18.02	3.87	~~74.47~~62.44	~~35.86~~34.91

Potential impacts due to the increased amount of stormwater runoff (water quantity volumes and water quantity volumes) from the additional impervious surfaces of the Proposed Action are required to be collected and treated. This additional impervious area does not allow rainfall to soak into the ground. Water quality impairments from stormwater run-off of impervious surfaces can include accumulated pollutants deposited from the atmosphere, leaked from vehicles, or windblown in from adjacent areas. During storm events, these pollutants quickly wash off surfaces and are rapidly delivered into downstream waters.

The proposed stormwater facilities have been designed to include green infrastructure techniques that do not include the presence of any underground stormwater management systems and as such will be visible on the site. In addition, the appearance of a significant portion of these techniques will blend into the surrounding vegetated and wetland areas. This will be accomplished by the construction of densely planted bioretention basins with grass filter strips where possible. Bioretention basins are designed to provide stormwater treatment without appearing like some more standard stormwater basins and have been utilized wherever possible to provide this appearance. The remaining stormwater management systems include the presence of several infiltration basins and one detention basin. Infiltration basins will appear to be shallow depressions that are grass along the slopes of the basin and while they typically have a layer of sand at the bottom of the depression can also be seen with grass bottoms throughout as well. Long-Term Stormwater Maintenance agreements will be provided within the SWPPP as required by the NYSSMDM.

Mitigation Measures

The stormwater management measures proposed for the Project Site have been designed per the New York State Storm Water Management Design Manual (NYSSMDM) and the Applicant has prepared a SWPPP designed to conform to the requirements of the current GP-0-20-001 SPDES General Permit for Stormwater Discharges from Construction Activity as set forth by NYSDEC.

A proposed collection, conveyance and treatment system is provided as part of the Proposed Action. This consists of a series of catch basins and pipes, bioretention basins, above ground infiltration basins and detention basins which collect and treat stormwater run-off before discharging into the existing drainage system in Beaver Dam Road or upstream of the on-site wetlands. These systems have been designed specifically for the conditions of this Site to treat and handle stormwater generated as a result of 1-, 10-, 25- and 100-year storms.

Stormwater improvements proposed for the Site would protect water quality, minimize runoff, and provide channel, overbank flood and extreme flood protection per the SPDES permit. Peak flows have been maintained or reduced and runoff reduction would be achieved through the conservation of natural areas, disconnection of impervious surfaces (rooftops), and a decrease in the widths of the proposed private roads. The Proposed Action has been designed to minimize impervious surfaces as much as possible. The United States Department of Agriculture Natural Resources Conservation Service's publication Urban Hydrology for Small Watersheds, Technical Release 55

quantifies the average percent of impervious cover for an industrial-type development as 72%, as contrasted to the ±52.72% included in the Proposed Action.

Although the proposed stormwater improvements were designed to treat up to a 100-year storm, the impacts of a potential 500-year storm must be considered as well. While it would be impractical to design for such a storm, certain measures such as the direction of the onsite basins' emergency spillways discharging towards the wetlands were considered in an attempt to prepare the Project Site for worst case scenario conditions. In addition, the centralized location of the majority of the projects stormwater management being adjacent to the existing wetlands would allow for a safe and natural discharge point that would help reduce flooding to the adjacent roads and areas. During the 500 year storm event, runoff through the basin emergency spillways will range from 0.06 fps to 2.25 fps. As the emergency spillways will be rip-rap lined and the areas below the emergency spillways will be stabilized and planted with a wildflower and grass mix, the potential for erosion downstream of the emergency spillways is minimal~~low~~.

Overall, the Proposed Action has been designed to minimize downstream effects from stormwater run-off following the development of the Project Site. The stormwater management system will control flows and discharge maintained at lower flow rates in the overall post-development condition as compared to pre-development conditions. Refer to the table below for a comparison of peak flow rates for the pre- and post-development conditions.

Table 3.D.9: Analysis of Pre- vs. Post-Development Peak Flow Rates

Design Point	Storm Event	Pre-development Peak Flow (Cfs)	Post-Development Peak Flow (Cfs)	Net Change (Cfs)	% Change Over Pre-Conditions
DP 1	1	11.36	11.36	0	0.00%
	10	46.62	~~42.34~~43.96	~~-4.28~~-2.66	~~-9.18%~~-5.71%
	25	73.78	~~65.85~~71.65	~~-7.93~~-2.13	-10.75%
	100	135.47	~~129.53~~130.81	~~-5.94~~-4.66	-4.38%
DP 2	1	0.01	0.01	0	0.00%
	10	1.24	1.17	-0.07	-5.65%
	25	4.04	2.56	-1.48	-36.63%
	100	14.07	6.06	-8.01	-56.93%
DP 3	1	~~0.21~~ 0.11	0.00	~~-0.21~~-0.11	-100.00%
	10	3.80	0.03	-3.77	-99.21%
	25	8.37	0.19	-8.18	-97.73%
	100	20.64	1.77	-18.87	-91.42%
DP 4	1	0.28	~~0.01~~0.22	~~-0.27~~-0.06	~~-96.43%~~-21.43%
	10	10.04	~~3.76~~7.50	~~-6.28~~-2.54	~~-62.55%~~-25.30%
	25	20.86	~~11.84~~18.35	~~-9.02~~-2.51	~~-43.24%~~-12.03%
	100	48.25	~~40.58~~42.50	~~-7.67~~-5.75	~~-15.90%~~-11.92%
DP 5	1	~~0.25~~ 0.24	0.14	~~-0.11~~-0.10	~~-44.00%~~-41.67
	10	~~6.82~~ 6.23	3.09	~~-3.73~~-3.14	~~-54.69%~~-50.40
	25	12.09	~~5.44~~7.53	~~-6.65~~-4.56	~~-55.00%~~-37.72%
	100	26.48	~~19.66~~21.24	~~-6.82~~-5.24	~~-25.75%~~-19.79%

The required Water Quality Volume (WQv) and Runoff Reduction Volumes (RRV) are proposed to be provided on the site using a series of methods. The first of which are identified as “Green Infrastructure Planning General Categories and Specific Practices” (Table 3.1), “Runoff Reduction Techniques” (Table 3.2) and “Planning Practices for Preservation of Natural Features and Conservation” (Table 5.1) within the NYSSMDM and are all accomplished in the planning portion of the design project. This first series of methods include the conservation of natural areas (wetland areas) and Soil Restoration (all disturbed areas are to be restored in accordance with the soil restoration requirements in Table 5.3 of the NYSSMDM). All these methods can be considered as low impact development strategies.

The second series of methods proposed for this design to provide the required WQv and RRv’s are the pretreatment methods. After runoff is generated on site following a storm even runoff is either conveyed via a grass filter strip (a pretreatment method which is proposed for three of the proposed bioretention basins) or it is captured and conveyed by the proposed catch basins and pipes on site to a manufactured treatment device and/or forebay prior to being discharged to a basin. These pretreatment methods all provide greater than or equal to the required amount of WQv as is detailed by the NYSSMDM.

The final method shall be performed in the Bioretention and infiltration basins themselves. As is described in Table 3.3 “Stormwater Management Practices Acceptable For Water Quality” of the NYSSMDM an infiltration basin is listed and described as “ an infiltration practice that stores the water quality volume in a shallow depression, before it is infiltrated into the ground, and a bioretention basin as “ a shallow depression that treats stormwater as it flows through a soil matrix and is returned to the storm drain system”. The basins proposed have been sized to meet or exceed the minimum requirements in the NYSSMDM and the sizing calculations are provided within the SWPPP.

Additionally, stormwater quantity mitigation is proposed using an above ground detention basin. The above ground basin proposes to store and slowly release captured runoff over time (extended detention). Further, velocity dissipating rip-rap outlets have been designed to minimize end of pipe erosion.

The proposed stormwater basins would be used as temporary sediment basins during construction. Direct access shall be provided to the basins for maintenance and rehabilitation. Following completion of the project, direct access will be provided to the basins for maintenance and rehabilitation which will include the following:

- Mowing grass, at least twice annually. Grass clippings and other debris will be removed from the basin area after each mowing.
- Removal of all wooded brush and trees. Reestablish good grass cover.
- All leaves will be removed as needed in the fall.

- Restore and reseed all eroded areas and gullies along embankment areas. Any reoccurring erosion would be inspected by a licensed professional engineer to determine probable cause and remedial action.
- General maintenance and repairs of the stormwater outlet and inlet structures.
- Sediment removal from forebay and bioretention every five to six years or when 50% full.

All construction activity will be performed in accordance with New York State Standards and Specifications for Erosion and Sediment Control. The erosion control plans include phasing, details, and the timing of the erosion and sediment control measures to be implemented on site. To avoid siltation (process of sediment, such as silt and fine sand, settling and accumulating in bodies of water), during construction the following erosion control practices are to be used:

The proposed erosion control measures (many of which can be classified as low impact development strategies) are to be implemented include the following temporary measures:

1. Temporary Slope Protection: General Contractor to perform equipment (cat) tracking or excavator bucket compaction for bare slopes to be protected. Slopes must be tracked from the top of the slope to the bottom of the slope. (See page 4.56 of the bluebook).
2. Silt fencing: a barrier of geotextile fabric installed on the contours across a slope in order to intercept sediment laden runoff from small drainage areas of disturbed soil. Silt fencing will reduce runoff velocity and effect deposition of transported sediment loads.
3. Temporary diversion swale: this will prevent runoff from entering disturbed areas by intercepting and diverting it to a stabilized outlet or to intercept sediment laden water and divert it to a sediment trapping device.
4. Stone check dams: these small barriers or dams are constructed of stone or gravel across a drainage way to reduce erosion in a drainage channel by restricting the velocity of flow in the channel. This practice is used as a temporary or emergency measure to limit erosion by reducing velocities in small open channels.
5. Fabric Drop Inlet Filter Protection: these permeable barriers are installed around inlets in the form of a fence, berm, or excavation around an opening, trapping water and reducing the sediment content of sediment laden water by allowing it to settle out. These prevent sediment laden water from entering the storm drain system through the inlets.
6. Water Bar: A temporary ridge constructed diagonally across a sloping road or utility right-of-way that is subject to erosion to limit the accumulation of erosive velocity of water by diverting surface runoff at pre-designed intervals.
7. Fiber Roll: A Fiber roll is a coir (coconut fiber), straw, or excelsior roll encased in netting of jute, nylon, or burlap to dissipate energy along streambanks, channels, and bodies of water to reduce sheet flow on slopes.

8. Temporary sediment basins with porous baffles, riser and skimmer: during construction, select stormwater basin areas will be used as temporary basins to intercept sediment laden runoff and trap and retain the sediment in one location.

9. Temporary sediment trap: during construction, a temporary sediment trap is formed by excavation and/or embankment to intercept sediment-laden runoff and trap the sediment in order to protect drainageways, properties, and rights-of-way below the sediment trap from sedimentation.

10. Stabilized construction entrance: during construction a stabilized pad of aggregate underlain with geotextile will be located at the point site access where traffic will be entering or leaving the site to or from NYS Route 9W. This stabilized construction entrance will reduce or eliminate the tracking of sediment onto the state highway.

11. Temporary low-level filter: during construction of a perforated pipe section will be installed at the low-level outflow of the outlet structure in each stormwater basin and wrapped with gravel, then with filter fabric to restrict sediment laden run-off from exiting the Project Site at the discharge points.

12. Slope stabilization matting: this biodegradable matting will be installed on slopes 2:1 or steeper, in conjunction with seeding to provide temporary stabilization until vegetation is established and stabilizes the slope.

13. Concrete Truck Washout: An excavated or above ground pit with a liner used to wash concrete truck mixers and equipment in order to prevent highly alkaline runoff from entering storm drainage systems or leaching into the soil. Concrete washout facilities shall be inspected daily. Damaged or leaking facilities shall be deactivated and repaired or replaced immediately. Excess rainwater that has accumulated over hardened concrete shall be pumped to a stabilized area, such as a grass filter strip. Accumulated hardened materials shall be removed when 75% of the storage capacity of the structure is filled. The plastic liner shall be replaced with each cleaning of the washout facility.

14. Soil stockpiling: existing site soils (topsoil and/or subsoils) will be stockpiled for potential to reclaim on site. The stockpiles will be surrounded by silt fencing to prevent migration of the material.

Permanent Measures

1. Rock outlet protection: an area of rock protection will be placed at the outlet end of the proposed culverts to reduce the depth, velocity, and energy of water, such that the flow will not erode the receiving downstream areas.

2. Retaining walls: structural walls will be constructed in select locations adjacent to parking areas, access roads, wetlands and property lines in order to minimize soil movement, retain soil in place and prevent potential slope failures due proposed elevation changes.

3. Site stabilization: all disturbed areas will be stabilized with either a permanent vegetative cover (seeded, sodded or planting beds) or with site elements such as buildings, roadways, parking areas, driveways, and sidewalks.

Temporary to be Converted to Permanent Soil Erosion and Sediment Control Measures

Temporary Sediment Basin: A basin designed to intercept sediment-laden runoff by ponding it and allowing sediment to settle out. Since these basins will be converted to permanent stormwater basins once the site is stabilized, they will be excavated and graded as shown on the approved Soil Erosion and Sediment Control Plans. The outlet control structures will be fitted with temporary sediment risers to prevent sediment laden runoff from leaving the basins and entering the storm drain system. Sizing calculations were performed to ensure the basins could adequately handle the required amount of storage and can be found below in the "Temporary Storage" section of this report. Regarding maintenance of the basins, sediment shall be removed from the basin when it reaches the specified depth for cleanout noted on the plans, which is 50% of the capacity of the sediment storage zone. This sediment shall be placed so that it will not erode from the site. Once the temporary sediment basins are no longer required, they shall have all accumulated sediment removed with vacuum excavation trucks for best results converted into the permanent proposed basin.

The construction contractor will be responsible for complying with all specifications and conditions of the SWPPP and is responsible for maintenance during construction. In addition, a Certified Professional in Erosion and Sediment Control/Certified Professional in Stormwater Quality will oversee implementation of the SWPPP. Erosion and sediment control measures specified on the Erosion and Sediment Control Plan have been developed for temporary controls during construction and permanent controls to be in place and functioning upon final stabilization. The Owner is responsible for operation and maintenance upon completion.

The owner or operator of this construction activity requests a waiver in order disturb greater than five (5) acres of soil at any one time. The construction sequence for the Proposed Action has been separated into several different phases. A description of the phasing for site construction can be found in Chapters 3B and 3C, Soil and Topography, as well as in Appendix D.

Accompanying the SWPPP, the Applicant will prepare a Notice of Intent ("NOI") to request coverage under NYSDEC's General Construction Stormwater Permit. As the Town of Montgomery is a regulated Municipal Separate Storm Sewer System (MS4) operator, a MS4 SWPPP Acceptance Form will be required to indicate the Town's acceptance of a SWPPP it has reviewed. When the construction project is complete and has met the requirements of the construction permit, a Notice of Termination ("NOT") form will be completed and submitted to the NYSDEC and the MS4.

E. Wastewater Management

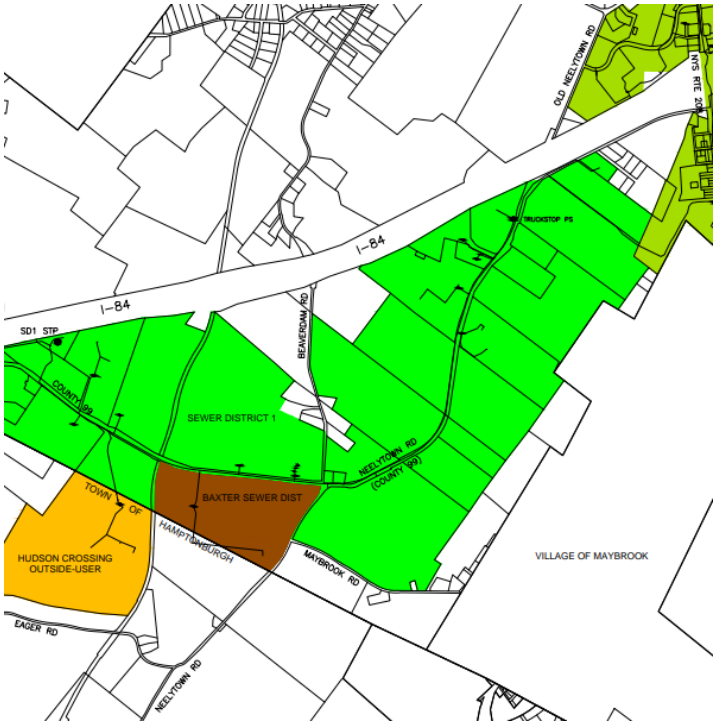
This section will describe wastewater management related to the Proposed Action, potential impacts, and proposed mitigation.

Existing Conditions

The site is located within Orange County Sewer District 1, more specifically, the site is located within the Town of Montgomery's Sewer District 1; however, the site is not currently served by the district as the lot is largely undeveloped. As the property lies within Orange County Sewer District 1, the treatment plant for the site will be the Montgomery Sewage Treatment Plant on Route 416 in Montgomery, NY, about 1.6 miles west of the Project Site. Lots 36-1-11.212 and 36-1-11.211 are currently used as residences which have access to a 6" sewer main running along Neelytown Road.

Refer to Figure 3.E.1 below and Appendix L for the map titled "Sewer Districts Served by the Town of Montgomery" by Michael Aiello, PE, PLLC, dated January 1, 2016, for the Town districts shown.

Figure 3.E.1: Sewer Districts Served by the Town of Montgomery



Sewage effluent generated by uses within the sewer district are treated at the Town of Montgomery Sewage Treatment Plant Sewer District #1 (also known as the Neelytown WWTP) located on Route 416 in Montgomery, NY. The treatment plant was reported to have a full design capacity of 147,500 gallons per day (gpd) as of 2021. This facility discharges to Wallkill ~~-~~River~~Creek~~, a tributary to the Hudson River, under NYS SPDES Permit No. NY0247782. The treatment plant was evaluated in a

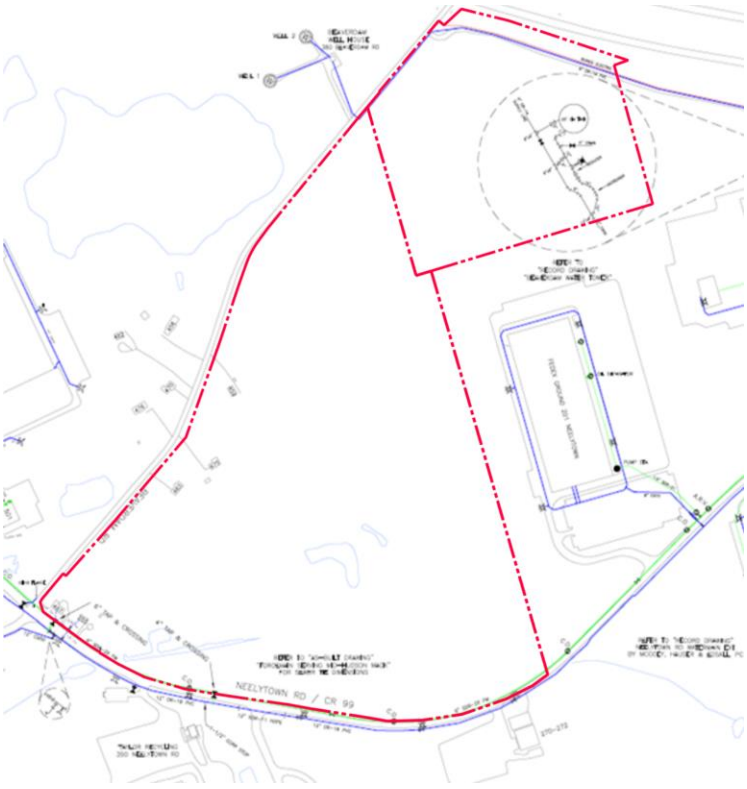
Wastewater Treatment Facility Flow Management Plan, completed by the engineering firm Delaware Engineering, P.P.C. See Appendix L.

A will serve letter was received for a prior 3 building version of the Proposed Action from the town engineer on May 30, 2021, stating that the Town's sewer district wastewater treatment plan had adequate capacity to accept the projected 4,164 gpd to 16,100 gpd flows for the proposed development of approximately 1,128,270 square feet of gross floor area. An updated will serve letter was received on March 18, 2025. More recently, the Town's Planning Board has advised proposed developers of a potential wastewater treatment capacity shortfall that the Town has apparently been making efforts to address. To this effect, it is our understanding based on conversations with the Town Engineer that additional capacity has been purchased by the Town and this is no longer an issue.

Sewer District 1 is comprised of both force main and gravity sewers, with the nearest connection point to the site consisting of a 6" force main within Neelytown Road. Effluent from each of the two warehouses will flow via gravity laterals to two separate pump stations before being pumped via a proposed force main to the existing force main within Neelytown Road.

Per available surveying and mapping in the area it is shown that there is an existing 6" sanitary force main within Neelytown Road along the southern property line. See Figure 3.E.2 below, also Appendix L, for the map entitled "Sheet 3, Water & Sewer Utilities, Town of Montgomery" prepared by Michael J Aiello, PE, PLLC, last revised August 2019.

Figure 3.E.2: Water and Sewer Utility Map, Town of Montgomery



This existing sanitary line in Neelytown Road eventually enters the Montgomery Sewage Treatment Plant located on Route 416 in Montgomery, NY approximately 1.6 miles to the west of the Project Site.

Potential Impacts

The total sanitary sewer design demand for the Proposed Action is estimated to be no more than 5,205 gpd, assuming a warehouse classification. See Table 3.E.3 below for the range of estimated demands based on each possible land use classification for the project.

Table 3.E.3: Sanitary Sewer Flow Calculation

Land Use	Code	Employees/ 1,000 SF	Building Area (SF)	Estimated # of Employees	Demand Rate	Estimated Demand (gpd)

Warehousing	150	0.24	1,104,270	265	15 gpd/ employee/ shift	3,975
Office Building	701	3.4	24,000	82	15 gpd/ employee	1,230

Considering a 20% reduction for installation of water-saving plumbing fixtures the estimated demand is 4,164 GPD.

Collection of the flows from the Project Site are proposed by a combination of a pumped and gravity sanitary sewer system. Due to the existing force main within Neelytown Road, pump stations will be required to provide sewer service for the proposed development. The pump stations and force mains will convey sewage flows from the Project Site to proposed sanitary manholes east and west of the Site along Neelytown Road.

The sewer mains, manholes and pumping stations will be constructed per Town of Montgomery and NYSDEC requirements. The proposed sanitary sewer collection system will be reviewed by the Town Engineer and Sewer District Superintendent to assure it conforms to Town specifications and the Orange County Department of Health. It is not anticipated that there would be any significant adverse impacts associated with the construction of the wastewater collection system.

Mitigation Measures

No mitigation measures are proposed as wastewater will be discharged to the municipal wastewater treatment plant, where it will be treated prior to discharge.

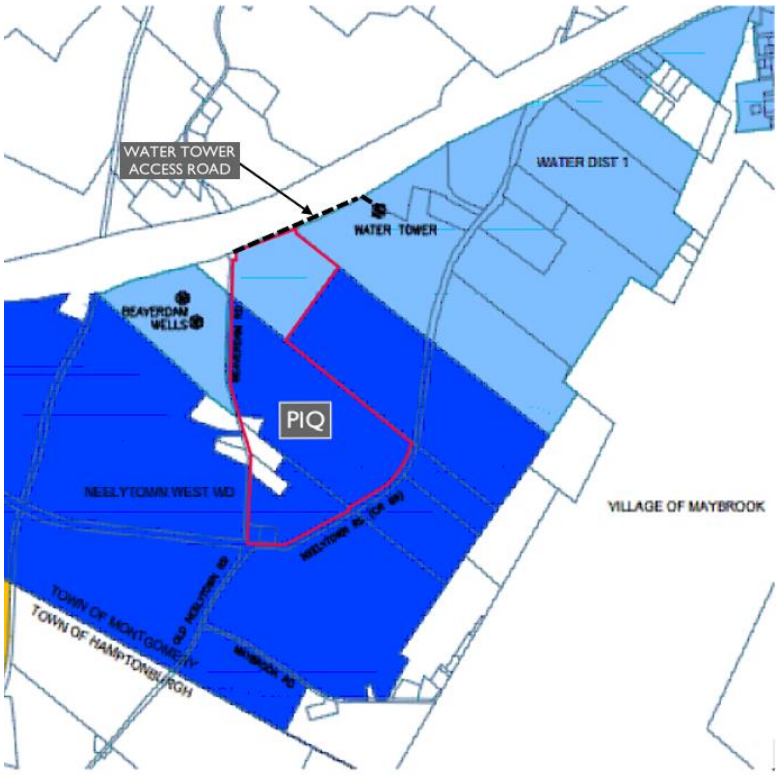
F. Water Supply

This section will describe water supply related to the Proposed Action, potential impacts, and proposed mitigation.

Existing Conditions

A majority of the Project Site is not currently served by public water supply from the Town of Montgomery as it is currently undeveloped. The (7) existing private wells on the Project Site will be properly abandoned in accordance with NYSDEC, NYSDOH, and AWWA regulations. Lots 36-1-11.212 and 36-1-11.211 are currently residences that appear to be served by the public water supply via the 12" DIP water main running along Neelytown Road per the town mapping provided within Appendix L. Refer to Figure 3.F.1 below, and Appendix L, for the map entitled "Town of Montgomery Map of Water Districts" by Michael Aiello, PE, PLLC, dated February 23, 2016, last revised in August of 2019, for the Town's water districts shown. As can be seen on the map, the Project Site, which is comprised of eight lots, falls within two separate water districts. Lot 33-1-91 falls within the Water District 1, whereas lots 36-1-33, 36-1-11.221, 36-1-11.212, and 36-1-11.211 all fall within the Neelytown West Water District.

Figure 3.F.1: Water Districts Served by the Town of Montgomery



According to the map above, a single, 12-inch PVC water main pipe is located below Neelytown Road along the eastern frontage of the Project Site. This main below Neelytown Road is fed by a water tower that exists approximately 1,000 feet to the north of the Site. In addition to the 12-inch PVC water main pipe, there is a well casting identified on lots 36-1-10.1, and 36-1-11.23 which are assumed to currently service their respective residences on each lot given that they do not have access to the water main within Neelytown Road. Lot 36-1-11.1 does not appear to contain a well but due to its location along Beaver Dam Road it can be assumed that the lot also has a well or is serviced by an adjacent lot well or some other means. Additional well castings are identified on lots 36-1-11.212, 36-1-11.211, but since these lots appear to be serviced by the existing 12" PVC water main it can be assumed that they are no longer in use. The same assumption can be applied to well casting identified on lot 36-1-11.221 and the two castings identified on lot 36-1-33 since there are no residences to be served on these subject lots. Regarding water supply from a fire protection perspective, there are several hydrants along the south side of Neelytown Road opposite the Site running to the east and west.

Potential Impacts

The Proposed Action would consist of constructing two warehouse buildings totaling approximately 1,128,270 SF (24,000 SF of which is anticipated to be office space).

In order to provide an estimated water demand, we have based the projected employee count for this analysis on the Institute of Transportation Engineers (ITE) Parking Generation, 4th Edition. Using Land Code 150 – Warehouse, and 701- Office Building, and a total building area of 1,128,270 SF (24,000 SF of which is anticipated to be office area) we can estimate the following:

1,104,270 SF (0.24 employees / 1,000 SF) = 265 projected employees for a Warehouse use

24,000 (3.4 employees / 1,000 SF) = 82 projected employees for the Office portion

As per NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems (2014); GPD = 15 GPD * # employees (same for office and warehouse uses)

15 x 347 = 5,205 GPD

Considering a 20% reduction for installation of water-saving plumbing fixtures the estimated demand is 4,164 GPD.

Water supply for the Proposed Action would be provided by the Water Department of the Town of Montgomery. To provide water to the Project Site, ~~a~~ two connections will be required to tie into the existing 12-inch water main beneath Neelytown Road.

These ~~is~~ proposed connections will be installed under an existing dirt road driveway from Neelytown Road and into the site to provide service to the 2 proposed buildings on the Site. Additionally, the site will be irrigated for landscaping.

Based on basic charting of the available municipal water supply (flow test data) and the minimum sprinkler demand shows the incoming water supply will not be enough to meet the sprinkler demands of the proposed buildings. As such, a 180,000-gallon external water tank is proposed between the two buildings dedicated to fire protection water supply.

The fire suppression sprinkler system will be an ESFR system to accommodate up to Class IV materials without an in-rack sprinkler system. For each building, the floor will require 1,500 GPM inside plus a 500 GPM outside hose stream allowance, with an 8" main coming into the building.

The existing water tower structure is approximately 1,000 ft. north of the northern property limits and thus not at risk for any potential undermining due to grading on the project site. The existing roadway that leads to the water tower will have similar grades or be filled upon and thus not be at risk.

Mitigation Measures

Conservation measures, such as low flow plumbing fixtures referenced in Appendix L, would be utilized to reduce demand for water supply and energy usage.

Indoor Water Use Reduction Methods:

- Intent: Maximize water efficiency within buildings to reduce the burden on municipal water supply and wastewater systems including process water use and process wastewater generation.
- The proposed building will employ strategies that use 20% to 30% less water than the water use baseline calculated for the building. The domestic water baseline (not including irrigation) is determined by the Energy Policy Act of 1992 fixture performance requirements.
- Proposed Technologies & Strategies: Use high-efficiency, low flow fixtures, as well as occupant sensors to reduce the potable water demand shall be implemented. The intent is to maximize water efficiency within each building to reduce the burden on municipal water supply and wastewater systems.

Based on basic charting of the available municipal water supply (flow test data) and the minimum sprinkler demand shows the incoming water supply will not be enough to meet the sprinkler demands of the proposed buildings. As such, a 180,000-gallon external water tank is proposed between the two buildings dedicated to fire protection water supply.

The fire suppression sprinkler system will be an ESFR system to accommodate up to Class IV materials without an in-rack sprinkler system. For each building, the floor will require 1,500 GPM inside plus a 500 GPM outside hose stream allowance, with an 8" main coming into the building.

Formatted: Normal, Left, Right: 0"

Formatted: Not Expanded by / Condensed by

Other than those listed above, no further mitigation measures are proposed.

G. Traffic and Transportation

This section will describe traffic to be generated by the Proposed Action, potential impacts, and proposed mitigation. It will include a description of the current traffic operations near the site and within the study area and address how the proposed development will impact traffic operations. It will also identify future hours of operation, commercial vehicle types, truck routes, and typical arrival and departure characteristics for the proposed development.

A Traffic Impact Study ("TIS") was conducted for the Proposed Action and is included in Appendix E.

Existing Conditions

Roadway Inventory

The following is a brief description of the roadways located within the study area.

1. **NYS Route 208:** In the vicinity of the Project Site, NYS Route 208, a state highway, is classified as an urban minor arterial. NYS Route 208 traverses in a generally north/south direction and provides access to the I-84 (Exit 5). The I-84 Westbound On/Off Ramp intersects with NYS Route 208 at a signalized intersection which is coordinated with the I-84 Eastbound on/off ramp/Neelytown Road signalized intersection. In the vicinity of the study area, the roadway pavement is generally in fair-good condition with minor reflective cracking. NYS Route 208 has a posted speed limit of 45 mph in the vicinity of the I-84 ramps and Neelytown Road. There are no existing pedestrian facilities along NYS Route 208 in the immediate environ of the intersections under study.

2. **Neelytown Road (C.R. 99):** Neelytown Road (C.R. 99) is a two-lane County roadway that is classified as an urban major collector roadway. Neelytown Road originates at a full movement, signalized intersection with NYS Route 208 opposite the I-84 EB On/Off Ramp. Neelytown Road traverses in a westerly direction, generally paralleling I-84 and terminates at a "T" type, signalized intersection with NYS Route 416. The roadway consists of one lane in each direction with stabilized shoulders. Several intersections/driveways have separate turn lanes. The roadway pavement is generally in fair-good condition. There are no existing pedestrian facilities along C.R. 99, i.e., sidewalks, crosswalks or signalized pedestrian crossings. There are no speed limit signs posted along the roadway and therefore it would appear the Statewide speed limit of 55 mph governs this roadway.

3. **Beaver Dam Road:** Beaver Dam Road is a two-lane, Town roadway which originates at Goodwill Road at a 'T' type, unsignalized intersection north of the site. Beaver Dam Road continues in a southerly direction, intersecting other local roads including Chandler Lane, crosses under I-84 before intersecting with Neelytown Road (C.R. 99) opposite Neelytown Road North. The roadway pavement is generally in fair-good condition. There are no existing pedestrian facilities along Beaver Dam Road, i.e., sidewalks, crosswalks or signalized pedestrian crossings. Beaver Dam Road has a posted speed limit of 30 mph.

4. **NYS Route 416:** NYS Route 416, a state highway, is classified as an urban major collector roadway. In the vicinity of the Project Site, NYS Route 416 traverses in a generally north/south direction and intersects with Neelytown Road at a "T" type, signalized intersection. The roadway pavement is generally in fair-good condition with some minor reflective cracking. In the vicinity of site, there are no speed limit signs posted along the roadway and therefore it would appear the Statewide speed limit of 55 mph governs this roadway. Also, there are no existing pedestrian facilities along NYS Route 416 in the immediate environ of the intersection at CR 99 (Neelytown Road).

Additionally, here is a description of the existing geometry including number of travel lanes, parking, bus stops, lane widths, pedestrian activity, and traffic control for each of the study area intersections:

1. **NYS Route 208 and I-84 Westbound On-Off Ramps:** The I-84 Westbound On-Off Ramp intersects with NYS Route 208 at a signalized intersection (Signal O-170). The NYS Route 208 northbound approach consist of three lanes in the form of a separate left turn lane and two through lanes and the NYS Route 208 southbound approach consist of two lanes in the form of a separate through lane and a shared through/right turn lane. The I-84 Westbound Off-Ramp approach consists of two lanes in the form of a shared left/through and a separate right turn lane.

2. **NYS Route 208 and I-84 Eastbound On-Off Ramps /Neelytown Road:** The I-84 Eastbound On-Off Ramp intersects with NYS Route 208 opposite Neelytown Road at a signalized intersection (Signal O-169). The NYS Route northbound approach consists of three lanes in the form of a separate left turn lane, a separate through lane and a shared through/right turn lane while the NYS Route 208 southbound approach consist of five lanes in the form of two separate left turn lanes, two through lane and a channelized right turn lane under "yield"

control. The I-84 eastbound off-ramp (westbound approach) consists of three lanes in the form of a separate left turn lane, a separate through lane and a separate right turn lane. The Neelytown Road eastbound approach consists of three lanes in the form of a separate left turn lane, a separate through lane and a shared through/right turn lane.

3. **Neelytown Road and Beaver Dam Road/Neelytown Road North:** Beaver Dam Road intersects Neelytown Road opposite Neelytown Road North at a full movement, signalized intersection (Orange County Signal 428). The Neelytown Road westbound and eastbound approaches each consist of two lanes in the form of a separate left turn lane and a shared through/right lane. The Beaver Dam Road southbound approach consists of one lane for left, through and right turn movements. The Neelytown Road North approach (northbound approach) consists of two lanes in the form of a shared left/through lane and a separate right turn lane.

4. **NYS Route 416 and Neelytown Road:** Neelytown Road intersects NYS Route 416 at a "T" type, signalized intersection (Signal O-277). The NYS Route 416 southbound approach consists of one lane in the form of a shared left/through lane and the NYS Route 416 northbound approach consists of one lane in the form of a shared through/right lane. The Neelytown Road westbound approach consists of one lane in the form of a shared left/right lane.

5. **NYS Route 211 and NYS Route 416:** NYS Route 416 intersects NYS Route 211 at a "Y" type, unsignalized intersection. The NYS Route 211 southbound approach consists of one lane in the form of a shared left/through lane and the NYS Route 211 northbound approach consists of one lane in the form of a shared through/right lane. The NYS Route 416 westbound approach consists of two lanes with the left turn under "stop" control and the channelized right turn under "yield" control.

6. **Goodwill Road and Beaver Dam Road:** Goodwill Road and Beaver Dam Road intersect at a "T" type, unsignalized intersection. All approaches to the intersection consist of a single lane with the Beaver Dam Road approach "stop" sign controlled.

7. **Beaver Dam Road and Chandler Lane:** Beaver Dam Road and Chandler Lane intersect at a "T" type, unsignalized intersection. All approaches to the intersection consist of a single lane with the Chandler Lane approach "stop" sign controlled.

   For Beaver Dam Road, a baseline investigation of the road and its alignment, pavement depth, and its existing construction to assess the ability of the road to handle non-truck traffic generated by the Proposed Action will be conducted. Under the direction of the Highway Superintendent and based on the protocol approved by him, a core sample(s) will be taken for this purpose and the results disclosed in the EIS. A speed survey will be conducted for Beaver Dam Road.

   As Beaver Dam Road is a Town Road, with an eight (8) ton weight restriction, there are no proposed trucks to be added to that roadway as part of the Proposed Action. As noted above, the pavement is in fair condition for the two-lane town road, serving mostly passenger vehicles. Given that the Level of Service for Beaver Dam Road is not projected to

change between the Build and No-Build condition, explained in the TIS, the existing Road should have the ability to handle the non-truck traffic generated by the Proposed Action. If deemed necessary, the Applicant is willing to perform an existing core of the roadway under the direction of the Town Highway Superintendent. Contained in the TIS, Appendix E, are the results of speed data recorded on Beaver Dam Road.

Pedestrian Activity

As part of the traffic count program, pedestrian activity at each of the study area intersections was collected and included in the capacity analysis. As outlined in Section II.A of the TIS:

- There are no existing pedestrian facilities along NYS Route 208 in the immediate environ of the intersections under study.
- There are no existing pedestrian facilities along C.R. 99, i.e., sidewalks, crosswalks or signalized pedestrian crossings.
- There are no existing pedestrian facilities along Beaver Dam Road, i.e., sidewalks, crosswalks or signalized pedestrian crossings.
- There are no existing pedestrian facilities along NYS Route 416 in the immediate environ of the intersection at CR 99 (Neelytown Road).

Public Transportation and School Busses

There are currently no public transportation services adjacent to the Project Site. However, public transportation is provided in the area by the Short Lane Bus Company (SLBC) via its Newburgh-Middletown service and the Port Jervis line of the Metro-North.

The Project Site is located in the Valley Central School District, which consists of five elementary schools, one middle school, and one high school. Berea Elementary School is located approximately 3.6 miles northeast of the site on NYS Route 17K. East Coldenham Elementary School is located approximately 7.1 miles northeast of the site on NYS Route 211. Walden Elementary School is situated approximately 5.5 miles north of the site in Walden off of NYS Route 208. The ALC School is closest to the Project Site and is located approximately 1.0 mile to the east of Broadway in Maybrook. The Valley Central Middle School and Valley Central High School are located approximately 4.0 miles to the north of the site on NYS Route 17K, west of NYS Route 208.

During the morning peak hour, three (3) school buses were observed on Beaver Dam Road while during the afternoon peak hour, six (6) school buses were observed passing along the site frontage. On Neelytown Road, some three (3) school buses were observed passing the site while during the afternoon peak hour, four (4) buses were observed along the Neelytown Road site frontage.

Year 2023 Existing Traffic Volumes

- In order to establish existing traffic conditions in the vicinity of the site, turning movement traffic counts (which includes vehicle classification and pedestrians) were collected by representatives of Colliers Engineering & Design on Thursday, February 2, 2023 between the hours of 6:30 AM and 9:30 AM and 3:30 PM and 6:30 PM to determine the Weekday Peak AM

and Weekday Peak PM Hours, and on Saturday, February 4, 2023 between the hours of 11:00 AM and 3:00 PM. In addition, Automatic Traffic recorded (ATR) counts were also collected at the locations identified in the scoping document.

These traffic counts were compared to all available historical traffic count data from the New York State Department of Transportation (NYSDOT), Orange County and Town. The traffic data was collected in accordance with the scoping document.

Reviewing the 2021 Automatic Traffic Recorder (ATR) data and the 2023 turning movement counts for the peak hour intervals including those collected along Neelytown Road indicates consistency in traffic volume levels such that no further adjustments to existing volumes was warranted. Furthermore, based on NYSDOT record traffic volume data, the peak hour volumes are consistent.

The above traffic count data was utilized to establish the Year 2023 Existing Traffic Volumes for the following Study Area Intersections as outlined in the Traffic and Transportation Scope.

- NYS Route 208 and I-84 Westbound On-Off Ramps
- NYS Route 208 and I-84 Eastbound On-Off Ramps/ Neelytown Road
- Neelytown Road and Beaver Dam Road
- NYS Route 416 and Neelytown Road
- NYS Route 211 and NYS Route 416
- Goodwill Road and Beaver Dam Road
- Beaver Dam Road and Chandler Lane

Based upon a review of the traffic counts, the key peak hours were generally identified as follows:

- Weekday Peak AM Hour 7:30 AM – 8:30 AM
- Weekday Peak PM Hour 4:45 PM – 5:45 PM
- Saturday Peak Hour 1:30 PM – 2:30 PM

The resulting Year 2023 Existing Traffic Volumes are shown on Figures No. 2, 3 and 4 for the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively. A copy of the traffic count data (Turning Movement Traffic Counts/ATR Traffic Volumes), including NYSDOT historical data is contained in Appendix E of the TIS.

Accident History

Accident information was obtained from the NYSDOT Records Access Office for the latest four-year period (January 1, 2021 – December 31, 2024)~~(January 1, 2018 – December 31, 2021)~~ for each of the study area intersections by location, date, time, traffic control, severity, number of vehicles/injuries, light conditions, road surface condition, weather, collision type, manner of collision, and apparent contributing factors. This data is addressed in Section II.D of the TIS and summarized in Tables No. 4, 5, 6, 7, 8 and 9 of the TIS for the intersections identified in the Scope.

As per the Scope, for locations with 5 or more accidents over a 12-month period, a calculation of the accident rate was provided. The accident rate for the NYS Route 208 and I-84 Interchange was calculated and compared to NYSDOT statewide average and is summarized in Table No 4-A in Appendix E of the TIS.

In summary, a review of the accident data indicates typical type of accidents which includes rear-end accidents with apparent contributing factors such as failure to yield right of way, driver inattention as well as weather-related conditions with no fatalities recorded.

Capacity Analysis

The following is a brief description of the analysis method utilized in the TIS:

The capacity analysis for a *signalized intersection* was performed in accordance with the procedures described in the Highway Capacity Manual, 6th Edition, dated 2016, published by the Transportation Research Board. The terminology used in identifying traffic flow conditions is Levels of Service. A Level of Service "A" represents the best condition, and a Level of Service "F" represents the worst condition. A Level of Service "C" is generally used as a design standard while a Level of Service "D" is acceptable during peak periods. A Level of Service "E" represents an operation near capacity. To identify an intersection's Level of Service, the average amount of vehicle delay is computed for each approach to the intersection as well as for the overall intersection.

The *unsignalized intersection* capacity analysis method utilized in this report was also performed in accordance with the procedures described in the Highway Capacity Manual, 6th Edition, dated 2016. The procedure is based on total elapsed time from when a vehicle stops at the end of the queue until the vehicle departs from the stop line. The average total delay for any particular critical movement is a function of the service rate or capacity of the approach and the degree of saturation. In order to identify the Level of Service, the average amount of vehicle delay is computed for each critical movement to the intersection.

Additional information concerning signalized and unsignalized Levels of Service can be found in Appendix C of the TIS.

Capacity analyses, taking into consideration appropriate truck percentages, lane widths, bus stops/bus activity, pedestrian activity, and other factors, were~~was~~ performed at the study area intersections using the procedures described above to determine the Levels of Service and average vehicle delay.

A summary of the existing Levels of Service is contained in Section III.G of the TIS in Appendix E and summarized in Level of Service Summary Table No. 2 of the TIS, for each of the study area intersections.

No Build Conditions

Other Developments

As outlined in Section III.A of the TIS, a list of other developments was provided by the Town, however only those developments located in an area that would impact traffic operations within the study area were included in the analysis. Traffic from other specific potential developments in the area were included in the analysis including Barron Road Warehouse (36 Barron Road); 229 Neelytown Road North Warehouse; 230 Neelytown Road North Warehouse; 915 Bracken Road

Warehouse; Galaxy-Maybrook Warehouse; Cardinal Heath Expansion; the 150 New Wood Warehouse (proposed on Neelytown Road North just south of 230 Neelytown Road North Warehouse); I-84 Logistics Center; Hawkins Drive Apartments; and Quick Check. The resulting Other Development Traffic Volumes are shown in Figures No. 8, 9 and 10 of the TIS for each of the Peak Hours, respectively.

Background Growth

The Year 2023 Existing Traffic Volumes were increased by a conservative growth factor of 4% (based on NYSDOT historical data) to account for general background growth resulting in the Year 2027 Projected Traffic Volumes that are shown on Figures No. 5, 6, and 7 of the TIS for the weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively. In addition, traffic from other developments in the area was also included. The other development traffic volumes are shown on Figures No. 8, 9, and 10 of the TIS for the weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively.

Planned Roadway Improvements

There are no planned improvements withing the study area under existing/no-build conditions.

Capacity Analysis

The resulting Year 2027 No-Build Traffic Volumes which are shown on Figures No. 11, 12 and 13 of the TIS for the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively were developed using the general background growth and other development traffic as discussed in the above sections.

A summary of the No-Build Levels of Service is contained in Section III.G of the TIS in Appendix E and is summarized in Level of Service Summary Tables No. 2 and 3 of the TIS, for each of the study area intersections and summarized below.

Build Conditions

Site-Generated Traffic Volumes

Estimates of the amount of traffic to be generated by the proposed warehouses were developed based on information published by the Institute of Transportation Engineers (ITE) as contained in the report entitled "Trip Generation," 11th Edition, 2021. To provide a conservative analysis, the "higher" Trip Generation Rates for Land Use Category – 130 Industrial Park (which includes manufacturing and warehouse uses) were utilized and are approximately 2 times higher than typical ITE warehouse rates (ITE Land Use 150). Table No. 1 of the TIS summarizes the trip generation rates and corresponding site generated traffic volumes for each of the Peak Hours. It should be noted that the Project Site generated trips were separated into passenger vehicles and trucks as each will likely have a different arrival/departure distribution as discussed in the TIS. These rates consider shift changes.

While the type of warehouses uses are not known at this time (and the "higher" Industrial Park Trip Generation Rates were used in the TIS), Colliers Engineering & Design conducted traffic surveys at

both the Hudson Crossing Industrial Park (approximately 1,107,500 SF) and The Home Depot Distribution Center (760,000 SF) located along Neelytown Road to compare trip generation rates for area uses. Based on these surveys, the actual trip generation rates for the Proposed Action are anticipated to be 1/3 lower than the Industrial Park Trip Generation Rates used in the TIS. A summary of this data is contained in Appendix F of the TIS.

Capacity Analysis

Two build conditions are analyzed in the TIS: a Build Design Year of 2027 and a 2037 Design Year (Build +10).

In order to assign the site generated traffic volumes to the surrounding roadway network, arrival and departure distributions were established based on a review of the Existing Traffic Volumes and the expected travel patterns for each building for both passenger vehicles and trucks. Anticipated arrival and departure distributions for passenger cars and trucks are provided in the TIS (Figures No. 14, 15, 16, and 17). The anticipated site generated traffic volumes were assigned to the roadway network based on the projected arrival and departure distributions. Under the Proposed Action and Site Design Alternatives 1, 2, 3 all development plans consist of a total of 1,128,270 SF of warehouse space. The resulting trip generation would be the same with a total of 463 trips (406 entering trips/57 exiting trips) during the Weekday AM Peak Hour, a total of 452 trips (90 entering trips/362 exiting trips) during the Weekday PM Peak Hour and a total of 458 trips (248 entering trips/210 exiting trips) during the Saturday Peak Hour. The total Site Generated Traffic Volumes are also provided in the TIS.

The site generated traffic volumes (Figures No. 18 through 26) were then added to the Year 2027 No-Build Traffic Volumes to obtain the Year 2027 Build Traffic Volumes. The resulting Year 2027 Build Traffic Volumes are shown on Figures No. 27, 28 and 29 of the TIS for the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively.

In addition to the Year 2027 Design Year analysis, 2037 No-Build and 2037 Build Traffic Volumes were also projected and analyzed (Design Year + 10) to include an additional conservative future background of 10%.

The resulting Year 2037 No-Build Traffic Volumes are shown on Figures No. 30, 31 & 32 of the TIS and resulting Year 2037 Build Traffic Volumes are shown on Figures No. 33, 34 & 35 of the TIS for the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours, respectively.

A summary of the Build Levels of Service is contained in Section III.G of the TIS and is summarized in Level of Service Summary Tables No. 2 and 3 for each of the study area intersections. As identified in this study and shown on the Level of Service Summary Tables, with the exception of the intersection of NYS Route 208 and I-84 westbound ramps, similar Levels of Service will be experienced at the study area intersections under future No-Build and future Build Conditions with the proposed warehouse development through implementation of ~~with~~ the mitigation measures outlined in the Potential Impacts and Mitigation Measures Section below. As noted in that Section, the NYSDOT recommended this project, and other projects proposed in Montgomery be included in the transportation district established for Bracken Road to identify areas that need to be mitigated. It is our understanding that a transportation district has not been established by the Town, however, for

other certain projects the Town has assessed fees that have been placed in escrow to support specific mitigation needs for impacts identified in the SEQRA process. See Section 13 below.

~~As identified in the TIS and shown on the Level of Service Summary Tables, similar Levels of Service will be experienced at the study area intersections under future No-Build and future Build Conditions with the proposed warehouse development and recommended traffic signal timings. See Section 13 below.~~

It should be noted, as discussed above; to provide a conservative analysis, the "higher" Trip Generation Rates for Land Use Category – 130 Industrial Park were used in the traffic volume projections and results of the analysis. If the lower warehouse trip generation rates are realized, improved Levels of Service will be experienced.

Results of Capacity Analysis

Capacity analyses (in Appendix E) that takes into consideration appropriate truck percentages, lane widths, bus stops/bus activity, pedestrian activity, and other factors, were performed at the study area intersections utilizing the procedures described above to determine the Levels of Service and average vehicle delay. Summarized below are a description of the existing geometrics, traffic control and a summary of the existing and future Levels of Service as well as any recommended improvements.

Tables No. 2 and 3 of the TIS summarize the results of the capacity analysis for the Year 2023 Existing, Year 2027 No-Build, Year 2027 Build and Year 2037 No-Build, and Year 2037 Build Conditions. Appendix D of the TIS contains copies of the capacity analysis that also indicate the existing geometrics and other characteristics as mentioned above, including signal timings (where appropriate) for each of the individual intersections studied.

1. NYS Route 208 and I-84 Westbound On-Off Ramps

The I-84 Westbound On-Off Ramp intersects with NYS Route 208 at a signalized intersection (Signal O-170). The NYS Route 208 northbound approach consist of three lanes in the form of a separate left turn lane and two through lanes and the NYS Route 208 southbound approach consist of two lanes in the form of a separate through lane and a shared through/right turn lane. The I-84 Westbound Off-Ramp approach consists of two lanes in the form of a shared left/through and a separate right turn lane.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "B" during the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours.

~~Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "C" during both the Weekday Peak AM and Weekday Peak PM Hours and at an overall Level of Service "B" during the Saturday Peak Hour.~~

- Year 2027 No-Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "D" during the Weekday Peak AM Hour, projected to operate at an overall Level of Service "C" during the Weekday Peak Hour, and projected to operate at an overall Level of Service "B" during the Saturday Peak Hour.

~~Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "E" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "D" during the Weekday Peak Hour, and projected to operate at overall Levels of Service "C" during the Saturday Peak Hour.~~

- Year 2027 Build Traffic Volumes Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "E" during the Weekday Peak AM Hour, projected to operate at an overall Level of Service "D" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "B" during the Saturday Peak Hour.

  W/ Signal Timing Changes

  Potential signal timing changes at NYS Route 208 and I-84 WB On-Off Ramps based on future traffic projections/demand. These changes include an increased cycle length and greater allocation of green time to protected turn movements to reduce delay (and are shown on the Synchro analysis contained in Appendix "D" of the TIS). Signal timing changes are subject to review and approval of NYSDOT.

  With signal timing changes, the intersection is projected to operate at an overall Level of Service "E" during the Weekday Peak AM Hour and projected to continue to operate at an overall Level of Service "C" during the Weekday Peak PM Hour when compared to 2027 No-Build conditions.

  ~~Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "F" during the Weekday Peak AM Hour (representing an additional delay of 35 seconds as compared to Year 2027 No-Build conditions), projected to operate at overall Levels of Service "E" during the Weekday Peak Hour, and projected to continue to operate at an overall Levels of Service "C" during the Saturday Peak Hour. With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "E" during the Weekday Peak AM Hour (representing 11 seconds less delay than Year 2027 No-Build conditions), projected to operate at an improved overall Level of Service "D" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "C" during the Saturday Peak Hour when compared to 2027 No-Build conditions.~~
- Year 2037 No-Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "E" during the Weekday Peak AM Hour, projected to operate at an overall

Level of Service "D" during the Weekday Peak Hour, and projected to operate at an overall Level of Service "B" during the Saturday Peak Hour.

~~Capacity analysis conducted using the Year 2037 No-Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "F" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "E" during the Weekday Peak Hour, and projected to operate at overall Levels of Service "C" during the Saturday Peak Hour.~~

- Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "F" during the Weekday Peak AM Hour, projected to continue to operate at an overall Level of Service "D" during the Weekday Peak Hour, and projected to continue to operate at an overall Level of Service "B" during the Saturday Peak Hour.

  W/ Signal Timing Changes

  With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "E" during the Weekday Peak AM Hour and projected to continue to operate at an overall Level of Service "D" during the Weekday Peak PM Hour when compared to 2037 No-Build conditions.

  As recommended by NYSDOT for this project and other projects proposed in Montgomery can be included in the transportation district established for Bracken Road to identify areas that need to be mitigated. It is our understanding that a transportation district has not been established by the Town, however, for other certain projects the Town has assessed fees that have been placed in escrow to support specific mitigation needs for impacts identified in the SEQRA process.~~Capacity analysis conducted using the Year 2037 Build Traffic Volumes indicates that the intersection is projected to continue to operate at overall Levels of Service "F" during the Weekday Peak AM Hour, projected to continue to operate at overall Levels of Service "E" during the Weekday Peak Hour, and projected to continue to operate at an overall Levels of Service "C" during the Saturday Peak Hour. W/ Signal Timing Changes With signal timing changes, the intersection is projected to operate at an improved overall Level of Service "E" during the Weekday Peak AM Hour, projected to operate at an improved overall Level of Service "D" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "C" during the Saturday Peak Hour when compared to 2037 No-Build conditions.~~

2. NYS Route 208 and I-84 Eastbound On-Off Ramps/Neelytown Road

The I-84 Eastbound On-Off Ramp intersects with NYS Route 208 opposite Neelytown Road at a signalized intersection (Signal O-169). The NYS Route northbound approach consists of three lanes in the form of a separate left turn lane, a separate through lane and a shared through/right turn lane while the NYS Route 208 southbound approach consist of five lanes in the form of two separate left turn lanes, two through lane and a channelized right turn lane under "yield" control. The I-84 Eastbound Off-Ramp (westbound approach) consists of three lanes in the form of a separate left turn lane, a separate through lane and a separate right turn lane. The Neelytown Road eastbound

Formatted: Font: (Default) Open Sans, Underline

Formatted: Underline

Formatted: Normal, Left, Indent: Left: 0.5", No bullets or numbering

approach consists of three lanes in the form of a separate left turn lane, a separate through lane and a shared through/right turn lane.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "C" during both the Weekday Peak AM and Weekday Peak PM Hours and at an overall Level of Service "B" during the Saturday Peak Hour.

~~Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "D" during both the Weekday Peak AM and Weekday Peak PM Hours and at an overall Level of Service "C" during the Saturday Peak Hour.~~

- Year 2027 No-Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "C" during the Weekday Peak AM Hour, projected to operate at an overall Level of Service "D" during the Weekday Peak Hour, and projected to operate at an overall Level of Service "C" during the Saturday Peak Hour.

~~Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "D" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "E" during the Weekday Peak Hour, and projected to operate at overall Levels of Service "D" during the Saturday Peak Hour.~~

- Year 2027 Build Traffic Volumes Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to continue to operate at an overall Level of Service "C" during the Weekday Peak AM Hour, projected to continue to operate at an overall Level of Service "D" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "C" during the Saturday Peak Hour.

  W/ Signal Timing Changes

  Potential signal timing changes at NYS Route 208 and I-84 EB On-Off Ramps/Neelytown Road based on future traffic projections/demand. These changes include greater allocation of green time to the eastbound approach to reduce delay (and are shown on the Synchro analysis contained in Appendix "D" of the TIS). Signal timing changes are subject to review and approval of NYSDOT

  With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "D" during the Weekday Peak PM Hour when compared to 2027 No-Build conditions.~~Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to continue to operate at overall Levels of Service "D" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "F" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Levels of Service "D" during the Saturday Peak Hour. W/ Signal Timing Changes With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "D"~~

~~during the Weekday Peak AM Hour, projected to operate at an improved overall Level of Service "D" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "D" during the Saturday Peak Hour when compared to 2027 No-Build conditions.~~

- Year 2037 No-Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "C" during the Weekday Peak AM Hour, projected to operate at an overall Level of Service "D" during the Weekday Peak Hour, and projected to operate at an overall Level of Service "C" during the Saturday Peak Hour.

~~Capacity analysis conducted using the Year 2037 No-Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "D" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "E" during the Weekday Peak Hour, and projected to operate at overall Levels of Service "D" during the Saturday Peak Hour.~~

- Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 Build Traffic Volumes indicates that the intersection is projected to continue to operate at an overall Level of Service "C" during the Weekday Peak AM Hour, projected to operate at an overall Level of Service "E" during the Weekday Peak Hour, and projected to continue to operate at an overall Level of Service "C" during the Saturday Peak Hour.

  W/ Signal Timing Changes

  With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "D" during the Weekday Peak PM Hour when compared to 2037 No-Build conditions.

  As recommended by NYSDOT this project and other projects proposed in Montgomery can be included in the transportation district established for Bracken Road to identify areas that need to be mitigated. It is our understanding that a transportation district has not been established by the Town, however, for other certain projects the Town has assessed fees that have been placed in escrow to support specific mitigation needs for impacts identified in the SEQRA process. ~~Capacity analysis conducted using the Year 2037 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "E" during the Weekday Peak AM Hour, projected to operate at overall Levels of Service "F" during the Weekday Peak Hour, and projected to continue to operate at an overall Levels of Service "D" during the Saturday Peak Hour. W/ Signal Timing Changes With signal timing changes, the intersection is projected to continue to operate at an overall Level of Service "D" during the Weekday Peak AM Hour, projected to continue to operate at an overall Level of Service "E" during the Weekday Peak PM Hour, and projected to continue to operate at an overall Level of Service "D" during the Saturday Peak Hour when compared to 2037 No-Build condition~~

3. Neelytown Road and Beaver Dam Road/Neelytown Road North

Formatted: Font: (Default) Open Sans, Underline

Commented [PV5]: Not sure any reference to a TID is relevant. Are proposing to provide monies, like Bracken Road, for future traffic improvements? Wouldn't such a proposal be appropriate as a mitigation measures?

Commented [PG6R5]: This was included in the TIS to address comments that additional mitigation is needed other than those identified in the TIS. This allows the project to contribute to further traffic mitigation, if required, without assuming full responsibility of those improvements.

This is also shown in the Potential Impacts and Mitigation section.

Beaver Dam Road intersects Neelytown Road opposite Neelytown Road North at a full movement, signalized intersection (Orange County Signal 428). The Neelytown Road westbound and eastbound approaches each consist of two lanes in the form of a separate left turn lane and a shared through/right lane. The Beaver Dam Road southbound approach consists of one lane for left, through and right turn movements. The Neelytown Road North approach (northbound approach) consists of two lanes in the form of a shared left/through lane and a separate right turn lane.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "B" during the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours.
- Year 2027 No-Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level~~Levels~~ of Service "B" during each of the Peak Hours.
- Year 2027 Build Traffic Volumes Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "C" or better during each of the Peak Hours.
- Year 2037 No-Build and Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build and 2037 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "C" or better during each of the Peak Hours.

4. NYS Route 416 and Neelytown Road

Neelytown Road intersects NYS Route 416 at a "T" type, signalized intersection (Signal O-277). The NYS Route 416 southbound approach consists of one lane in the form of a shared left/through lane and the NYS Route 416 northbound approach consists of one lane in the form of a shared through/right lane. The Neelytown Road westbound approach consists of one lane in the form of a shared left/right lane.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "A" during the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours.

~~Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at an overall Level of Service "B" or better during the Weekday Peak AM, Weekday Peak PM and Saturday Peak Hours.~~

- Year 2027 No-Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at an overall Level of Service "A" during each of the Peak Hours.

~~Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "B" or better during each of the Peak Hours.~~

- Year 2027 Build Traffic Volumes Capacity analysis conducted using the 2027 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "B" or better during each of the Peak Hours.

~~Capacity analysis conducted using the 2027 Build Traffic Volumes indicates that the intersection is projected to continue to operate at overall Levels of Service "B" or better during each of the Peak Hours.~~

- Year 2037 No-Build and Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build and 2037 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "B" or better during each of the Peak Hours.

5. NYS Route 211 and NYS Route 416

~~Capacity analysis conducted using the Year 2037 No-Build and 2037 Build Traffic Volumes indicates that the intersection is projected to operate at overall Levels of Service "B" or better during each of the Peak Hours.~~

NYS Route 416 intersects NYS Route 211 at a" ~~"~~Y" type, unsignalized intersection. The NYS Route 211 southbound approach consists of one lane in the form of a shared left/through lane and the NYS Route 211 northbound approach consists of one lane in the form of a shared through/right lane. The NYS Route 416 westbound approach consists of two lanes with the left turn under "stop" control and the channelized right turn under "yield" control.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted for this intersection utilizing the Year 2023 Existing Traffic Volumes indicates that the intersection is currently operating at a Level of Service "C" during the Weekday Peak AM Hour and Weekday Peak PM Hours and operating at a Level of Service "B" during the Saturday Peak Hour.
- Year 2027 No-Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build Traffic Volumes indicates that the intersection is projected to operate at a Level~~s~~ of Service "D" during the Weekday Peak AM Hour, projected to operate at a Level of Service "C" during the Weekday Peak PM Hour, and projected to operate at a Level of Service "B" during the Saturday Peak Hour.
- Year 2027 Build traffic Volumes Capacity analysis conducted using the Year 2027 Build Traffic Volumes indicates that the intersection is projected to continue to operate at a Level~~Levels~~ of Service "D" during the Weekday Peak AM Hour, projected to continue to operate at a Level

of Service "C" during both the Weekday Peak PM Hour and projected to operate at a Level of Service "C" during the Saturday Peak Hour.

- Year 2037 No-Build and Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build and 2037 Build Traffic Volumes indicates that the intersection is projected to operate at a Level~~Levels~~ of Service "E" during the Weekday Peak AM Hour, projected to operate at a Level of Service "D" during the Weekday Peak PM Hour and projected to operate at a Level of Service "C" during the Saturday Peak Hour.

  It should be noted that for unsignalized intersections, it is not uncommon for the side road approach (NYS Route 416) to operate with delays while the major road (NYS Route 211) operates at better Levels of Service.

  Notwithstanding the above, signal warrant analysis was performed for the 2023 Existing Traffic Volume Condition.

  Identified on Table TSW-1A, contained in Appendix "K" of the TIS are the results of this analysis that indicates that Signal Warrant 1, the 8-hour volume warrant, Signal Warrant 2, the 4-hour volume warrant and Signal Warrant 3, the peak hour volume warrant have each been met.

  As identified in the Manual on Uniform Traffic Control Devices (MUTCD) in Section 4C.01, "The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal."

6. Goodwill Road and Beaver Dam Road

Goodwill Road and Beaver Dam Road intersect at a "T" type, unsignalized intersection. All approaches to the intersection consist of a single lane with the Beaver Dam Road approach "stop" sign controlled.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted using the Year 2023 Existing Traffic Volumes indicates that all movements to the intersection are currently operating at a Level of Service "B" or better during each of the Peak Hours.
- Year 2027 No-Build and Year 2027 Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build and Year 2027 Build Traffic Volumes indicates that all movements to the intersection are projected to operate at a Level of Service "B" or better during each of the Peak Hours.
- Year 2037 No-Build and Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build and Year 2037 Build Traffic Volumes indicates that all movements to the intersection are projected to operate at a Level of Service "B" or better during each of the Peak Hours.

7. Beaver Dam Road and Chandler Lane

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering

Commented [PV7]: This needs further explanation. For a lay person, if the Signal Warrants have been met, the impacts are such that a signal should be provided, right? Why is that not a recommended mitigation measure that is needed to minimize this impact?

Commented [PG8R7]: Signal warrants were completed at the behest of NYSDOT. As shown in the TIS results table (and NYSDOT response letter 3/24/25), the increase in delay is less than 1 second during each of the peak hours. Based on the levels of service and noted insignificant increase in delay, the NYSDOT may not require a traffic signal at this location. As such we are not recommending installation as part of the mitigation.

Commented [PG9]: Note that we included this caveat, that the satisfaction of signal warrants are not the sole criteria to justify signal installation.

Beaver Dam Road and Chandler Lane intersect at a "T" type, unsignalized intersection. All approaches to the intersection consist of a single lane with the Chandler Lane approach "stop" sign controlled.

- Year 2023 Existing Traffic Volumes Capacity analysis conducted using the Year 2023 Existing Traffic Volumes indicates that all movements to the intersection are currently operating at a Level of Service "A" during each of the Peak Hours.
- Year 2027 No-Build and Year 2027 Build Traffic Volumes Capacity analysis conducted using the Year 2027 No-Build and Year 2027 Build Traffic Volumes indicates that all movements to the intersection are projected to operate at a Level of Service "A" during each of the Peak Hours.
- Year 2037 No-Build and Year 2037 Build Traffic Volumes Capacity analysis conducted using the Year 2037 No-Build and Year 2037 Build Traffic Volumes indicates that all movements to the intersection are projected to operate at a Level of Service "A" during each of the Peak Hours.

Proposed Site Driveways

As discussed in Section I.A, access to the Site is proposed via a single driveway to Neelytown Road (for both passenger cars and trucks) and a single driveway to Beaver Dam Road (for passenger cars only).

Sight Distances

A Sight Distance Evaluation has been conducted at each of the proposed site driveways showing the available Stopping Sight Distances (SSD) and Intersection Sight Distances (ISD) based on the 85th percentile travel speeds and shows that sufficient sight lines will be provided for all driveways provided certain vegetative clearing measures are undertaken. The Sight Distance Plans are contained in Appendix H of the TIS.

Turning Radii and Accessibility

Turning truck maneuvers at the Neelytown Road driveway (Site Driveway 1), are contained in Appendix H of the TIS. Vehicle circulation plans for emergency vehicles showing ingress, egress and circulation throughout the site using various combinations of the proposed driveways, including the emergency access road on the northern end of the site adjacent to I-84 are provided in Appendix D – Project Plans.

8. Neelytown Road and Proposed Site Driveway 1

Site Driveway 1 is proposed to intersect Neelytown Road and provide entering/exiting access for both passenger cars and trucks. Based on the anticipated site traffic, a separate left turn lane and separate right turn lane for site entering traffic is proposed. A Conceptual Improvement Plan is contained in Appendix I.

- The Year 2027 Build Traffic Volumes Capacity Analysis (unsignalized) indicates that Site Driveway 1 is projected to operate at a Level of Service "C" during the Weekday Peak AM

Hour, projected to operate at a Level of Service "F" during the Weekday Peak PM Hour, and projected to operate at a Level of Service "C" during the Saturday Peak Hour. The Neelytown Road northbound left turn into the site is projected to operate at a Level of Service "B" or better.

With Signalization
With signalization, Site Driveway No. 1 is projected to operate at an overall Level of Service "A" during each of the Peak Hours.

- The Year 2037 Build Traffic Volumes Capacity Analysis (unsignalized) indicates that Site Driveway 1 is projected to operate at a Level of Service "C" during the Weekday Peak AM Hour, projected to operate at a Level of Service "F" during the Weekday Peak PM Hour, and projected to operate at a Level of Service "C" during the Saturday Peak Hour. The Neelytown Road northbound left turn into the site is projected to operate at a Level of Service "B".

  It should be noted that for unsignalized intersections, it is not uncommon for the side road approach or driveway to operate with delays while the major road operates at better Levels of Service.

  With Signalization
  With signalization, Site Driveway No. 1 is projected to operate at an overall Level of Service "B" or better during each of the Peak Hours.

9. Beaver Dam Road and Proposed Site Driveway 2

Site Driveway 2 is proposed to intersect Beaver Dam Road at an unsignalized intersection and provide entering/exiting access for passenger cars only.

- The Year 2027 Build Traffic Volumes Capacity Analysis (unsignalized) indicates that Site Driveway 2 is projected to operate at a Level of Service "B" or better during the Weekday Peak AM, Weekday Peak PM, and Saturday Peak Hours.
- The Year 2037 Build Traffic Volumes Capacity Analysis (unsignalized) indicates that Site Driveway 2 is projected to operate at a Level of Service "B" or better during the Weekday Peak AM, Weekday Peak PM, and Saturday Peak Hours.

Posted speed limits, weight limits and jurisdiction over each roadway are identified below.

Road	Speed Limit	Weight Limit	Jurisdiction
Route 208	45 MPH	None Posted	NYSDOT
Neelytown Road	Unposted (55 MPH)	None Posted	Orange County DPW
Beaver Dam Road	30 MPH	Eight (8) Tons	Town of Montgomery
Route 416	Unposted (55 MPH)	None Posted	NYSDOT

The parking requirements per the zoning code, estimated parking demand and provision of on-site parking facilities are discussed below.

The Town of Montgomery has a minimum parking stall size of 9'x20' and a minimum truck loading space stall size of 12' W x 25' L x 14' H, both of which are being provided for each lot including the trailer storage areas. Below is a breakdown of the required number of parking and loading spaces, as well as what is provided for each lot, which can also be found on the Overall Layout Plan in Appendix D.

Figure 3.G.1: Parking Requirements

PARKING & LOADING CALCULATIONS:

§235-12.8 MINIMUM STALL SIZE (PARKING STALL): 9' X 20' (COMPLIES)

§235-12.8 MINIMUM STALL SIZE (TRUCK LOADING SPACE): 12' W X 25' L X 14' H (COMPLIES)

WAREHOUSE USE:

§235-12.4 SUFFICIENT PARKING FOR ALL TRUCKS, TRUCK TRAILERS, AND TRUCK TRACTORS STORED OR BEING SERVICED AT ANY PERIOD OF TIME, PLUS REQUIRED PARKING FOR OFFICE AREAS, PLUS 2 SPACES PER 3 EMPLOYEES ON DUTY OR ON THE PREMISES AT ANY ONE TIME

REQUIRED:
§235-12.4: 1 LOADING SPACE FOR EACH 40,000 SF IN ADDITION TO THE FIRST 40,000 SQUARE FEET

LOT 1: 1 SPACE + (815,000 SF/40,000 SF) = 21 SPACES
LOT 2: 1 SPACE + (238,280 SF/40,000 SF) = 6 SPACES

PROVIDED:
LOT 1: 140 LOADING SPACES (COMPLIES)
LOT 2: 50 LOADING SPACES (COMPLIES)

LOT 1 HAS A TOTAL OF 246 TRAILER STORAGE SPACES (43 LAND BANKED)
LOT 2 HAS A TOTAL OF 56 TRAILER STORAGE SPACES (56 LAND BANKED)

OFFICE USE:

REQUIRED:
§235-12.4: 1 PARKING SPACE PER 200 SF OF FLOOR AREA

LOT 1: 8,000 SF / 200 SF = 40 SPACES
LOT 2: 16,000 SF / 200 SF = 80 SPACES

NON-OFFICE SPACES:

REQUIRED:
1 EMPLOYEE PER 4,100 GROSS FLOOR AREA**
2 SPACES PER 3 EMPLOYEES

LOT 1: 278,270 SF - 8,000 SF (OFFICE AREA) = 270,270 SF / 4,100 SF = APPROXIMATELY 66 EMPLOYEES
2 SPACES PER 3 EMPLOYEES:
(2 X 66) / 3 = 44 PARKING SPACES

LOT 1 TOTAL = 44 SPACES + 40 SPACES = 88 REQUIRED SPACES

LOT 2: 850,000 SF - 16,000 SF (OFFICE AREA) = 834,000 SF / 4,100 SF = APPROXIMATELY 204 EMPLOYEES
2 SPACES PER 3 EMPLOYEES
(2 X 204) / 3 = 136 REQUIRED SPACES

LOT 2 TOTAL = 136 SPACES + 80 SPACES = 216 REQUIRED SPACES

PROVIDED:
LOT 1: 210 STANDARD SPACES FOR WAREHOUSE USE
80 STANDARD SPACES FOR OFFICE USE
10 ADA COMPLIANT SPACES
300 TOTAL SPACES (COMPLIES)

LOT 2: 110 STANDARD SPACES FOR WAREHOUSE USE
40 STANDARD SPACES FOR OFFICE USE
6 ADA COMPLIANT SPACES
156 TOTAL SPACES (COMPLIES)

** NUMBER OF EMPLOYEES BASED ON ITE 4TH EDITION PARKING GENERATION FOR WAREHOUSE (LAND USE CODE 150 - WAREHOUSE)

Entrances

As discussed above and contained in the TIS, under the Proposed Action and Site Design Alternatives 1, 2, 3 all development plans would result in a trip generation with a total of 463 trips (406 entering trips/57 exiting trips) during the Weekday AM Peak Hour, a total of 452 trips (90 entering trips/362 exiting trips) during the Weekday PM Peak Hour and a total of 458 trips (248 entering trips/210 exiting trips) during the Saturday Peak Hour.

Per the Driveway Delineation & Circulation Exhibit in Appendix E, Site Access Driveway 1 is proposed to intersect Neelytown Road and provide entering/exiting access for passenger cars and trucks. This is the south-east driveway along Neelytown Road. Based on the anticipated site traffic, a separate left turn lane and separate right turn lane for site entering traffic is proposed. Site Driveway 2 is proposed to intersect Beaver Dam Road and provide for entrance and exiting maneuvers for strictly passenger cars.

One Emergency Access is proposed on the north end of the project site is proposed to connect to building 2 and will be designed with a gate and an emergency key box for Emergency Vehicle use only.

Per the Traffic Impact Study in Appendix E and the Driveway Delineation & Circulation Exhibit, Site Access Driveway 1 from Neelytown Road is projected to operate at acceptable levels of service and not result in more than minimal delays as a result of traffic entering the Site from Neelytown Road. Similarly, for traffic leaving the Site, under most conditions the driveways would operate at acceptable levels of service turning left or right onto Neelytown Road. While delays for traffic leaving the Site onto Neelytown Road would be slightly longer than for traffic turning into the Site, it is not uncommon for the side road to operate with delays while the major road operates at better Levels of Service.

Per the Driveway Delineation & Circulation Exhibit, Site Access Driveway 2 intersecting with Beaver Dam Road for passenger cars only would operate with minimal delays for traffic entering or exiting the Project Site. See also the internal traffic movement section below.

Internal Traffic Movements

Per Driveway Delineation & Circulation Exhibit, in Appendix E, access to the Site is proposed via a single driveway to Neelytown Road (for trucks and passenger cars) and a single driveway to Beaver Dam Road (for passenger cars only). The Emergency Access Road on the north end of the Trailer Storage Area will be designed with a gate and a Knox Box for Emergency Vehicle use only.

All truck traffic is proposed to enter and exit the site via Neelytown Road with the primary truck route to and from I-84.

The Project Site layout has been designed to minimize potential for conflicting truck and passenger vehicle movements as much as possible. The employee vehicles will be solely entering from Beaver Dam Road while the trucks are kept entering from Neelytown. The trucks must exit to Neelytown Road through their dedicated Driveway 1 exit.

Per the Driveway Delineation & Circulation Exhibit, in Appendix E, trucks accessing Lot 2 can do so without traversing a passenger vehicle parking area. Similarly, trucks looking to access the Trailer Storage Area on the north side of the Project Site can do so without traversing any passenger vehicle parking areas. The Trailer Storage Area contains 302 stalls. Combined with the trailer storage spaces provided on Lots 1 (245~~6~~ spaces) and 2 (56 spaces), there is no queuing of delivery trucks anticipated on Neelytown Road for the Proposed Action.

The main employee parking areas for Lots 1 and 2 are accessed via the passenger-car only driveways off of Beaver Dam Road. There are connections available between all passenger parking

lots and the main circulation drives to allow for ease of access for first responders in the event of an emergency.

Construction Impacts

The development of the Site will require truck trips for every operation, but the operations do not become cumulative. Traffic can be separated into two categories, regular deliveries and bulk deliveries which are further divided into phases which are associated with 1) sitework, 2) building superstructure and 3) finished work.

Based on information provided by the construction management team, the development plan is anticipated to be completed withing 24 months. The number of construction vehicles/delivery trucks per day is a variable value depending on specific construction operation. The maximum anticipated number of trucks would occur during earthwork import/export and precast concrete structure erection where a maximum of 85 truck deliveries (or 170 truck trips) over a day would occur.

A Construction Management Plan including traffic control measures would be implemented in accordance with all state and local requirements, and construction trucks would be required to use local trucks routes as designated by the Town. It should be noted that CR 99 (Neelytown Road) is designated as a major collector (urban) that supports trucks on a daily basis. The intent is to limit truck traffic to County and State facilities, i.e., not using local roadways.

Potential Impacts and Mitigation Measures

This section will evaluate traffic impact mitigation needs at various phases of the Proposed Action based on the potential impacts described.

As identified in the TIS and shown on the Level of Service Summary Tables, similar LOS will be experienced at the study area intersections under future No-Build and future Build Conditions with the proposed warehouse development and recommended traffic signal timings.

As discussed above and in the TIS, a conservative analysis was used for traffic that may be generated by the Proposed Action based on the “higher” Trip Generation Rates for Land Use Category – 130 Industrial Park in the traffic volume projections. Accordingly, results from the analysis are approximately 2 times higher than typical ITE warehouse rates (ITE Land Use 150). In addition, while the type of warehouses uses are not known at this time (and the “higher” Industrial Park Trip Generation Rates were utilized), based on traffic surveys conducted at Hudson Crossing Industrial Park and The Home Depot Distribution Center located along Neelytown Road, the observed actual trip generation rates were approximately 1/3 lower than the aforementioned Trip Generate rate utilized in the Traffic Study.

In addition, the proposed Site driveways are not expected to significantly impact the area roadways or its traffic operation. The Site driveways require improvements to the roadway, which can be found in Appendix I of the TIS.

Based on the results of the analysis provided in the TIS, the following improvements are recommended:

- Potential signal timing changes at NYS Route 208 and I-84 WB On-Off Ramps based on future traffic projections/demand. These changes include an increased cycle length and greater allocation of green time to protected turn movements to reduce delay. Subject to review and approval of NYSDOT.~~Potential signal timing changes at NYS Route 208 and I-84 WB On-Off Ramps based on future traffic projections/demand. Subject to review and approval of NYSDOT~~

- Potential signal timing changes at NYS Route 208 and I-84 EB On-Off Ramps/Neelytown Road based on future traffic projections/demand. These changes include greater allocation of green time to the eastbound approach to reduce delay. Subject to review and approval of NYSDOT.~~Potential signal timing changes at NYS Route 208 and I-84 EB On-Off Ramps/Neelytown Road based on future traffic projections/demand. Subject to review and approval of NYSDOT.~~

- Separate left turn lane and separate right turn lane for site entering traffic at Neelytown Road and Proposed Site Driveway 1 (northern-most driveway).

- The Neelytown Road and Proposed Site Access driveway should be monitored in the future for a potential traffic signal.

As identified in the TIS and shown on the Level of Service Summary Tables, similar Levels of Service will be experienced at the study area intersections under future No-Build and future Build Conditions with the proposed warehouse development and recommended traffic signal timings. Thus, with the proposed mitigation, the Proposed Action is not expected to significantly impact the area roadways or its traffic operation.

NYSDOT has requested proposed mitigation in the form of radar traffic detection cameras at the intersections of NYS Route 208 with the I-84 ramps and at the intersection of Route 208 with Hawkins Drive. The Applicant will be responsible for the design, procurement, and installation of these detectors.

As described in the section above, the segregation of passenger and delivery vehicles throughout the Project Action's internal circulation will assist in mitigating any confusion or potential hazard for drivers which would likely occur if the design involved passenger vehicles traversing loading operations, delivery trucks attempting a short-cut through employee parking lots during peak arrival/departure time, and other similar hazards that could be expected with intermingling of vehicle types. While there will still be a potential for cross access between the vehicle types, the design sets up the Project Action for success.

As recommended by NYSDOT this project and other projects proposed in Montgomery can be included in the transportation district established for Bracken Road to identify areas that need to be mitigated. It is our understanding that a transportation district has not been established by the Town, however, for other certain projects the Town has assessed fees that have been placed in escrow to support specific mitigation needs for impacts identified in the SEQRA process.~~Based on the above, it is not anticipated that the project will need to be included in any Transportation Improvement District.~~

Formatted: Normal, Left, No bullets or numbering

Formatted: Font: Not Bold, Not Italic

Commented [PV10]: Not sure what this means or how it is relevant. See above.

Commented [PG11R10]: Some language was missing from the paragraph and has been corrected.

This was included in the TIS to address comments that additional mitigation is needed other than those identified in the TIS. This allows the project to contribute to further traffic mitigation, if required, without assuming full responsibility of those improvements.

Alternative Site Layouts

Three (3) Alternative Site Layouts 1, 2, and 3 contain three buildings with the same building square footage of 1,128,270. Major differences include varying size, location, and number of warehouses within the subject site. Additionally, the three alternatives provide different access points and traffic circulation.

Under the Proposed Action and Site Design Alternatives 1, 2, 3, all development plans would result in a trip generation with a total of 463 trips (406 entering trips/57 exiting trips) during the Weekday AM Peak Hour, a total of 452 trips (90 entering trips/362 exiting trips) during the Weekday PM Peak Hour and a total of 458 trips (248 entering trips/210 exiting trips) during the Saturday Peak Hour.

Alternative Site Layout 1 and 3 consists of three (3) warehouse buildings: Building 1 (214,000 SF), Building 2 (664,200 SF), and Building 3 (250,070 SF), respectively in both alternatives. Alternative Site Layout 1 has four (4) access driveways, one (1) driveway to Neelytown Road, two (2) driveways to Beaver Dam Road, plus an emergency access to Beaver Dam Road. Site Layout 3 has six (6) access driveways, three (3) driveways to Neelytown Road, two (2) driveways to Beaver Dam Road, plus an emergency access to Beaver Dam Road. Alternative Site Layout 2 maintains the 214,000 SF warehouse, however, warehouses 2 and 3 are 550,670 SF and 363,600 SF, respectively. Alternative Site Layout 2 has six (6) access driveways, three (3) driveways to Neelytown Road, two (2) driveways to Beaver Dam Road, plus an emergency access to Beaver Dam Road.

For comparison purpose, an Alternate Access Scenario was analyzed (Alternative 3 Site Layout). This Alternate 3 would not change the projected Year 2027 and Year 2037 Build Traffic Volumes at the adjacent study area intersections and results of analysis outlined above in Section III.G 1 through 7. The arrival/departure distributions, resulting site generated traffic volumes, resulting Year 2027 Build Traffic Volumes and Year 2037 Build Traffic Volumes are shown on Figures No. 14-ALT through 43-ALT. The resulting Levels of Service Summary Tables are shown on Tables No. 2-ALT-and 3-ALT, respectively.

The Alternate Site Layout Summary Comparison Matrix analysis is contained in Appendix D.

H. Noise

This section will describe potential noise related to the Proposed Action's construction and operation, potential impacts, and proposed mitigation. Ostergaard Acoustical Associates (OAA) evaluated potential sound emissions from the Proposed Action at off-site nearby potentially noise-sensitive receptors. OAA's findings are published in the report titled Evaluation of Site Sound Emissions, Neelytown Business Park, Town of Montgomery, NY (the "Noise Study"). See Appendix G. The Noise Report analyzes future site sound emissions for comparison with applicable noise standards and to evaluate the potential for adverse noise impacts on nearby uses. Evaluations included conducting ambient sound surveys as well as developing an acoustical model of site sound emissions.

Existing Conditions

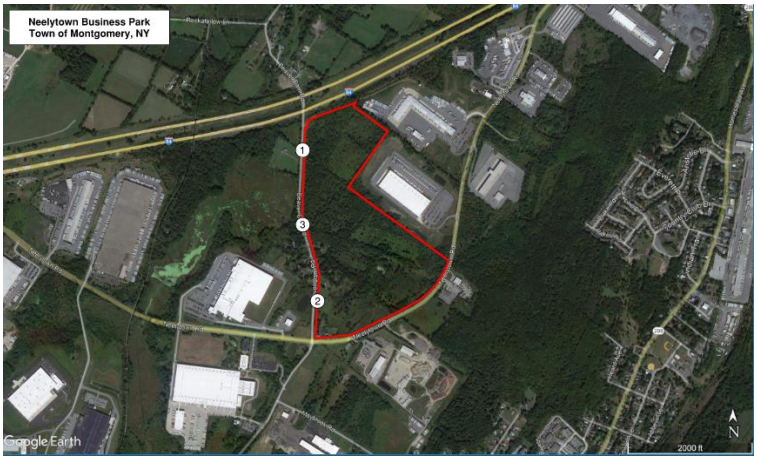
Figure 3.H.1 below is an aerial image obtained from Google Earth that depicts the Project Site outlined in red and numbered ambient survey locations. The Project Site currently comprises

undeveloped wooded land in the I-1, General Industry, zoning district. The Project Site and all surrounding properties are also within the Airport Overlay from the nearby Orange County Airport. The zoning/land uses in the area are as follows:

- North of the Site is Interstate 84. Across the Interstate are commercial and residential properties and associated farmland in the RA-1, Residential Agricultural - One- & Two-Family Residences, district. This farmland is also in the Planned Development Overlay Zone. Orange County Airport is approximately 1.3 miles northwest of the site in the I-2, Airport Industry, district.
- Abutting the Site to the east are two FedEx facilities accommodating similar heavy trucking uses in the I-1 district. Beyond these are several smaller industrial facilities fronting Neelytown Road, also in the I-1 district. Approximately five miles east of the site is Stewart International Airport.
- Bordering the Site to south is Neelytown Road with a recycling center beyond. The recycling center is located in the I-1 district and Biomass Gasification-to-Energy Floating District. Over 2,000 feet to the southeast is a residential development fronting Highland Avenue in the RA-1 district; beyond are residences in the Village of Maybrook. Residences in this direction are significantly far away and not an acoustical concern.
- To the West of the Site is Beaver Dam Road. Three single-family residences are located along the west side of this road. There are multiple large heavy trucking facilities beyond. Northwest of the site is an industrial use associated with utilities. All receptors to the west are in the I-1 district.

Given the surroundings, sound in the area is expected to be dominated by distant and local traffic flow sound. The Interstate will be the primary noise source in the vicinity; receptors further from the Interstate will be more influenced by local traffic flow sound. Other contributors to sound in the area are the commercial and industrial uses along Neelytown Road. Lastly, while there are airports and railroad lines in the area, these are distant enough and expected to operate infrequently enough that they are not major contributors to the acoustical environment.

Figure 3.H.1: Aerial Image of Project Site



Description of the Proposed Action as Analyzed

The Proposed Action includes two proposed warehouses positioned in the northern and central portions of the Project Site. Truck loading bays are located along the southwestern and northeastern façades of Warehouse 1; the loading bays of Warehouse 2 face into the Site. Passenger car parking is located along the short sides of the buildings and additional trailer parking is located either outboard of the loading docks or in a segregated lot located in the southern portion of the Project Site. The Site will be served by driveways along Neelytown Road and Beaver Dam Road. Cars and trucks will use the Neelytown Road driveway to access the two buildings. The driveway on Beaver Dam Road is available for passenger vehicles only. There is a driveway in the northern portion of the site that provides access to the property for emergencies only. A 15-foot-tall noise control barrier is proposed in the western portion of the Project Site to shield nearby industrially zoned receptors from activity associated with the large building. To ensure that the Town Noise Law is met along the driveway on the eastern side of the Site, a 6-foot-tall solid fence is proposed.

While future tenants for the Project Site are unknown, the Noise Study assumes the potential to operate at all hours of the day and night and addresses the on-site noise radiated from this Site to off-site potentially noise-sensitive receptors. Sound produced by the Proposed Action will comprise steady sound from rooftop HVAC equipment and intermittent sound from truck and car movements.

In the absence of specific traffic counts for a known tenant, this Noise Study utilizes the same database as the TIS that is included as Appendix G to this DEIS.[1] While a warehouse use is proposed, the TIS used trip generation rates for ITE Land Use Code 130 Industrial Park to be conservative. Under the Proposed Action and Site Design Alternatives 1, 2, 3 all development plans consist of a total of 1,128,270 SF of warehouse space. The resulting trip generation would be the same with a total of 463 trips (406 entering trips/57 exiting trips) during the Weekday AM Peak Hour, a total of 452 trips (90 entering trips/362 exiting trips) during the Weekday PM Peak Hour and a total of 458 trips (248 entering trips/210 exiting trips) during the Saturday Peak Hour. The project anticipates 643 daily truck trips, or an average of 27 truck trips per hour. It is logical that truck trips during daytime hours are well above the average truck trip number calculated. This aligns with the fact that while typical warehouse uses operate 24/7, with much of the activity during the daytime hours; nighttime operations are generally used to prepare for the next day. The hourly truck distribution data found in the ITE Trip Generation Manual (11th Edition), which are based on data from existing sites, support reduced nighttime truck activity across all land use types that accommodate trucks. Regardless, the Noise Study includes an assessment of intermittent maximum sound levels that might occur during the nighttime hours as this is generally when residential receptors are most sensitive and ambient sound levels are lower.

Regulations/Goals

The Town of Montgomery regulates noise through Chapter 162 of the Town Code ("the Noise Law"). This provision provides maximum sound level limits based on the adjacent zoning district of the source and receiver. As the Site and surrounding properties are all zoned industrial, the limit for industrial zone sources to industrial zone properties is 70 dB(A) at all hours. These limits apply beyond the boundary of the source property; enforcement measurements are taken one foot beyond the boundary of the emitter's premises within the receptor's premises. In addition, Section 162-5(C)(2) limits impulse noise to no more than 80 dB in residential zones and 100 dB in any zone, when measured using Peak response. Impulse limits apply at the applicable zoning district boundary.

NYSDEC's policy entitled "Assessing and Mitigating Noise Impacts" provides guidance for analyzing and minimizing the acoustical impact applicable to SEQRA review. These guidelines require comparison of the equivalent ambient sound level to proposed site sound emissions to determine the extent of any potential acoustical impact, if any. The NYSDEC guidance states that an increase in ambient sound level by 0-to-3 dB should have no appreciable effect on receptors and an increase of 3-to-6 dB is tolerable but may have potential for an adverse noise impact only in cases where the most noise sensitive of receptors are present. The term "the most noise sensitive of receptors" is not defined but for purposes of this analysis is assumed to include the several nearby residences to the Site. Accordingly, to avoid adverse impacts, site sound must not exceed existing ambient sound levels for sensitive receptors.

[1] The Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, gives a detailed look at quantities and hourly distribution of cars and trucks for sites such as the one proposed. These data are regularly updated based on operations of existing facilities.

Sound Level Survey

To determine appropriate criteria for comparison to NYSDEC guidelines, two separate ambient sound surveys were carried out to document existing ambient sound levels in the area. Site visits occurred in March 2022 and December 2022 to become familiar with the area and obtain typical traffic sound levels near the Project Site. All three survey locations are along Beaver Dam Road. Location 1 was placed on Beaver Dam Road in the northern part of the Project Site to typify traffic flow sound as perceived by residences along the I-84 corridor, such as those north of the Interstate. Location 2 was placed on Beaver Dam Road near the southwestern part of the Site to typify ambient sound levels for receptors more remote from Interstate 84 and to capture the extent of intermittent traffic flow on Beaver Dam Road and Neelytown Road. Location 3 was located in between Locations 1 and 2, just west of the site and centrally located along Beaver Dam Road. The sound monitoring equipment was deployed on the morning of March 9th and the afternoon of December 14th and retrieved several days later in both surveys. The March visit surveyed Locations 1 and 2 along Beaver Dam Road, while the December visit surveyed Locations 2 and 3. Location 2 was used in both surveys in order to ensure that the data collected during the second survey was comparable to the first. See Figure 1 in Appendix G for a visual representation of the survey locations. Sixty-nine (69) hours of sound data were recorded from 5:00 PM on March 9th through 1:00 PM on March 12th during the first survey and fifty-four (54) hours of sound data were recorded from 4:00 PM on December 14th through 10:00 PM hours on December 16th. Site observations during deployment and retrieval of the long-term monitors indicated that the acoustical environment was dominated by steady local and distant traffic flow and intermittent fauna noise at all measurement locations.

Weather conditions were generally normal for each survey based on a review of historical data obtained from the nearest weather station at Stewart International Airport. No contamination of survey data was observed from either wind gusts or snow accumulation.

Given the large amount of ambient sound data produced, it is helpful to review data as hourly statistics to observe sound level trends. Important statistics include the equivalent sound level (Leq), which is the metric the NYSDEC guidelines use, and the background sound level (L90), or level that occurs over 90 percent of the time. The background sound level is often best used to evaluate continuous noise sources such as that generated by HVAC equipment. The L10, or level that occurs over 10 percent of the time, indicates the extent of intermittent noise from sources in the area, such as barking dogs, surges in traffic noise, or aircraft. The L10 is often used to evaluate intermittent motor vehicle noise from similar projects. The L50 is the median sound level. Lmin and Lmax reflect the minimum and maximum sound levels, respectively. Because the ambient sound level monitors are unmanned, the specifics of sound sources is not known. These details are not critical as ambient data trends are best observed and reviewed from a high level. Based on observations during deployment and retrieval, ambient maximum sound levels are due to transient sources such as motor vehicles or aircraft passbys. Ambient minimum sound levels are due to distant steady noise sources such as HVAC operation or distant traffic flow sound. A summary of the statistical ambient sound levels recorded and linearly averaged over the entire period of the associated survey is provided in the table below.

Table 3.H.2: Sound Level Summary

Location	Survey	L_{max}	L_{10}	L_{eq}	L_{50}	L_{90}	L_{min}
1	1	84	58	60	54	48	42
2	1	79	59	57	51	46	40
2	2	80	57	58	52	49	46
3	2	82	57	59	53	50	47

The results of the sound level survey reveal the following:

- Control data collected at Location 2 during the second survey were generally consistent with data collected from the first survey, indicating that both survey periods are comparable. Thus, data collected at Location 3 during the second sound survey is representative of the area. The data from all surveys were reviewed collectively.
- There is general consistency between all Locations with most statistics only differing by a few decibels, regardless of survey date. Not surprisingly, the data show higher sound levels occur more regularly for vantage points closer to I-84. Minimum sound levels were slightly lower in level during the March survey. Overall, survey results indicate the area is very active from an ambient sound level standpoint.
- Equivalent sound levels (Leq) were as expected for an area adjacent to an active major roadway. Hourly equivalent sound levels for Location 1 were generally around 60 dB(A) for most hours; hourly lulls during the nighttime dipped slightly below 50 dB(A). Locations 2 and 3, which were more remote from Interstate 84, saw hourly equivalent sound levels slightly lower. Equivalent sound levels at Locations 2 and 3 were generally aligned, often within a few decibels of each other throughout the second survey. Overall, average equivalent sound levels across the survey period were in the 57-to-60 dB(A) range.
- The hourly background sound levels (L90) typically varied between 40-to-50 dB(A) across the first survey resulting in average background sound levels of 46-to-48 dB(A). Location 2 exhibited levels slightly lower than Location 1 due to the added distance from I-84. The second survey results were a few decibels higher for both Locations 2 and 3, indicating a slightly higher presence of steady noise in the area.
- Average L10 sound levels were nearly identical between the three Locations, and about 7-to-13 dB higher in level than the background sound levels. This indicates a high volume of intermittent sound sources. Of interest is that the average L10 was lower than the Leq for all Locations, except for Location 2 during the first survey. This shows that, for the most part, maximum sound level events occurred regularly, but were short in duration. Hence these events influenced the equivalent sound level but were not frequent or long enough to influence the L10 statistic. Average maximum sound levels at Location 1 were about 5 dB higher in level than Location 2; average maximum sound levels at Location 3 were about 2 dB higher than Location 2.

According to NYSDEC's noise guidelines, the average site sound emissions generated by the Proposed Action should not exceed existing equivalent sound levels by more than 6 dB. Given this, and conservatively using the lowest sound levels of 57 dB(A) measured at Location 2, future average sound levels generated by the Proposed Action should not exceed 63 dB(A). To conservatively meet this requirement, steady-state noise sources, such as HVAC equipment sound, should not exceed 46 dB(A) at residential receptors to ensure that HVAC site sound is closer aligned with existing average background sound levels documented during the survey. In a similar manner, intermittent maximum sound levels from on-site truck activity are appropriate to compare to existing transient noise sources documented by the L10 statistic. Intermittent sounds produced by the Proposed Action should not exceed 57 dB(A) to blend in with existing equivalent sound levels. While the removal of the forested land may influence how traffic flow sound from I-84 dissipates for southern receptors, the effects are unimportant to the acoustical analysis. Ambient conditions were obtained with the forested area intact and therefore captures the current I-84 attenuation the forest provides. Modelled future conditions do not consider any dense vegetation in the analysis to be conservative. Upon completion of the project, the proposed buildings and development will introduce a new form of screening of I-84 for some southern receptors. As a result, there will be no perceived change of I-84 traffic flow sound as a result of this project.

Potential Impacts

Acoustical modelling software, CadnaA, was used to create and analyze site sound emissions for the Project Site. The model takes into account relevant parameters between the noise source and receptor positions of interest to predict how sound will propagate (e.g., effects of terrain, various types of ground cover, shielding by structures, and reflections from buildings). In the model, buildings are shown in white, the site property line is outlined in red, the proposed 15-foot-tall noise control barrier is shown in light blue, and elevation contour lines are shown in teal. The acoustical model shows the results graphically as A-weighted sound level contours, in 1 dB increments, and tabulates the summed A-weighted sound levels at four discrete locations at the façade of nearby residential receptors of interest. Sound level contours are at ear height, 5 feet above grade. The five closest residential receptors are shown in the model as Receptors A through E. Receptors A and C typify upper-story receptors at 15 feet above grade while Receptors B, D, and E typify single-story receptors at 8 feet above grade. Sound was scrutinized at the facades of residences where inhabitants are sleeping during nighttime hours. In addition, Receptors F through H represent an ear-height receptor, 5-feet above grade, one foot within an adjacent industrial zone property boundary receptor for evaluation of Town noise code limits.

1. Rooftop HVAC Sound

The noise from the rooftop units was included in the HVAC sound model. HVAC noise sources are shown as blue "+"s. Noise sources were placed 4 feet above the rooftop, and sound was projected off site. Figure 2 shows the results graphically and tabulates the summed A-weighted sound levels at the nearby Receptors. The results show that, with all rooftop units operating, HVAC sound levels at off-site receptors ranges from 34-to-45 dB(A) at nearby receptors.

This analysis shows that there is little concern about HVAC sound. HVAC sound complies with Town noise code limits by a wide margin. HVAC sound is sufficiently controlled via distance and roof shielding effects so that noise meets the nighttime project noise goal of 46 dB(A) at all residences.

"Roof shielding effects" refers to the fact that the roof acts as an acoustical barrier, screening vantage points closer to the ground when the rooftop equipment is blocked from view. Roof shielding effects are less of a factor for upper story receptor vantage points that may be higher than the HVAC equipment. Note that for these model results to be realized, acoustical performance of HVAC equipment must be aligned with what was modelled.

Figure 3.H.3: HVAC Sound Model

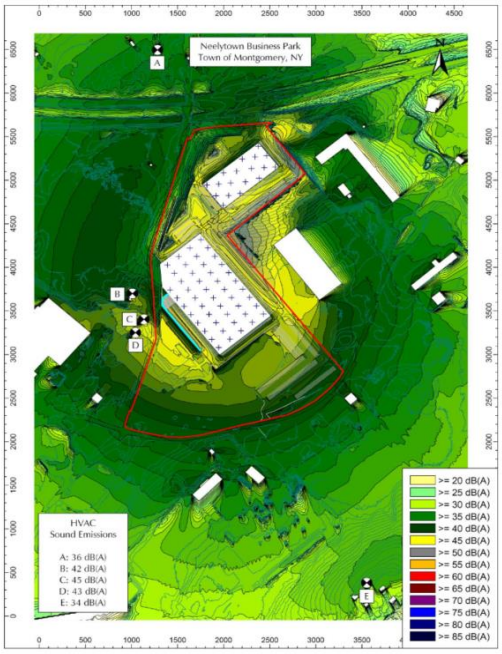


Figure 2 — A-weighted sound emission contours, 5 feet above grade, from rooftop HVAC equipment. Rooftop units shown with a blue + sign. Buildings shown in white, site property line outlined in red, and noise control barrier shown in light blue. Receptors A and C are at 15 feet above grade; Receptors B, D, and E are at 8 feet above grade.

2. Truck Activity

The Proposed Action will include over-the-road line-haul trucks and potentially terminal tractors (yard tractors) active on site. Terminal tractors and line-haul trucks are acoustically equivalent. This sound study was carried out based on standard warehouse operation with standard, non-refrigerated trailers. Truck noise in a typical dock area can routinely produce maximum sound levels of 79 dB(A) when measured 50 feet from the source.

This sound level was determined by looking at a wide variety of truck activity, such as truck movement, air brakes, back-up alarms, and coupling/decoupling, and distilling it to a single conservative maximum level and spectrum. A driving truck exhibits slightly lower maximum sound

levels of 74 dB(A) when measured 50 feet from the source. Models of maximum truck sound levels and average sound levels from 59 trucks both concluded no negative impact with respect to project goals and NYDEC guidelines. The PM peak truck trip count of 59 was evaluated as if it were to occur at any hour, not just the peak PM. To address concerns about night operations, the average background (L90) ambient sound level across the entire survey was about 50 dB(A). Conservatively comparing this level to projected maximum truck emissions of 50-to-54 dB(A) shows there will be no negative impact even during the nighttime hours. The height of a truck source for all truck activity is modelled at a conservative height of 8 feet above grade. Using these maximum sound levels at this height ensures a conservative approach to evaluating truck sound within the truck court. When specific individual activities are modelled at their actual height and sound level, results are typically lower in level than predicted below. For example, many of the high sound level activities, such as back-up alarms and air brakes, occur at a height of 4 feet above grade, not 8 feet. This is a critical detail when evaluating the effectiveness of a sound barrier or berm and when considering intervening topography. It is also important to recognize that all truck noise is dynamic in nature. Maximum sound levels only occur for a short duration and are not representative of the constant sound level produced by on-site trucks.

While there will be multiple trucks onsite at any given time, it is generally appropriate to evaluate maximum sound from an individual truck. Several factors support this. Because maximum levels are dynamic and short in duration, it is unlikely that multiple truck sound level maximums will occur at exactly the same time and location. In addition, safe practices restrict more than one truck from operating in proximity to each other in the same vicinity. Hence, off-site maximum sound levels will be driven by individual truck sources. In the unlikely event that two truck sources would contribute the same level in the same location at the exact same time, maximum emissions would only be 3 dB higher due to the logarithmic nature of sound pressure level addition. Despite this, to be conservative OAA modelled five different trucks producing their maximum sound level at the same time, at various on-site locations that are nearest to receptors. See Figure 3.H.5 below.

Figure 3.H.4: Truck Activity Sound Model

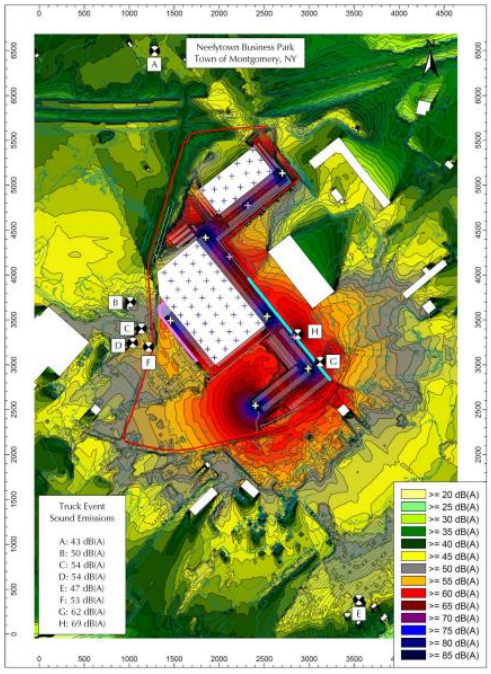


Figure 3 — Maximum A-weighted sound emission contours, 5 feet above grade for on-site truck activity (white and pink "+"). HVAC units shown with a blue "+". White buildings, red site property line, light blue solid fence and pink noise control barrier shown. Receptors A and C are 15 feet above grade; Receptors B, D, and E are 8 feet above grade. Receptors F through H are 5 feet above grade.

To address concerns about multiple trucks on site across a given hour, OAA also modelled average sound levels from driving trucks around the project site. A review of the traffic study and discussion with the traffic engineer showed that based on Land Use Code 130 (Industrial Park), a total of 643 truck trips were expected daily to this site. This averages about 27 truck trips, or almost 14 trucks, each hour. To be conservative, the PM peak truck trip count of 59 was used as input into the acoustical model to evaluate the average sound level from the site. Note that this quantity is an overestimation of nighttime activity at this site as experience and ITE hourly distribution data support the fact that the majority of truck activity occur during the daytime hours. In CadnaA, a road source was looped around the site using Standard RLS-90, which is a widely recognized standard for evaluating traffic noise. Input data comprised 59 vehicles in an hour period, with 100% being heavy weighted vehicles, i.e. trucks. Road speed was set to 15 miles per hour and the road surface was set to traditional smooth asphalt pavement. The analysis assumed that 59 truck trips occur on every site road/truck court. In reality, each building would only get a portion of this total. The results of this analysis are shown in Figure 3.H.5.

A review of the maximum sound levels in Figure 3.H.4 shows that worst-case intermittent on-site truck sound emissions will be in the 42-to-54 dB(A) range at the facades of all residential receptors. For Receptors B through D, limits are below the recommended project goal of 57 dB(A). Location through H, which are 1-foot within an adjacent receptor boundary, fully comply with Town code limit of 70 dB(A). The purple contour representing 70 dB(A) does not leave the site. Also of note is that the white "+" modeled truck events include several impulse noise sources, such as coupling/decoupling, and air brake release activity. Given this, model results also conclude full compliance with the Town's impulse noise code limits of 80 dB(A) at Receptors A and E and 100 dB(A) at all industrial zones. In comparison, a review of ambient sound data shows that no survey Location had an hourly maximum sound level below 60 dB(A); most hours had at least one instance of levels of 75 dB(A) or above, even during the night. Such maximum sound levels are assumed to be due to motor vehicles on public roadways. As such, events modelled in Figure 3.H.4 are not out of character for the area. Based on the ITE hourly truck distribution data discussed previously, truck trip counts for the entire site significantly reduce for most hours of the night, which minimizes the occurrences of such maximum sound levels. This discussion supports that should these maximum sound levels be realized that there will be no negative impact on the area.

Figure 3.H.5: Driving Sound Model

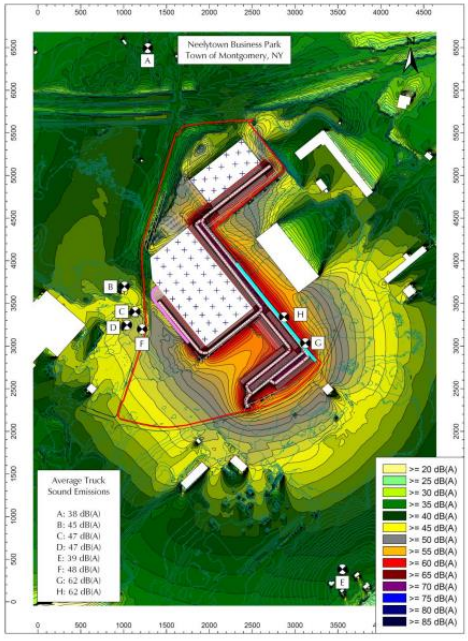


Figure 4 — Average A-weighted sound emission contours, 5 feet above grade expected for 59 truck trips in a given hour. HVAC units shown with a blue "+". White buildings, red site property line, light blue solid fence and pink noise control barrier shown. Receptors A and C are 15 feet above grade; Receptors B, D, and E are 8 feet above grade. Receptors F through H are 5 feet above grade.

Scrutinizing the results of Figure 3.H.5 shows that average truck activity across the site results in sound levels in the 38-to-47 dB(A) range at the façade of residences. Again, results comply with Town code limits at all receptors. As Figure 3.H.5 results are provided using the average metric, they can be added to the existing equivalent ambient sound levels of 57 dB(A) that was documented across the measurement period at Location 2, to determine the future equivalent sound level after the project is completed. Results can then be compared to DEC project goals. The results of these calculations are summarized in the following table. It should be noted that this analysis is most appropriate for Receptors B, C, and D, which was the focus of the ambient survey. Receptors A and E are added for discussion purposes. While ambient sound levels were not specifically characterized for these two Receptors, site sound emissions shown in the model are sufficiently low to not be an issue regardless of what the ambient sound level is at Receptors A and E. Receptors F through H are not pertinent and were not compared to DEC guidelines.

Figure 3.H.6: Sound Level Summary

Summation of existing equivalent ambient sound level to modelled average site sound levels from addition of HVAC and driving truck activity (Figure 4). Future average sound levels are the result of that summation. Evaluation of any change also shown.

Receptor	Existing Equivalent Ambient Sound Level, dB(A)	Equivalent Site Sound Emissions (Fig. 4), dB(A)	Future Equivalent Sound Levels, dB(A)	Change from Existing to Future
A	57	38	57	<1
B	57	45	57	<1
C	57	47	57	<1
D	57	48	58	1
E	57	39	57	<1

Results in the above table show that the potential change in sound levels from existing conditions to future conditions is 0-to-1 dB across all receptors. DEC guidelines state that changes of 0-to-3 dB should have no appreciable effect on receptors in the area. The results in the analyses above support that this project will have no negative acoustical impact on the surrounding area.

Construction hours will be kept to those outlined under Section 162-7 of the Town noise code. Should construction hours be required to extend outside of these hours, construction sound would be required to meet Town noise code limits or seek a variance per Section 162-9. The viability of, or the even need for, specific construction mitigation measures have not been explored at this time as construction details are not known. Regardless, the Town noise code provisions provide clear direction as well as alternatives to ensure the project fully complies with the applicable code.

Finally, off-site truck routes were reviewed to evaluate their potential for acoustical impact. The majority of trucks will be accessing Interstate 84 via the Route 208 interchange. These roads are currently used by trucks in the area and there are no sensitive receptors along this route. All trucks will utilize approved truck routes. Given this, trucks from this site will blend in with existing traffic flow sound in the area and are not expected to have any negative acoustical impact on the area.

Colliers Engineering & Design

Mitigation Measures

1. Although construction conditions are temporary in nature, they can produce high sound levels. The Town Noise Law uses the most common mitigation approach to construction noise, which is to administratively control it to occur during the least sensitive hours of the day. Construction noise is exempt from Town noise code limits during the defined daytime hours; should construction occur during the night it must seek a variance or meet applicable Town noise code limits. Despite this exemption, it is worth discussing considerations to minimize the acoustical impact of this activity. The closest proposed building is about 325 feet from the nearest dwelling. While the buildings are somewhat remote from receptors, earth moving equipment used during the civil construction phase of the project could be closer to off-site receptors temporarily. Construction equipment such as bulldozers, front end loaders, and dump trucks can typically produce maximum sound levels of 80 dB(A) at 50 feet. At assumed distances of at least 200 feet from nearby receptors, maximum construction activity sound levels would be in the upper-60s. Levels of this magnitude are not uncommon in an active developed area, are well below routine maximum sound levels documented during the ambient survey and are not expected to elicit noise complaints or impact the health, safety, and welfare of the public. In addition, these maximum sound levels would fully comply with Town noise code limits despite being exempt. As part of following good practices, consider the following construction mitigation measures to minimize receptor exposure to construction noise during this phase:

    a. Limit all heavy equipment operation to non-noise-sensitive daytime hours and follow allowable town construction hours if applicable.

    b. If possible, limit the amount of equipment operating near one receptor at a given time.

    c. Avoid exposing any one receptor to high sound levels for an extended period.

    d. Place stationary equipment such as generators, compressors, and office trailers away from receptors.

    e. Avoid having construction parking or laydown areas nearby receptors.

    f. Coordinate any high sound level construction activities, such as blasting, with town representatives and provide advance notice to residences, as required.

    g. Specific noise issues can be individually evaluated for tailored noise mitigation recommendations should traditional methods above not be sufficient.

2. Construct the site with the noise control barrier as proposed and as shown in the acoustical model above. Note that to be acoustically effective, the barrier needs to meet the following requirements:

    a. The barrier needs to be solid, without openings, and be of sufficient surface weight to force sound to travel over or around the barrier and not leak through it. A recommended minimum surface weight for the barrier is 7 lbs./ft2. Water drainage can be provided along the bottom of the barrier provided it is backfilled with gravel.

b. The barrier be constructed to at least 15 feet above grade and be approximately 820 feet long. The barrier should connect to the building in the northern portion and extend around the truck court and to the south, as close to the paved area as feasible.

c. Appropriate materials of construction for the barriers include 5/8-inch-thick sheet steel piling, precast or poured-in-place concrete, acoustical metal panels, or engineered wood. Other hybrid systems specifically manufactured for the purpose are also available with an internal absorptive face, but this feature is not necessary for this site.

d. The barriers, being solid, must be designed to resist wind load. Hence, they are structures that require engineered footings, the design of which will need to be overseen by structural professionals.

3. Similarly, construct a solid 6-foot-tall fence along the east side of the eastern driveway. The fence starts at the retaining wall and travels southeast, approximately 1,445 feet. The fence should be solid, with no gaps, and should weigh at least 1 lbs./ft2. A fence is not needed in the northern portion of the site due to significant grading changes. Gaps along the bottom of the fence are acceptable to facilitate drainage. Commercial grade PVC fences meet this requirement.

4. Proceed with HVAC equipment plans, keeping in mind acoustical performance to ensure modelled results are realized.

Overall, the analysis shows that any potential adverse noise impacts from the Proposed Action will be adequately mitigated. The Town's regulation of the hours for construction and the mitigation proposed will limit Town-exempted construction noise. Distance, site geometry, and the proposed noise control barrier and solid fence will sufficiently attenuate on-site HVAC and vehicle noise to have no negative effect on the surroundings. Noise modelling demonstrates project compliance with the Town's Noise Law at all adjacent property boundaries, including impulse noises. More critically, the sound study concludes that the project will not result in any impacts to any nearby sensitive receptors as site sound emissions are in line with ambient conditions. There are no acoustical concerns with off-site truck routes as the side has short access to I-84 and will use approved truck routes along already well-travelled roads. In response to comments received, the applicant has agreed to "shushers" to minimize potential noise impacts.

I. Air Quality

This section will describe existing air quality conditions at the Project Site, potential impacts, and proposed mitigation.

Existing Conditions

Asbestos

Four (4) tax map parcels (36-1-10.1, 36-1-11.1, 36-1-11.23 and 36-1-11.212) are developed with single-family dwellings that would be removed as part of the Project Site. Accordingly, a Pre-Demolition Asbestos Survey Report was performed by Partner Assessment Corporation (Partner) in

Commented [PV12]: Is there a missing element here regarding onsite air quality impacts that we need to fill from truck movements and other small emission sources relative to impacts on the nearby residential uses? We provide the background ambient data for the site that shows no air quality impacts on the site (including from nearby permitted air emission sources, which we should note). Otherwise, the clean bill of health for existing conditions in terms of impacts to nearby residential uses has nothing to compare to when the site is operational.

Commented [JW13R12]: Monitoring provides a baseline that shows no existing violation of NAAQS, and provides a point of comparison with subsequent monitoring during construction and future conformity determinations.

The NYSDOT and EPA screening analysis in this section takes into account vehicles entering and exiting the site via 5 driveway locations. Trucks on site will be restricted from idling for longer than 5 minutes. Other on-site emissions are anticipated to be negligible. Screening indicates that the project does not require a detailed quantitative analysis, will not jeopardize attainment of NAAQS, and is not a project of local air quality concern under 40 CFR 93.123(b)(1). No detailed modeling is required by NYSDOT or EPA.
-JO

July 2022 to investigate the condition of accessible suspect Asbestos Containing Materials (ACMs) in the buildings that will be impacted by scheduled demolitions, including:

1. 459 Beaver Dam Road - 1,071 SF, Built 1930
2. 475 Beaver Dam Road - 1,368 SF, Built 1972
3. 483 Beaver Dam Road - 1,112 SF, Built 1977
4. 355 Neelytown Road - 960 SF, Built 1978
5. 497 Beaver Dam Road - 2,348 SF, Built 1977

See Appendix N. This survey included a site reconnaissance, material sampling, and laboratory analysis and was performed utilizing methods and procedures consistent with good commercial or customary practices designed to conform to acceptable industry standards. Asbestos was detected in several sampled materials. Table 3.I.1 below lists the ACMs identified by PLM and TEM analysis, including the condition and approximate quantity of each material.

Table 3.I.1: Identified Asbestos Containing Materials

HA	Locations	Description	Condition	Asbestos Content	Approx. Quantity
10	459 Beaver Dam Road – Exterior	Transite Shingles	Good	10.0% Chrysotile	750 SF
13	475 Beaver Dam Road – Roof	Chimney Flashing	Good	1.2% Chrysotile	2 SF
15	475 Beaver Dam Road – Roof	Vent Flashing	Good	2.1% Chrysotile	2SF
29/30	475 Beaver Dam Road – Interior	Joint Compound and Associated Wallboard*	Good	3.3% Chrysotile	5,000 SF
32/33	475 Beaver Dam Road – Interior	Linoleum (Bottom Layer) and Associated Top Layers*	Good	1.3% Chrysotile	75 SF
35	355 Neelytown Road – Kitchen	Linoleum – Single Layer	Good	4.3% Chrysotile	50 SF
42	355 Neelytown Road – Bathroom	Linoleum – Single Layer	Good	18.0% Chrysotile	20 SF

Notes: * - Indicates materials are inseparable and must be abated together

Based on the conditions observed and tested by Partner, the following sampled ACMs were confirmed:

1. 475 Beaver Dam Road – Joint Compound: The associated gypsum board is also considered an ACM because it cannot be reasonably separated from the joint compound. This material was observed throughout the residence; therefore, all of the walls and ceilings must be considered ACM. This material is not considered to be friable when in good, in-tact, condition. The joint compound is encapsulated by layers of paint. This material must be abated prior to demolition.

2. 475 Beaver Dam Road, 355 Neelytown Road – Floor Tile, Chimney and Vent Flashing at Roof: These non-friable materials at the subject properties were noted to be in good condition, and/or encapsulated by additional flooring. These materials must be abated prior to demolition.

3. 459 Beaver Dam Road – Transite Shingles: This non-friable material at the subject property was noted to be in good condition. This material must be abated prior to demolition.

Although materials containing trace amounts (<1%) of asbestos are not regulated under 40 CFR Part 61 or 12 NYCRR Part 56, work which disturbs any amount of asbestos (including trace amounts) is regulated under OSHA worker protection regulation 29 CFR 1910.1001.

The following three (3) materials were found to have trace (<1%) amounts of asbestos:

- 459 Beaver Dam Road – Exterior Window Caulking
- 475 Beaver Dam Road – Textured Ceiling Material
- 475 Beaver Dam Road – Linoleum Mastic

Regulated Air Facilities Near the Project Site

Review of the New York State Department of Environmental (NYSDEC) regulated facility databases indicated there are six (6) stationary emission sources within one (1) mile of the Project Site. It is noted that these facilities are not currently considered major sources of emissions (Title V). A summary and a figure of the listed sources are provided below:

- **Air State Facility: Montgomery Wallboard Processing Plant/TKM Materials (NYSDEC #3-3342-00238)** Located 0.1 miles south of the Project Site. The NYSDEC permit indicates that the facility is a gypsum recycling facility which consists of moving gypsum board material through a hammermill, a series of sorting conveyors, a two stage trommel screen, magnetic ferrous material separators, and screw augers for loading of finished product into hoppers and transport vehicles. A baghouse will control emissions from the process dust collection system. Air dispersion modeling was requested from the NYSDEC. The NYSDEC responded on February 6, 2023, indicating that records for the facility were identified. The records provided referred to a Title V permit application, dated January 13, 2023. This facility is connected to the Taylor Biomass Gasification Facility (below). The records are provided as an attachment.

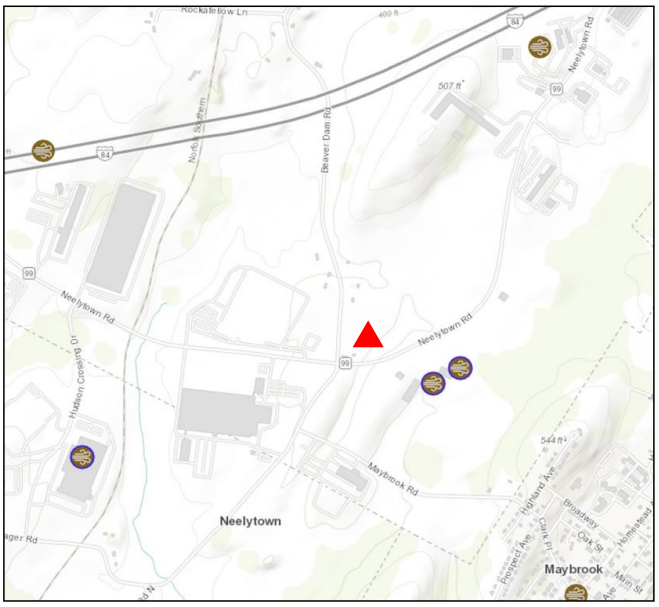
- **Air State Facility: Taylor Biomass Gasification Facility (NYSDEC #3-3342-00105/00012)** Located 0.1 miles south of the Project Site. The NYSDEC permit indicates that the biomass facility receives up to 450 tons per day (tpd) of Construction & Demolition (C&D) debris, up to 100 tpd of unadultered wood waste, and up to 500 tpd of municipal solid waste (MSW). The material is transported to biomass storage silos and then to a gasifier (conversion of material into a gaseous fuel). Air dispersion modeling was requested from the NYSDEC. As of the issuance date of this report, FOIL documentation has not been received back from the NYSDEC. If Colliers Engineering & Design receives relevant documents from the NYSDEC that reveal new and pertinent findings relative to the Project Site, a Letter of Addendum to this report will be submitted detailing the new findings. The NYSDEC responded on February 6,

2023, indicating that records for the facility were identified. The records provided referred to a Title V permit application, dated January 13, 2023. The records are provided as an attachment. The Title V permit will allow Taylor Biomass Gasification Facility to convert over 1,000 tons of organic waste into 300 tons of processed biomass per day and to produce about 20 Megawatts (MW) of power annually to the electric grid via existing substations.

- **Air State Facility: Carlisle Construction Materials (NYSDEC #3-3334-00106/00001)** Located 0.7 miles southwest of the Project Site. The NYSDEC permit indicates that the facility is a rigid foam manufacturing facility that produces polyisocyanurate foam panels for use in commercia and industrial roofing applications. The polyisocyanurate foam insulating panels are produced by reacting polyol in a blend of fire retardant and catalyst with polymeric diphenylmethane diisocyanate (PMDI). Pentane material is used as an expanding or blowing agent. Panels are formed by combining the materials at a pour table and lamination process (front end). Pentane emissions (Volatile Organic Compounds (VOC)) are collected during the pour and lamination process and controlled by a regenerative thermal oxidizer. Manufactured insulation panels are cut and trimmed to meet dimensional requirements for industry and customer specification. A dust collection system captures particulates generated during sawing and trimming operations (back end) which are controlled by a baghouse filter unit. The insulating foam process is subject to 6NYCRR Part 212 - General Process requirements. VOC emissions are limited below major stationary source thresholds supported by the proper operation of the regenerative thermal oxidizer. Performance testing of the regenerative thermal oxidizer is required to determine operating parameters. Air dispersion modeling requested from the NYSDEC. The NYSDEC replied on February 9, 2023, indicating that a diligent search of the files maintained by the NYSDEC produced no responsive records.
- **Air Facility Registration: Medline (NYSDEC #3-3342-00415)** Located 0.8 miles northwest of the Project Site. The NYSDEC permit indicates that the facility provides government medical supplies and solutions to government facilities.
- **Air Facility Registration: Maybrook Travel Center (NYSDEC #3-3342-00048)** Located 0.5 miles northeast of the Project Site. The NYSDEC permit indicates there is a soil vapor extraction system for diesel fuel and one (1) emission point.
- **Montgomery Overall Service (NYSDEC #3-3342-00203)** Located 0.8 mile southeast of the Project Site. The NYSDEC permit indicates the facility is a perchloroethylene (tetrachloroethene) dry cleaning uniform rental business with one (1) emission point.

Figure 3.I.2: Listed Air State Facilities and Air Facility Registrations

DECinfo Locator (ny.gov)



EPA Air Quality Data

The National Clean Air Act (CAA), as amended in 1990, requires the Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) for six major pollutants of concern: CO, NO2, ozone, Particulate Matter (PM 2.5 and PM 10), SO2, and lead. The CAA defines non-attainment areas (NAA) as geographic regions that do not meet one of more of the NAAQS. When an area is designated as NAA, states are required to develop and implement a State Implementation Plant (SIP) which documents the plan to achieve compliance with NAAQS. Areas that formerly violated NAAQS but currently meet federal standards are designated as maintenance areas.

Orange County, New York is not currently listed as a Nonattainment County for all criteria pollutants as of December 31, 2022. Current Nonattainment Counties for All Criteria Pollutants | Green Book | US EPA. However, Orange County is part of the NY-NJ-CT air quality maintenance area for fine particulate matter (PM 2.5) and is also part of the Poughkeepsie, NY 1997 ozone "orphan" nonattainment area comprised of Dutchess, Orange, and Putnam counties. This area was designated as nonattainment under the 1997 NAAQS criteria, but the EPA has since established two (2) more stringent NAAQS ozone standards in 2008 and 2015 that Orange County now meets. Court rulings under the South Coast II decision established that EPA could not waive the 1997 NAAQS

maintenance plan requirements and is still subject to requirements under the 1997 standards. Below are the National Ambient Air Quality Standards.

Table 3.I.3: NAAQS

Pollutant [links to historical tables of NAAQS reviews]		Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide (CO)		primary	8 hours	9 ppm	Not to be exceeded more than once per year
			1 hour	35 ppm	
Lead (Pb)		primary and secondary	Rolling 3 month average	0.15 µg/m^3 (1)	Not to be exceeded
Nitrogen Dioxide (NO_2)		primary	1 hour	100 ppb	98th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		primary and secondary	1 year	53 ppb (2)	Annual Mean
Ozone (O_3)		primary and secondary	8 hours	0.070 ppm (3)	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years
Particle Pollution (PM)	$PM_{2.5}$	primary	1 year	9.0 µg/m^3	annual mean, averaged over 3 years
		secondary	1 year	15.0 µg/m^3	annual mean, averaged over 3 years
		primary and secondary	24 hours	35 µg/m^3	98th percentile, averaged over 3 years
	PM_{10}	primary and secondary	24 hours	150 µg/m^3	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide (SO_2)		primary	1 hour	75 ppb (4)	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		secondary	1 year	10 ppb	annual mean, averaged over 3 years

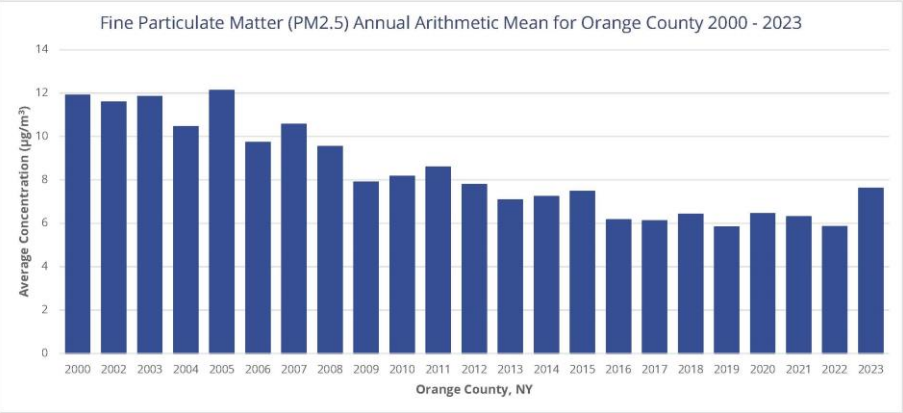
New York State Department of Environmental Conservation (NYSDEC) Air Quality Data

The NYSDEC measures air quality at 50 sites within NYS and includes the following parameters: Criteria Air Pollutants (ozone, sulfur dioxide, oxides of nitrogen, and carbon monoxide), $PM_{2.5}$ and PM_{10}, black carbon, and ultrafine particle (UFP) count. The nearest air quality monitoring station (Valley Central station) to the Project Site is located approximately 1.5 miles north. No data was available. Data from another station in Orange County was reviewed (Newburgh) and indicated the levels were below state and federal standards.

Review of the EPA's Site and Monitor Annual Summary Data indicates the three-year annual average concentration of fine particulate matter ($PM_{2.5}$) for Orange County is 6.59 micrograms/cubic meter

(µg/m^3) as of 2023. 6.59 µg/m^3 is below the National Ambient Air Quality Standard (NAAQS) standard (9 µg/m^3 annual mean, averaged over 3 years) for $PM_{2.5}$. Refer to below image.

Figure 3.I.4: Annual Average Concentration of Fine Particulate Matter



County	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Orange	11.90	11.59	11.59	11.84	10.45	12.12	9.73	10.56	9.54	7.90	8.15	8.59	7.77	7.08	7.23	7.47	6.16	6.12	6.40	5.83	6.45	6.30	5.85	7.61

Future Conditions without Proposed Action

Without the Proposed Action, the Project Site would remain almost entirely vacant with minimal activity occurring. Air quality conditions on and adjacent to the Project Site are expected to remain similar to current conditions. Development surrounding the Project Site at Taylor Biomass Gasification Facility may impact background air quality levels.

Potential Impacts

Short-term and long-term emission sources were evaluated during this study.

Short Term

Short term and localized impacts to air quality occurring during construction may result from fugitive dust and construction equipment exhaust. Locations downwind of construction activities may be temporarily impacted. Prevailing wind direction is generally to the northwest in the vicinity of the Proposed Action. Short term impacts may be mitigated through engineering controls and if warranted, a Community Air Monitoring Plan (CAMP). Preventative measures to limit the amount of material deposited on road surfaces may include covering loads in trucks and paving access areas to unpaved construction areas. Dust mitigation measures may include dust suppression, such as applying water to unvegetated areas and access roads and securely covering staged soil with polyethylene sheeting. Mitigation measures may also include of dust removal by means of street sweeping, vacuuming, or water flushing. All soil erosion and sediment control measures will be implemented throughout the duration of construction. Work may also be paused during

windy/adverse weather conditions when visible dust is observed leaving the Project Site. Asbestos abatement will be completed in accordance with all applicable federal, state, and local regulations and will not adversely affect surrounding communities or workers.

Construction vehicles are required to comply with 6 NYCRR Subpart 217.3, which prohibits heavy vehicles (including both diesel and non-diesel) from idling for more than five (5) minutes.

It is noted that no sensitive receptors (i.e., hospitals, schools, daycare facilities, elderly housing per New York Technical Manual Code – Chapter 19: Noise) were identified within ½ mile of the Project Site.

Emergency generators are exempt from air permitting in New York but are required to meet EPA emission standards and are limited to 500 hours per year of operation. It is anticipated that generators would only run during emergencies and maintenance testing.

Long Term

An assessment of the potential air quality effects of CO emissions on a microscale level that would result from additional vehicles, including trucks, entering and exiting the proposed Project Site, was performed following the procedures outlined in the New York State Department of Transportation (NYSDOT) Environmental Procedures Manual (EPM), revised March 2020 to verify the project would not result in a new NAAQS violation.

The EPM lists three screening criteria to first determine whether the action would increase traffic volumes or idling and if any other roadway changes (e.g., changes in speed, roadway width, sidewalk locations, etc.) could potentially increase in air pollutant concentrations. 12 intersections, including five (5) new unsignalized driveways, were determined to be potentially affected by the project and were analyzed for changes in traffic. The screening procedure described below utilized data from the traffic analysis for the Estimated Time of Completion (ETC) 2027 and ETC +10 2037 analysis years. Results of the initial three (3) step screening are discussed below.

1. Level of Service Screening (Step 1):

   According to the EPM, intersections with a LOS of A, B, or C are generally excluded from a CO microscale analysis unless there are potentially sensitive receptors within the area.

   Results from the traffic modeling study indicate 10 out of 12 intersections within the project will experience a LOS of C or better for ETC and ETC +10 for the preferred alternative for the worst-case LOS (AM Peak). LOS ratings for two (2) of the intersections, NYS Route 208 & I-84 WB on/off Ramps and NYS Route 208 & I-84 EB on/off Ramps/Neelytown Road (Exhibit 1) fall below an LOS of C indicating further screening of these two intersections is required to determine if a CO microscale analysis is required.

Table 3.I.5: AM Level of Service (LOS)

Intersection #	Intersection Name	2022 Existing	2027 No Build	ETC (2027) Build	ETC +10 (2037) Build
1	NYS Route 208 & I-84 WB on/off Ramps (signalized)	C	E	F	F
2	NYS Route 208 & I-84 EB on/off Ramps/Neelytown Road (signalized)	D	D	D	E
3	Neelytown Road & Beaver Dam Road/Neelytown Road (signalized)	B	B	B	B
4	Neelytown Road & NYS Route 416 (signalized)	A	A	B	B
5	NYS Route 211 & NYS Route 416 (unsignalized)	B	C	A	A
6	Goodwill Road & Beaver Dam Road (unsignalized)	A	A	A	A
7	Chandler Lane & Beaver Dam Road (unsignalized)	A	A	A	A
8	Neelytown Road & Site Driveway 1 (unsignalized)	-	-	C	A
9	Neelytown Road & Site Driveway 2 (unsignalized)	-	-	C	C
10	Neelytown Road & Site Driveway 3 (unsignalized)	-	-	A	C
11	Beaver Dam Road & Site Driveway 4 (unsignalized)	-	-	A	A
12	Beaver Dam Road & Site Driveway 5 (unsignalized)	-	-	A	A

2. Capture Criteria (Step 2):

The two (2) intersections impacted by the Proposed Action, exhibiting ETC and ETC +10 with an LOS rating of D, E, or F have been screened by the criteria below:

- *A 10% or more reduction in the source receptor distance*

The project will also not reconfigure intersection 1 or intersection 2, so no reduction in the source receptor distance from either intersection will result.

- *A 10% or more increase in traffic volume on affected roadways*

Intersection 1 is anticipated to be under the 10% threshold for an increase in traffic volume.

Table 3.I.6: Traffic Volume

Intersection #	Intersection Name	ETC (2027) Build Traffic Increase (AM) %	ETC +10 (2037) Build Traffic Increase (AM) %
1	NYS Route 208 & I-84 WB on/off Ramps (signalized)	**7%**	**6%**
2	NYS Route 208 & I-84 EB on/off Ramps/Neelytown Road (signalized)	**12%**	**12%**

- A 10% or more increase in vehicle emissions

NYSDOT has not updated required tables and this criterion cannot be evaluated without modeling at this time. It is assumed the project meets this criterion.

Commented [PV14]: Based on what? Why is this a reasonable assumption?

Commented [JW15R14]: Increases to vehicle emissions cannot currently be evaluated without detailed modeling. Traffic volume increases for Intersection 1 will be less than 10%, with less than a 10% increase in truck volume, so it is reasonable to assume that vehicle emissions for Intersection 1 will not be 10% or more. Intersection 2 exceeds the traffic volume criteria threshold, and therefore requires Level 3 screening regardless of whether or not it exceeds the vehicle emissions criteria threshold. Since Intersection 2 passes the Level 3 screening, no microscale analysis is required even if other screening criteria are exceeded. - JO

- *Any increase in the number of queued lanes*

The project will not reconfigure these intersections or add lanes.

- *A 20% reduction in speed, when build estimated average speed is at 30 mph or less*

No reduction in speed is anticipated at either intersection as a result of the project.

3. Volume Threshold Screening (Step 3):

Intersection 2 (NYS Route 208 & I-84 EB on/off Ramps/Neelytown Road) exceeded the 10% or more increase in traffic volume during the build condition for ETC and ETC +10.

Volume Threshold Screening is required for Intersection 2 to determine if a microscale air quality analysis is required. Free Flow and Queue Emission Factors (EF) were calculated for the intersection with EPA's Motor Vehicle Emission Simulator (MOVES4) software. Information including traffic speed, worst case (ETC+10 PM peak) hourly (worst case) vehicle volumes, vehicle mix, meteorology, signal cycles, and link length were used to determine the EF. The calculated Free Flow EF, Queue EF, Peak Hour Traffic Volume Thresholds, and the peak vehicle volume at ETC are presented in Table 3.I.7:

Table 3.I.7: Traffic Volume

Intersection Name	Intersection Type	Queue Emission Factor (g/hr)	Free Flow Emission Factor (g/mi)	Peak Hour Traffic Volume Threshold	Peak Vehicle Link Volume at ETC +10 (2037)
NYS Route 208 & I-84 EB on/off Ramps/ Neelytown Road	Signalized	1.23	4.47	4,000	1,030

The peak vehicle link volume at ETC +10 (2037) for Intersection 2 (NYS Route 208 & I-84 EB on/off Ramps/ Neelytown Road) was 1,030, and the calculated Peak Hour Volume Threshold was 4,000. Therefore, this intersection does not exceed the volume screening threshold. The NYSDOT EPM

Section 9, I-3 states, "If the project does not meet the applicable volume threshold, no microscale air quality analysis is necessary even if any of the other criteria are met." Therefore, no further air quality analysis for CO is warranted. The project will not increase traffic volumes, nor change other existing conditions, to such a degree as to jeopardize attainment of the NAAQS.

Particulate Matter Microscale Analysis

Although this project is not a federally supported highway or transit project that is subject to a conformity determination under Section 93.123(b)(1) of 40 CFR 51.390, the "Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas" published by EPA was used to determine if this project would be considered a transportation project of local air quality concern that would require a quantitative analysis. Based upon this guidance, a PM2.5 or PM10 hot-spot analysis is required for projects affecting intersections that are at LOS D, E, or F with a significant number of diesel vehicles, or those that will change to LOS D, E, or F because of increased traffic volumes from a significant number of diesel vehicles related to the project. ~~ithat~~

Commented [PV16]: What are the criteria and why were they not met?

Intersection 1 has an existing LOS of C, a projected LOS of E for future No Build conditions, and a projected LOS of F for future Build conditions. Intersection 2 has an existing LOS of D, a projected LOS of D for future No Build conditions, and a projected LOS of E for future Build (ETC+10) conditions. The majority of site-generated additional traffic at these intersections will be gasoline or electric fueled passenger vehicles, therefore the LOS levels are not the result of increased traffic volumes from a significant number of diesel vehicles. Although the project will increase the number of diesel vehicles by approximately 14 to 48 trucks during peak hours, the increase in diesel vehicles is minor compared to the no build condition (4% to 14% increase). Additionally, as discussed in the Traffic Impact Study, the proposed development is not expected to significantly impact the area roadways or its traffic operation. Therefore, no PM hot-spot analysis is warranted.

Table 3.I.8: Diesel Vehicle Volume

Intersection #	Intersection Name	Design Year	AM/PM Peak Hour	No Build Truck Volume	Build Truck Volume	Truck Volume Increase	Percent Volume Increase
1	NYS Route 208 & I-84 WB on/off Ramps (signalized)	ETC (2027)	AM	301	315	14	5%
			PM	254	278	24	9%
		ETC+10 (2037)	AM	323	337	14	4%
			PM	273	297	24	9%
2	NYS Route 208 & I-84 EB on/off Ramps/Neelytown Road (signalized)	ETC (2027)	AM	447	475	28	6%
			PM	342	390	48	14%
		ETC+10 (2037)	AM	482	510	28	6%
			PM	368	416	48	13%

Baseline Air Monitoring

On August 22-23, 2023, Colliers Engineering & Design conducted baseline air monitoring at the proposed project site located near the intersection of Neelytown Road and Beaver Dam Road in Montgomery. New York. Five (5) air monitoring stations were established at locations within the property boundary. Instruments monitored for volatile organic vapors and particulates for 24 hours. Air monitoring stations measured pollutant levels that included pollutants emitted by nearby operating permitted air emission sources.

The results are considered reliable and show that volatile organic compounds were not present in ambient air except for minor sporadic and short-lived trace detections that may be the result of passing vehicles or other anthropogenic factors. The same was true for the particulate matter data, which generally showed over a 24-hour period inhalable particulate matter ($PM_{2.5}$ and PM_{10}) readings were below the EPA established primary (health-based) 24-hour criteria of 35 $\mu g/m^3$ for $PM_{2.5}$ and 150 $\mu g/m^3$ for PM_{10}.

The findings have been provided within Appendix N of this report.

Building Heating and Cooling Systems

It is anticipated there would be approximately four rooftop HVAC units to provide heating and cooling for each of the offices, and one interior ceiling hung Cambridge make-up air unit with heater for every 50,000 SF within the warehouse spaces. Natural gas would be used to provide heating, while electricity would be used to provide cooling. It is projected that the entire office areas will require heating and cooling; with the warehouse, mechanical, electrical, and equipment rooms requiring heating only.

Within the warehouse, heating and continuous insulation within the 10" thick precast concrete walls would prevent freezing temperatures within the building (roughly to be kept at 50 degrees Fahrenheit). The warehouse would experience only moderate temperature changes, therefore, materials stored in the warehouse at moderate temperatures would not be damaged or spoiled.

No mechanical cooling is proposed for the warehouse structure, unlike what would be required for any other commercial or residential structure. The warehouse will utilize natural ventilation and low velocity fans for air movement and passive cooling.

White membrane roofing will be installed on the building to reflect heat, reduce the heat island effect, and reduce facility cooling requirements during the summer months.

The continuous roof insulation and continuous wall insulation within the warehouse precast walls will create an envelope that meets or exceeds the building code standards and reduces the overall energy demand.

Temperature set points will be established based on specific needs, including, and not limited to storage types, comfort of personnel, etc., to maximize energy conservation potential.

Conclusion

The Project Site is not a project of local air quality concern under 40 CFR 93.123(b)(1) that would adversely impact background air quality conditions or jeopardize attainment of the NAAQS based on

Commented [PV17]: We should provide more detail on this. Was the modelling done so that is relevant to nearby residential uses? Can we model operations based upon those same locations to show compliance with NAAQS during operations?

Commented [JO18R17]: Monitoring provides a baseline that shows no existing violation of NAAQS, and provides a point of comparison for subsequent monitoring during construction and future conformity determinations.

The screening process described in the proceeding paragraphs indicate that no detailed modeling is required by NYSDOT or EPA to ensure attainment of NAAQS.

Commented [PV19]: We should provide more detail on this. Was the modelling done so that is relevant to nearby residential uses? Can we model operations based upon those same locations to show compliance with NAAQS during operations?

Commented [JW20R19]: Monitoring provides a baseline that shows no existing violation of NAAQS, and provides a point of comparison for subsequent monitoring during construction and future conformity determinations.

The screening process described in the proceeding paragraphs indicate that no detailed modeling is required by NYSDOT or EPA to ensure attainment of NAAQS.

long-term emissions originating from site operations and a review of traffic data. The Project Site is already situated in an industrial area with no sensitive receptors immediately nearby. Based on surrounding facility information (classification as a non-major facilities), it is unlikely that air pollution (above background levels) and associated odors will occur and affect the Project Site.

Mitigation Measures

With respect to the ACMs identified in the residences, Federal, New York State and local laws require building owners and/or their representatives, prior to any demolition and/or renovation operations which may disturb any asbestos-containing materials in their buildings, to meet the following requirements:

- Notifications;
- Removal techniques (such as wetting) for asbestos-containing materials;
- Clean-up procedures; and
- Waste storage and disposal requirements. A NYSDOL certified Project Monitor will also be onsite during abatement to provide 3rd party monitoring and required reporting to the asbestos control bureau.

Accordingly, the above referenced measures will be undertaken prior to the destruction of the residences to ensure all impacts to air quality from ACMs are mitigated to the maximum extent practicable.

With respect to levels of fugitive dust during construction of the Project, dust control measures will~~may~~ include the following:

- Covering loads in trucks;
- Paving access routes to unpaved construction areas;
- Applying water to unvegetated areas and access roads;
- Securely covering staged soil with polyethylene sheeting;
- Removal of dust from road surfaces by street sweeping, vacuuming, or water flushing; and
- Pausing work during windy conditions or when dust is observed leaving the Project area.

~~I.~~J. Land Use and Zoning

This section will describe the compatibility of the Proposed Action with existing land uses, the Zoning Law and the Town's Comprehensive Plan.

Existing Land Uses

The Project Site is located in the Town of Montgomery's General Industry (I-1) zoning district and is surrounded on all sides by other I-1 district lands. Figure 3.J.1 below provides an excerpt from the Official Town of Montgomery Zoning Map, dated April 2022, showing the zoning of the Project Site and the surrounding land uses within about a half mile of the project site.

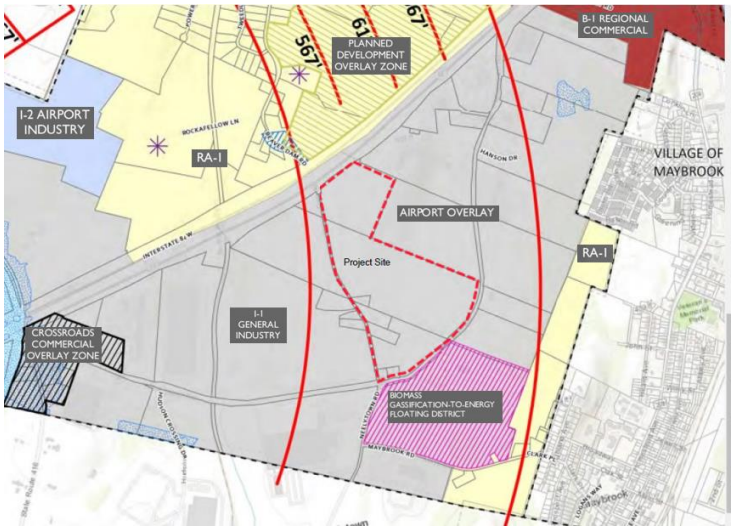
Commented [PV21]: Do we need to take onsite truck emissions and other small emissions into account through modelling that shows compliance with the NAAQS during operations? Otherwise, the data showing no air quality impacts under existing conditions has nothing to compare to relative to potential impacts to nearby residential uses.

Commented [JO22R21]: The NYSDOT and EPA screening analysis takes into account vehicles entering and exiting the site from 5 driveway locations. Other on-site emissions are anticipated to be negligible. Screening indicates that the project does not require a detailed quantitative analysis, will not jeopardize attainment of NAAQS, and is not a project of local air quality concern under 40 CFR 93.123(b)(1).

Commented [PV23]: Do we need to take onsite truck emissions and other small emissions into account through modelling that shows compliance with the NAAQS during operations? Otherwise, the data showing no air quality impacts under existing conditions has nothing to compare to relative to potential impacts to nearby residential uses.

Commented [JW24R23]: The NYSDOT and EPA screening analysis takes into account vehicles entering and exiting the site from 5 driveway locations. Other on-site emissions are anticipated to be negligible. Screening indicates that the project does not require a detailed quantitative analysis, will not jeopardize attainment of NAAQS, and is not a project of local air quality concern under 40 CFR 93.123(b)(1).

Figure 3.J.1: Official Town of Montgomery Zoning Map



Existing land uses on the south side of I-84 where the Project Site is located are dominated by warehouse and distribution facilities along Neelytown Road to the east and the west. Surrounding land uses can also be identified in the Surrounding Land Use Map located within Appendix M. To the west of the Project Site on Beaver Dam Road, there are three residential properties that are non-conforming uses in the I-1 district and that border an existing warehouse to their west.

Per the Zoning Map, the land uses on the north side of I-84 are zoned for agricultural and residential uses. Agricultural uses generally front I-84, with residential uses behind them. The highway corridor, topography and vegetation act as a barrier between land uses on the two sides of I-84. The municipal water tank, water line, access easements, and propane facility located to the north of the site will remain undisturbed.

Potential Impacts

Figure 3.J.1 shows that the Project Site falls within an airport overlay zone. However, as can also be seen by inspection of this map, the maximum elevation of a structure within that zone can be within the ranges ~~between~~ of 517' and 717'. The highest first floor elevation of the proposed building on site is set at 444.5. This elevation plus the proposed building height of 55' results in a maximum elevation of 494.5' which is 22.5' below the maximum elevation allowed within the airport overlay zone and as such is not anticipated to have any impact on the allowable height of the warehouse buildings.

The municipal water tank, water line, and access easements owned by the Town of Montgomery ~~north of the site~~ will remain undisturbed. ~~Additionally, the~~The existing water tower structure is approximately 1,000 ft. north of the northern property limits and thus not at risk for any potential

undermining due to grading on the project site. Although ~~T~~the existing roadway that leads to the municipal water tower runs along the northern boundary, the road will have similar grades or be filled upon and thus not be at risk to impact emergency access. Furthermore, due to the location of the water tower there is no visual impacts.

Zoning Law

The Proposed Action, involving the construction of two intensive warehouses on the Project Site, is allowed in the I-1 district subject to a Special Permit and is designed to comply with the Town of Montgomery's Zoning Law, including its applicable bulk and dimensional requirements. See Figure 3.J.2 below. The Project Site is also located in the Airport Overlay Zone and, accordingly, a note is provided on the subdivision map for the Proposed Action as required by Town of Montgomery Code § 200-21(N).

Figure 3.J.2: Site Plan Zoning Table

TABLE OF BULK REQUIREMENTS
ZONE: I-1 DISTRICT (GENERAL INDUSTRY)

ITEM	REQUIRED [1]	PROVIDED (LOT 1)[1]	PROVIDED (LOT 2)[1]	COMPLIES
MIN. LOT AREA	5.0 AC [2]	3,012,410 SF (69.16 AC) [4]	1,090,918 (25.04 AC) [4]	YES
MIN. LOT WIDTH	200 FT	2,751.83'	733.71'	YES
MIN. FRONT YARD SETBACK	75'[4]	95.1'	216.13'	YES
MIN. SIDE YARD (ONE) SETBACK	30'	N/A	177'	YES
MIN. SIDE YARD (BOTH) SETBACK	60'	N/A	409.57'	YES
MIN. REAR YARD SETBACK	50'	212.50'	242.23'	YES
MAX. BLDG. HGHT.	55'	55'	55'	YES
LOT COVERAGE	40%	± 28.22%	± 25.51%	YES

LOT AREA REDUCTION TABLE

	DESCRIPTION	REDUCTION	AREA
LOT 1	TOTAL LOT AREA	N/A	3,729,852 SF (85.62 AC) [4]
	UTILITY RIGHT OF WAY / EASEMENT	50%	52,568 SF (1.21 AC) [4.1]
	WETLANDS	100%	609,869 SF (14.00 AC) [4.2]
	SLOPES BETWEEN 25% & 50%	50%	54,038 SF (1.24 AC) [4.3]
	SLOPES GREATER THAN 50%	100%	967 SF (0.02 AC) [4.3]
	REDUCED LOT AREA	N/A	3,012,410 SF (69.16 AC) [4]
LOT 2	TOTAL LOT AREA	N/A	1,168,750 SF (26.83 AC) [4]
	UTILITY RIGHT OF WAY / EASEMENT	50%	36,525 SF (0.84 AC) [4.1]
	WETLANDS	100%	0 SF (0 AC) [4.2]
	SLOPES BETWEEN 25% & 50%	50%	40,918 SF (0.94 AC) [4.2]
	SLOPES GREATER THAN 50%	100%	389 SF (0.0089 AC) [4.2]
	REDUCED LOT AREA	N/A	1,090,918 (25.04 AC) [4]

1. THE ENTIRE PROJECT SITE COMPRISES ±4,898,602 SF (112.46 AC.), CONSOLIDATING TAX LOTS 36-1-33. 11.221, 11.23, 11.212, 11.211, 11.1, 10.1 AND LOT 33.-1-91. AFTER SUBDIVISION OF THE ENTIRE PROJECT SITE, THE TOTAL LOT AREA FOR LOT 1 WOULD BE 3,729,852 (85.62 AC) AND FOR LOT 2 WOULD BE 1,168,750 SF (26.83 SF).
2. MINIMUM LOT AREA SHALL BE 5.0 ACRES FOR INTENSIVE WAREHOUSES, PURSUANT TO ZONING LAW § 235-15.4(C)(47)(c).
3. THE ZONING LAW'S TABLE OF DIMENSIONAL REGULATIONS REQUIRES A SETBACK OF 75 FEET FROM NEELYTOWN ROAD & BEAVER DAM ROAD, PER ZONING LAW § 235-4.3.
4. PER ZONING LAW § 235-11.2(B), LOT AREA HAS BEEN REDUCED VIA LOT AREA REDUCTION TABLE ABOVE. WHERE AREAS TO BE REDUCED OVERLAP, THE GREATER OF THE REDUCTIONS HAS BEEN TAKEN.
   - 4.1. UTILITY RIGHT OF WAY REDUCTION AREA REPRESENTS A 50% REDUCTION IN THE UTILITY CORRIDOR THAT IS OUTSIDE LAND UNDER WATER IN THE UTILITY CORRIDOR.
   - 4.2. WETLANDS REDUCTION AREA REPRESENTS A 100% REDUCTION IN THE WETLAND AREA(S) SHOWN ON THE SITE.
   - 4.3. SLOPES GREATER THAN 25% BUT LESS THAN 50% AND SLOPES GREATER THAN 50% ARE INCLUDED IN THE REDUCTION.

The Proposed Action is grandfathered from compliance with the performance buffering requirements adopted by the Town of Montgomery in Local Law #13 of 2022 (Zoning Law § 235-11.9), however, the Proposed Action includes the proposed retention of as much existing vegetation on the Site as possible, berms and walls and fences, and robust landscaping to lessen the visual impacts of the Proposed Action from public roads. Additionally, distance and topography will contribute to the reduction of potential visual impacts.

As demonstrated throughout the DEIS, the Proposed Action complies with the General Standards for issuance of a Special Permit set forth in Zoning Law § 235-15.4. Specifically, the Proposed Action:

- Will be in harmony with and promote the general purposes and intent of Zoning Law §§ 235-2(A),(C), (D),(G) and (H);
- Is located on a Project Site that is sufficient, appropriate and adequate for intensive warehouses and the reasonably anticipated operation thereof;
- Will not prevent the orderly and reasonable use of adjacent properties in the surrounding I-1 district;
- Will be undertaken on a Project Site that is particularly suitable for the location of intensive warehouses due to its location in the I-1 district surrounded by existing warehouse uses with nearby access from Neelytown Road to I-84;
- Will not be located near a church, school, theater, recreational area or other place of public assembly;
- Will involve uses that comply with the Zoning Law definitions of “warehouse” and “intensive warehouse”;
- Will provide access facilities that are adequate for the estimated traffic using Neelytown Road and for the estimated automobile traffic using Beaver Dam Road so as to assure the public safety and avoid traffic congestion. All of the Proposed Action’s entrances and exits will be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection;
- Will provide off-street parking and truck loading spaces in compliance with Zoning Law § 235-12 and sufficient for the proposed uses, and will further provide a layout and driveways conducive to convenient and safe operation of the Proposed Action;
- Will provide adequate buffer yards and screening where necessary to protect adjacent properties and land uses consistent with what is to be expected in the I-1 district for similar uses along I-84 and Neelytown Road. Further, the Proposed Action will provide robust landscaping, site grading and fencing to buffer and screen the warehouses from the three remaining non-conforming residential uses along Neelytown Road;
- Will make provision for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse or other waste through a SWPPP, connection with the municipal

wastewater treatment system and compliance with applicable legal requirements, respectively; and

- Will comply with the further specific conditions and safeguards required for intensive warehouse uses in Zoning Law § 235-15.4(C)(47), as set forth below.

Zoning Law § 235-15.4(C)(47) provides special conditions and safeguards for intensive warehouses that the Proposed Action will substantively achieve as follows:

- *"Loading bays may not face street frontage areas, except where buffers with an opacity of 90% are provided along the street frontage consistent with § 235-11.9 (Performance buffering)."* Zoning Law § 235-15.4(C)(47)(a).

  The Proposed Action's loading bays do not directly face either Neelytown Road or Beaver Dam Road, but will meet the performance goal of 90% opacity from those roads based on distance, site grading and berms, a 15' sound barrier and proposed landscaping intended to provide significant screening of the proposed warehouses from those roads.

- *"Truck storage, parking or running areas shall not be located within 500 feet of a residence located in a zoning district which permits residences as a use-by-right or by special use permit or 300 feet from the lot on which the residence is located, whichever is less restrictive."* Zoning Law § 235-15.4(C)(47)(b).

  None of the Proposed Action's "truck storage, parking or running areas" are located within 300 feet of a lot in a zoning district "which permits residences as a use-by-right or by special use permit." Residential uses are prohibited in the I-1 district where the Project Site is located, and the three residences located along Beaver Dam Road are non-conforming residential uses in the I-1 district. Warehouse #2's truck storage, parking and running areas are more than 500 feet from any residence and more than 300 feet from any lot on which a residence is located on the opposite side of I-84, where the zoning district permits residential uses.

- *"Truck terminals and intensive warehouses shall be located on lots in excess of five acres in area."* Zoning Law § 235-15.4(C)(47)(c).

  Both of the proposed lots to be created through the Proposed exceed the 5-acre minimum lot size for intensive warehouses, with Lot 1 comprising ~~69.16~~68.90

  68.90 acres and Lot 2 comprising 25.04 acres after application of the lot reduction calculations provided by Zoning Law § 235-11.2(B).

- *"Buffers shall be provided in conformance with § 235-11.9 (Performance buffering)."* Zoning Law § 235-15.4(C)(47)(d).

  As noted above, the Proposed Action is not required to comply with the Performance Buffering requirements of the Zoning Law, however, through a combination of site grading, fencing and landscaping will meet the otherwise applicable Performance Buffering goal for Grade B buffers, which "are intended to provide significant visual screening for persons

standing at grade in proximity to the property line, and modest screening from more distant or elevated viewpoints." Zoning Law § 235-11.9(H)(3)(b).

The Proposed Action is designed to comply with the Required Site Plan Procedure and Standards provided in Zoning Law § 235-16.5. Specifically, based on consultation with the Town's lighting consultant, the Proposed Action will provide sight lighting that will "avoid light pollution that would cause glare, up-cast lighting or sky glow," "avoid nuisance light spillover or glare affecting nearby properties or traffic," and "distribute light levels more uniformly across" the Project Site. Zoning Law § 235-16.5(C)(1). Further, the Proposed Action will only have one access driveway on Neelytown Road and two access driveways on Beaver Dam Road to: (1) "avoid a proliferation of curb cuts onto existing arterial/collector roads;" and (2) "protect traffic safety and operating levels of service on existing and proposed arterial/collector roads." Zoning Law § 235-16.5(C)(2). In addition, the Proposed Action is designed to be consistent with the site layout and utility provisions of Zoning Law §§ 235-16.5(C)(3),(7), will follow the architectural design review process of Zoning Law § 235-16.5(C)(5) and does not involve any proposed signage. Finally, the Proposed Action must and will comply with the site plan standards provided in Zoning Law § 235-16.5(C)(8) due to its location within 250 feet of Neelytown Road, which is a county highway (Orange County Route 99).

Comprehensive Plan

With respect to the Town's 2021 Comprehensive Plan (the "Plan"), the Proposed Action is consistent with the adopted vision for the Neelytown Road corridor: "Industrial, office and economic employment centers will be prioritized in three existing areas: in and around Neelytown Road south of Interstate 84; along Bracken Road; and along Route 747/Stone Castle Road." Refer to the link provided[2] or see plans in Appendix D, p.15. The Proposed Action will also further one of the key goals identified in the Plan: "Allow for the continued development of job-creating, low-impact commercial and industrial use in appropriate locations" (Plan, p. 16) as well as this specific economic development recommendation for the Town: "Focus new industrial, heavy commercial, office and other high-intensity uses around existing areas identified as Economic Development Areas on the Land Use Plan – those areas along Neelytown Road south of Interstate 84, Bracken Road, and Route 747/Stone Castle Road" (Plan, p. 51).

Under both existing I-1 zoning and the Surrounding Land Use Map, located in Appendix M, which shows the Project Site as being in a Heavy Commercial/Industry area, the Site is in a particularly appropriate location for the Proposed Action given its proximity to I-84 and the demonstrated low impact the Proposed Action will have on local services and surrounding uses. In accordance with the Comprehensive Plan, the Proposed Action, with its conscious orientation towards Neelytown Road, is in an area of the Town where "full development of remaining sites" is intended for such uses. Existing nearby uses along Neelytown Road are also predominantly commercial or industrial uses.

Regionally, the Project Site is identified as part of a Priority Growth Area by the 2019 Orange County Comprehensive Plan at the link provided. The Project's proposed use is also one targeted by the

[2] https://www.dropbox.com/sh/b1gm7roguksot3h/AAAiFRwy83Q9Q7UBRiW0qAJQa/AA-%20ADOPTED%20PLAN?dl=0&subfolder_nav_tracking=1

2015 Orange County Economic Development Strategy as one the County seeks to attract for economic development growth purposes. See Orange County Economic Development Strategy, p.25. For the foregoing reasons, the Project will support and further the goals and objectives of local community plans and will not have a significant adverse impact on them.

As described above, the Proposed Action is consistent with the existing and planned commercial and industrial character of the area where the Project Site is located along Neelytown Road in the Town's I-1 zoning district. The Project Site is perfectly situated along Neelytown Road with nearby access to I-84. The Project Site is located in a growing commercial and industrial area, zoned for such uses, that already includes numerous existing warehouses and commercial buildings located adjacent or close to the Project Site along the Bracken Road commercial/industrial corridor. In this context, the Project is entirely consistent with the conforming I-1 zoning district community character. Proposed site grading, a sound wall and robust landscaping will minimize impacts to the three nonconforming residences across Beaver Dam Road from the Project Site. Finally, the Proposed Action's lighting will minimize sky glow and light pollution, and as shown on the Site Plans, will avoid any light trespass onto adjacent properties (see Appendix D).

Through sitting and by providing earth-toned colored and architecturally attractive buildings, the Proposed Action will minimize any adverse visual impacts and be attractive to prospective tenants as well as the public. As designed, the Proposed Action will positively contribute to the community character of this area of the I-1 zoning district along the Town's planned Neelytown Road commercial/industrial corridor. Furthermore, as noted above, the Proposed Action will enhance the value of nearby properties in the I-1 zoning district, consistent with the Town's goals for future commercial/industrial growth in the Neelytown Road corridor. Accordingly, the Project will be consistent with the Town's expectations for the community character of the I-1 zoning district.

~~J.~~K. Utilities

This section will describe utilities to be used by the Proposed Action, potential impacts, and proposed mitigation.

Existing Conditions

Private utilities such as electricity and natural gas are available to be provided for the Proposed Action by Central Hudson Gas and Electric per their service territory area map. A review of the survey for the Project Site also indicates that there are multiple utility poles along Neelytown Road available for an electrical service tie in. The presence of a Central Hudson Gas and & Electrical easement along the western frontage on Beaver Dam Road indicates that gas service is existing along the frontage as well. The availability of gas and electrical services is confirmed by the will serve letter provided. See Appendix L. The availability of municipal water and sewer services is discussed in Chapters 3E and 3F and the record of existing utilities map provided by the Town of Montgomery is located in Appendix L. Test pits for sewer, water, and natural gas services will be performed during the early stages of construction to determine the size, location, and overall condition of the existing utilities.

Telecommunications are available to the property from T-Mobile, Spectrum, and HughesNet among others per available online information. While the site is within these utility provider service districts, further confirmation of availability is pending, due to the preliminary stage of the project.

Potential Impacts

The Proposed Action will result in an increased demand for drainage, water, sewer, electric, gas, and telecommunication facilities.

The Project Site is within the service districts of T-Mobile, Spectrum, and Central Hudson Gas and Electric Corporation and while confirmation of availability of service is pending given the preliminary stage of development no impacts are anticipated.

Energy use projections are based on the maximum use permitted by the New York State Energy Code. It is anticipated that construction of the warehouse / distribution building as described below will provide a more energy efficient facility than that required by code.

The estimated natural gas demand is 20,000 cubic feet per hour (CFH) with five pounds per square inch (psi) pressure out of the meter. Estimated annual demand is approximately 0.13 therms per square foot or approximately 13,200 BTU per year.

Lighting for the facility would use high efficiency, light emitting diode (LED) fixtures. Office area lighting would have occupancy sensors and would turn off when not in use. All lighting plans and fixtures would adhere to the New York State Energy Conservation Construction Code (19 NYCRR Part 1240). As a means of providing for future renewable energy and reducing the grid electricity consumption on the site, provisions for future solar panel arrays on the roof will be provided, such as increased structural capacity to allow for the installation of such features. Significant daylighting will be introduced into the warehouse, limiting the need for artificial light. Overall, it is expected that the lighting power budget will be less than that permitted by code, which will reduce electric energy consumption.

The Proposed Action anticipates the use of an on-site power generator during construction, which will produce both air emissions and noise. It should be noted that no permanent standby generators are proposed at this time. Future tenants may seek future site plan amendments as necessary to request approval to install generators based on their individual needs. The proposed electrical connections to the proposed warehouse buildings are not anticipated to create any impact as they will be run underground the proposed driveways which need to be excavated to be constructed. As illustrated on the Utility plans, there will be no utility lines constructed through wetlands.

Mitigation Measures

It is anticipated that the Proposed Action will include underground connections to these utilities and that no anticipated upgrades are required beyond extending services to the site. Therefore, no mitigation measures are proposed. All proposed utilities will be installed under driveways which require prior construction eliminating the need for additional mitigation and environmental impact. Energy saving measures such as solar panels and water saving fixtures will be considered as the project progresses.

~~K.~~L. Community Services and Facilities

This section will describe existing community services, including police protection, fire protection, ambulance services, solid waste services, and recreation, and will include interviews with providers. This section will specifically address the ability of the Maybrook Fire District to serve the fire protection needs of the Project Site and any particular demands that the Proposed Action might place on ambulance services for routine hospital transport. Projected response times for emergency services will be identified. Other emergency service needs will also be evaluated. The potential impacts of increased population due to the Proposed Action (see Growth-Inducing Aspects) on Community Services and Facilities will be evaluated.

Existing Conditions

Emergency Services & Healthcare Facilities – a map of emergency services and healthcare facilities can be found in Appendix O.

1. **Police**

   Correspondence from the Town Police Department was received from Chief John Hank on October 31, 2024, and March 7, 2022. (see Appendix O).

   The police department is located on Bracken Road adjacent to Town Hall. As of October 31,2024, the Town of Montgomery had ten (10) full-time police officers, 27 (27) part-time police officers, four (4) sergeants, one (1) lieutenant, and one (1) chief. Assuming two part-time police officers equal one full-time officer, the Town has 30.5 police officers. That is one police officer for every 765 residents, using the 2020 population of 23,322 persons.

2. **Fire**

   Although located within the Town of Montgomery, the subject property is serviced by the Maybrook Fire District. Maybrook Engine Company No. 1, located at 205 Wallace Avenue, and serves 4,000 people living in a 4.2-square mile area including the Village of Maybrook, Town of Montgomery and parts of the Town of New Windsor.

   There are approximately 74 active members of the Maybrook Fire Department, which is a 100% volunteer force with 8 vehicles.

3. **Ambulance**

   Correspondence from the Town Montgomery Ambulance/Walden Ambulance Corps (undated), can be found in Appendix O.

   The Town of Montgomery and its incorporated villages are provided with emergency services, through the Town of Montgomery Ambulance, a 501(c)(3) not for profit volunteer organization located at 22 South Montgomery Street in Walden. A phone discussion was had on March 18, 2022, with Kyle Shorette, President of the Town of Montgomery Ambulance, to discuss the existing services and its ability to service the Proposed Action, followed by an email and memorandum. This memorandum is included in Appendix O.

Town of Montgomery Ambulance currently has twenty (20) volunteers, twelve (12) full time equivalent staff, and seven (7) volunteer trustees. They operate one ambulance out of the main station in Walden, NY, approximately 7 miles from the proposed site, and a second ambulance which may be stationed at Walden or from a location in Montgomery, approximately 4 miles from the proposed site. From either location, response time would be 15 to 20 minutes.

The Town of Montgomery Ambulance primarily transports to two local area hospitals, Garnet Health Medical Center located at 707 E Main Street and St. Luke's Medical Center located at 70 Dubois Street. The ~~While~~ Town of Montgomery Ambulance only provides basic life support, therefore, if more urgent "advanced life support" is needed, the applicant acknowledges the Town of Montgomery will be unable to assist. ~~s are provided by Mobile Life Support Services, Inc., a privately-owned commercial ambulance service with approximately 500 EMS professionals, 73 ambulances and other vehicles, and 24 stations across the Hudson Valley Region. Mobile Life has a station located at 1 Hudson Bluff Circle just north of the Hamlet of Marlboro.~~

~~4.~~ Hospital

Formatted: Normal, Indent: Left: 0.25", No bullets or numbering

The subject property is located equidistant from Garnet Health Medical Center and Montefiore St. Luke's Cornwall Hospitals, a distance of approximately twelve miles. Town of Montgomery Ambulance transports to both.

Montefiore St. Luke's Cornwall Hospital is a verified Level III Trauma Center, the only such center in the Hudson Valley. The nearest hospital for burn trauma is the Westchester Medical Center in Valhalla, 60 miles to the southeast.

~~5.~~4. Recreational Facilities

The Town of Montgomery has five municipal parks: Benedict Farm, Berea Park, Rail Trail Park, Riverfront Park, and Twin Islands Fishing Park. There are also three county parks within Montgomery: Thomas Bull Memorial County Park, Winding Hills Park, and Orange County Arboretum. None of these parks are within two miles of the subject property. There is a municipal playground just over one-half mile east of the property in the Village of Maywood (Lot 104-1-43).

~~6.~~5. Waste Stream

Residences and commercial establishments within the Town of Montgomery contract with private waste haulers to remove municipal solid waste (MSW) and recyclables. As the site is currently vacant, there is no solid waste generated at this time.

Potential Impacts

It is anticipated that the Proposed Action will result in an increased demand for each of the corresponding Community Services and Facilities. Regarding the anticipated added waste from this project, the existing site primarily consists of undeveloped land, therefore there will be a substantial increase in waste stream from the Proposed Action. The anticipated daily wastewater demand is 5,205 GPD, in which the Orange County Sewer District #1 has indicated they have

sufficient capacity per the Engineer's Report for Proposed Sanitary Sewer System located in Appendix L. The police department estimated 75 to 100 calls annually from the subject project, a number which they did not indicate would be problematic to their resources. There are no security concerns unique to this proposal. Typical safety measures such as proper illumination have been designed, as discussed below.

Mitigation Measures

On-Site Security

The parking lot, pedestrian walkways, driveways, main entrances, trailer parking, and loading dock areas will be well lit for safety and security purposes. Specifically, the following areas would be illuminated from dusk-to-dawn and during periods of severe weather:

- Site access drives will be illuminated by LED pole mounted lights.
- Parking lots will be illuminated by single- and double-pole mounted LED lights and building LED lights.
- Trailer storage areas and truck loading docks will be illuminated with a combination of building mounted LED lights and double-pole mounted LED lights.

In addition, the future tenant is anticipated to implement security measures for the Project Site, including and not necessarily limited to video surveillance, alarms, a loss prevention program to prevent theft, and internal training of its staff. Such security measures would be fully implemented, function and be monitored on a 24/7 basis.

These security measures, including security fencing, gates and lighting, are expected to reduce the demand for police service.

Fire Protection On-Site and Building Design

The Project Site will have well-labeled sprinkler and standpipe connections on the outside of the warehouse building to enhance fire protection at the Project. Eight (8) on-site fire hydrants will be located at the corners of each building to avoid unnecessary hose lays that may block other fire apparatus from setting up at the scene.

360-degree access has been provided to each building to ensure that the proper fire apparatus can access the buildings from all points. Large, paved surfaces around the warehouse building will be provided to ensure safe operation of aerial fire apparatus, including outriggers.

Proposed access driveways are designed to accommodate emergency vehicles and provide access around the entire building. Fire District officials will have the opportunity to perform a final review of the site plans during the site plan approval process.

The Proposed buildings will meet the applicable standards of the National Electric Code and the New York State Uniform Fire Prevention and Building Code.

The proposed warehouse building will be designed with a full ESFR sprinkler system and contain fire alarms. The fire alarm system will be designed in accordance with the National Fire Alarm Code and the National Electric Code. A monitoring service will be connected to the fire alarm system to notify the fire department. Horns and strobe lights will be provided throughout the building.

Safety Equipment Requirements

The proposed S-1 storage (storage for moderate hazardous products) use is not anticipated to require any significant safety equipment other than standard personal protective equipment (PPE). There will not be any hazardous materials on site.

Protocols for Responding to On-Site Emergency

The proposed warehouse development will be designed to accommodate all emergency service needs, including EMS equipment. There are three proposed ingress/egress driveways that are designed to safely and effectively allow all emergency vehicles, including ambulances, to access each building on the Project Site.

It is the Applicant's opinion that there would be no significant adverse impact that would prevent emergency medical services from being carried out at the Project Site.

~~L.~~M. Fiscal and Employment Impacts

This section analyzes the existing economic conditions and examines the anticipated impacts of the Proposed Action. See Appendix M. Specifically, the analysis examines the existing revenues and costs generated by the existing conditions of the Project Site as well as the anticipated revenues and costs expected to be generated from the proposed development. It should be noted that to determine the financial impacts, all dollars used were 2022 dollars unless otherwise noted. The anticipated fiscal impacts shown reflect the forecasted impact as if the Proposed Action was completed, occupied, and assessed during 2022.

The financial benefits to the Town of Montgomery as presented in this report are based upon quantifiable data which is used as input to a fiscal impact model. It must be realized that not all benefits and impacts of a given project can be so easily quantified. In terms of quantifiable benefits of the proposed development, this report finds that the proposed development would result in a positive financial impact on municipal finances.

Existing Conditions

The Project Site, as combined, had an overall tentative assessed property value of $844,400 based on the 2022 tax records. Table 3.M.1 below shows the tax rates and annual tax contribution for 2022[3], [4] for all lots combined (33-1-91, 36-1-33, 36-1-11.221, 36-1-11.1, 36-1-212, and 36-1-11.211).

Table 3.M.1: 2022 Tax Contribution Breakdown (All Lots Combined)

Tax Type	Existing Assessed Property Value	Tax Rate Per $1000 of Assessed Value	Annual Tax Contribution
County	$844,400	6.118900	$5,166.80
Town		1.375600	$1,161.56
Highway		2.269800	$1,916.62
PT Town		2.841000	$2,398.94
Fire		2.593900	$2,190.29
School		36.871908	$31,134.64
Total		**52.071108**	**$43,968.84**

Potential Impacts

Projected Tax Revenue

At full occupancy, the Proposed Action will yield a surplus in the municipal, county and school tax revenues. The net municipal tax revenue will be $426,043 more than the costs associated with the proposed development. The net county tax revenue will be $300,809 more than the costs associated with the proposed development. The net school tax revenue will be $2,286,350 with no additional costs incurred as a result of the development. The total tax revenue generated for the Town, County, and schools by the Proposed Action will be $3,013,202 above the associated costs.[5]

The total value of the Proposed Action is estimated at $126,546,763. See Table 3.M.2 below for a breakout of the project's proposed value. The value of the Proposed Action may be subject to change based on changing market conditions. The current municipal equalization ratio[6] for the Town of Montgomery is 0.49. Adjusting the anticipated market value of the project by the equalization rate results in an estimated equalized assessed value of $62 million.

Table 3.M.2: Projected Value of Proposed Development

---

[3] Town of Montgomery, Real Property Assessing Department, Carmella Vargas, Clerk, February 27, 2024.

[4] Town of Montgomery Online Tax Search System, https://egov.basgov.com/montgomery/ , accessed December 1, 2022.

[5] See CIS Report in Appendix

[6] An equalization rate is the ratio of total assessed value over the municipality's market value as determined by the state. An equalization rate of 1 means that the assessment is done at market value. Many municipalities do not assess at full equalization, leading to equalization rates of lower than 1. Montgomery has an equalization rate of 0.49, meaning that assessments are 49 percent of market value.

Components	Square Footage	Value Per Square Foot	Value
Commercial Space	1,128,270	$ 25.00	$19,361,113.00
Site Improvements	1,128,270	$ 95.00	$107,185,650.00
Subtotal			**$126,546,763.00**
2022 Equalization Rate			**0.49**
Equalized Assessed Value			**$62,007,913.87**

Moreover, the cost of materials will incur a sales tax. Orange County and New York State have a combined sales tax rate of 8.13%, for a total sales tax collection of over $7 million. Of this, 3.75%, or $3.34 million goes to the county, and 4%, or 3.57 million, goes to the state. Orange County shares the 3.75% with local governments. Approximately 26.384% of the 3.34 million is distributed amongst towns and villages based on population.

Table 3.M.3: Projected Sales Tax on Construction Materials

Building Square Footage	Materials Cost Per Square Foot	Total Cost of Construction Materials	Sales Tax rate	Total Sales Tax collected
1,128,270	$60.00	$67,696,200.00	8.13%	$5,503,701.06

Projected Cost Analysis Using Generally Accepted Methodologies

The financial impact that the town experiences as a result of new development is through tax revenue. The Proposed Action would contribute over $3.2 million in taxes annually.

Table 3.M.4: Projected Tax Contribution

2022 Equalization Rate		Estimated Improvements Value		Existing Equalized Land Value		Tax Rate Per $1000 of Projected Value		Projected Annual Tax Contribution
49.00%	x	$126,546,763	+	$844,400	x	52.0711	=	$3,272,789.62

The table below provides a breakdown of who benefits from the $3.2 million tax revenue. Specifically, over $570,717 goes directly to the Town of Montgomery (tax rows for Town, Fire, PT Town, and Highway).

Table 3.M.5: Projected Annual Tax Contribution Breakdown

Tax Type	Value of Proposed Development	Tax Rate Per $1000 of Assessed Value	Annual Tax Contribution
County	$62,852,314	6.118900	$384,587.02
Town		1.375600	$86,459.64
Highway		2.269800	$142,662.18
PT Town		2.841000	$178,563.42
Fire		2.593900	$163,032.62
School		36.871908	$2,317,484.73

Total		**52.071108**	**$3,272,789.62**

The County would receive over $384,587, and the school system would receive $2.3 million per year.

The overall total projected tax contribution of $3,272,789 far exceeds the existing tax contribution of $43,968 as shown in Table 3.M.1 above. More specifically, the anticipated revenue of $570,717 to the Town exceeds the current tax revenue of $12,834.

The fiscal impacts of the Proposed Action can be evaluated by using the widely accepted Per Capita Multiplier method and the proportional valuation method from the *Development Impact Assessment Handbook* published jointly by CUPR and the Urban Land Institute in 1994 and *The New Practitioner's Guide to Fiscal Impact Analysis*, published by the CUPR in 1985.

This analysis assigns the costs of municipal services based on the relative percentage of the municipal tax base represented by non-residential properties versus residential properties. As seen in Table 3.M.6, there were a total of 8,187 taxable parcels in the Town of Montgomery in 2022, which had a total assessed value of $1.6 billion. Table 3.M.6 shows the columns of "Percentage of Parcels" and "Percentage of Tax Base" having only three values. The five individual classifications were grouped into three categories to determine the split between the residential versus non-residential ratable base. For this purpose, residential, agriculture and vacant lands are grouped together and represent the residential ratable base. Therefore, residential properties constitute 64.5% of the Town's assessed value and 81.7% of Montgomery's parcels. Non-residential composes 31.3% of the assessed value in Montgomery and 6.4% of all parcels.[7]

Given these distributions, 73.1% is the combined average (64.5% + 81.7% ÷ 2) of the total current municipal expenditures that would be assigned, in terms of cost/benefit (or cost generation) to the 6,690 residential properties in the Town of Montgomery. The combined non-residential average is 18.9% (31.3% + 6.4% ÷ 2) of the total current municipal expenditures that would be assigned to the 1,497 non-residential properties within the Town.

Table 3.M.6: Town of Montgomery 2021 Ratable Base

Classification	Parcels	Total Assessed Value	Percentage of Tax Base	Percentage of Parcels	Proportional Percentage
Residential - 200	6,690	$1,035,345,049.00	64.5%	81.7%	73.1%
Agricultural – 100	133	$30,873,400.00	4.2%	11.9%	8.0%
Vacant - 300	839	$36,576,535.00			
Commercial - 400	497	$477,257,173.00	31.3%	6.4%	18.9%
Industrial - 700	28	$25,481,900.00			
Total	**8,187**	**$1,605,534,057.00**	**100%**	**100%**	**100%**

Using the per capita multiplier method, the costs of municipal services on a per employee basis for the year 2022 are estimated at $152.57. This figure is calculated by multiplying the revenue raised by

[7] New York State Office of Real Property Tax Services, http://orps1.orpts.ny.gov/cfapps/MuniPro/parcel/muniparcel_report.cfm?swis=334200, accessed 3/7/2022.

taxes in support of municipal purposes for budget year 2022 ($6,412,625.8)[8] by the proportional percentage of the town's ratable base attributed to non-residential properties (18.9 percent). The product is then divided by the Town's total private employment estimate from 2022 (7,928 private sector jobs).[9]

As Table 3.M.7 below shows, there are an anticipated 898 new employees. The municipal operating expenditures required to serve the proposed non-residential development is estimated to be $137,007. This is calculated by multiplying the projected number of employees by the average cost per capita for municipal operating expenses (898 employees x $152.57).

However, these estimated municipal service costs associated with the proposed development are likely overstated. Consideration should be given to the "marginal" rather than "average" costs of new non-residential development in the town and the fact that the nature of the Proposed Action is "self-contained" (i.e., where streets will not be maintained by the municipality and where lighting, storm drains, recreation and solid waste removal will be provided by the property owner, and where buildings will be up to code). Thus, the per-capita added costs resulting from the proposed development can be expected to be less than the "average" per capital cost. Despite these facts, this analysis utilizes the "average" per capita cost of $157.57.

Table 3.M.7: Cost of Municipal Services

	Revenue to be Raised by Taxes for Municipal Purposes (2021)	$ 6,412,626
÷	Estimated Population	23,184
=	Cost of Municipal Services per Capita	$ 276.60
x	Share of Residential-Associated Expenditures	73.1%
=	Cost of Municipal Services per Resident	$ 202.20
x	Projected New Residents	0.000
=	**Projected Municipal Costs**	**$ 0.00**
	Revenue to be Raised by Taxes for Municipal Purposes (2021)	$6,412,625.80
÷	Estimated 2020 Private Employees	7,928
=	Revenue of Municipal Services per Employee	$808.86
x	Share of Non-Residential-Associated Expenditures	18.9%
=	Cost of Municipal Services per Employee	**$152.57**
x	Projected New Employees	898
=	**Projected Municipal Costs**	**$137,007.86**

Because the Proposed Action does not include residential development, there are not anticipated to be any direct residential municipal or school costs from the Proposed Action.

[8] Town of Montgomery Adopted Town Budget for 2022, 12/2/2021.

[9] US Census Bureau OnTheMap Inflow/Outflow Analysis, accessed 3/28/2022.

Time Fees

One-time application fees, based on the 2023 fee schedule, are estimated at $837,825. This calculation is based on the total commercial square footage and two lots for application fees, hearings, professional services, building department fees, etc. This number will help offset the tax exemption discussed in table 3.M.10 below.

Calculation of Net Fiscal Impacts to all Taxing Jurisdictions

Table 3.M.8 provides a summary of the financial impacts of the existing use and Proposed Action. The proposed warehouse development would generate a substantial amount of additional revenue for the town, county, and school district, contributing $563,050 in municipal tax revenues (town, PT town, highway, and fire), while generating only $137,008 in municipal service costs. The county will see a tax surplus of $300,809. Additionally, the school district will net over $2.28 million in additional revenue with no associated service costs since there is no residential component proposed for this project.

Table 3.M.8: Financial Summary Comparison

Item	Existing Property	Proposed Development
Employees	0	898
Municipal Tax Revenue	$7,667	$563,050
Municipal Costs	$2,764	$137,008
Municipal Tax Surplus	**$4,904**	**$426,043**
Municipal School Tax Revenue	$31,135	$2,286,350
Municipal School Costs	$1,348	$0
Municipal School Profit	**$29,787**	**$2,286,350**
County Tax Revenue	$5,167	$379,420
County Costs	$0	$78,611
County Tax Surplus	**$5,167**	**$300,809**

It is anticipated that workers would either be current Montgomery residents or commute from nearby communities. It is not anticipated that the proposed development would result in an increase in new homes being built in Montgomery, as discussed in Chapter 7A of this report.

An analysis of the potential impact of the warehouse on property values of residences within ½-mile of the project site has been undertaken (see Appendix M). The analysis found that comparative industrial development in the Town of Maybrook coincided with increases in residential housing prices. Therefore, the analysis concludes that the Proposed Action could expect a positive impact to residential property values from industrial development within a ½ mile of the Project Site, inclusive of the adjacent residences along Beaver Dam Road.

A total of 898 jobs are expected to be introduced by the Proposed Action. These will be warehouse jobs with supporting office and managerial staff. Employees are anticipated to be existing Montgomery residents as well as residents from surrounding counties and states. Nationally, management roles tend to occupy 2.43 percent of warehousing positions, office and administrative

roles 12.35 percent, and transportation and material moving the largest percentage of 74.89 percent.[10]

Because a warehouse tenant has not yet been retained, it is reasonable to assume that warehouse jobs will align with the national and county average of approximately $18 per hour ($41,660 annually), or more specifically broken down to an average national salary of $109,910 for management; $42,440 for administrative roles; and $38,240 for transportation and material moving positions. [11],[12]

Overall, the Proposed Action could be expected to generate over $32 million in annual salaries for the 898 employees.

Potential Tax Exemptions

A PILOT is a mechanism under which IDAs offer eligible businesses phased-in taxes for a specified time period as an incentive to locate in its jurisdiction. It is not a property tax exemption. In return for reduced taxes, IDAs negotiate payments to be made to the county, school district and local municipality. Typically, businesses start by making payments equal to the existing assessed value of the land. Payment on the improvements increases incrementally each year until 100 percent of the assessed value is reached by the end of the PILOT term. This provides a similar structure of reduced tax payments for warehouse and distribution projects, increasing over a 10-year period. A PILOT is not contemplated for the Proposed Action at this time.

With regard to New York State Tax Law 485-b exemptions, the business investment exemption provides that real property constructed, altered, installed or improved for the purpose of commercial, business or industrial activity shall be exempt from taxation and special ad valorem levies, except for special ad valorem levies for fire district, fire protection district and fire alarm district purposes. Such real property shall be exempt for a period of one year to the extent of 50 percent of the increase in assessed value thereof attributable to such improvement and for an additional period of nine years provided, however, that the extent of such exemption shall be decreased by 5 percent each year during such additional period of nine years and such exemption shall be computed with respect to the "exemption base." The exemption base shall be the increase in assessed value as determined in the initial year of such ten-year period following the filing of an original application.

The table below shows the increase in property value that will serve as the basis for calculating a partial tax exemption.

[10] Bureau of Labor Statistics, "May 2020 National Industry-Specific Occupational Employment and Wage Estimates," https://www.bls.gov/oes/current/naics4_493100.htm. Accessed 3/28/22.

[11] Ibid.

[12] Indeed.com Warehouse worker Salaries, https://tinyurl.com/2a2632zf . Accessed March 28, 2022.

Table 3.M.9: Increase in Assessed Value

Existing Property Value	Anticipated Property Value	Increase in Assessed Value
$844,400.00	$62,007,913.87	$61,163,513.87

The table below shows the tax revenues that would be generated by the Proposed Action during the 10 years of the partial exemption using 2022 tax rates. This is based off of an increased assessed value of $62,007,913. During year 1, the tax exemption would result in nearly $1.~~36~~ 36 million across the board. Each year thereafter, the tax revenues increase by 5 percent until the tax exemption expires and returns to normal taxation in year 11. Potential impacts on property values can be found in Appendix M, Appraisal Report.

Table 3.M.10: Tax Revenues During Partial Exemption Period

Tax Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	50%	45%	40%	35%	30%	25%	20%	15%	10%	5%
County	$192,293.51	$211,006.18	$229,718.85	$248,431.53	$267,144.20	$285,856.87	$304,569.54	$323,282.21	$341,994.88	$360,707.55
Town	$43,229.82	$47,436.65	$51,643.47	$55,850.30	$60,057.13	$64,263.95	$68,470.78	$72,677.61	$76,884.43	$81,091.26
Highway	$140,745.56	$71,331.09	$78,272.54	$85,213.99	$92,155.43	$99,096.88	$106,038.33	$112,979.77	$119,921.22	$126,862.67
PT Town	$89,281.71	$97,969.99	$106,658.27	$115,346.54	$124,034.82	$132,723.10	$141,411.37	$150,099.65	$158,787.93	$167,476.21
School	$902,086.18	$1,271,503.14	$1,384,263.91	$1,497,024.69	$1,609,785.46	$1,722,546.23	$1,835,307.00	$1,948,067.78	$2,060,828.55	$2,173,589.32
TOTAL	$1,367,636.79	$1,699,247.05	$1,850,557.05	$2,001,867.04	$2,153,177.04	$2,304,487.03	$2,455,797.03	$2,607,107.02	$2,758,417.02	$2,909,727.01

In addition to the permanent positions as described above (898 jobs, see table 3.M.7 and preceding discussion), a number of short-term construction-related positions will be created. An estimated 300 to 400 jobs for 12-month duration jobs would be created with salaries ranging from $42,000 to $100,000.[13]

Mitigation Measures

The Proposed Action represents an investment value of $126,546,763 and would provide an estimated 898 new jobs, as well as provide a number of substantial economic benefits to the local economy of the Town of Montgomery, including "one-time impacts" and "ongoing impacts." One-time impacts usually occur during the construction phase and include the jobs, wages, and services associated with the construction of the development. These revenues include building permits, utility connects, and other fees. The ongoing impacts are the economic benefits to local providers of various goods and services and employees. The proposed development will provide a substantial net positive tax surplus to the Town, County and local school district by comparison to additional service costs that would occur. Additionally, the Proposed Action does not contain a residential component; therefore, it will not directly impact the Town's population and school enrollment.

[13] U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistic for 2022 (Orange County, NY)

Potential Impact on Property Values

Per the Appraisal Report located in Appendix M, it is apparent from the Zillow Home Value Index, there has been a marked increase in residential home values within Maybrook from 2017 to present. It is noted, these increases coincided with the development of over 1.5M square feet of industrial property along the Neelytown corridor, providing a clear indication that the ongoing development of this sector of Montgomery for industrial use has no fiscal impact on residential home prices Furthermore, the truck traffic along the Neelytown corridor has little to no impact to the residential areas located within a ½ mile, as residents of Maybrook have access to Interstate 84 via Route 208, while all commercial truck traffic directly access the I-84 directly from Neelytown Road. The section of Neelytown Road, from the subject site, is primarily improved with similar warehouse distribution facilities and truck-related businesses such as truck services. Therefore, any potential increase in truck traffic from the development of the subject property will have no impact on local residents and retail businesses.

Based on the foregoing, the Proposed Action will not result in any significant adverse fiscal impacts and therefore no mitigation is warranted.

~~M.~~N. Cultural Resources

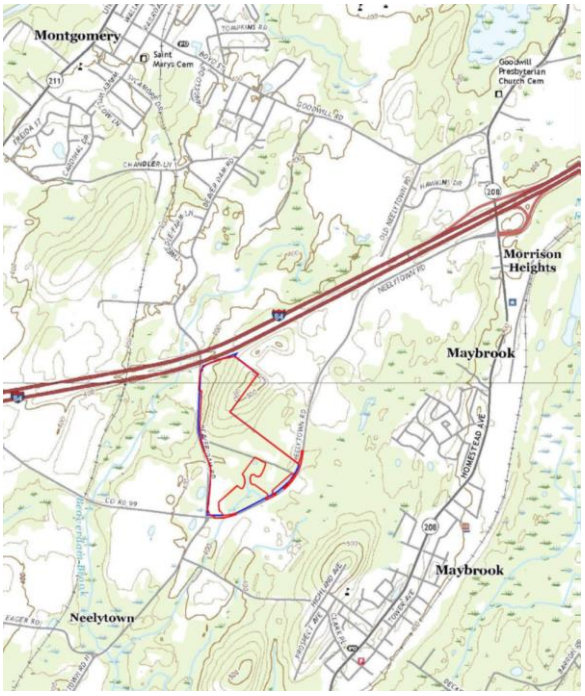
This section will describe any historical or archaeological resources known to exist on or near the Project Site, potential impacts to such resources from the Proposed Action, and, where necessary, proposed mitigation measures. A records review and literature search were conducted by Hudson Cultural Services (HCS), formerly Hudson Valley Cultural Resource Consultants, LTD. HCS's findings have been published in the attached report entitled "Phase 1A Literature Search and Sensitivity Assessment & Phase 1B Archaeological Field Reconnaissance Survey, Neelytown Business Park, 296 Neelytown Road and Beaver Dam Road, Montgomery, Orange County, New York" (the "Cultural Resources Report", see Appendix F). The findings published in the Cultural Resources Report have been summarized below.

Existing Conditions

The Project Site is a mix of overgrown fields, wooded areas, and wetlands, with residential properties in the southwestern corner. The Area of Potential Effect (APE) of the Proposed Action, see Figure 3.N.1, is generally level, except for one large hill in the central and northwestern portions of the site. The elevation along Neelytown Road is 416' (126.8 m) Above Mean Sea Level (AMSL), rising to 480' (146.3) at the top of the hill in the western portion of the APE. The elevation along the western boundary along I-84 is 390' (118.9 m). The APE includes all lands that will be affected by the Proposed Action, including lands within the right-of-way of Neelytown Road proposed for driveway access. The APE comprises 87.66 ~~95.8~~± acres of the 112.204± acre Project Site, excluding the wetlands along the southern portion of the Project Site. The Project Site lies in a vegetation zone where the Northern Hardwood Forest Zone meets the Appalachian Oak Forest Zone. The wooded areas of the APE contain trees with diameters that suggest relatively recent reforestation (e.g., within the last 30-50 years). Geologically, the Project Site is situated in the Northern Glaciated Shale and Slate Valleys which contain broad, irregular rolling to hilly valleys underlain by slaty shale and fine-grained sandstone covered by glacial drift. It is located 3305' (1007.6 km) west of the main corridor of Beaverdam Brook, a tributary of which flows through the eastern portion of the APE. The Natural

Resources Conservation Service indicates that the soils within the APE are a mix of well-drained and poorly drained channery and gravelly loams.

Figure 3.N.1: Area of Potential Effect (APE) of the Proposed Action



Collapsing foundations and barns are present on the southeastern portion of the Project Site and wetlands are present on the eastern portion. A series of trails and paths, which were cut and maintained by the former property owner, Maybrook Sportsman's Club, provide access to the interior of the Site. In the northwestern corner, a gravel driveway parallels Interstate 84, and leads to a large water tower located outside the property boundaries. Five residential properties are located within the APE, four of which are situated along Beaver Dam Road, and one situated on Neelytown Road. The barn ruins in the eastern portion of the APE consist of two large concrete slabs built adjacent to a large silo. In addition, the Site contains remains of two smaller wood frame barns (built with standardized lumber and asphalt shingles) and a residential foundation (with a cement-reinforced chimney and aluminum gutter).

Phase 1A Literature Search and Sensitivity Assessment

HCS reviewed the combined files of the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and the New York State Museum (NYSM) and consulted regional sources (e.g.

Beauchamp 1900; Parker 1920; Ritchie 1980; Ritchie and Funk 1973) for information regarding previously recorded archeological sites within one mile (1.6 km) of the APE. Twelve archaeological sites were previously identified, as listed in Table 3.N.2 below.

Table 3.N.2: Previously Recorded Archaeological Sites Within 1-Mile Radius

Site Number	Site Name	Distance from Project Area	Time Period	Site Type Materials Recovered
7108.000226	Hudson Crossings Site	3960' / 1.2 km	Precontact	Habitation site-no diagnostic material
7112.000068	Arborio Site	1320' / 0.4 km		Paleo faunal remains; mastodon.
7112.000076	HWI Archeological Site 1	2640' / 0.8 km	Precontact	Late Archaic/Transitional habitation site
7112.000077	HWI Archeological Site 2	5280' / 1.6 km	Precontact	Late Archaic/Transitional habitation site
7112.000145	Beaver Dam Prehistoric Site #1	1320' / 0.4 km	Precontact	Multi-component site
7112.000146	Beaver Dam Prehistoric Site #2	1320' / 0.4 km	Precontact	Multi-component site
7112.000166	Miller Homestead Historic Site	1320' / 0.4 km	19th century	19th century homestead
7112.000167	Miller Prehistoric Site	2640' / 0.8 km	Precontact	Stray finds, in plow zone
7112.000179	Neelytown Road Historic site	2640' / 0.8 km	19th -20th century	19th century homestead
7112.000317	Neelytown Road Historic Farmstead	1320' / 0.4 km	19th century	19th century homestead
7112.000376	Medline 2 Precontact	5280' / 1.6 km	Precontact	Archaic habitation site
7112.000378	Medline 4 Historic	5280' / 1.6 km	Precontact	Archaic habitation site

In addition, HCS consulted historical documents and maps available at the Library of Congress, David Rumsey Cartography Associates, and the New York Public Library. HCS examined historical maps of Orange County to identify possible structures, previous road alignments and other landscape features or alterations that could affect the likelihood that archeological and/or historic resources could be located within the APE.

The 1851 Sidney Map shows a structure owned by M. Trimble located in the eastern portion of the Project Site. This map indicates a cluster of buildings, likely comprising a residence and barns, and possibly outbuildings. The 1858 map shows that the Trimble farm is now owned by E. Van Alst.

Ebenezer Van Alst purchased 150 acres on the western side of Neelytown Road in 1849. Mary Trimble sold the farm a few years before her death in 1851, but neither Alexander Trimble's eighteenth-century house, nor its later Greek Revival house have survived to the present day (2016).

HCS also reviewed National Register Database and OPRHP files to identify structures on or in the vicinity of the APE that have been listed on the National Register of Historic Places or identified as National Register Eligible. Two such structures were identified: the Tweddle Farmstead and the Gideon Pelton House, both of which are located to the northwest of the APE.

Finally, HCS reached out to the Town of Montgomery Historian to determine if there are locally significant properties within the immediate vicinity of the Project Site; however, as of March 22,

2023, no response was received. A review of online sources that identify historic landmarks in the Town of Montgomery, did not identify any in the vicinity of the Project Site.

Based upon the Phase 1A Literature Search and Sensitivity Assessment, HCS concluded as follows:

- The banks of the Wallkill River and its tributaries were populated by Native Americans making this landscape highly sensitive for precontact cultural resources.
- The Project Site is located east of the Wallkill River and is in an area where significant precontact period archaeological sites have been identified.
- Careful examination of the historic and topographical maps available indicates that the APE has been agricultural land for a significant portion of the nineteenth and twentieth centuries.
- The historic maps and aerial images show that the APE was a farm property for the early portion of the twentieth century.
- The Trimble/Van Alst farm, which is located in the eastern portion of the APE, has barn features that were constructed as early as the mid-nineteenth century, however the historic residence has not survived to the present day.
- Given the fact that nineteenth century structures are located within the APE, the historic sensitivity of the Site is considered to be moderate.

Based on these conclusions HCS recommended that a Phase 1B Archaeological Field Reconnaissance Survey should be undertaken within the boundaries of the APE that have been assessed to have the potential to yield cultural resources.

Phase 1B Archaeological Field Reconnaissance Survey

As recommended, Phase 1B field investigations by HCS took place from October 14 through November 1, 2021, with additional portions of the APE investigated in November 2022. Areas selected for subsurface testing were identified during an intensive walkover inspection which evaluated the landscape to determine areas of prior disturbance, slopes in excess of 12% grade, saturated or wet soils and document evidence of former land usage. Shovel tests approximately 45 cm in diameter, were spaced 50 feet apart and excavated at least 10 cm into sterile subsoil, unless impeded by rocks or other obstructions.

During the walkover inspection the field team observed four built features in the eastern portion of the APE, where farming operations historically occurred: concrete slabs and silo, a wood frame 3-sided barn, another wood frame barn, and foundations of a large residential structure. The original farmhouse was gone by the late twentieth century, and the farm buildings were utilized until the mid-twentieth century. At the end of the twentieth century, the cement barns were demolished. The wood frame barns have been deteriorating due to the continued exposure to natural elements. The foundation for the residential structure is missing large areas of stone, suggesting that stone has been salvaged from the foundation and walls. Piles of stone and other trash are located along the retaining wall to the west. The location appears to have undergone some grading and contains trash that was dumped as recently as fall of 2022.

The landscape around the original farmhouse showed substantial alterations with changes in elevation, leading to the barns and the driveway connecting to Neelytown Road. Piles of stone from the demolition and dismantling of the structures are piled to the west of the residential foundation. The landscape around the buildings has been disturbed due to the removal of parts of the structures. The concrete barn has been dismantled, and a significant portion of the concrete block has been removed from the property. The former agricultural fields are overgrown with vegetation consistent with reforestation, including a variety of bushes, brambles and vines.

A total of one thousand one hundred and thirty-seven (1,137) shovel tests were planned within the boundaries of the APE; however, due to wetlands, areas of saturated soil, steep slopes, and prior disturbance, eight hundred and forty- three (843) shovel tests were completed. The soils encountered varied across the property. Cultural materials identified in the vicinity of the former farmhouse and barn included modern material and nineteenth through twentieth century ceramics These fragments were intermixed with modern twentieth century materials and were not concentrated in a single location. Due to the extensive disturbance in the vicinity of the foundations further investigations were deemed unlikely to yield any significant information about the original owners and the subsequent occupants. Overall. HCS concluded through the archaeological survey that there are no significant cultural deposits located within the boundaries of the APE.

Potential Impacts

Based on the Cultural Resources Report, no significant archaeological sites or historic structures are located within the APE. The Tweddle Farmstead and Gideon Pelton will not be adversely impacted by the Proposed Action as they are not located on the Project Site. Nor will any of the historic properties identified through HCS's literature review be adversely impacted by the proposed development due to their distance from the Project Site. Furthermore, the Cultural Resources Report was reviewed by SHPO in March 2022, at which time the SHPO requested additional information regarding the stone foundations within the properties and an updated report reflecting that information. Per Appendix F, an updated report reflecting the expanded APE along with the information requested in their March 14, 2022, letter, was submitted to SHPO in April 2023, resulting in SHPO's issuance of a No Adverse Effect letter on April 26, 2023.

Summation of Research

While historic records show that Mastodon remains are around the area of the Project Parcel, it is not possible to determine if there is a potential for the Project Parcel to contain similar remains. The finds that have been recorded are within a variety of ecological and geological settings and at varying depths below grade. The commonality amongst the reported finds is that they were recovered from peat or marl soils, which form in areas that are consistently wet. These soil types were not identified outside of demarcated wetland boundaries. While there are wetlands identified within the Project Parcel, these will not be impacted by the proposed project.

Mitigation Measures

There are no identified significant archaeological sites or historic structures within the APE or adjacent to the Project Site, so no impacts to those resources will occur. Accordingly, no mitigation measures are required to minimize or avoid potential impacts to Cultural Resources resulting from the Proposed Action.

~~N.~~O. Visual Resources

This section will describe existing visual resources on or near the Project Site, potential impacts and proposed mitigation. A visualization study for the Proposed Action was conducted by Anderson Design Group ("ADG"). The results of ADG's study are contained in the Neelytown Business Park Development for RDM Group, LLC Visualization Report ("Visualization Report"), see Appendix K. The findings, including view simulations from key vantage points, and conclusions from the Visualization Report are summarized below.

Existing Conditions

The Project Site is located in an industrial zoned area along Neelytown Road with surrounding industrial and commercial uses and three existing, nonconforming residential uses. This commercial and industrial area already includes existing warehouses and commercial buildings located adjacent or close to the Project Site.

Ten (10) ~~Eight (8)~~ "Vantage Points" surrounding the Project Site were selected and approved by the Town of Montgomery Planning Board for the visual assessment. The Vantage Points are located around the Project Site where the proposed warehouses will be the most visible. See Figure 3.O.1 below.

Figure 3.O.1: Site Map with Vantage Point Location

To analyze the potential visual impacts of the Proposed Action, a computer-rendered three-dimensional model of the Project Site and Warehouses 1 and 2 was prepared. Potential views of the warehouses were simulated from the ~~8~~ 10 Vantage Points. To provide a conservative analysis, the model includes existing topography within the study area and includes vegetation without foliage. As a result, potential views of the warehouses are overstated.

Photographs were taken of the existing viewshed from each Vantage Point in a direction that characterizes the viewshed or that may provide views of the proposed warehouses. These photographs depict worst-case scenario conditions, defined in visualization guidelines as leaf-off, no-snow and taken mid-day with clear conditions. The computer rendered model was placed within the existing conditions photograph to create the photo- simulated renderings presented in Pages VP-1 through VP-10 ~~8~~ of the Visualization Report.

Potential Impacts

At full build-out, the Project Site would include two precast warehouse structures with steel columns and exterior precast bearing walls. Warehouse 1 would consist of a single building containing 850,000 SF of gross floor area, 300 passenger vehicle parking spaces, 134 loading docks, and 245~~6~~ trailer parking spaces. Warehouse 2 would consist of a single building containing 278,270 SF of gross floor area, 156 passenger vehicle parking spaces, 50 truck loading docks, and 56 trailer parking spaces. To support the Fire Suppression System for both warehouses, a 180,000 gallon external water storage tank is proposed. The Fire Suppression System supporting calculations are provided within Appendix L. Per the Town of Montgomery Architectural Design review committee, the proposed warehouses will be in accordance with the local law ordinance section 150-50-35 which provides the rules and regulations for commercial structures. To mitigate visual impacts from the property line, the applicant has designed for Grade B Buffers. This is designed to provide significant visual screening for a person standing at grade in proximity to the property line, and modest screening from more distance or elevated viewpoints.

Renderings of the proposed warehouses are provided in the figures below. The purpose of these rendered perspectives is to provide the Planning Board with a clear unobstructed visualization of the architectural elements of the buildings and does not include the vegetation or obstructing topography shown in the simulated renderings for the Vantage Points.

Figure 3.O.2: Exterior Rendering of Warehouse 1, View 1

Figure 3.O.3: Exterior Rendering of Warehouse 1, View 2

Figure 3.O.4: Exterior Rendering of Warehouse 2, View 1

Figure 3.O.5: Exterior Rendering of Warehouse 2, View 2

The proposed building design is more representative of a high-tech R&D production facility than a warehouse, with clean and simple lines and ample natural light. As shown in these renderings, the

warehouses are designed as long-life cycle, insulated concrete industrial buildings, with a contemporary aesthetic. As currently proposed, the warehouses will be earth tone colors (e.g., gray, blue, and almond painted on concrete panels). The warehouses will have precast wall panels which will be 12' wide. Stone and slate colors incorporated into the concrete panels are proposed to blend and complement the surrounding area. See Figure 3.O.6 below.

Figure 3.O.6: Proposed Stone and Slate Colors

A berm and additional landscaping along Beaver Dam Road are proposed to minimize visual impacts as much as possible from vantage points along the road. In addition, a solid 15' fence will be added between the loading bays and the few residential homes along Beaver Dam Road is proposed. Year-round views of Warehouse 2's truck loading bays will be entirely obscured from Beaver Dam Road and the nearby residences. Although existing vegetation within the wetlands will remain, and new landscaping will be planted, the warehouses will be visible from Neelytown Road. While traveling along Interstate 84, views of the warehouses are obstructed by dense vegetation and intervening topography.

Discussion of Individual Vantage Points

1. Vantage Point 1: Route I-84 East

Existing Conditions

February 2, 2023
10:43 A.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

I-84 East follows a west-east direction at the Beaver Dam Road overpass along the north side of proposed project location.

The existing view from Vantage Point 1 (VP-1) is along this portion of I-84 East and northwest of the project site.

Proposed Conditions:

Based on the proposed design for the Project, a berm area will be developed substantially eliminating views of the warehouses from Vantage Point VP-1. During leaf-off conditions, the proposed warehouse would be partially visible at year 1 and nearly fully obscured by year 10. (*See* Page VP-1-PB and VP-1-1-PB)

~~Vantage Point 1 is located on Route 84 East at the Beaver Dam Road overpass. Vantage Point 1 is located approximately 650' to closest corner of parking, and 1,528' north of Warehouse 2. See Figure 3.O.7 below.~~

Figure 3.O.7: Existing Viewshed from Route I-84 East, Vantage Point 1

Proposed Conditions

Based on the proposed design for the Project, a berm area will be developed substantially eliminating views of the warehouses from Vantage Point VP-1. During leaf-off conditions, the proposed warehouse would be partially visible at year 1 and nearly fully obscured by year 10. (*See* Page VP-1-PB and VP-1-1-PB)

~~Vantage Point 1 presents the worst-case scenario for views of the proposed warehouses during leaf-off conditions. Warehouses 1 and 2 would be nearly obscured due to proposed intervening berms between the Project Site and the I-84 right-of-way at Year 1. By Year 10, both Warehouse 1 and 2 will be fully obscured with the additional project landscaping growth. The proposed berm fully obscures Warehouse 1 and the trailer parking area at year 1. See figures below but also the Visualization Report in Appendix K.~~

Figure 3.O.8: Proposed Viewshed from Route I-84 East, Vantage Point 1 – Landscaping Year 1

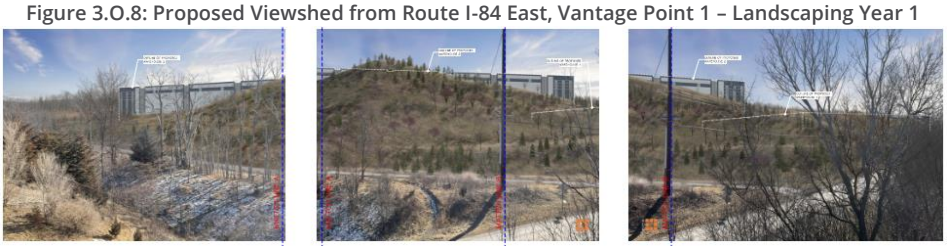


Figure 3.O.9: Proposed Viewshed from Route I-84 East, Vantage Point 1 – Landscaping Year 10

2. Vantage Point 2: Beaver Dam Road

Existing Conditions

February 2, 2023
11:05 A.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

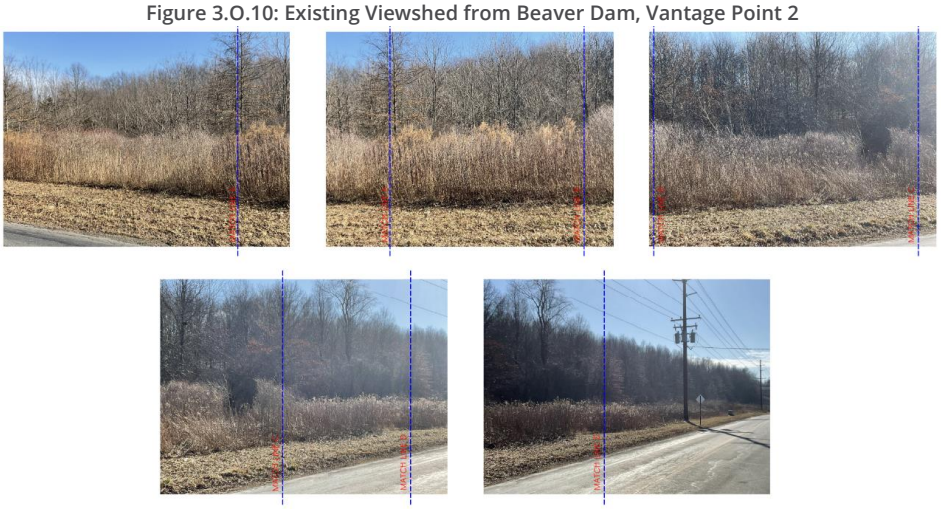
Beaver Dam Road follows a rough north-south direction from the I-84 underpass to Neelytown Road along the west side of the proposed project location.

The existing view from Vantage Point 2 (VP-2) is along this portion of Beaver Dam Road and project west of the project site. VP-2 is near a single-family residence on the West side of the road, and near the municipal entrance to the water tower on the east side of the road.

~~At this vantage point, Beaver Dam Road follows a north-south direction from Neelytown Road, just before passing below I-84.~~

~~The existing view from Vantage Point 2A is along a portion of Beaver Dam Road and west of the project site. VP-2A is near a single-family residence on the West side of the road, and near the municipal entrance to the water tower on the east side of the road. See figure below.~~

Figure 3.O.10: Existing Viewshed from Beaver Dam, Vantage Point 2



Proposed Conditions

The proposed Warehouse 2 would be nearly obscured due to the proposed intervening berm as well as new landscaping. By Year 10, the planted landscaping along the berm will allow for the proposed Warehouse 2 to be wholly obscured. (*See* Page VP-2-PB and VP-2-1-PB) Warehouses 1 is not visible. (*See* Page VP-2-PB and VP-2-2-PB)

~~Vantage Point 2A presents the worst-case scenario for views of the proposed warehouses during leaf-off conditions. The proposed Warehouse 2 would be nearly obscured due to the proposed intervening berm as well as new landscaping. Warehouses 1 and 2 are not visible. By Year 10, the planted landscaping along the berm will allow for the proposed Warehouse 2 to be wholly obscured. The proposed berm fully obscures the trailer parking area. The dotted line across the simulated renderings is at the top of the warehouse, below the new grading. See figures below but also the Visualization Report in Appendix K.~~

Figure 3.O.11: Proposed Viewshed from Beaver Dam Road, Vantage Point 2 – Landscaping Year 1

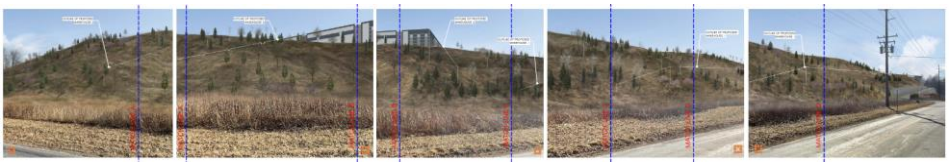
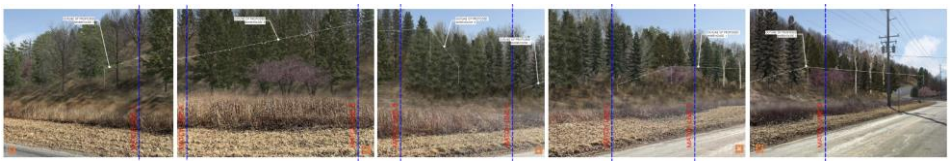


Figure 3.O.12: Proposed Viewshed from Beaver Dam Road, Vantage Point 2 – Landscaping Year 10



3. Vantage Point 3: Beaver Dam Road

Existing Conditions

February 2, 2023
11:14 A.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

Vantage Point 3 is located on Beaver Dam Road (*See* Page VP-3) looking east towards the project site.

~~At this vantage point, Beaver Dam Road follows a north-south direction from Neelytown Road, before passing below I-84.~~

~~The existing view from Vantage Point 2B is along a portion of Beaver Dam Road and west of the project site. VP-2 is near a single-family residence on the West side of the road, and near the municipal entrance to the water tower on the east side of the road. See figure below.~~

Figure 3.O.13: Existing Viewshed from Beaver Dam Road, Vantage Point 3

Proposed Conditions

The proposed warehouses will be nearly obscured due to the proposed intervening berm and new landscaping. The dotted lines across the simulated renderings are at the top of the warehouses, obstructed by proposed trees. (*See* Page VP-3-PB and VP-3-1-PB).

Figure 3.O.14: Proposed Viewshed from Beaver Dam Road, Vantage Point 3 – Landscaping Year 1

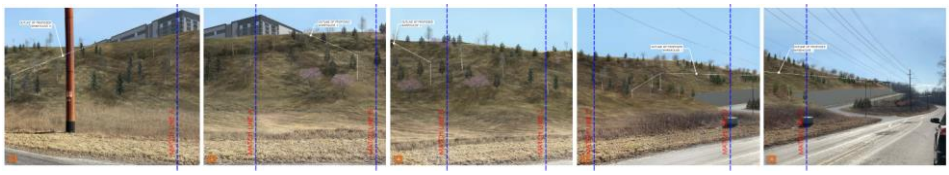
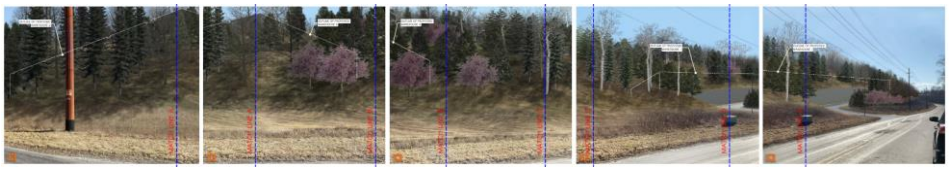


Figure 3.O.15: Proposed Viewshed from Beaver Dam Road, Vantage Point 3 – Landscaping Year 10



4. Vantage Point 4: Beaver Dam Road

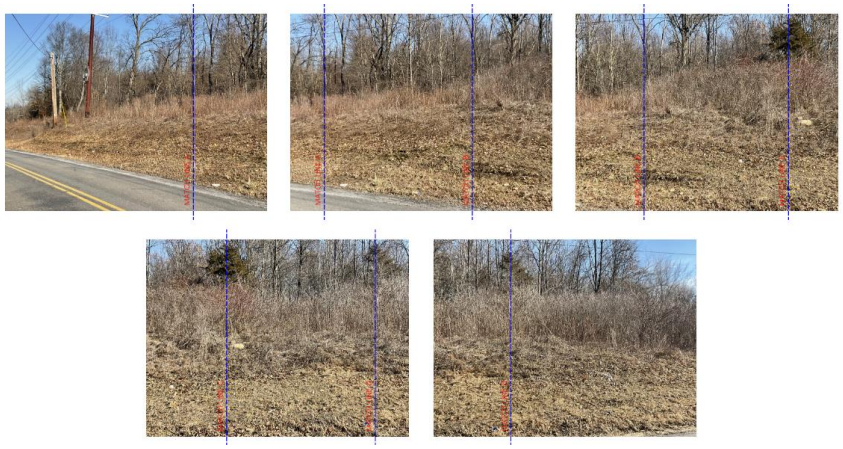
Existing Conditions

February 2, 2023
11:25 A.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

Vantage Point 4 is located on Beaver Dam Road (*See* Page VP-4-PB), near a couple of single-family residences and is northeast of the United Natural Foods Inc. existing warehouse, looking east towards the project site.

~~At this vantage point, Beaver Dam Road follows a north-south direction from Neelytown Road, before passing below I-84. The existing view from Vantage Point 2B is along a portion of Beaver Dam Road and west of the project site. VP-2 is near a single-family residence on the West side of the road, and near the municipal entrance to the water tower on the east side of the road. See figure below.~~

Figure 3.O.16 4: Existing Viewshed from Beaver Dam Road, Vantage Point 4



Proposed Conditions

Based on the proposed design for the project, VP-4 represents a location just south of the Beaver Dam Road entrance to the property. This location shows the closest wall of the warehouse to the property line and the proposed project grading and new coniferous vegetation is intended to help minimize views. During leaf-off conditions, Warehouse 1 will be partially visible from this location, although the impacts will be reduced by the new and existing vegetation, particularly by Year 10. The warehouse would be most visible from this location during the winter months. During leaf-on times of the year, views of the Proposed Warehouse will be further obscured by the proposed trees and vegetation. A 15' high solid fence is proposed to be constructed to further mitigate views. Warehouse 2 will not be visible. (*See* Page VP-4-PB and VP-4-1-PB)

~~Vantage Point 4 presents the worst-case scenario for views of the proposed warehouses during leaf-off conditions. At year 1, proposed Warehouse 2 would be nearly obscured due to the proposed intervening berm and new landscaping. During the 6 months of the year when leaves are on the trees, all views of Warehouse 2 would be virtually eliminated at year 1. Warehouses 1 and 3 are not visible. The proposed berm fully obscures the trailer parking area. The southern-most corner of Warehouse 2 will be partially visible until year 10, when the landscaping will wholly obscure the warehouse. The dotted line across the simulated renderings is at the top of the warehouse, below the revised grading. See figures below but also the Visualization Report in Appendix K.~~

Figure 3.O.17 ~~5~~: Proposed Viewshed from Beaver Dam Road, Vantage Point 4 – Landscaping Year 1

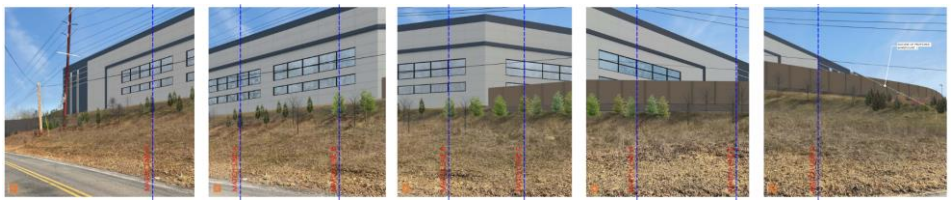
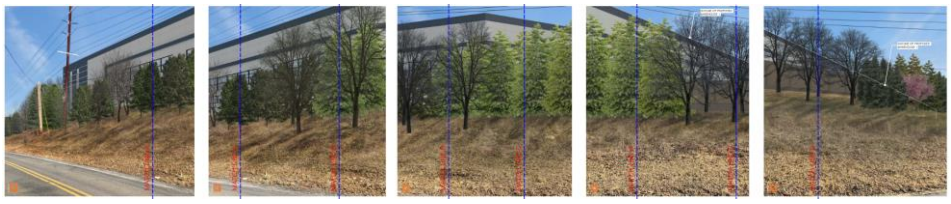


Figure 3.O.18 ~~6~~: Proposed Viewshed from Beaver Dam Road, Vantage Point 4 – Landscaping Year 10



5. Vantage Point 5~~A~~: Beaver Dam Road

Existing Conditions

February 2, 2023
11:43 A.M. EST
Clear conditions

iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

Vantage Point 5 is located on Beaver Dam Road (*See* Page VP-5), near a couple of single-family residences and east of the existing United Natural Foods Inc. warehouse, looking northeast towards the project site. The proposed stormwater management area is located at this part of the project site.

~~Vantage Point 5A is located on Beaver Dam Road, near a couple of single-family residences and is northeast of the United Natural Foods Inc. existing warehouse, looking east towards the Project Site See figure below.~~

Figure 3.O.19 ~~7~~: Existing Viewshed from Beaver Dam Road, Vantage Point 5~~A~~

Proposed Conditions

As with other buildings in the surrounding industrial area, Warehouses 1 is visible from this vantage point. There are residences across the street and to the North of this location, and the location borders the United Natural Foods, Inc. property that is within the industrial zone of Beaver Dam Road and Neelytown Road. The proposed architectural design of the warehouse incorporates a variety of façade and fenestration detailing, described above, to ameliorate visual impacts. Warehouse 2 will not be visible.

As depicted by the dotted line across the simulated renderings, Warehouse 1 will be almost completely obscured by proposed landscaping by Year 10.

As supplement, VP-5-2-PB has been developed at the same location with a slightly different angle depicting the gradual visibility coverage of Warehouse 1 as the proposed landscaping grows.

April 2025 Update: Landscaping plan was adjusted and is reflected in the updated Viewshed Photo-simulations.

~~View 5A represents the median point of the proposed warehouse project on Beaver Dam Road. As with the surrounding industrial area, Warehouses 2 and 3 are visible from this vantage point. To shield the Beaver Dam Road residential properties, a 15' high solid fence is proposed to be constructed on top of the retaining wall that blocks the Warehouse 2 trailer parking lot, completely obscuring the loading bays from any views. The top 12'-15' of Warehouse 2 along the western side will be partially visible at year 10.~~

~~The northern and western sides of Warehouse 3 will be partially visible along Beaver Dam Road. Multiple rows of densely spaced conifers are proposed to soften the visual impacts, resulting in the top 12'-15' of Warehouse 3 along the western side to be visible at year 10. Warehouse 1 is not visible. The dotted line across the simulated renderings is at the top of the warehouse, representing where it is no longer visible due to the proposed landscaping. See figures below but also the Visualization Report in Appendix K.~~

Figure 3.O.20 ~~18~~: Proposed Viewshed from Beaver Dam Road, Vantage Point 5~~A~~ – Landscaping Year 1

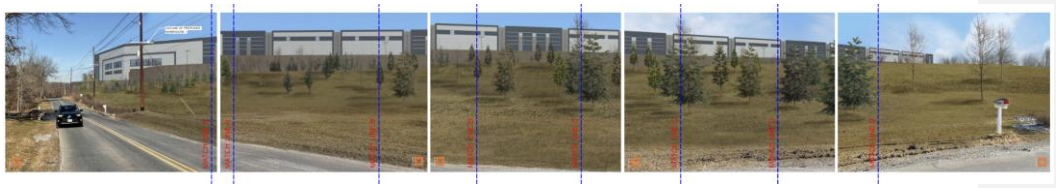
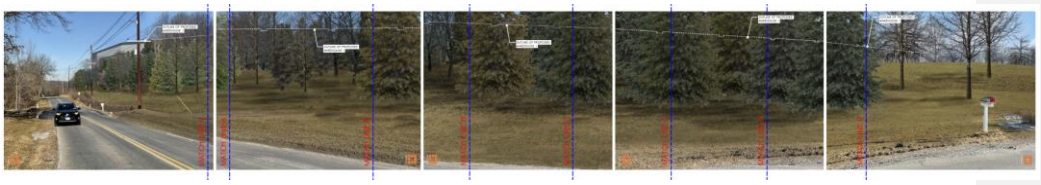


Figure 3.O.21 ~~19~~: Proposed Viewshed from Beaver Dam Road, Vantage Point 5~~A~~ – Landscaping Year 10

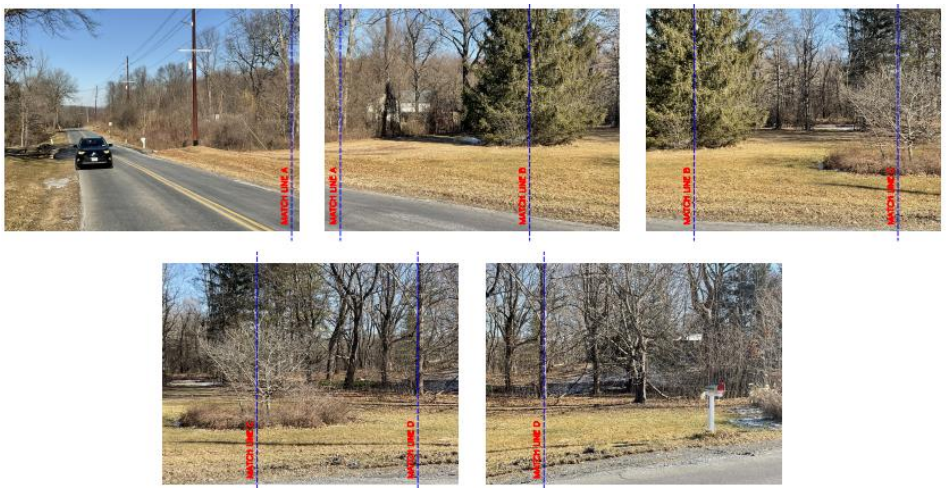


~~6. Vantage Point 5B: Beaver Dam Road~~

~~Existing Conditions~~

~~Vantage Point 5B is located on Beaver Dam Road, near a couple of single-family residences and is northeast of the United Natural Foods Inc. existing warehouse, looking northeast towards the Project Site. See figure below.~~

Figure 3.O.20: Existing Viewshed from Beaver Dam Road, Vantage Point 5B



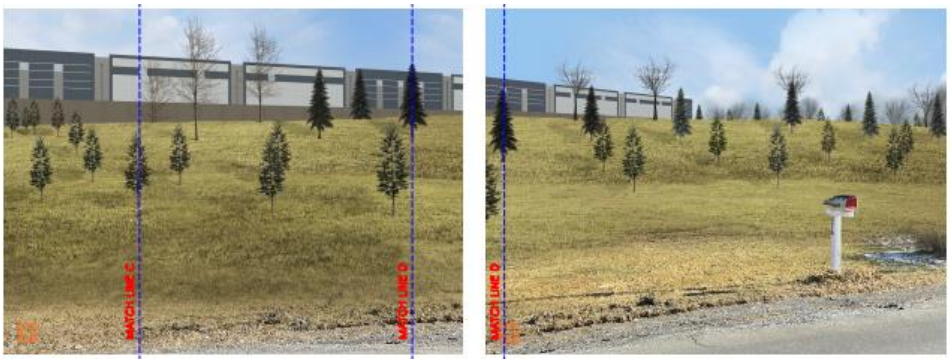
Proposed Conditions

View 5B again represents the median point of the proposed warehouse project on Beaver Dam Road, 200 feet south of View 5A. As with the surrounding industrial area, Warehouses 1 and 2 are visible from this vantage point. The 15' high solid fence which is proposed to be constructed on top of the retaining wall that blocks the Warehouse 2 trailer parking lot, completely obscures the loading bays from any views along Beaver Dam Road or from the residential properties. The top 12'-15' of Warehouse 2 along the western side will be partially visible at year 10.

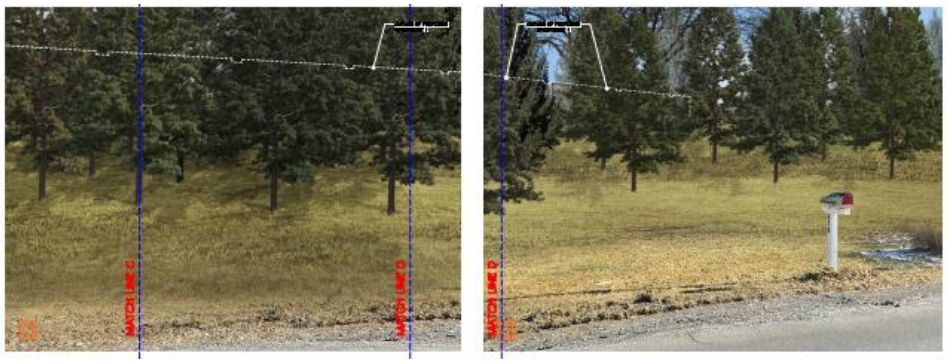
Warehouse 3 is the warehouse closest to Beaver Dam Road and is the most visible from this Vantage Point. Its architectural design incorporates two office areas at the corners of the warehouse along Beaver Dam Road, which have been articulated with a variety of façade and fenestration detailing to ameliorate visual impacts. The western side of Warehouse 3 will be partially visible along Beaver Dam Road. Multiple rows of densely spaced conifers are proposed to soften the visual impacts, resulting in the top 15'-18' of Warehouse 3 along the western side to be visible at year 10. Warehouse 1 is not visible.

The dotted line across the simulated renderings is at the top of the warehouse, representing where it is no longer visible due to the proposed landscaping. See figures below and also the Visualization Report in Appendix K.

~~Figure 3.O.21: Proposed Viewshed from Beaver Dam Road, Vantage Point 5B – Landscaping Year 1~~



~~Figure 3.O.22: Proposed Viewshed from Beaver Dam Road, Vantage Point 5 – Landscaping Year 10~~



~~7.~~6. Vantage Point 6: Neelytown Road

Existing Conditions

February 2, 2023
12:32 P.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

Vantage Point 6 is located on Neelytown Road (*See* Page VP-6-PB) at the intersection of Beaver Dam and Neelytown Road.

~~Vantage Point 6 is located on Neelytown Road (See Visualization Report in Appendix K), near a couple of single-family residences and east of the existing United Natural Foods Inc. warehouse, looking northeast towards the Project Site. See figure below.~~

Figure 3.O.22 3: Existing Viewshed from Neelytown Road, Vantage Point 6

Proposed Conditions

As with other buildings in the surrounding industrial area, Warehouse 1 is fully visible at year 1 and partially visible at year 10 from this vantage point. The area is within the industrial zone of Beaver Dam Road and Neelytown Road.

The office area has been articulated with a variety of façade and fenestration detailing to ameliorate visual impacts. Additional vertical and horizontal accent features are visible along the southern façade facing Neelytown Road.

Multiple rows of densely spaced conifers are proposed to soften the visual impacts, resulting in the top 15'-19' of Warehouse 1 to be visible at year 5. Most of the warehouse is fully obscured at year 10. This proposed dense landscaping provides a buffer between Warehouse 1 and the Neelytown Road and provides a significant buffer.

The dotted line across the simulated year 10 renderings is at the top of the warehouse, representing where it is no longer visible due to the proposed landscaping. Warehouse 2 is not visible.

April 2025 Update: Landscaping plan was adjusted and is reflected in the updated Viewshed Photo-simulations.

(*See* VP-6-PB and VP-6-1-PB)

~~As with other buildings in the surrounding industrial area, Project Warehouses 2 and 3 are visible from this vantage point. There are residences across the street and to the North of this location, and the location borders United Natural Foods, Inc. property that is within the industrial zone of Beaver Dam Road and Neelytown Road. The 15' high solid fence which is proposed to be constructed on top of the retaining wall that blocks the Warehouse 2 trailer parking lot, completely obscures the loading bays from any views along Beaver Dam Road.~~

~~Warehouse 3 is the warehouse closest to Beaver Dam Road and is the most visible from this Vantage Point. Its architectural design incorporates two office areas at the corners of the warehouse~~

Formatted: Indent: Left: 0"

along Beaver Dam Road, which have been articulated with a variety of façade and fenestration detailing to ameliorate visual impacts. The western side of Warehouse 3 will be partially visible along Beaver Dam Road. Multiple rows of densely spaced conifers are proposed to soften the visual impacts, resulting in the top 15'-18' of Warehouse 3 along the western side to being visible at year 10. Warehouse 1 is not visible.

The dotted line across the simulated renderings is at the top of the warehouse, representing where it is no longer visible due to the proposed landscaping. See figures below and also the Visualization Report in Appendix K.

Figure 3.O.23 4: Proposed Viewshed from Neelytown Road, Vantage Point 6 – Landscaping Year 1

Figure 3.O.24 5: Proposed Viewshed from Neelytown Road, Vantage Point 6 – Landscaping Year 10

~~8.~~7. Vantage Point 7: Neelytown Road

Existing Conditions

February 2, 2023
12:42 P.M. EST
Clear conditions
iPad Pro 12MP camera: seven-element wide lens, ƒ/1.5 aperture, no zoom

Vantage Point 7 is located on the south side of Neelytown Road (*See* Page VP-7-PB) near the existing industrial use Taylor Recycling.

~~Vantage Point 7 is located on Neelytown Road near a couple of single-family residences and east of the existing United Natural Foods Inc. warehouse, looking east towards the Project Site. See figure below.~~

Formatted: Indent: First line: 0"

Formatted: Indent: Left: 0"

Figure 3.O.2~~5 6~~: Existing Viewshed from Neelytown Road, Vantage Point 7

Proposed Conditions

As with other buildings in the surrounding industrial area, Warehouse 1 is partially visible from this vantage point due to the existing vegetation that is to remain. There are no residences at this location and the area is within the industrial zone of Neelytown Road. Based on the proposed design and for the Project, existing vegetation will be retained along Neelytown Road, minimizing views. Warehouse 2 is not visible.

During leaf-off conditions, proposed warehouse 1 would be partially visible, although the impacts will be reduced. Due to the size of the warehouses, their proximity to Neelytown Road, and the intervening wetlands, it would not be possible to completely screen the warehouses; however, the proposed warehouses are consistent with other commercial/industrial buildings along the commercial/industrial Neelytown Road corridor. During the 6 months of the year when leaves are on the trees, views of warehouse 1 would be substantially reduced by the retained trees and vegetation.

The dotted line across the simulated renderings is at the top of Warehouse 1, representing where it is not readily visible due to the existing vegetation. (*See* VP-7-PB and VP-7-1-PB)

~~As with other buildings in the surrounding industrial area, and similar to Vantage Point 4A, Project Warehouses 1 is visible from this vantage point. There are residences across the street and to the North of this location, and the location borders United Natural Foods, Inc. property that is within the industrial zone of Beaver Dam Road and Neelytown Road. The 15' high solid fence which is proposed to be constructed on top of the retaining wall that blocks the Warehouse 2 trailer parking lot, completely obscures the loading bays from any views along Beaver Dam Road.~~

~~Warehouse 3 is the warehouse closest to Beaver Dam Road and is the most visible from this Vantage Point. Its architectural design incorporates two office areas at the corners of the warehouse along Beaver Dam Road, which have been articulated with a variety of façade and fenestration detailing to ameliorate visual impacts. The western side of Warehouse 3 will be partially visible along Beaver Dam Road. Multiple rows of densely spaced conifers are proposed to soften the visual impacts, resulting in the top 15'-18' of Warehouse 3 along the western side to be visible at year 10. Warehouse 1 is not visible.~~

~~The dotted line across the simulated renderings is at the top of the warehouse, representing where it is no longer visible due to the proposed landscaping. See figures below and also the Visualization Report in Appendix K.~~

Formatted: Indent: Left: 0"

Figure 3.O.26 ~~7~~: Proposed Viewshed from Neelytown Road, Vantage Point 7 – Landscaping Year 1

Figure 3.O.27 ~~8~~: Proposed Viewshed from Neelytown Road, Vantage Point 7 – Landscaping Year 10

~~9.~~8. Vantage Point 8: Neelytown Road

Existing Conditions

February 2, 2023
1:05 P.M. EST
Clear conditions
iPad Pro 5th Generation (12MP camera: five-element lens (wide and ultra-wide))

Vantage Point 8 is located on the southern side of Neelytown Road (*See* Page VP-9-PB) near an existing industrial building.

~~Vantage Point 8 is located on Beaver Dam Road approximately 525' north of Neelytown Road and slightly west of Warehouse 2. See figure below.~~

Figure 3.O.2~~8~~ 9: Existing Viewshed from Neelytown Road, Vantage Point 8

Proposed Conditions

As with other buildings in the surrounding industrial area, the entrance to Warehouse 1 is partially visible from this vantage point. There are no residences at this location and the area is within the industrial zone of Neelytown Road. Based on the proposed design and for the Project, existing vegetation will be retained along Neelytown Road, and the new vegetation

planted closer to Warehouse 1 will almost eliminate all views of warehouse 1 from Vantage Point 8. Warehouse 2 is not visible. (*See* VP-8-PB and VP-8-1-PB)

~~As with other buildings in the surrounding industrial area, the warehouses are visible from this vantage point. There are no residences at this location (residences are further to the north along Beaver Dam Road) and the area is within the industrial zone of Beaver Dam Road and Neelytown Road. Multiple rows of densely spaced conifers are proposed to soften the visual impacts along Beaver Dam Road between the eastern side of Warehouse 3 and the road, resulting in the top 12'-15' of Warehouse 3 to be visible at year 10.~~

~~Warehouse 3 is the warehouse closest to Beaver Dam Road and is the most visible from this Vantage Point. In this view, the west side of one of the two office areas is visible at the southwest corner of Warehouse 3 along Beaver Dam Road. The office area has been articulated with a variety of façade and fenestration detailing to ameliorate visual impacts. Warehouse 1 is not visible.~~

~~Warehouse 2 is the warehouse further to the north along Beaver Dam Road and is partially visible from this Vantage Point. Warehouse 2 and the 15' high solid fencing is partially visible in the background. See figures below and also the Visualization Report in Appendix K.~~

Figure 3.O.29 ~~30~~: Proposed Viewshed from Neelytown Road, Vantage Point 8 – Landscaping Year 1

Figure 3.O.30 ~~1~~: Proposed Viewshed from Neelytown Road, Vantage Point 8 –

Landscaping Year 10

9. Vantage Point 9: Route 84 Site Section

Existing Conditions

Vantage Point 9 is located on the northern side of the project. It is an existing interstate which currently passes by several industrial buildings in its stretch through Montgomery.

Formatted: Font: (Default) +Body (Open Sans), Underline

Formatted: Indent: Left: 0"

Figure 3.O.31: Section Location Plan from Route 84, Vantage Point 9

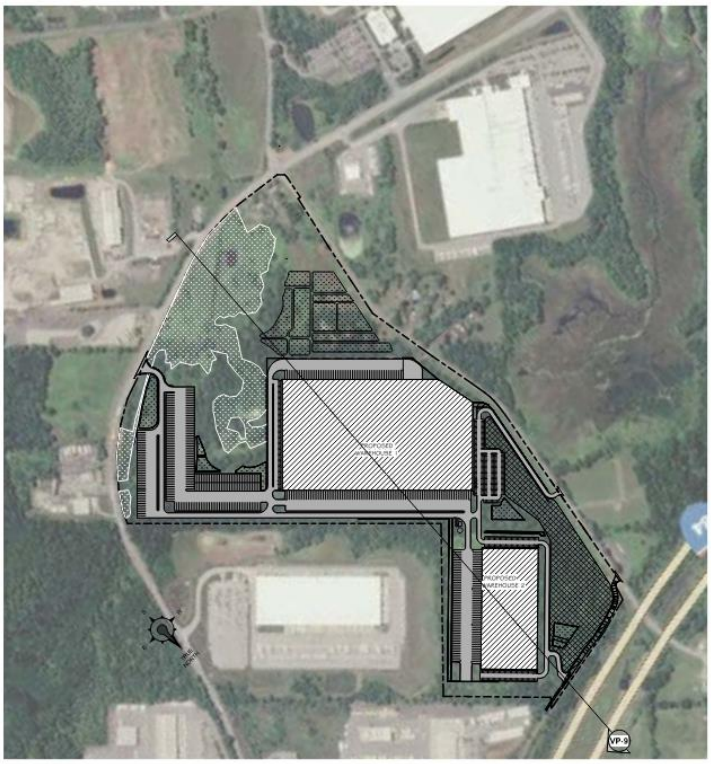
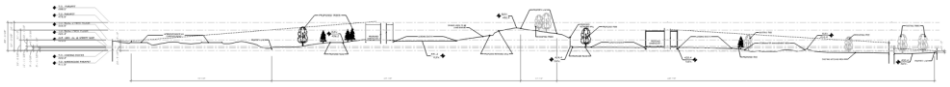


Figure 3.O.32: Site Section Viewshed from Route 84, Vantage Point 9



Proposed Conditions

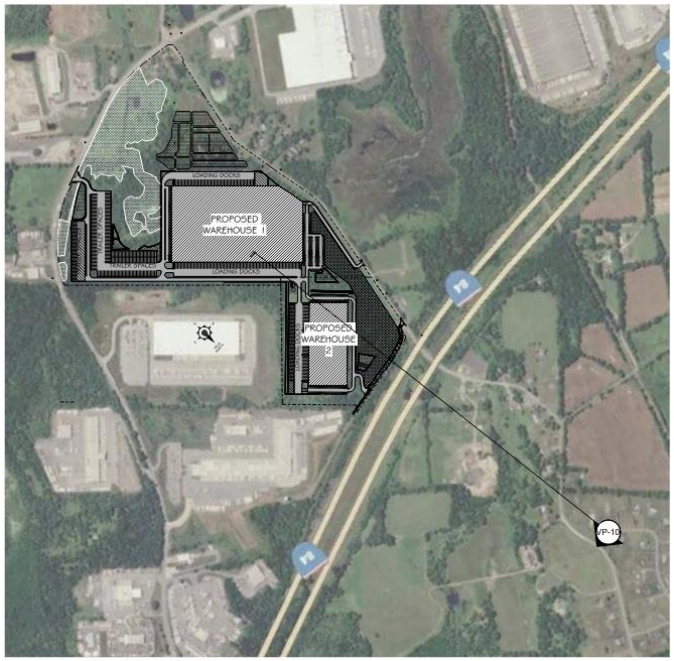
As with other buildings in the surrounding industrial area, Warehouse 2 is partially visible from this vantage point. There are no residences at this location and the area is within the industrial zone of Neelytown Road. Based on the proposed design and for the Project, existing vegetation will be retained, and the new vegetation planted closer to Warehouse 2 will limit views of warehouse 2 from Vantage Point 9. Warehouse 1 is not visible. (*See* VP-9-PB)

10. Vantage Point 10: Tweddle Farm Lane Site Section

Existing Conditions

Vantage Point 10 is located on the northern side of the project. It is an existing residential road with significant disturbance between it and the project site.

Figure 3.O.33: Section Location Plan from Tweddle Farm, Vantage Point 10



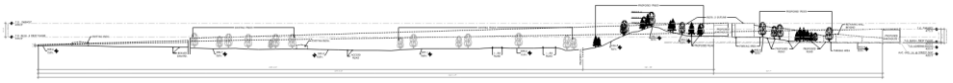
Formatted: Normal, Left, Line spacing: single, No bullets or numbering

Formatted: Indent: Left: 0.25", No bullets or numbering

Formatted: Font: (Default) +Body (Open Sans), Underline

Formatted: Normal, Indent: Left: 0"

Figure 3.O.34: Site Section Viewshed from Tweddle Farm, Vantage Point 10



Formatted: Centered, Indent: Left: 0.25", No bullets or numbering

Proposed Conditions

This section demonstrates the long distance between the Vantage Point and the prevalence of intervening vegetation and topography that would limit the visibility of the Project Site. Existing vegetation will be retained along Beaver Dam Road, and the existing grading and new vegetation planted closer to Warehouse 2 will eliminate all views of warehouse 1 and 2 from Vantage Point 10. (*See* VP-10-PB)

Formatted: Left, Space Before: 0 pt

Mitigation Measures

The substantially mitigated visual impacts from the Proposed Action are to be reasonably expected given the Project Site's location within the General Industry zoning district along an industrial corridor where other, similar warehouse projects are located, consistent with Town and County planning goals.

The Proposed Action will be partially visible from Neelytown Road during leaf-off conditions but will be consistent with or more attractive than other buildings located along the Neelytown Road commercial/industrial corridor. Visual impacts to surrounding areas will be consistent with other similar neighboring industrial properties and will be further minimized during leaf-on times of the year. The Proposed Action will not be visible from any officially designated federal, state, or local scenic or aesthetic resource, nor will it impact any officially designated scenic views.

To mitigate visual impacts from the Proposed Action, a comprehensive landscaping plan is proposed. The conceptual landscaping plans include a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species. Additional densely planted coniferous landscaping is proposed along Beaver Dam Road and at the entrance to the Project Site from Neelytown Road, at the intersection of Neelytown and Beaver Dam Road, and by the limited nearby residences. Substantial coniferous landscaping is proposed along the limited residential area of Beaver Dam Road to soften the visual impacts of the project.

Fencing 15' in height and colored to blend in with the landscape is proposed along Warehouse 2. The 15' high solid fence which is proposed to be constructed on top of the retaining wall that blocks the Warehouse 2 trailer parking lot completely obscures the loading bays from any views along Beaver Dam Road.

In addition, visual impacts to surrounding areas along much of Beaver Dam Road will be minimized by the creation of a large berm, wooden sound wall, and dense coniferous landscaping.

Finally, to further reduce potential visual impacts, a lighting plan was designed in consultation with the Town's lighting consultant. Refer to the Lighting Plan within the Site Plans in Appendix D. All lighting at the Project Site will minimize sky glow and light pollution and avoid any light trespassing onto adjacent properties.

Alternative Site Layouts (Provided in Appendix D)

Alternative Site Layout 1

Alternative Site Layout 1 is analogous to Alternative Site Layout 3. The only major difference there are 4 access driveways on Alternative Site Layout 1, compared to Alternative Site Layout 3 which has 6 access driveways. Since the layout of the warehouses does not change, the visual impacts along Neelytown and Beaver Dam Roads will essentially be the same as Alternative Site Layout 3. This exception is that additional landscaping will be placed due to 4 access points instead of the 6 access points on Alternative Site Layout 3.

Alternative Site Layout 2

The Alternative Site Layout 2 will create a much more significant visual impact for a longer distance along Beaver Dam Road due to the placement of the warehouses along the Road. Since the warehouses are not clustered in this alternate plan, the large berm along Beaver Dam Road that is part of the current design will not be able to be constructed, and the warehouses will be more visible overall.

Alternative Site Layout 3

The Alternative Site Layout 3 provides 3 access points along Neelytown Road and an additional 3 access points from Beaverdam Road including the Emergency Access. Since the layout of the warehouses do not change, the visual impacts along Neelytown and Beaver Dam Roads will essentially be the same as shown with the current project proposal, with the exception that less landscaping will be placed due to the 6 access points compared to Alternative Site Layout 1.

~~O.~~P. Animals, Plants, & Threatened and Endangered Species

This section will describe existing flora and fauna resources on or near the Project Site, potential impacts and proposed mitigation measures. A natural resource survey was conducted by Ecological Solutions, LLC to document existing vegetation and habitat cover types, plant species, and wildlife species on the Project Site. The data contained in this report was gathered on March 23, April 5, May 12, 20, June 4, 21, August 27, 2021, April 28, 2022, May 15, and June 3, 2024, almost all survey dates occurring during times of year when species are reasonably expected to be present and active. The fieldwork occurred generally in blocks from 5:30 am to 8:30 am, 10:00 am to 2:00 pm or from 2:30 pm to 5:30 pm and totaled approximately 110-person hours. Weather conditions varied during the field visits from cool with rain to extremely hot, humid days. Large portions of the site were reviewed during each of the field visits so that the entire site was extensively evaluated. The purpose of the inventory was to document existing vegetation and habitat cover types, plant species, and wildlife species on the site. Findings from the survey have been published in the attached report entitled "Natural Resources Survey/Assessment for Draft Environmental Impact Statement, RDM

Site, Neelytown Road, Town of Montgomery, New York (the "Ecological Assessment Report"); See Appendix I. The findings published in the Ecological Assessment Report are summarized below.

Existing Conditions

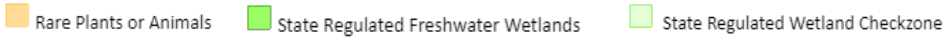
Endangered, Threatened, Rare, and Special Concern Species

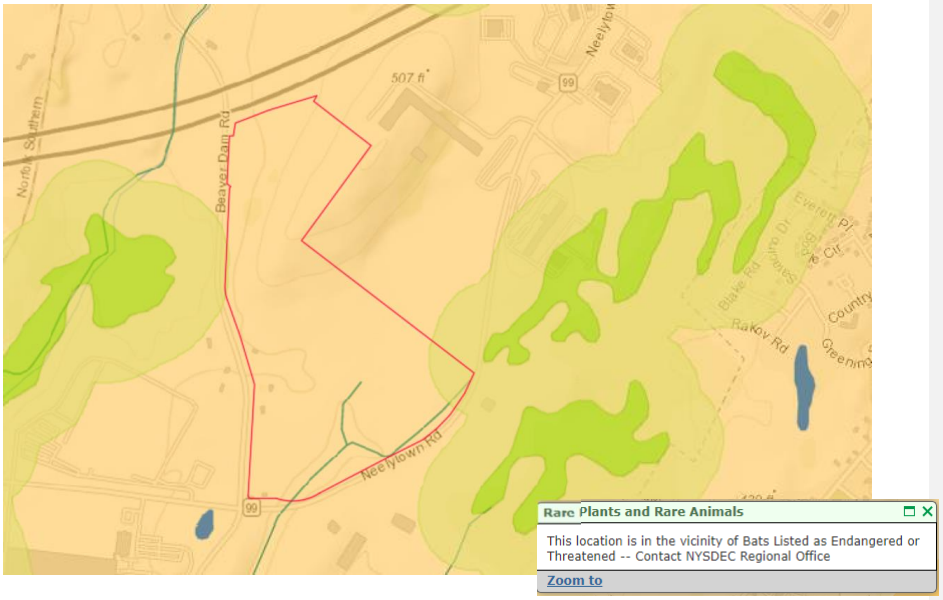
No endangered, threatened, rare, or special concern plant or animal species were observed onsite during Ecological Solution's survey of the Project Site.

NYSDEC's Environmental Resource Mapper is an interactive mapping application that can be used to identify some of New York State's natural resources and environmental features that are state protected, or of conservation concern. The Environmental Resource Mapper contains generalized location information on animals and plants that are rare in New York, including those listed as Endangered or Threatened.

The US Fish and Wildlife Service (USFWS) web site for threatened and endangered species indicates that there are three additional species that may be located on or in the vicinity of the site Northern long-eared bat (Myotis septentrionalis), bog turtle (Glyptemys muhlenbergii), and small whorled pogonia (Isotria medeoloides). The Environmental Resource Mapper indicates that Indiana Bats (Myotis sodalis), a state endangered species, are potentially located on or in the vicinity of the Project Site. See Figure 3.P.1 below. Although not listed as potentially located on site by NYSDEC, the bald eagle (Haliaateus leucocephalus) is a New York State threatened species and therefore impacts to the species were considered.

Figure 3.P.1: Environmental Resource Map





In addition, the wetlands on the Site were thoroughly investigated to determine if marbled salamander (Ambystoma opacum), Jefferson salamander (Ambystoma jeffersonianum), blue spotted salamander (Ambystoma laterale), spotted turtle (Clemmys guttata), and wood turtle (Clemmys insculpta)—all NYSDEC designated Species of Special Concern—utilized the wetlands for breeding habitat.

USFWS provides lists of federally listed (threatened or endangered) and candidate flora and fauna species documented for each county in New York. According to USFWS, there are four additional species that may be located on or in the vicinity of the site: Northern long-eared bat (Myotis septentrionalis), bog turtle (Glyptemys muhlenbergii), small whorled pogonia (Isotria medeoloides), and monarch butterfly (Danaus plexippus) which is a candidate species.

These species are identified in the table below:

Table 3.P.2: List of Species

Mammals	
Indiana Bat *Myotis sodalis*	Endangered

Northern Long-eared Bat (*Myotis septentrionalis*)	Endangered
Reptiles	
Bog Turtle (*Glyptemys muhlenbergii*)	Threatened
Insects	
Monarch Butterfly (*Danaus plexippus*)	Candidate
Flowering Plants	
Small Whorled Pogonia (*Isotria medeoloides*)	Threatened

The New York State Natural Heritage Program provides rare species data based on field inventories, scientific analyses, expert interpretation, and comprehensive databases. The Environmental Resource Mapper can also depict the general areas where rare animals, rare plants, and rare and significant natural communities have been documented by the NY Natural Heritage Program. The mapper indicates that the Project Site is in the vicinity of bats listed as endangered or threatened.

Indiana Bat

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Potential habitat for the Indiana bat was observed at the Project Site.

Northern Long-Eared Bat

The northern long eared bat requires/occupies practically the same habitat niche as the Indiana bat. The species spends winter hibernating in caves and mines, called hibernacula. They typically use

large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible. During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

Northern long-eared bats emerge at dusk to fly through the understory of forested hillsides and ridges feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation. This bat also feeds by gleaning motionless insects from vegetation and water surfaces.

There is potential habitat for the Northern long-eared bat at the Project Site.

Bald Eagle

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on man-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.

No water bodies are present on or in the vicinity of the Project Site that would provide preferred habitat for eagles. The nearest such water body for preferred nesting habitat is the Wallkill River, which is more than one mile from the Project Site. During the multiple survey dates, no eagle activity or nests were observed on the Site. Refer to the Natural Resources Survey, located in Appendix I, for additional detail regarding the lack of bald eagles identified. Further, the NYSDEC Environmental Mapper did not identify bald eagles as a species of concern for the Project Site.

Bog Turtle

The bog turtle is a semi-aquatic turtle that prefers open-canopy, shallow-water wetlands with soft soils, perennial groundwater discharges and low-growing vegetation. The bog turtle occurs in twelve states in the United States and has a discontinuous distribution throughout its range. Two distinct populations are recognized within bog turtle's range: the Northern population (Connecticut, Delaware, Maryland, Massachusetts, New York, New Jersey, Pennsylvania) and the Southern population (North Carolina, South Carolina, Georgia, Virginia, and Tennessee).

Wetland habitats occupied by bog turtles often occur as a mosaic of micro-habitats that include saturated areas, dry pockets, and periodically flooded areas. Subsurface groundwater flow,

groundwater seeps and rivulets are often present. Caespitose (hummock-forming) vegetation is normally present and is used for thermoregulation and nesting.

The Bog Turtle habitat is recognized by three (3) criteria:

1. Suitable Vegetation: The bog turtles' habit consists of dominant vegetation of low grasses and sedges, often with a scrub-shrub wetland component. Some forested wetland habitats are suita-ble given hydrology, soils and/or historic land use. These forested wetlands include red maple, tamarack, and cedar swamps.
2. Suitable Hydrology: Bog turtle wetlands are characterized by shallow surface water or saturated soils present year-round, although in summer the wet area(s) may be restricted to near spring head(s). Typically, these wetlands are interspersed with dry and wet pockets. There is often sub-surface flow. In addition, shallow rivulets (less than 4 inches deep) or pseudo-rivulets are often present.
3. Suitable Soils: Soils typically consist of a bottom substrate of permanently saturated organic or mineral soils. These are often soft, mucky-like soils which doesn't refer to a technical soil type. A person can typically sink to 3-5 inches, or deeper, in muck. Although in degraded wetlands or summers of dry years, this may be limited to areas near spring heads or drainage ditches. In some portions of the species' range, the soft substrate consists of scattered pockets of peat instead of muck.

The wetland on the Project Site is a forested wetland that is dry at the surface and has an intermittent small man-made swale draining down the site boundary to Neelytown Road and along Neelytown Road. This surface flow as in-consistent hydrology and no groundwater seeps. Soils here are also dry except for the immediate tributary area and no groundwater hydrology of rivulets or mucky soils was observed. Although the corridor identification exhibit highlights that a large upland habitat will be eliminated, there were no turtles observed on or near the site that would utilize this upland habitat area.

Monarch Butterfly

Monarchs, like all other butterflies and moths, go through egg, larval (caterpillar), chrysalis (pupa), and adult stages. Monarch caterpillars ingest milkweed that contains a toxic compound. The presence of this toxin is used by the monarch butterfly as a defense against predators. In late August, masses of monarch butterflies begin an epic migration stretching thousands of miles from areas across the United States and as far north as Canada (east of the Rocky Mountains) to overwinter in mountaintops of Central Mexico.

The Project Site includes successional field habitat, which is potential habitat for the monarch butterfly.

Small Whorled Pogonia

The small whorled pogonia belongs to the orchid family. It typically has a single grayish-green stem that grows approximately 10 inches tall when in flower and 14 inches when it bears fruit. It's named for the whorl of 5 or 6 leaves near the top of the stem and beneath the flower. The grayish-green

leaves are rather oblong and 1-3 ½ inches long. The greenish-yellow flowers can either be single or paired and are approximately ½ to 1 inch long. The flowers usually appear in May or June. The fruit is an upright ellipsoid capsule that appears later on in the year. This type of orchid grows in older hardwood stands of beech, birch, maple, oak, and hickory that have an open understory. Sometimes it grows in stands of softwoods such as hemlock. It prefers acidic soils with a thick layer of dead leaves, often on slopes near small streams.

There is no potential habitat for this species since there is no older growth forest on the Site but rather young woods with a thick dense understory.

Marbled, Jefferson, and Blue Spotted Salamanders; Spotted and Wood Turtles

Marbled salamanders are the only fall breeding salamander. They seek out small areas (micro habitats) with temperatures around 60°F. The female will lay an average of 100 eggs in a nest constructed in a shallow depression under leaf litter or in a log. The female remains with the eggs until fall rains fill the nest site. Eggs will hatch within two weeks. In mild winters, larvae can feed and grow and transform in late spring or early summer. If the nest does not flood, eggs will go dormant until the following spring. The salamander larvae that hatch in fall metamorphose into terrestrial adults in late spring or June or July. The habitat they select varies with the season. During the spring and summer, the adults spend their time in sandy upland deciduous forests. They seek shelter under logs or in underground tunnels of other animals. In autumn, they congregate in groups near lowland forested habitat to breed.

Both Jefferson and blue spotted salamanders are early spring breeders and are often the first amphibians found breeding in vernal pools.

There were no marbled, blue spotted, or Jefferson salamanders or evidence of breeding by these species on the Site. Also, no spotted or wood turtle were observed on the Site.

Other Observed Animal and Plant Species

The Project Site is almost entirely undeveloped and composed primarily of open uplands, successional open fields, and open mineral soil wetlands. The ecological communities on the Project Site are not considered rare habitats, as they are common throughout New York State. The Plot Transect method was employed for the vegetation inventory by Ecological Solutions. The methods used to search for species on the site are outlined in Biodiversity Assessment Manual for the Hudson River Estuary Corridor. Additional wildlife species may be located on the Site at some time during their life cycle but are most likely transient. There is no species that is supported wholly by the habitats on this Site.

Breeding Birds

Extensive seasonally limited field surveys were conducted for Birds, which were detected and identified by visual encounter with individuals, vocalizations, tracks, feathers, bones, droppings, castings, nests, drillings, or other recognizable signs. In addition, breeding bird surveys were

completed on May 12, 20, and June 4, 21, 2021 and typically began at 5:30 am and ended at 8:30 am or occurred in early evening at around 5:30pm. May and June are the months when most birds in New York breed, although a small number of species breed anytime from January through August. June can be especially productive since many adults with food for young and recently fledged young can be seen at that time. The NYS Breeding Bird Atlas (NYSBBA) was consulted to determine avian species that could potentially occupy or use the site.

The following is a list of breeding birds identified on the site in 2021 (most of the species were found in multiple habitats although some were observed in specific habitats): wild turkey (Meleagris gallopavo), turkey vulture (Cathartes aura), broad-winged hawk (Buteo platypterus), red-tailed hawk (Buteo jamaicensis), mourning dove (Zenaida macroura), ruby throated hummingbird (Archilochus colubris), yellow-bellied sapsucker (Sphyrapicus varius), Northern flicker (Colaptes auratus), Eastern wood-pewee (Contopus virens), Eastern phoebe (Sayornis phoebe), red-eyed vireo (Vireo olivaceus), blue jay (Cyanocitta cristata), American crow (Corvus brachyrhynchos), barn swallow (Hirundo rustica), black-capped chickadee (Poecile atricapillus), house wren (Troglodytes aedon), Eastern bluebird (Sialia sialis), American robin (Turdus migratorius), gray catbird (Dumetella carolinensis), Northern mockingbird (Mimus polyglottos), European starling (Sturnus vulgaris), yellow warbler (Dendroica petechia), common yellowthroat (Geothlypis trichas), field sparrow (Spizella pusilla), song sparrow (Melospiza melodia), Northern cardinal (Cardinalis cardinalis), red-winged blackbird (Agelaius phoeniceus), indigo bunting (Passerina cyanea), common grackle (Quiscalus quiscula), and American goldfinch (Carduelis tristis).

Mammals

Extensive seasonally limited field surveys were conducted for mammals, which were identified based on visual encounters, vocalizations, tracks, fur, bones, rubs, scrapes, droppings, and other recognizable signs in habitats throughout the site. Sampling routes were established throughout the site and wildlife was recorded as encountered.

The following is a list of mammals identified on the Site: star-nosed mole, deer mouse, Gray Squirrel, Eastern chipmunk, woodchuck, Eastern cottontail, raccoon, striped skunk, red fox, and white-tailed deer.

Herptiles (Reptiles and Amphibians)

Extensive seasonally limited field surveys were conducted for herptiles (reptiles and amphibians). The following is a list of herptiles identified on the Site: red-backed salamander, spring peeper, wood frog, gray tree frog, and green frog.

Vegetation

Ecological communities or habitat cover types were identified as part of the vegetation inventory. Aerial photographs of the site and adjacent properties were reviewed to identify and classify cover types. Visual searches for herbaceous and woody plant species or parts thereof, including leaves, bark, twigs, seeds, flowers, fruits, or other identifiable plant structures were conducted to identify

and document vegetation for each cover type on site. Trees, shrubs, and fall flowering plants were identified to species levels where possible.

There are three distinct dominant cover types identified on the site: Mesophytic Forest, Successional Old Field/Developed Area, and Red Maple Hardwood Swamp.

The Mesophytic hardwood forest is a young successional forest that occurs on areas of well-drained portions of the site generally on the upper slopes. The soils are loams or silty loams. The dominant trees include one or more of the following oaks: white oak (Quercus alba) and black oak (Quercus velutina). Mixed with the oaks, at lower densities, are quaking aspen, (Populous tremuloides), black cherry (Prunus serotina), pignut hickory (Carya glabra), shagbark hickory (Carya ovata), white ash (Fraxinus americana), red maple (Acer rubrum), and Eastern hop hornbeam (Ostrya virginiana). The trees are generally in the same age class within sections of the site with a large section containing trees in the 4–8-inch dbh range. The subcanopy stratum contains small trees and tall shrubs including flowering dogwood (Cornus florida), witch hazel (Hamamelis virginiana), shadbush (Amelanchier arborea), and choke cherry (Prunus virginiana). Common low shrubs include red raspberry (Rubus idaeus), and gray dogwood (Cornus racemosa). The shrub layer and groundlayer flora are more diverse. Characteristic groundlayer herbs are Pennsylvania sedge (Carex pensylvanica), tick-trefoil (Desmodium glutinosum, D. paniculatum), white goldenrod (Solidago bicolor), and hepatica (Hepatica americana).

The successional old field or meadow areas on the Site are dominated by forbs and grasses. Characteristic herbs include goldenrods (Solidago altissima, S. nemoralis, S. rugosa, S. juncea, S. canadensis, and Euthamia graminifolia), bluegrasses (Poa pratensis, P. compressa), timothy (Phleum pratense), quackgrass (Agropyron repens), smooth brome (Bromus inermis), sweet vernal grass (Anthoxanthum odoratum), orchard grass (Dactylis glomerata), common chickweed (Cerastium arvense), common evening primrose (Oenothera biennis), oldfield cinquefoil (Potentilla simplex), calico aster (Aster lateriflorus), New England aster (Aster novae-angliae), wild strawberry (Fragaria virginiana), Queen-Anne's lace (Daucus carota), ragweed (Ambrosia artemisiifolia), hawkweeds (Hieracium spp.), dandelion (Taraxacum officinale), and ox-tongue (Picris hieracioides). Shrubs are present, but collectively they have less than 50% cover in the community. Characteristic shrubs include gray dogwood (Cornus foemina ssp. racemosa), silky dogwood (Cornus amomum), arrowwood (Viburnum recognitum), raspberries (Rubus spp.), sumac (Rhus typhina, R. glabra), and eastern red cedar (Juniperus virginiana). This is a relatively short-lived community that will succeed to a shrubland, woodland, or forest community if not maintained.

Red Maple hardwood swamp generally occurs in poorly drained depressions usually on inorganic soils in New York State. Red maple (Acer rubrum) is dominant in this ecological community and the codominants consist of American elm (Ulmus Americana), swamp white oak, (Quercus bicolor) and pin oak (Quercus palustris). The shrub layer consists mainly of arrowood (Viburnum recognitum), silky dogwood (Cornus amoemum) and smooth alder (Alnus serrulata). The herbaceous layer contains skunk cabbage (Symplocarpus foetidus), tussock sedge (Carex stricta), sensitive fern (Onoclea sensibilis), and sphagnum moss (Sphagnum spp.). This ecological community occurs in the protected wetlands. The forested landscape on the site is identified as (Rich Mesophytic Forest) or middle age climax forest. Mixed age second growth trees ranged in size from 6 to 12 inches diameter at breast height (dbh), with larger specimen trees in the 20 - 24 inches dbh range scattered

throughout the wooded area on the site. The functions and values provided by the Red Maple Hardwood Swamp include groundwater recharge, floodflow attenuation, sediment trapping, nutrient removal, production export, wildlife habitat, and visual quality.

Potential Impacts

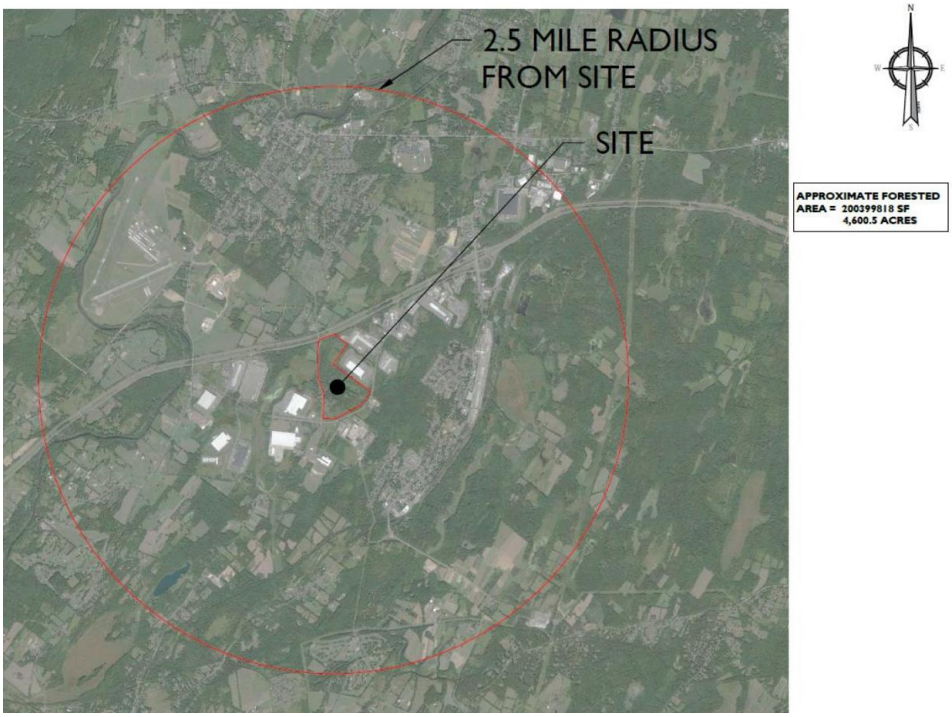
The proposed development will consist of earth movement, heavy machinery operations, construction, drainage pattern alterations, increase in impervious areas, traffic pattern changes, and increased human activities. It will also require clearing of upland forest and field habitats. The proposed activities will cause impacts to vegetation, cover types, and wildlife. To mitigate these potential impacts to the surrounding wildlife, the Corridor Identification Exhibit and the Forest Patch Preserved Exhibit located within Appendix I illustrate the preserved habitat and the limits of disturbance.

Impacts to Indiana and Northern Long-eared Bat

a. Tree Clearing

Tree clearing activities could have an adverse impact on active roost trees for bats. Direct impacts will be avoided by conducting all clearing between October 1 and March 31 when bats will be in hibernation off site. This measure will prevent any direct impacts to the bat (e.g., immediate mortality); however, it will still have an indirect impact of decreasing the amount of potential foraging and roosting habitat for bats within summer range of the site. Bats will need to search for new foraging and potential roosting areas at a time of year when they have many energetic demands on them, including recovering from hibernation, and gestating young. The expenditure of additional energy to search for new foraging and roosting habitat could result in decreased reproductive success. This potential impact could be expected for the first season following site work, but once the bats have identified new foraging and roosting sites, it is likely that reproductive success and foraging and roosting behavior patterns will stabilize. In addition, based on review of aerial mapping, there is approximately 4,600.5 acres of forested habitat on and within a 2.5-mile radius of the site. See Figure 3.P.3 below. There are ~~42.12~~ 46.05 acres of available forested habitat within the site. Proposed clearing for the Proposed Action will remove 38.13 acres of forested habitat, which represents ~~96~~ 82.80% of forested habitat on the site, but only 0.43 ~~889~~% of potentially available forested habitat within 2.5 miles of the site. Thus, tree clearing will only minimally impact bats when they return to the site in the spring.

Figure 3.P.3: Forest Cover Analysis Map



As illustrated in Figure 3.P.3, Google Earth aerial dated July 2023, within a 2.5-mile radius of the site, there is approximately 200,399,818 SF (4,600.5 acres) of forest area.

b. Noise

Noise generated by construction equipment could disturb roosting bats during the day. However, all outdoor construction work is anticipated to happen when the bats are in hibernation. Noise during tree clearing may be more severe; therefore, tree clearing will occur when bats are not on site. Since noise levels are not likely to significantly exceed ambient noise levels of a busy commercial area during the summer months, the impacts of noise from ongoing warehouse operations are not likely to adversely affect Indiana or Northern long eared bats.

c. Dust

Daytime construction may cause airborne dust from earth moving. However, dust will subside when relative humidity increases and the dust settles. Dust can impact bats by causing respiratory distress or coating bats' fur, causing them to relocate and roost farther offsite. If dust control best

management practices are implemented during the day, no significant adverse impacts to bats can be expected.

d. Runoff on Water Quality

Stormwater runoff from disturbed soil during construction and post-development site operations could contaminate surface waters onsite. This condition renders the water unfit for bats to drink and can interfere with aquatic insect breeding, which is critical for bat feeding. These impacts can be avoided with the implementation of soil erosion and sediment control practices during construction to avoid siltation and contamination of surface waters. Prevention of soil erosion and sedimentation through soil conservation best management practices, and avoidance of surface water contamination from stormwater runoff through stormwater treatment will render this impact insignificant, discountable, extremely unlikely to occur, and undetectable. Therefore, impacts of runoff on water quality are not likely to adversely impact Indiana and Northern long-eared bats.

e. Lighting

Construction activities will not require site lighting; however, site lighting will eventually be installed for warehouse operations. Site lighting will likely cause bats to forage elsewhere but will not likely alter their roosting behavior beyond tree clearing impact, thereby making this impact insignificant. The Proposed Action will use site lighting that is dark-sky compliant, with tops that direct light downward and with very minimal spillage, so as to not interfere with bat foraging.

f. Increased Human Activity

The anticipated construction and site operation will increase human activity and the proximity of human activity to bat roosting/foraging; however, since this effect is insignificant and discountable, and cannot be meaningfully measured, the increase in proximity will not adversely impact the bats.

Impacts to Bald Eagle

There was no eagle activity or nests observed on the site during multiple survey dates and based on aerial mapping the nearest potential appropriate nesting area is the Wallkill River, more than 1 mile from the site. The NYSDEC is concerned when impacts occur within 0.5 miles of a project. Therefore, no significant adverse impacts to the Bald Eagle are expected from the Proposed Action.

Impacts to Bog Turtle

There is no potential bog turtle habitat on or in the vicinity of the Site, so no significant adverse impacts to the species are anticipated.

Impacts to Monarch Butterfly

There is successional field habitat at the Project Site which is potential habitat for the monarch butterfly; however, open field habitat areas are abundant in this area and this species will not be in jeopardy as a result of the Proposed Project because it will utilize offsite habitats.

Impacts to Small Whorled Pogonia

There is no potential habitat for this species since there is no older growth forest on the site but rather young woods with a thick dense understory. Therefore, no significant adverse impacts to the small whorled pogonia are expected.

Impacts to Marbled, Jefferson, and Blue Spotted Salamanders; Spotted and Wood Turtles

There were no marbled, blue spotted, or Jefferson salamanders, or spotted turtles or wood turtles or evidence of breeding by these species on the site. Therefore, no significant adverse impacts to these species are anticipated.

Impacts to Other Observed Animal and Plant Species

All wildlife species require food, water, and cover. Water and cover are provided by trees and woody plants. Many wildlife species, birds in particular, shift their food habits seasonally. Many birds that are seedeaters switch to insects in the summer. Some wildlife is present in the same area all year while others are migratory. The main migratory periods in this area are during the spring (April 15 through June 1) and the fall (August 15 through October 1).

The Proposed Action can be expected to cause displacement and direct loss of biodiversity of resident species; however, most species found on the site are typically found in suburban settings and may have already adapted to proximal human habitation. Although in fewer numbers, it is likely that these species will remain within the site under proposed conditions.

The habitat of forest interior birds, large mammals, amphibians, and most reptiles will be most impacted by the modified conditions due to the Proposed Action. Amphibians and reptiles are more vulnerable than other species due to their lack of mobility. Large mammals and migratory birds will not be significantly impacted since these species are highly mobile and are not typically confined to a site.

The regulated wetlands onsite will essentially remain intact and serve as likely corridors for species on site, especially for more sensitive species like amphibians and reptiles. The prime migratory corridors and wildlife destinations for breeding found in the regulated wetlands will remain. The wetland crossing is designed to allow adequate clearance and space for amphibian and reptilian movement through this portion of the regulated wetland complex. Birds and mammals require no extraordinary measures to secure passage through this area.

Impacts to Vegetation and Cover Types

1. Mesophytic Forest Loss

The proposed activities will require the removal of approximately 38.13 acres or 96 percent of this cover type from the site.

2. Successional Old Field Loss

The proposed activities will require the removal of all of this cover type from the site.

3. Red Maple Hardwood Swamp

Development activities have been planned to generally avoid impacts to wetlands except for one crossing into the site. Approximately 0.2093 acres of impact is associated with the proposed project and a Federal Nationwide permit is required for the crossing as well as a NYSDEC Article 24 permit.

4. Forest Fragmentation

The forested area will be cleared, with the exception of a 1.2 8.56 acres area. Loss of forest on this site alters site biodiversity because only 1.2 8.56 acres or 4 18.59 percent of this habitat will remain intact. The Forest Patch Preserved Exhibit can be found within Appendix I. Potential fragmentation of the forest habitat within the two 2.5 mile radius s of the site, although not significant, amounts to 0.43 88 percent and 0.43 percent, respectively, of the total 4,600.5 acres of forest in this radius. The 2.5-mile radius pre- and post construction exhibits can be found within Appendix I.

5. Habitat Fragmentation

Habitat fragmentation differs from forest fragmentation in that forest fragmentation is the practice of opening up closed forest canopy, allowing edge-oriented species to penetrate into areas of the forest that they probably would not reach before. While this adversely impacts forest interior species, it potentially benefits edge species. Habitat fragmentation is the separation and isolation of habitats and wildlife populations by placing impenetrable barriers between habitats that prevent mixing formerly connected or adjacent wildlife populations creating “habitat islands”.

The Proposed Action leaves most of the wetland intact except for minor impacts due to road crossings and other features. Most upland habitat will be removed from the site; however, within a 2.5 mile radius habitat fragmentation from development of the site is less important for wildlife due to available habitats in the vicinity of the site.

Mitigation Measures

Indiana and Northern Long-eared Bat Mitigation

To mitigate any significant adverse impacts to the Indiana and Northern long-eared bats, the following measures will be implemented:

1. Preserving the regulated wetlands on the site, which can potentially be used by bats as foraging and travel corridors;
2. Site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and which are designed to not interfere with potential bat foraging activities;
3. Implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation to surface waters;
4. Conducting all tree clearing activities between November October 1 and March 31, when bats will be in hibernation off site.

5. Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent over clearing of the site, and;

6. Stormwater pond/s if required will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed.

With these mitigation measures in place, impacts to the Indiana and Northern long-eared bat will be mitigated to the maximum extent practicable.

Monarch Butterfly Mitigation

Although not required under federal or state law, the Applicant will mitigate impacts to the Monarch Butterfly caused by destruction of habitat by including Common Milkweed (Asclepias syriaca) in the project Landscape Plans as part of the revegetation for the site. In doing so, the Applicant will consult applicable state and federal guidance.

General Wildlife Mitigation

Impacts to vegetation will be minimized by establishing undisturbed, naturally vegetated zones demarcated on fields by orange construction fences. It will also be minimized by clearing only necessary areas within the limit of disturbance. Upland forest areas impacted by the developed will not be fully replaced; however, they will be enhanced by way of revegetating corridors with native plant materials. Native planting may provide some habitat and food source to wildlife.

The temporary displacement of wildlife is a short-term impact that will occur during construction. Impacts from habitat and forest fragmentation can be minimized by maintaining substantial corridors between natural habitat areas. Connecting corridors don't have to be entirely unbroken, as long as breaks in the natural vegetation are not excessive. The wetlands on the Site will be preserved to provide year-round habitat for most of the species located there. The Site will continue to be "connected" to adjacent properties so that a potential wildlife migratory route remains. Other habitat aspects of the site should be preserved and include existing stonewalls and standing dead trees, known as snags. Old stonewalls provide microhabitats for small mammals, herptiles, and invertebrates. Snags provide perching, nesting, and feeding areas for a wide variety of wildlife. These elements or parts thereof should be protected where possible. Post and rail style fencing will be used to surround any stormwater basins and atop any retaining walls in excess of 30" high to allow wildlife to traverse freely above, below, and through the site fencing.

General reptile microhabitat requirements that will remain intact on the Site include:

- Woody debris (standing and down);
- Small open patches for basking, mixed with well shaded areas during drought periods;
- Undisturbed areas in and around wetlands for feeding and breeding; and
- Access to safe den areas.

USFWS in conjunction with NYSDEC suggest that no dyes or chemicals be placed in stormwater detention facilities that could potentially impact wildlife. These measures shall be incorporated into the development plan.

Alternative Site Layouts

Alternative Sites

Alternative sites have not been addressed because no alternative sites have been identified for ecological review.

Alternative Site Layouts

The three “alternative site layouts” would contain three buildings with the same or similar square footage, limits of disturbance, driveways and access points, and trailer storage, would result in the same or substantially similar disturbance to jurisdictional wetlands as the Proposed Action, and would involve the same impacts to plants and animals as described above.

No Action Alternative

The “no action" alternative means the site does not get developed with a warehouse, despite the site being in the I-1 General Industry zoning district. Leaving the site undeveloped means the wetlands, wetland adjacent areas, and the remainder of the site would remain in its current condition.

Amended Zoning Alternative

This alternative was not addressed because no alternative was provided for ecological review.

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

This chapter will identify and assess impacts from the Proposed Acton that cannot be avoided or adequately mitigated based on the discussion in Chapter 3 of Existing Conditions, Potential Impacts, and Proposed Mitigation Measures. The following impacts from the Proposed Action cannot be avoided or adequately mitigated:

Impact: Disturbance of ±87.66 ~~6.08~~ acres of the Site for tree removal, grading, excavation, construction, paving, and landscaping resulting in the creation of ±50.1 acres of new impervious surface.

Assessment of Impact: The temporary disturbance of ±87.66 ~~6.08~~ acres of the ±112.20 ~~46~~-acre Project Site, including the permanent disturbance of ±50.1 acres to create new impervious surfaces cannot be avoided through construction of the Proposed Action. While all of the ±14 acres of wetlands on the Project Site except for ±0.2093 acres will be retained (including surrounding vegetated buffer areas, the Proposed Action will result in (1) the permanent loss of 50 acres of upland vegetation and habitat on the Site that will become impervious surfaces and (2) the temporary loss of vegetation and habitat on an additional 36± acres of the Site that will be seeded and/or landscaped as part of the construction of the Proposed Action. No impacts to protected wildlife species are expected to occur based on the wildlife assessment and mitigation measures proposed in Chapter 3, Section P, however, the permanent and temporary loss of habitat is expected to force the relocation of most onsite wildlife to nearby lands to the west and north of the

Commented [PV25]: Do we need to add an unavoidable traffic impact if we are not providing signalization based on where signal warrants are met?

Commented [PG26R25]: The satisfaction of signal warrants are not the sole criteria to justify signal installation.

As shown in the TIS results table (and NYSDOT response letter 3/24/25), the increase in delay is less than 1 second during each of the peak hours. Based on the levels of service and noted insignificant increase in delay, the NYSDOT may not require a traffic signal at this location. As such we are not recommending installation as part of the mitigation.

Meeting a signal warrant does not necessarily mean that there would be adverse impacts without the traffic signal.

site. In addition to the nearly 14 acres of wetlands that will remain intact, ±~~7.92~~ 8.56 acres of upland buffer areas around the edges of the wetlands on the Site will be provided for wetland and upland species, providing additional habitat for wetland and other species.

Impact: Permanent loss of ±0.2093~~3~~ acres of wetlands for construction of a proposed truck running area for the Proposed Action.

Assessment of Impact: Permanent impacts to ±0.2093~~3~~ acres of wetlands for the Proposed Action cannot be avoided due to the wetlands on the southern portion of the Site, where driveway access to Neelytown Road is required, but have been minimized through the layout and design of the Proposed Action. The disturbance will be regulated by the ~~USACE~~ NYSDEC pursuant to ~~NWP #39~~ Article 24 permit and protective construction conditions and implementation of the Proposed Action's SWPPP will avoid and/or minimize any additional indirect impacts to those wetlands during or after construction. See Chapter 3, Section D.

Commented [PV27]: This will need to be updated based upon DEC jurisdiction.

Commented [JW28R27]: Coordinate with MN and JF

Impact: Visual impacts to travelers on Neelytown Road and Beaver Dam Road, and to the three remaining residences on Beaver Dam Road.

Assessment of Impact: Due to the significant amount of site disturbance, including tree removal and site grading, that must be undertaken for construction of the Proposed Action, as well as the time necessary for growth of the proposed landscaping, there will be both temporary and more limited permanent visual impacts from the Proposed Action. The Proposed Action will be constructed in the I-1 (General Industry) district, where some visibility of industrial uses is reasonably expected. The three remaining residential structures on Beaver Dam Road are also located in the I-1 district and are nonconforming uses. The Project Site will be constructed in an industrial corridor along I-84 and Neelytown Road that is identified in the Town's Comprehensive Plan as particularly suited for industrial development and the Site is surrounded by other, existing warehouses that are visible from public roads. While the visibility of the Proposed Action will be reduced by distance, topography and site grading upon its construction, significant visual screening of the Proposed Action will not occur in some cases until 10 years after landscaping is planted. See Chapter 3, Section O.

Impact: Demolition of five (5) residential structures on the Project Site.

Assessment of Impact: The Project Sponsor has acquired and will demolish 5 single-family dwellings as part of construction of the Proposed Action, resulting in the permanent loss of these residential units. All of the dwellings are located in the I-1 district and are nonconforming uses. Further, they are located in an industrial corridor between I-84 and Neelytown Road and surrounded by existing warehouse uses.

Chapter 5: Alternatives

This chapter describes the reasonable alternatives to the Proposed Action that are viable as well as technologically and economically feasible, considering the objectives and capabilities of the Project Sponsor. Discussion of each alternative is provided at a level sufficient to permit a comparative assessment of costs, benefits and potential impacts for each alternative. As required by SEQRA, the following provides a concise analysis of reasonable alternatives to the Proposed Action.

A. Alternative Sites

The Project Sponsor does not control any other property along Neelytown Road where the Proposed Action could be developed and reasonably meet the Sponsor's objectives. Nor does the Project Sponsor control land anywhere else in the Town of Montgomery where the Proposed Action could be undertaken. As discussed in Chapter 2 above, the Project Sponsor's objectives include the development of 1,128,270 SF of warehouse space with efficient access to I-84 and the interstate network from an existing public road capable of handling truck traffic. The Project Site aligns with those objectives.

Moreover, a desktop review of other properties along Neelytown Road between the Project Site and I-84 indicates that that there is likely no feasible alternative location in this corridor that would meet the objectives of the Proposed Action. The Proposed Action requires significant acreage for development of the two proposed warehouses and associated parking and driveways and other infrastructure. There are no alternative parcels that would accommodate the Proposed Action on the northern side of Neelytown Road and vacant lands on the opposite side of Neelytown Road have substantial state and federal wetlands that will place limitations on their development. In addition, undeveloped lands on the southern side of Neelytown abut or are proximate to residential neighborhoods in the Village of Maybrook. Accordingly, the Project Site appears to potentially be the only remaining industrially zoned property along this corridor where development of intensive warehouses consistent with the goals of the Town's Comprehensive Plan is feasible.

B. Three (3) Alternative Site Layouts

The Proposed Action includes two warehouses comprising a total of 1,128,270 square feet ("SF") and related improvements on two new lots containing approximately ±112.20~~46~~ acres of land (the "Proposed Action") with frontage along Neelytown Road to the east and Beaver Dam Road to the west in the Town of Montgomery, New York. Warehouse #1 is a large-scale warehouse that would be 850,000 SF in size with 136 truck loading docks facing southwest (52) and northeast (82), trailer parking, and employee parking on the other two sides of the building. Warehouse #2 would be 278,270 SF in size with 50 truck loading docks facing southeast and employee parking on the southwestern and northeastern sides of the building. The loading docks for Warehouse #1 would face a 15' tall sound wall to the southwest. The loading docks on the northeastern side of Warehouse #1 and the docks for Warehouse #2 would both face the adjoining Federal Express truck terminal (SBL #33-1-44.1). The driveway shared by both warehouses for trucks traveling to or from the Project Site's single access point onto Neelytown Road would follow the boundary along SBL #33-1-44.1. There will not be any trucks entering or leaving the Site onto Beaver Dam Road. Again, the Proposed Action's site layout can be found in Appendix D.

Three (3) alternative site layouts have been compared to the Proposed Action for the purpose of assessing the relative costs, benefits and potential impacts of each. Like the Proposed Action, all of the alternatives include 1,128,270 SF of warehouse spaced based on the Project Sponsor's objectives and are briefly described as follows:

Alternative Site Layout #1 – This alternative would include three warehouses on separate lots sharing one common truck/employee full access driveway to Neelytown Road through the wetlands in the south-center portion of the Site, with additional employee access points for two of the warehouses to Beaver Dam Road. Warehouse #1 would be 214,000 SF and located in the eastern portion of the Site roughly paralleling Neelytown Road. Truck loading docks would face away from the road and employee parking would be on the side of the building facing the road. Warehouse #2 would be 664,200 SF in size, with the same orientation of the building and truck loading docks as the 850,000 Warehouse #1 in the Proposed Action. An accessory trailer parking area with 300 spaces would be included to the north of Warehouse #1. Warehouse #3 would be 250,070 SF and located along Beaver Dam Road, with truck loading docks facing away from the road and employee parking at the southern end of the building. Alternative Site Layout #1 can be found in Appendix D.

Alternative Site Layout #2 – This alternative would include three warehouses on separate lots and three truck/employee access driveways to Neelytown Road, with additional employee access driveways for two of the warehouses to Beaver Dam Road. The three access driveways to Neelytown Road would be right-turn-in only on the eastern edge of the Site providing shared access for all of the warehouses, full access for Warehouse #1 near the southwest corner of the building, and shared full access south of Warehouse #2. Warehouse #1 would remain the same as in Alternative Site Layout #1. Warehouse #2 would be 550,670 SF and would extend roughly parallel to Beaver Dam Road for 1,632 linear feet. The truck loading docks would face away from Beaver Dam Road employee parking would be on the southern end of the building. Warehouse #3 would be 363,600 SF, with the same building and truck loading dock orientation as the Proposed Action's Warehouse #2. Employee parking would be on the northern side of the building. Alternative Site Layout #2 can be found in Appendix D.

Alternative Site Layout #3 – This alternative is identical to Alternative Site Layout #1 except that three full truck/employee access driveways to Neelytown Road are provided. Alternative Site Layout #3 can be found in Appendix D.

The costs of construction of the Proposed Action and the alternatives are reasonably expected to be nearly the same, since they involve approximately the same amount of land disturbance, new impervious surfaces and building square footage. Similarly, it is anticipated that the benefits of any of the alternative site layouts would be substantially the same as those that will occur as a result of the Proposed Action.

A Comparison Summary Matrix highlighting the improvements and potential impacts of the Proposed Action's design has been provided within Appendix D.

The chart demonstrates that, quantitatively, the Proposed Action and the three alternative layouts would involve substantially the same amount of land disturbance, new impervious surfaces, and wetland disturbance of less than ¼ of an acre (except for Alternative Site Layout #1, which would require a 1-acre wetland disturbance). The number of truck loading docks would be marginally

greater for the alternatives than for the Proposed Action, due to the efficiencies of the Proposed Action's two buildings as compared to three in each of the alternative site layouts. However, the number of truck and car trips would remain the same overall, since the Proposed Action and the three alternative site layouts involve the same amount of warehouse, storage and distribution space.

Alternative Site Layouts 2 and 3 include three truck/employee access driveways to Neelytown Road as compared to the one Neelytown Road driveway access provided for in the Proposed Action and in Alternative Site Layout #1. Alternative Site Layout #3 has the greatest potential for traffic impacts with its three full access driveways, based on the location of one driveway close to the traffic light for Beaver Dam Road and the potential site distance limitations associated with the easternmost driveway. Alternative Site Layout #2 is an improvement over Alternative Site Layout #3, with the easternmost driveway modified to be right-turn-in only. Compared to the alternatives, the Proposed Action's single driveway access onto Neelytown Road would have the least impact, by limiting the number of full access driveways to Neelytown Road, avoiding sight distance issues, and having ¼ of an acre's impact on wetlands as compared to the one acre of wetland disturbance from Alternative Site Layout #1.

Qualitatively, all of the alternative site layouts would have similar potential impacts to those discussed, along with proposed mitigation, in Chapter 3 above and including the unavoidable impacts that can't be mitigated discussed in Chapter 4 immediately preceding this chapter. With respect to noise, the Project Sponsor's acoustical consultant concluded that the alternative site layouts would comply with NYSDEC's noise impact guidelines, as does the Proposed Action. For visual impacts, because the area of site disturbance associated with the Proposed Action and the three alternative site layouts is substantially the same, it is reasonable to conclude that the visual impacts will also be similar except due to changes in the site layout or buildings themselves. For example, due to its proximity and orientation facing Neelytown Road, Warehouse #1 in the three alternative site layouts would likely have a substantial visual impact when viewed from Neelytown Road. See Exhibit K, VP – 7, Existing conditions. Instead of a 214,000 SF warehouse, the Proposed Action includes a vegetative buffer and banked and proposed parking areas, which will be less visually intrusive. Similarly, from Beaver Dam Road (See Exhibit K, VP – 3, 4 and 5, Existing Conditions), visual impacts of the 1,632 length of Warehouse #2 in Alternative Site Layout #2 would likely be more expansive and prominent (and more challenging to screen) than Warehouse #2 in the Proposed Action.

Accordingly, it is reasonable to find that the Proposed Action will involve similar costs and benefits, and that the potential impacts of the Proposed Action, as compared to the three alternative site layouts, will be substantially the same both quantitatively and qualitatively.

C. No Action Alternative

The "No Action" alternative would result in the Project Site remaining in its existing condition, which is primarily vacant land consisting of abandoned structures, open space, and natural vegetation. The wetlands, wetland adjacent areas, and the remainder of the site would remain in its current condition. The existing lot line and zoning district configuration would remain. The Project Site would retain its current visual character, which is primarily overgrown fields with collapsing foundations

and barns in some areas, some wetlands, and four residences which are nonconforming in the I-1 zoning district. In addition, abandoned structures on the property, including dilapidated barns and collapsed foundations, and the area heavily disturbed with dumped furniture, vehicles, and industrial debris would not be cleaned up and would remain. The No Action alternative would continue the existing condition of no infrastructure or utilities present. Based on conservative estimates and potential background growth, traffic volumes would continue to increase under a No Action scenario. Ambient sound levels and noise in the area would remain the same, with any increase over time attributable to local traffic. From a fiscal perspective, there would be no additional costs to the Town, and the only additional revenue would come from periodic tax increases. There would be no increase in tax revenues, jobs or other economic growth from the Project Site. With respect to traffic, similar Levels of Service will be experienced at the study area intersections under future No-Build and future Build Conditions with the Proposed Action and recommended traffic signal timings.

The No Action alternative would result in the Project Site remaining in an underused condition, hampering economic growth in an industrial zoning district and area expressly identified by both the Town and Orange County for economic development purposes. None of the public policy goals, objectives, and policies associated with the Proposed Action would be advanced. The No Action alternative would not further the goals outlined in the Montgomery Comprehensive Plan including: (1) allowing for reasonable economic growth by, among other things, "continu[ing] to attract new users to remaining vacant land along Neelytown Road"; (2) facilitating an employment center corridor along Neelytown Road (north of Maybrook) to "allow for a range of industrial and heavy commercial uses"; and (3) "capitaliz[ing] on the Town's outstanding geographic location and transportation resources as an economic generator" by focusing new industrial and heavy commercial uses around Neelytown Road south of Interstate 84. In addition, the No Action alternative is inconsistent with Orange County's Priority Growth Area concept, which proposes to "stage and direct growth into areas where it can be supported efficiently and at least cost." Finally, this alternative would not meet the goals and objectives of the Applicant.

Based on the foregoing, the Proposed Action is preferable to the No Action alternative.

D. Amended Zoning Alternative

The Proposed Action conforms with the Town of Montgomery Zoning Law amendments as adopted by the Town Board in 2022 to the extent that they affect the Proposed Action. As discussed above, the Proposed Action was grandfathered from the performance buffering requirements provided in Local Law 13 of 2022. Notwithstanding, the Proposed Action includes as much buffering as possible, through existing vegetation and topography and the Proposed Action's proposed berm, sound wall and landscaping, to minimize visual impacts along Beaver Dam Road and Neelytown Road consistent with the goals of LL 13 of 2022.

Chapter 6. Irreversible and Irretrievable Commitment of Resources

This chapter will discuss the Proposed Action and its impacts in terms of the loss of environmental resources, both in the immediate future and in the long term.

All land development, whether residential, commercial, or industrial in nature, results in open lands being converted and built upon. The addition of new impervious surfaces and the human, mechanical, and industrial, activities associated with construction alter the landscape and the pre-development environment. Like any other development, the Proposed Action will result in a short-term and long-term commitment of environmental resources.

The Phase IA Archaeological review of the Project Site revealed that it has been agricultural land for a significant portion of the nineteenth and twentieth centuries. The original farmhouse was no longer extant by the late twentieth century, and the farm buildings were utilized until the mid-twentieth century. Toward the tail end of the twentieth century, the cement barns were demolished. Since farming activities ceased at the Project Site, the land has been left to return to its natural state covered by trees and undergrowth.

There are several residences on the western side of the site bordering Beaver Dam Road, which will be demolished to accommodate the Proposed Action. The areas of existing undeveloped land will also be committed to the development of a distribution / warehouse building, drives, parking areas, and landscaped areas. In the areas of proposed development, existing soils will be altered and replaced with paved surfaces. Consequently, in the areas of proposed development, existing forests, open fields, and other plant communities supporting wildlife habitat will be lost. A portion of the existing jurisdictional wetlands (approximately .2093~~38±~~ acres) are to be disturbed to allow site earthwork and achieve finished grades for each of the proposed buildings.

Construction of the Proposed Action would require the commitment of building materials such as sand, aggregate, concrete, wood, asphalt and other building materials typically used in the construction of warehouse facilities. There would be an irretrievable commitment of energy resources such as gasoline and diesel fuel for the operation of construction equipment during the construction of the Proposed Action.

The long-term demand for water and energy resources at the Project Site will increase when the proposed land uses are operational. The Proposed Action would result in the long-term commitment of these resources for the operation of the warehouse facilities. However, the amounts of water and energy used in operation of the Proposed Action would be relatively small in relation to regional consumption, and sufficient quantities of water and other resources are anticipated to be available locally and in the region to accommodate this demand.

Based on the foregoing, the Proposed Action will not create any significant adverse environmental impacts and will avoid or minimizes adverse environmental impacts to the maximum extent practicable.

Chapter 7: Growth Inducing Aspects

This chapter will describe the potential growth inducing aspects the Proposed Action may have. Listed below are examples of topics that are typically affected by the growth induced by a project. Items that are typically affected by the growth induced by a project include population and support facilities. These items will be addressed qualitatively, not quantitatively.

A. Population

The 2020 ACS 1-year Estimates Census data indicates that Montgomery has 12,356 residents aged 16 or older in the workforce, and Orange County has 188,580.[14] An estimated 2.4 percent of the Montgomery residents are unemployed, as are 3 percent of county residents.[15] An estimated 10.7 percent of the Montgomery workforce and 6.7 percent of the Orange County workforce is employed in "transportation, warehousing & utilities."[16]

As such, while 898 new employees are expected, these numbers show that there is an opportunity to find local employees with minimal increases in population or businesses needed to support them.

Data from the New York State Department of Labor Local Plan of Orange County[17] indicates a substantial existing labor force from which the Proposed Action can attract potential employees. The county labor force is drawn from an area including Orange, Dutchess, Rockland, Sullivan and Ulster Counties in New York, Pike and Wayne Counties in Pennsylvania, and Sussex County, New Jersey. Many of these counties are along the Interstate 84 corridor adjacent to the Project Site, which is important since twenty-two percent of the county workforce commutes into Orange County from elsewhere.[18]

The collective civilian labor force in these counties is approximately 564,000 people, of which approximately 30,000 are actively seeking work.[19]

Roughly 60,000 employees commute into Orange County from elsewhere for work opportunities, with a mean travel time of 34.4 minutes,[20] demonstrating an available workforce within commuting distance without expected measurable increases in resident population.

While there is potential for 898 new employees due to the Proposed Action, it is unlikely that most employees will be relocating to the area for this work. 30,000 people in the immediate area of

---

[14] 2020 US Census ACS 5-year Estimates, Table DP03.

[15] Ibid.

[16] Ibid.

[17] Orange County, NY Local Plan for 2021 through 2025, July 1, 2021 https://dol.ny.gov/system/files/documents/2021/12/orange-county-local-plan-combined-11-24-2021.pdf

[18] Ibid.

[19] US Census OnTheMap, Orange County, accessed April 17, 2023

[20] 2020 US Census ACS 5-year Estimates, Commuting Characteristics Table S0801.

Orange, Dutchess, Rockland, Sullivan and Ulster Counties in New York; Pike and Wayne Counties in Pennsylvania; and Sussex County, New Jersey are seeking employment. In other words, there is an existing local labor force available within the geographic area. This, along with the average time traveled for those working in the county (34.4 minutes), supports the conclusion that the workforce will be local.

It is moreover unlikely that anyone outside of an executive role would have the financial incentive to relocate. As management is expected to account for 2.43 percent of this workforce, this equals 22 people. If a portion of these executives are relocated to the area, the impact on the housing market will be insignificant. The Proposed Action, therefore, is not expected to generate significant need for housing. According to the United States Department of Housing and Urban Development (HUD), Orange County is part of the Orange-Rockland-Westchester Housing Market Area (Westchester HMA). The most recent data, although now 6 years old, reports that the overall housing market for both sales and rental is classified as "currently balanced" in terms of supply and demand.[21]

B. Support Facilities

There are roughly 30 million gross square feet of warehousing and industrial space in the county,[22] evidence that the supportive service industries needed are already in place locally; the creation of new businesses will be unnecessary.

In addition, because the new facility is in an area with existing warehousing, trucking, and transportation uses, it is believed that supportive service industries are already in place and the creation of new businesses will be unnecessary. An increase in workload for existing businesses that provide ancillary services to the facility such as food services and groundskeeping is likely.

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

This chapter will discuss the proposed project and its impacts in terms of the use of energy by the proposed Project. In accordance with the requirements of the Community Risk and Resiliency Act, this chapter will also consider that future physical risk due to sea level rise, storm surge and flooding have been considered as part of the Project and any relevant factors evaluated.

Because the site is currently vacant, there is no energy use as an existing condition. Electricity and natural gas are available to be provided in the area by Central Hudson Gas and Electric per their service territory area map. There is a Central Hudson Gas & Electrical easement which exists along the property's western frontage on Beaver Dam Road. The availability of gas and electrical services is confirmed by a serve letter provided and discussed in Chapter 3K (see Appendix L).

As it relates to the physical impact of the site, on December 28, 2010, the State of New York adopted the Energy Conservation Construction Code of New York State (ECCCNYS-2010), requiring the use of

[21] US Department of Housing & Urban Development, Office of Policy Development and Research; Comprehensive Housing Market Analysis Orange-Rockland-Westchester, New York; November 1, 2017.

[22] Orange County Education and Economic Development Committee, 3/18/2021.

energy efficient products in all new and renovated construction, and establishing required level of energy efficiency for the buildings' thermal envelope (i.e. exterior wall insulation, attic insulation and ventilation, air barriers and slab insulations), the buildings' mechanical systems (i.e. heating, cooling and ventilation) and electrical power consumption (i.e. lighting). The building's roofs will be constructed to hold the weight of solar panels, but the decision to install them will ultimately be at the tenant's discretion. Similarly, the site can be wired for a percentage of EV parking spaces but the decision to install the chargers will again be at the tenant's discretion.

During construction, energy will be used to power equipment and various construction vehicles. After construction and during typical operations, the primary source of energy for heating would be natural gas. In addition to heating, natural gas would be used to operate ventilation and HVAC systems. Electricity would be used to provide lighting and energy for warehouse and accessory office operations.

It is anticipated that natural gas would be used to provide heating, while electricity would be used to provide cooling. It is projected that the entire warehouse will require heating and cooling with the mechanical, electrical, and equipment rooms requiring heating only. Heating and insulation would prevent freezing temperatures within the building, while cooling during the summer months would be provided with adequate ventilation. The warehouse would experience only minor temperature changes. Materials stored in the warehouse at moderate temperatures would not be damaged or spoiled.

Warehouses in the United States average about 6.1 kilowatt-hours (kWh) of electricity and 13,400 Btu of natural gas per square foot annually.[23] Based on these averages, the proposed project would result in a total of approximately 6,882,447 kWh of electricity and 15,118,818,000 Btu of natural gas annually, spread across the two warehouse structures. The amounts of energy used in the operation of the proposed project would be relatively minor in relation to regional consumption. Based on the foregoing, the proposed project will not create any significant adverse environmental impacts and will avoid or minimize adverse environmental impacts to the maximum extent practicable.

Given the location of the Proposed Action, sea level rise would not have direct impacts on the Project Site. In relation to storm surges, the proposed development increases the impervious surface of the site which can contribute to flooding. However, a review of the National Wetlands Inventory (NWI) GIS mapping shows three wetland types mapped on site, including Freshwater Forested/Shrub, Freshwater Pond and Riverine wetlands. See Figure 8.1 below. Wetlands are effective at reducing flooding as one-acre of wetland can typically store about one million gallons of water.[24] For more information regarding storm water management, refer to Chapter 3.

[23] U.S. Energy Information Administration. Commercial Building Energy Consumption Survey data

[24] United States Environmental Protection Agency, "Wetlands: Protecting Life and Property from Flooding", May 2006 https://www.epa.gov/sites/default/files/2016-02/documents/flooding.pdf

Figure 8.1: Wetlands Map

The Federal Emergency Management Agency (FEMA) provides Flood Insurance Rate Maps (FIRM) flood mapping for the Town. The most recent mapping is dated 8/3/2009. No surface waters exist within the limits of disturbance for the project. The map shown below confirms the entire site is within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."

Figure 8.2: FEMA Map

Based on the conditions noted above, no mitigation measures are necessary to address future physical risk at the site due to flooding, sea level rise, or storm surge.

Chapter 9: Climate Change

This section will discuss measures to avoid or reduce the action's impact on climate change and associated impacts due to the effects of climate change such as sea level rise and flooding. This will include consideration of a model that includes a 1000-year storm event. Relevant discussion with respect to the Proposed Action will be provided based on New York's Climate Leadership and Community Protection Act.

A. Community Risk and Resiliency Act

It is important not only to ensure that the Proposed Action has limited impact on our climate, but that it is protected from the effects of climate change that may occur~~come~~ in the future. ~~come in the future.~~ The Community Risk and Resiliency Act (CRRA) of 2014 mandates that sea level rise and other climate-related risks be considered in certain facility-siting regulations.

Given the location of the Proposed Action, sea level rise would not have direct impacts on the Project Site. In relation to storm surges, the proposed development increases the impervious surface of the site which can contribute to flooding. However, a review of the National Wetlands Inventory (NWI) GIS mapping shows three wetland types mapped on site, including Freshwater Forested/ Shrub, Freshwater Pond and Riverine wetlands. See Figure 8.1 above. Wetlands are effective at reducing flooding as one-acre of wetland can typically store about one million gallons of water.[25] For more information regarding storm water management, refer to Chapter 3. The Federal Emergency Management Agency (FEMA) provides Flood Insurance Rate Maps (FIRM) flood mapping for the Town. The most recent mapping is dated 8/3/2009. No surface waters exist within the limits of disturbance for the project. The map, as shown in Figure 8.2 above, confirms the entire site is within Zone X, defined as "areas determined to be outside the 0.2% annual chance floodplain."

According to the National Oceanic and Atmospheric Administration (NOAA) National Weather service, the frequency of 12.3 inches of rainfall in a day is a 1,000-year event, whereas rainfall of 10.7 inches in a day is a 500-year event. Location, duration, and area size are elements that help determine the frequency of a n-year event. Within the next 10 years, there is a 2% chance of a 500-year event occurring and a 1% of a 1,000-year event occurring in Montgomery. Furthermore, in review of the Orange County Climate Resilience Study, there is no indication that the subject site will be impacted by heavy precipitation, extreme heat, extreme storms, ~~storms~~ and/or inland/coastal flooding as identified as the areas of concern illustrated in the Resilience Study.

Based on the conditions noted above, no mitigation measures are necessary to address future physical risk at the site due to flooding, sea level rise, or storm surge.

United States Environmental Protection Agency, "Wetlands: Protecting Life and Property from Flooding", May 2006 https://www.epa.gov/sites/default/files/2016-02/documents/flooding.pdf

[25] United States Environmental Protection Agency, "Wetlands: Protecting Life and Property from Flooding", May 2006 https://www.epa.gov/sites/default/files/2016-02/documents/flooding.pdf

B.

B. Climate Leadership and Community Protection Act

The Climate Leadership and Community Protection Act ("CLCPA"), which went into effect in 2020, mandates greenhouse gas ("GHG") emissions reductions from all sectors of New York's economy and calls for: (a) a 40% reduction in emissions by 2030; (b) 100% zero-emissions electricity from clean energy sources by 2040; and (c) an 85% reduction in emissions by 2050. In addition, one of the cornerstones of the CLCPA is to identify and consider the impacts of implementing the new legislation and other regulatory actions on underserved and vulnerable populations or "Disadvantaged Communities." Following enactment of the CLCPA, NYSDEC adopted 6 NYCRR Part 496, Statewide Greenhouse Gas Emission Limits. The rule adopts limits on the emission of greenhouse gases in 2030 and 2050, as a percentage of 1990 emissions, per the requirements of the CLCPA. It applies to all emission sources in the State, but the rule does not itself impose compliance obligations. The statewide greenhouse gas emission limits established in Part 496 will serve as the baseline for the promulgation of future sector-specific regulations by NYSDEC, which the CLCPA requires to ensure compliance with the statewide emission reduction limits.

As NYSDEC has not yet promulgated any regulations pursuant to the CLCPA that would apply to the Proposed Action, the following discussion is limited to a general overview of GHG emissions and potential impacts to Disadvantaged Communities associated with the project. Regarding the implementation of solar panels, the building's roofs will be constructed to hold the weight of solar panels, but the decision to install them will ultimately be at the tenant's discretion. Similarly, the site can be wired for a percentage of EV parking spaces but the decision to install the chargers will again be at the tenant's discretion.

Greenhouse Gas Emissions

Most of the GHG emissions from the Proposed Action would come from truck and passenger vehicle trips. It is difficult to accurately predict the emissions as different end users would produce varying results regarding miles traveled, age of vehicle fleets, and distribution efficiency.

This report ~~attempts to provide~~provides a rough calculation of potential GHG emissions for passenger vehicle and transport truck trips associated with the proposed Project~~warehouse development~~. The calculation assumes an average of 180 daily truck ~~trip~~trips and 333 daily passenger vehicle trips based on ITE estimates for warehouse uses (Land Use Category 150, traditional warehousing). Trucks are assumed to travel an average of 50 miles per trip with an average load of 20 tons. Based on an emission factor of 161.8 grams of CO_2 per ton-mile, the warehouses would generate 29.12 metric tons of CO_2 emissions per day or 7,572 metric tons per year. Assuming an average of 15 miles per trip and an average fuel efficiency of 30 miles per gallon, passenger vehicles are estimated to consume 166.5 gallons per day for trips to and from the warehouses. Passenger vehicles produce an average of 8,887 grams of CO_2 per gallon of gasoline. This results in an average of 1.47 metric tons of CO_2 generated per day or 384 metric tons per year. In total, the warehouses would be associated with just under 8,000 metric tons of CO_2 emissions per year.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

~~This report attempts to provide a rough calculation of potential GHG emissions for vehicle and truck trips associated with the proposed warehouse development. The calculation assumes an average of 180 daily truck trip and 333 daily passenger vehicle trips based on ITE estimates for warehouse uses (Land Use Category 150, traditional warehousing). Trucks are assumed to travel an average of 50 miles per trip with an average load of 20 tons. Based on an emission factor of 161.8 grams of CO2 per ton-mile, the warehouses would generate 29.12 metric tons of CO2 emissions per day or 7,572 metric tons per year. Assuming an average of 15 miles per trip and an average fuel efficiency of 30 miles per gallon, passenger vehicles are estimated to consume 166.5 gallons per day for trips to and from the warehouses. Passenger vehicles produce an average of 8,887 grams of CO2 per gallon of gasoline. This results in an average of 1.47 metric tons of CO2 generated per day or 384 metric tons per year. In total, the warehouses would be associated with just under 80,000 metric tons of CO2 emissions per year.~~

Warehouse and distribution facilities reduce the number of trips associated with traditional distribution chains and maintain fuel economy. Modern truck routing management programs would likely be used to reduce mileage. Exhaust odors from heavy equipment and trucks will be minimized by limiting idling engines in accordance with current regulatory idling restrictions, including 6 NYCRR 217-3, which prohibits heavy-duty vehicles, including non-diesel and diesel trucks and buses with a gross vehicle weight rating (GVWR) of more than 8,500 pounds, from idling for more than five minutes at a time. In addition, upon implementation of appropriate Site Generated Traffic Mitigation Measures contained in the Traffic Study, idling caused by slow-moving traffic will have been mitigated to the maximum extent practicable.

The limited existing development at the Project Site results in a minimal amount of energy use. Natural gas and electric service to the Project Site will be provided by Central Hudson Gas & Electric Corporation. The primary source of energy for heating would be natural gas. In addition to heating, natural gas would be used to operate ventilation and HVAC systems. Electricity would be used to provide lighting and energy for warehouse and accessory office operations. It is anticipated there would be approximately 64 25-ton rooftop HVAC units to provide heating and cooling for the warehouses. It is projected that only the office area will require heating and cooling with the warehouse, mechanical, electrical, and equipment rooms requiring heating only. Heating and insulation would prevent freezing temperatures within the building, while cooling during the summer months would be provided with adequate ventilation. The warehouse would experience only minor temperature changes.

Back-up generators would only be used during emergencies and during routine engine exercise. Any emissions from generators would be minimal and short-term in nature. Generators are subject to NYSDEC regulations and HVAC is regulated by the NYS Building & Energy Codes. There are no anticipated regulated air emissions from the proposed warehouse building operations and there are no air permits required from the NYSDEC.

Based on the foregoing, the Proposed Action will not create a significant new source of GHG emissions, such that it would be deemed inconsistent with the goals of the CLCPA. In addition, to the

extent any formal CLCPA consistency demonstration is required for the Proposed Action, such demonstration will be a necessary condition for approval of the Applicant's State permits.[26]

Greenhouse Gas Offsets

Greenhouse gas emissions associated with the Proposed Action could potentially be reduced or partially offset by incorporating "green" technologies such as charging stations for electrical vehicles and roof-mounted solar power systems.

The majority of greenhouse gas emissions associated with the Proposed Action would be produced by transport and passenger vehicles. Potential GHG offsets from the incorporation of charging stations would only be realized to the extent that electric vehicles might be utilized by end users and their employees. The use of electric vehicles is not controlled by the Project and is therefore difficult to accurately predict. Even if electric transport vehicles were used by end users, it is likely that gasoline would still be the dominant fuel used for passenger vehicles.

Potential greenhouse gas offsets from the incorporation of solar panels on the warehouse roofs would depend on the extent of daily and seasonal electricity usage for lighting, ventilation, cooling, warehouse equipment, and office operations.

The generating capacity of solar power systems is dependent on factors including local sun conditions, usable roof area, panel technology and angle of tilt, inverter efficiency, and power storage efficiency. Assuming a combined usable warehouse roof area of approximately 750,000 square feet, a typical 11,200 kW DC solar power system in Montgomery, NY could potentially generate approximately 14.3 million kWh annually.[27] If that energy could be fully utilized by the Project's warehouse operations and vehicles, it could offset the equivalent of over 6,000 metric tons of carbon dioxide annually. This is equivalent to approximately 1,450 gasoline-powered passenger vehicles, or approximately 600,000 gallons of diesel fuel annually[28].

Actual GHG offsets would depend on actual demand for and utilization of solar-generated power by the Project. Additionally, some warehouse building heating and cooling would potentially need to be supplemented by natural gas.

Formatted: Left

Disadvantaged Communities

Pursuant to ECL § 75-0101, Disadvantaged communities are "communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess

[26] CLCPA Section 7(2) provides that "[i]n considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, all **state** agencies, offices, authorities, and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law." (emphasis added).

[27] National Renewable Energy Laboratory, PVWatts Calculator, Alliance for Sustainable Energy, LLC.

[28] United States Environmental Protection Agency, Greenhouse Gas Equivalencies Calculator | US EPA

certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households, as identified pursuant to section 75-0111 of this article.

Disadvantaged communities are identified at the census tract level and are based on geographic, public health, environmental hazard, and socioeconomic criteria, which includes:

1. Areas burdened by cumulative environmental pollution and other hazards that can lead to negative public health effects;
2. Areas with concentrations of people that are of low income, high unemployment, high rent burden, low levels of home ownership, low levels of educational attainment, or members of groups that have historically experienced discrimination based on race or ethnicity; and
3. Areas vulnerable to the impacts of climate change.

The Proposed Action is located within Census Tract 36071010801, which has been designated a Disadvantaged Community due to it having a higher Environmental Burden than 94% of Census Tracts statewide and a Population Vulnerability higher than 41% of Census Tracts statewide.

Section 7(3) of the CLCPA provides that "[a]ll state agencies, offices, authorities, and divisions shall also prioritize reductions of greenhouse gas emissions and co-pollutants in disadvantaged communities as identified pursuant to such subdivision 5 of section 75-0101 of the environmental conservation law. As the Proposed Action will not create a significant new source of GHG emissions (or co-pollutants), it is unlikely that the Proposed Action will disproportionately burden a Disadvantaged Community such that it would be deemed inconsistent with the goals of the CLCPA. As discussed previously, to the extent any formal CLCPA consistency demonstration is required for the Proposed Action, such demonstration will be a necessary condition for approval of the Applicant's State permits.[29]

[29] CLCPA Section 7(3) provides that, "[i]n considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, pursuant to article 75 of the environmental conservation law, all **state** agencies, offices, authorities, and divisions shall not disproportionately burden disadvantaged communities as identified pursuant to subdivision 5 of section 75-0101 of the environmental conservation law." ~~(emphasis added).~~ (emphasis added). ~~[29] CLCPA Section 7(3) provides that, "[i]n considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts, pursuant to article 75 of the environmental conservation law, all **state** agencies, offices, authorities, and divisions shall not disproportionately burden disadvantaged communities as identified pursuant to subdivision 5 of section 75-0101 of the environmental conservation law." (emphasis added).~~

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Colliers
Engineering & Design

Appendix

Appendix A | Final Scope

Colliers
Engineering
& Design

Appendix B | Interested & Involved Agencies

Colliers
Engineering
& Design

Appendix C | Stormwater Pollution Prevention Plan

Colliers
Engineering
& Design

Appendix D | Project Plans

Colliers
Engineering
& Design

Appendix E | Traffic

Colliers
Engineering
& Design

Appendix F | Archaeological

Colliers
Engineering
& Design

Appendix G | Acoustical

Colliers
Engineering
& Design

Appendix H | Geotechnical

Colliers
Engineering & Design

Appendix I | Ecological

Colliers
Engineering & Design

Appendix J | Environmental Site Assessment

Colliers
Engineering
& Design

Appendix K | Visual

Colliers
Engineering
& Design

Appendix L | Utility

Colliers
Engineering & Design

Appendix M | Community Impact

Colliers
Engineering
& Design

Appendix N | Air Quality

Colliers Engineering & Design

Colliers Engineering & Design is a trusted provider of multi-discipline engineering, design and consulting services providing customized solutions for public and private clients through a network of offices nationwide.

For a full listing of our office locations, please visit colliersengineering.com

1 877 627 3772

Buildings • Civil/Site • Geotechnical/Environmental • Governmental
Infrastructure • Project/Program Management • Survey/Geospatial • Telecom & Utility

Accelerating success.