



Engineering  
& Design



# Final Environmental Impact Statement (FEIS)

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  
SEQRA Classification: Type 1

June 27, 2025; Last revised: June 19, 2026

Prepared for:

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Project No. 21000327A

<b>Project Name:</b>	Neelytown Business Park
<b>Project Location:</b>	Neelytown Road & Beaver Dam Road Town of Montgomery, NY
<b>Property Tax ID No.:</b>	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
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<b>Scoping Outline Approved:</b>	August 8, 2022
<b>SEQRA Classification:</b>	Type 1
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<b>DEIS Public Hearing Date:</b>	December 9, 2024
<b>Public Hearing Adjournment Date:</b>	None, Closed on January 27, 2025
<b>DEIS Written Comments Due:</b>	February 14, 2025

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New York State Department of Environmental Conservation Region 3 21 South Putt Comers Road New Paltz, New York 12561-1696	Orange County Health Department, Division of Environmental Permits 1887 County Building 124 Main Street Goshen, New York 10924
New York State Office of Parks, Recreation and Historic Preservation (via CRIS system) Post Office Box 1 89, Peebles Island Waterford, New York 12188	

<b>Interested Agencies</b>	
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U.S. Army Corps of Engineers 26 Federal Plaza Jacob Javits Building New York, New York 10278	Town of Montgomery Police Department 110 Bracken Rd, Montgomery, New York 12549
Town of Montgomery EMS P.O. Box 25 Walden, New York 12586	Maybrook Fire Department 204 Wallace Ave Maybrook, New York 12543
New York State Police 1220 Washington Avenue Building 22 Albany, New York 12226-2252	Orange County Sheriff's Office 110 Wells Farm Road Goshen, New York 10924

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## Chapter 1: Introduction and Project Summary

### A. Introduction

Pursuant to the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”), this draft Final Environmental Impact Statement (“FEIS”) has been prepared by RDM Group, LLC (“RDM” or the “Project Sponsor”) for two proposed “intensive warehouses”<sup>1</sup> to be known as the “Neelytown Business Park” and hereinafter referred to as the “Proposed Action” or “Project”. Following completion of the DEIS, the layout has not changed in terms of building footprint, passenger parking, or layout. The only minor change is 1 land banked trailer space has been added increasing the total trailer storage spaces from 245 spaces to 246 spaces. The draft FEIS has been prepared by RDM for review and acceptance by the Town of Montgomery Planning Board (the “Planning Board”), which is serving as SEQRA lead agency for the coordinated environmental review of the Project with other involved and interested agencies.

RDM had previously submitted a Draft Environmental Impact Statement (“DEIS”) for the Project, which was deemed complete by the Planning Board for purposes of public review on November 19, 2024. Thereafter, on December 9, 2024 and January 27, 2025, the Planning Board held public hearings on the DEIS and on RDM’s applications to the Planning Board for Special Use Permit, Site Plan, Subdivision and Lot Line Consolidation approvals (the “Applications”). The Planning Board closed the SEQRA hearing on January 27, 2025, allowing an extended written public comment period on the DEIS that ended on February 14, 2025. The Planning Board continued the public hearings on the Applications to a future date to be determined based upon its acceptance of the FEIS.

Transcripts from the public hearings on December 9, 2024 and January 27, 2025 are included in **Appendix A** to the FEIS. **Appendix A** also includes all written comments received by the Planning Board during the extended public comment period provided after the SEQRA public hearing was closed.

As required by SEQRA, this FEIS includes: “the draft EIS, including any revisions or supplements to it; copies or a summary of the substantive comments received and their source (whether or not the comments were received in the context of a hearing); and the lead agency’s responses to all substantive comments.” Accordingly, this draft FEIS includes and provides responses to all substantive comments received on the DEIS from all involved and interested agencies and members of the public in the public hearings or during the public comment period provided by the Planning Board. See **Appendix A**. In addition, redline revisions to the DEIS are annexed hereto as **Appendix B**.

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<sup>1</sup> The Town of Montgomery Zoning Law (“Zoning Law”) defines “intensive warehouses” as a “warehouse, whether the principal or accessory use on the site, having more than one truck parking space per 7,500 square feet of floor area or averaging more than 24 arrivals per day or 24 departures per day by commercial vehicles 25 feet in length or greater over any forty-five-day period.” “Warehouse” is defined by the Zoning Law to be a “facility containing goods manufactured, used, transferred, stored, transported or sold by the owner or lessor of the warehouse. A warehouse may be attached to or accessory to an office, industrial building or use or a commercial use or may be a separate or principal use of a property subject to the requirements of this chapter.”

This FEIS is organized into the following sections:

- **Chapter 1.B – Introduction and Project Summary**, outlines the proposed components of the Neelytown Business Park Warehouse Facility and the modifications made to the Project since the preparation of the DEIS. Revisions reflect both responses to the comments made on the DEIS, as well as further refinement of the Project and Site Plans by the Project Sponsor. This section also provides a timeline of the milestone actions taken over the history of the Project.
- **Chapter 2 – Comment and Responses**, is a comprehensive compilation of all comments received on the DEIS, including comments received during the public hearings and all written comments submitted to the Planning Board. Responses to each of these comments are provided.

The appendices to this FEIS include all public comments received, the redlined DEIS, and all of the technical reports, plans and other materials referenced in the responses to comments.

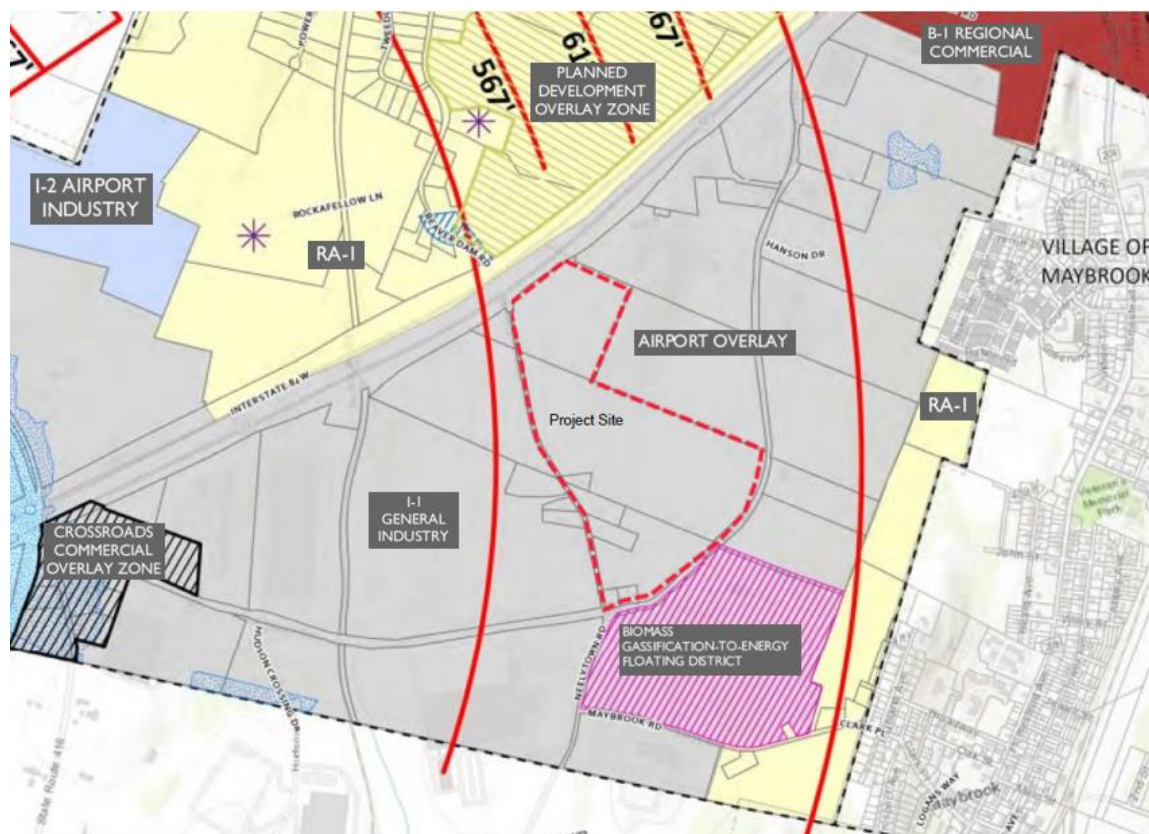
## B. Executive Project Summary

RDM owns the property located on Neelytown Road and Beaver Dam Road in the Town of Montgomery, New York comprised of SBL # 36-1-33, 36-1- 11.221, 36-1-11.23, 36-1-11.212, 36-1-11.211, 36-1-11.11, 36-1-10.1 and 33-1-91 (collectively, the “Project Site” or “Site”) on which it proposes to construct two intensive warehouses and associated site improvements on separate lots. No refrigerated product storage uses are proposed, nor will the warehouses be used for other industrial or manufacturing uses. Consistent with the Zoning Law’s definition of “warehouse,” no truck maintenance service or repair facilities will be provided as part of the Proposed Action. From the prior DEIS submission to the FEIS submission, the building footprint, parking, and layout has not changed. Lot 1 consists of ±85.62 acres with a ±850,000 square foot (“SF”) warehouse that includes 16,000 SF of office space (“Warehouse 1”) as well as 134 truck loading spaces and 245 parking spaces for trailers. Additionally, 210 passenger vehicle parking spaces for warehouse use, 80 passenger vehicle parking spaces for office use, and 10 ADA-compliant passenger vehicle parking spaces are provided. Lot 2 consists of ±26.83 acres with a ±278,270 SF warehouse that includes 8,000 SF of office space (“Warehouse 2”) as well as 50 truck loading spaces and 56 parking spaces for trailers. Additionally, 110 passenger vehicle parking spaces for warehouse use, 40 passenger vehicle parking spaces for office use, and 6 ADA-compliant passenger vehicles parking spaces are provided.

The Project Site is located in the Town of Montgomery’s I-1 (General Industry) zoning district, where intensive warehouses are allow subject to Special Use Permit and Site Plan review by the Planning Board. The Project is also located in the Town’s Airport Overlay district and is situated approximately 2 miles southeast of the Orange County Airport. Further, the Site is 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.

Most of the area within one-half mile of the Project Site is in the Town of Montgomery. Surrounding land uses include existing warehouses on Neelytown Road as well as residential uses on Beaver Dam Road and to the north of I-84. Residential uses in the I-1 district are nonconforming while

residential uses to the north of I-84 are in the RA-1 District (Residential Agriculture – One- and Two Family Residences) where such uses are allowed. 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. Refer to **Figure 1** below for the land use districts around the Project Site.



**Figure 1: Surrounding Land Uses**

The Project Site has one large hill in the central and northwestern portions of the Site. The Site’s elevation along Neelytown Road is 416 feet (126.8 meters) Above Mean Sea Level (“AMSL”), rising to 480’ (146.3 meters) AMSL at the top of the hill in the western portion of the Site. The elevation along the western boundary along I-84 is 390 feet (118.9 meters) AMSL.

There are federal and state regulated wetlands along the southern portion of the Project Site. The Site lies in a vegetation zone where the Northern Hardwood Forest Zone meets the Appalachian Oak Forest Zone. The wooded areas of the Site contain trees with diameters that suggest relatively recent reforestation (e.g., within the last 30-50 years). Furthermore, the Forest Patch Preserved exhibit and the Overall Existing Conditions and Demolition plan within the plan set provides the

analysis of tree removal survey from pre- and post- construction. 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 as close as 520 feet south of the main corridor of Beaver Dam Brook, a tributary of which flows through the eastern portion of the Project Site.

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  $\pm 3.517$  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 K to this FEIS. Mitigation of the wetland disturbance is proposed by RDM 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 would consolidate the tax parcels comprising the Project Site and subdivide the lands involved into two lots, each with an intensive warehouse and improvements as follows:

- Lot 1 would be  $\pm 85.62$  acres with a  $\pm 850,000$  square foot ("SF") warehouse that includes 16,000 SF of office space ("Warehouse 1") as well as 134 truck loading spaces and 245 parking spaces for trailers. Additionally, 210 passenger vehicle parking spaces for warehouse use, 80 passenger vehicle parking spaces for office use, and 10 ADA-compliant passenger vehicle parking spaces are provided.
- Lot 2 would be  $\pm 26.83$  acres with a  $\pm 278,270$  SF warehouse that includes 8,000 SF of office space ("Warehouse 2") as well as 50 truck loading spaces and 56 parking spaces for trailers. Additionally, 110 passenger vehicle parking spaces for warehouse use, 40 passenger vehicle parking spaces for office use, and 6 ADA-compliant passenger vehicles parking spaces are provided.

Both warehouses will have associated improvements including stormwater control measures, utility infrastructure, dark-sky compliant lighting, signage, and landscaping.

Access to the Project Site is proposed via two driveways with use shared by both lots and one limited use driveway for emergency vehicle access only to the Project Site. One passenger car and truck access driveway is proposed from Neelytown Road ("Driveway #1) and a second driveway for passenger cars only is proposed from Beaver Dam Road ("Driveway #2). The emergency access

driveway on the northern end of the Site will have a gate and an emergency key box for Emergency Vehicle use only.

The traffic improvements required as a result of the project are the widening and introduction of right and left turn lanes at the site access on Neelytown Road, the installation of a 360 degree camera for vehicle detection at the intersection of Neelytown Road and Beaver Dam Road (as discussed with OCDPW) and the furnishing and installation of radar detection at the intersections of NYS Route 208 and the I-84 EB and WB Ramps and NYS Route 208 and Hawkins Drive (as discussed with NYSDOT).

A vegetated berm and substantial landscaping along Beaver Dam Road are proposed to minimize visual impacts as much as possible from the road and neighboring uses. In addition, a solid 15' fence will be added between the loading docks and the residential uses along Beaver Dam Road to reduce potential noise impacts from the Project. As a result of these measures, views of Warehouse 2's truck loading docks 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 partially visible from Neelytown Road, even 10 years or more after the planting of proposed landscaping. Over time, however, these visual impacts will be reduced. For travelers along I-84 and residential uses to the north of the interstate, views of the warehouses will be obstructed by dense vegetation and intervening topography.

The car parking areas, pedestrian walkways, driveways, trailer parking and loading dock areas are all proposed to be lit with either pole mounted fixtures at varying heights or wall pack fixtures located on the building façade. The areas of outdoor activity would be illuminated from dusk-to-dawn and during periods of inclement weather, such as fog, snowstorms, or intense thunderstorms. As noted above, all outdoor lighting will be dark-sky compliant to avoid offsite lighting impacts and sky-glow from the Project.

Earthwork is necessary to construct the Proposed Action, as depicted on the Grading & Drainage Plan of the Site Plan Set in **Appendix F**. The proposed site improvements will require approximately 87.66 acres of soil disturbance.

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, the proposed construction will require an 180,000 gallon fire water tank. The Town's water tank, water line, and access easements located to the north of the site will remain undisturbed. There will be no impact to the Town water tank as it is greater than 1,000 ft. away from the northern point of the site. 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.

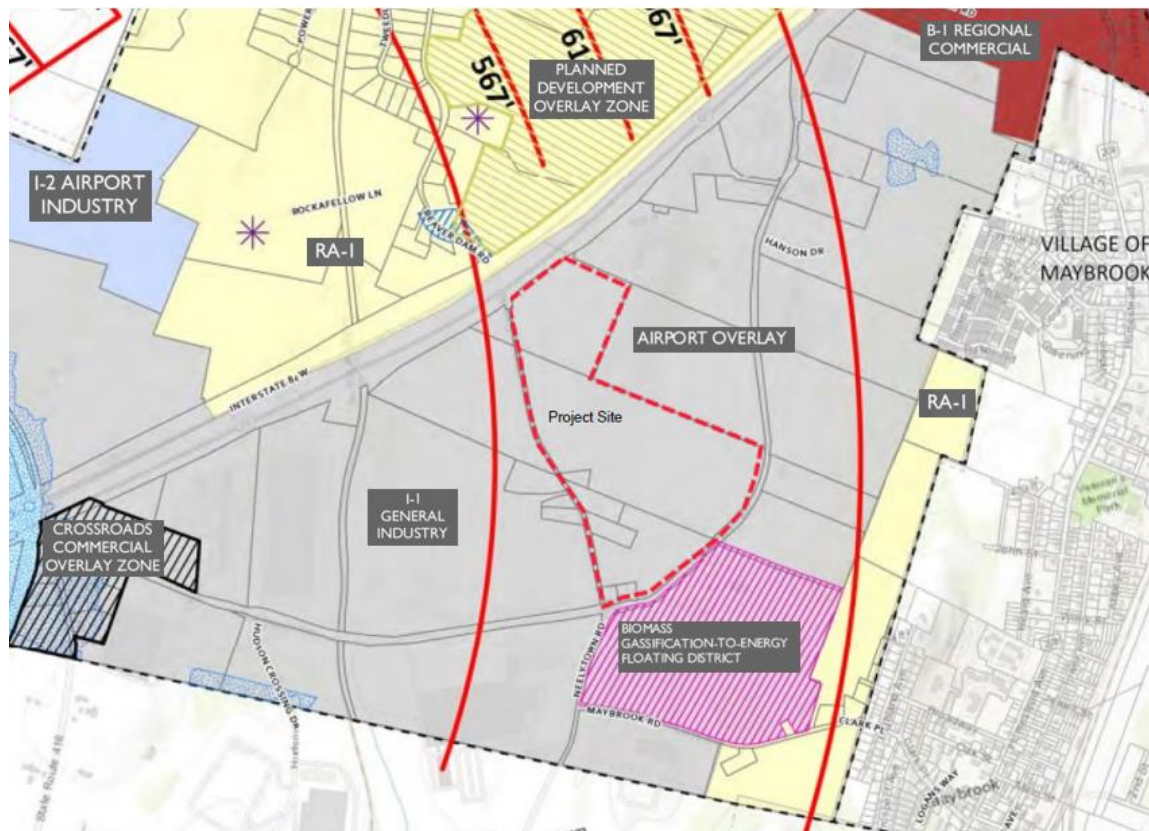
The total sanitary sewer design demand for the Proposed Action is estimated to be no more than 5,205 gpd, assuming a warehouse classification (Refer to **Appendix N** for the Engineer's Sewer Report). Considering a 20% reduction for installation of water-saving plumbing fixtures the estimated demand 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 2" 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 L**, Environmental Site Assessment, for additional information.

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 E**). Long-Term Stormwater Maintenance agreements will be provided within the SWPPP as required by the New York State Stormwater Management Design Manual. This will also include an Stormwater Operation and Maintenance manual and overall site maintenance 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)". This includes landscape maintenance, snow removal and deicing of the project site and includes providing the necessary removal of snow from the trailers prior to leaving the project site, and stormwater management facility maintenance. This will ensure the safe circulation of the project site during inclement weather or nighttime operations (including accessibility of the emergency access driveway at all times); maintain the health and sustainability of the landscape improvements for buffering/screening and aesthetic appearances, building façade and all internal building components; and maintain the functionality of all site improvements such as the stormwater collection, conveyance, and treatment systems. Further detail of each maintenance requirement is provided in the DEIS.

Each entity providing such maintenance, as described above, for the project will not be an established use on the site, nor will storage areas for the same be established on the project site. This includes no storage of salt or other deicing materials. The owner will be responsible for the maintenance and compliance with all maintenance agreements relating to the operation of the Project to the satisfaction of the jurisdictional agencies. If the applicant maintains ownership of the development, they will be responsible for the site utility maintenance. In the event the applicant decides to sell the project, the new ownership group will bear the responsibility of the utility maintenance.

Site Plans detailing the proposed development for the project have been prepared by Colliers Engineering & Design (DBA Maser Consulting), dated May 12, 2023, and last revised March 28, 2025 (see full site plan set in **Appendix F**).



**Figure 2: Surrounding Land Uses Changes to the Project**

The Site Plan provided in the DEIS has been refined to respond to comments received from the Planning Board, Town Consultants and staff, and the outside reviewing agencies and the public. In addition, some revisions are a result of further advancement of the details of the Site Plan. See Site Plan dated May 12, 2023, last revised December 12, 2025, in **Appendix F** to this FEIS. The FEIS and revised Site Plan incorporate the following key revisions and further mitigation measures to address impacts:

- **Erosion and Sediment Control Plans & Construction Phasing:**

As described in the DEIS, the Proposed Action involves an increase in the amount of impervious area located on Site. The project will also require approximately 87.66 acres of soil disturbance to complete the overall construction. The removal of the existing woods and brush on-site in favor of impervious surface and landscaped areas will cause an increase in the stormwater runoff.

The size of the proposed disturbance requires the preparation of an erosion and sediment control plan which has been included within the site plan set and Stormwater Pollution

Prevention Plan (SWPPP). Due to the scale of the Proposed Action, construction will take place in phases to ensure no more than 18 acres are disturbed at once. It is understood by the Applicant, as well as the design engineer, that the 18-acre limit is critical to the identified construction phases identified within the Soil Erosion and Sediment Control Plan. The Erosion and Sediment Control Plans have been designed in accordance with the New York Standards and Specifications for Erosion and Sedimentation Control dated November 2016.

In response to comments received on the DEIS and concerns about construction phasing, cut/fill amounts have been specified per phase and included in the Cut/Fill Report provided as **Appendix J** to this FEIS. In addition to the phasing, enhanced erosion and sediment controls are proposed. These enhanced erosion and sediment controls are memorialized on the Erosion and Sediment Control Plans within the Site Plan and the SWPPP (See **Appendix E** to this FEIS) and include the following:

- Install porous baffles for sediment ponds, because they will quiet the turbulence of the inflowing water.
- Install conveyor belt diversions as water bars as described in Technical Bulletin Conveyor Belt Diversion by Penn State University Center for Dirt and Gravel Roads.
- Enlarged sediment ponds or sediment storage traps utilizing the maximum practical area in excess of the minimum amount recommended in the Bluebook.
- Apply slope protection measures within 3 days after earthmoving on a particular slope is complete.
- Install reinforced silt fences with hay bale or silt sock backing along wetlands or other sensitive areas.
- Install bonded fiber matrix hydraulically applied mulch as temporary stabilization (hay/straw mulch and unbonded hydraulically applied mulches are not acceptable).
- Install flexible growth medium with seed, soil amendment, and fertilizer to seek final stabilization.
- Perform equipment (cat) tracking for bare slopes to be protected. (See page 4.56 of the Bluebook).
- Install slope crest protection (perimeter dike/swale) measures to divert flow from going down the newly graded slope. (See page 3.36 of the Bluebook).
- Install pipe slope drains. (See page 3.37 of the Bluebook). Install reverse slope bench on the long slopes to convey water to a stable outlet. (See page 4.24 of the Bluebook).
- Install Geosynthetic Turf Reinforcement Mats available from Profile Products or equal on the embankments of sediment basins; immediately following construction. (See pages 5.19 to 5.41 of the Bluebook).

- Install Geosynthetic Turf Reinforcement Mats available from Profile Products or equal in temporary diversion ditches within two days of construction to stabilize the ditch.
- Install floating water skimmers connected to the outlet riser pipe in sedimentation ponds (See attached diagrams).
- Install sediment filter bags on the downstream end of the outlet pipe. (See page 5.16 of the Bluebook).
- Design sedimentation pond to maximize the sediment residence time. (See pages 5.19 to 5.41 of the Bluebook).
- Address the disposal or storage of sediment cleaned from sediment control devices, sediment ponds, ditches, and drainage inlets.
- Stabilize construction access roads with crushed stone, item 4, etc.
- Assign a dedicated and trained crew to maintain and repair erosion and sediment control measures daily.
- Install hydroseed & erosion control matting on all disturbed slopes 3H:1V or steeper
- Follow NYSDEC guidelines which limit the maximum soil disturbance area to 18 acres at any given time. Temporary stabilization must be utilized in inactive areas to manage the amount of active open soil disturbance.

As described in the DEIS, the site contains slopes >25% ( $\pm 21.36$  Acres) and these areas are depicted on the revised Site Plan. The Town Zoning Code (§235-10.6– Stormwater Pollution Prevention Plans) provides that the alteration of these steeply sloped areas may increase potential risks of erosion, sedimentation, landslides, and the degradation of scenic views.

The updated SWPPP addresses these potential risks through the proposed Erosion and Sediment Control design for the Proposed Action by establishing the control measures to be implemented during construction for potential erosion and sedimentation migration of disturbed soil areas. In most instances, the areas of slopes >25% will be cut down to create a greatly reduced slope for the installation of site improvements such as the building or paved drive aisles and in some instances proposed vegetated areas. If within vegetated areas, stabilization will be established with various vegetation types and utilize erosion control matting on slopes greater than 3:1.

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.

The implementation of the proposed construction phasing, along with pre- and post-construction erosion controls and drainage improvements have been designed to alleviate the potential creation of safety concerns associated with potential subsidence, road washouts, landslides, flooding, or avalanches as noted in the Town Code, and excessive road or driveway grades are not proposed.

The depth to bedrock has been reviewed based on the observation of the exploratory testing described in the Geotech Report provided in the DEIS and the site has been designed to eliminate the need for any blasting. As illustrated on the Bedrock Identification Exhibit in **Appendix J** and the construction notes in the Site Plans, it is anticipated that compliance with the recommendations of the geotechnical report will minimize the potential for impacts associated with the deepest cuts, including the unexpected potential for blasting. Based on all of the geotechnical investigation prepared to date, it is not anticipated that blasting will be necessary and that excavation will be possible without the need for any blasting. However, as there is a small depth of uninvestigated substratum in the area of the deepest cuts that will be excavated to grade the site to its proposed elevation, if bedrock is encountered in that area that cannot be cut or scraped, a blasting permit will be sought based upon a plan and all applicable Town requirements will be complied with.

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.

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.

- **Wetlands & Indiana Bat Impacts:**

As discussed above, development of the Project Site requires 0.209 acres of wetlands to be impacted along with a ±3.517 acres of disturbance to the regulated 100-foot adjacent area of those wetlands. For compensation for these impacts, the onsite creation of 0.5 acres of wetlands is proposed. The Proposed Action Wetlands Disturbance Exhibit can be found within **Appendix K**. The Project Sponsor has filed a PCN with the USACE and a wetlands permit application with NYSDEC for these proposed wetland impacts that are included in **Appendix K** to this FEIS.

As required by NYSDEC, the Forest Analysis Exhibit in **Appendix K**, Exhibit 1 illustrates the difference from 30.47% forest pre-construction to 30.04% post-construction. Exhibit 2 illustrates the difference from 42.24% pre-construction to 42.11% post-construction. The

forested area will be cleared, with the exception of a 8.56 acre area. Loss of forest on the Site through development of the Proposed Action will alter site biodiversity because only 8.56 acres or 18.58 percent of this habitat will remain intact. Potential fragmentation of the forest habitat within the two 2.5 mile radius of the Site, amounts to 0.43 percent and 0.13 percent, respectively, of the total forest in this radius.

Additionally, a comparison Alt Layout 3 Wetlands Disturbance Exhibit has also been provided within **Appendix K** to illustrate the Proposed Action wetlands disturbance has been mitigated to the fullest extent possible. Alt Layout 3 was not incorporated in the PCN submission. Alt Layout 3 is solely presented as comparison to demonstrate the proposed action is the best alternative design.

- **Landscape Plans:**

A majority of the plant material proposed for the Proposed Action were already native species; however, some additional native plant species have been included in the landscape design included in the Site Plans. See **Appendix F** to this FEIS. Varying sizes of Junipers have been added to the landscape planting plan and adjustments to the spacing has be included. The landscape plan has been revised to change the seed mix in these areas. The seed mix has been updated to ERNMC 181-2. The Project Sponsor has also indicated all excavated topsoil will be stockpiled and reused. The topsoil stockpile will be reused for planting and the large berm. The landscape plan has been revised to install evergreens along the parking lot for screening. The evergreens are to be set back 5' to 10' from the back of curb. This will protect them from excessive salt spray. Mulch rings have been provided and noted within the Landscape plan General Notes D(1)1.3 on detail sheet 40 of the Site Plans.

- **Lighting Plans:**

In response to comments on the project lighting design, controls have been implemented for additional mitigation of lighting impacts. The proposed site lighting will be utilized in coordination with the hours of operation of the facility. In accordance with the proposed 24-hour facility operations, the lighting will be in use and to the reduced illumination levels identified on the Lighting Plans for nighttime hours between dusk and sunrise. In instances where the facility may not be operating for 24-hours, the Lighting Plans have been revised to include the following:

*Parking and loading area lighting will be on a timer and will reduce by 50%, 1-hour after closing of the facility.*

Motion sensors to be included on the building mounted fixtures.

Site lighting fixtures (pole and wall mounted) are all LED's which provide decreased operational costs and energy consumption. Each fixture is fitted with limiting controls to restrict and distribute illumination to the designated areas. These include House Side Shields for further control of unnecessary back lighting and Uplight Skirts which ensures zero up-light above 90°. The Site Plans have been revised with cut sheets of the proposed fixtures added. The color temperature of the fixtures is Amber which is in the 1800-2200 Kelvin

range. The maximum footcandles at 4.3 which is in accordance with the Town of Montgomery's requirements.

- **Visuals:**

The visual renderings for the Proposed Action have been revised to account for the additional landscaping plan modifications describe above (see **Appendix M**). These renderings now depict the proposed landscaping plant material at varying years from installation size to 10 years from installation. A new VP from the National Register-listed residence on the south side of Beaver Dam Rd (VP-11-1-PB), photographed 11/24/2025 (leaf-off), has been established. Simulations indicate that the existing vegetation is relevant and there is no façade visibility; minor roofline visibility is fully screened by added evergreen plantings. All lights have house-side shields to prevent visibility from the Weber's home. Regarding the water tank, due to the location of the water tank there will be no visual impacts. As explained in comment response number 2, a new VP was established from the National Register-listed residence on the south side of Beaver Dam Rd (VP-11-1-PB), photographed 11/24/2025 (leaf-off). Simulations indicate that the existing vegetation is relevant and there is no façade visibility; minor roofline visibility is fully screened by added evergreen plantings. See Appendix M Visual.

- **Traffic:**

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 Traffic Impact Study (See **Appendix G**) has been updated to reflect the most recent accident data (January 1, 2021 – December 31, 2024) and have been summarized 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. A review of the accident information identified a total of 8 accidents recorded over the 4-year period that had a contributing factor of speed at any of the study area intersections. No reported accidents with contributing factor of speed occurred at any of the Beaver Dam Road study area locations during that period. 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 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.

- 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.

Access to Beaver Dam Road has been restricted to passenger cars only (no truck traffic). The Traffic Impact study conservatively assumed 10% of the passenger car traffic to/from the north along Beaver Dam Road to account for traffic destined to the Site from the Village of Montgomery.

Orange County Department of Public Works and New York State Department of Transportation (NYSDOT) both reviewed the Traffic Impact Study and provided comments including recommended improvements and which have been incorporated into the revised Traffic Impact Study.

As identified in the updated Traffic Impact 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 with the mitigation measures outlined in Section III.J of the TIS.

Additional detail has also been provided within Section G – Traffic and Transportation within the DEIS.

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. Refer to Appendix G for the NYSDOT correspondence from Jason Brenner.

Furthermore, 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.

- **Noise:**

The Applicant has already provided a detailed analysis within the Appendix I – Acoustical. All noise requirements are met. Per the acoustical study the sound wall effectively screens the dock doors and trailers from the Weber home. There are no changes to ambient noise levels from the DEIS to the FEIS. 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.

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.

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<sub>2.5</sub> and PM<sub>10</sub>) readings were below the EPA established primary (health-based) 24-hour criteria of 35 µg/m<sup>3</sup> for PM<sub>2.5</sub> and 150 µg/m<sup>3</sup> for PM<sub>10</sub>.

- **Utilities:**

As described in the DEIS, the primary source of energy for heating would be natural gas, with service available from Beaver Dam Road. 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 equipment and accessory office operations. No exterior generators are anticipated for the proposed action. The fire pump for the fire suppression system will require a generator which will be housed within the pump house. This generator will be a diesel unit with a belly storage tank. This will be used when the project experiences a power outage, and the fire suppression system is needed. Other than this rare scenario, the generator would be exercised once a month for roughly 15-20 minutes during a weekday. Water supply and sewage conveyance (i.e., pump stations) will be inoperable during power interruptions, when encountered. In the case of a long-term power outage, internal traps in the plumbing lines will prevent odors from coming back into the building.

The Utility Plan (Sheets 15-19 of the Site Plans) for the proposed sanitary design has been revised to include two force main pumps, one for each warehouse. The Project Sponsor's analysis indicates that the existing 6" force main under Neelytown Road acts more like a gravity line and that effluent from Proposed Action will likely not negatively affect the operation of the sewer main. Prior to making any application to connect to the main, the

Project Sponsor will conduct additional metering and testing of the existing 6" force to confirm static pressure and capacity.

At this time, it is not the intent to the Project Sponsor (owner of the Project Site) to transfer the site utility maintenance requirements to any potential tenant.

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.

- **Recreational Facilities:**

Due to the scale and anticipated number of employees the Proposed Action will entail, the Town has indicated that it anticipates that there will be additional impacts on the Town's existing recreational infrastructure including parks and playgrounds. To minimize the potential impacts to these recreational facilities, the Project Sponsor proposes to pay a one-time fee to the Town prior to issuance of a certificate of occupancy for the Proposed Action and to be thereafter held and used by the Town for this specified purpose.

- **Fiscal:**

The Applicant provided has already provided a detailed analysis within the DEIS Section M – Fiscal and Employment Impacts. It is worth noting that the property values of these three isolated dwellings, in the I-1 district where no new residential uses are allowed, are anticipated to increase in value for potential development that is allowed in the I-1 district.

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.

The table below shows the increase in property value that will serve as the basis for calculating a partial tax exemption.

**Table 3.M.9: Increase in Assessed Value**

Existing Property Value	Anticipated Property Value	Increase in Assessed Value
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\$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 \$1.44 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.

- **Community Services:**

In response to the comments received, the Applicant has provided additional detail in the corresponding Section L – Community Services and Facilities within the DEIS.

**Project History**

The following is the timeline of the SEQRA process for the Proposed Action and anticipated next steps:

<b>Table 1: SEQRA Project History</b>	
Environmental Assessment Form submitted:	May 5, 2021
Planning Board declared intent to be Lead Agency:	June 11, 2021
Revised Environmental Assessment Form submitted:	June 8, 2021
Planning Board declared itself Lead Agency for project and issued a Positive Declaration:	September 13, 2021
Public Scoping session held:	October 12, 2021
Close of comment period on Scope:	October 20, 2021
Final DEIS Scoping document adopted by Lead Agency:	October 25, 2021
Applicant submits Draft of DEIS to Lead Agency (and staff/consultants) for completeness review:	May 16, 2024
Lead Agency provides written comments on adequacy of DEIS as submitted (as to scope adequacy and content):	May 22 – July 10, 2024
DEIS Accepted as Complete by the Lead Agency:	October 28, 2024
DEIS distributed to all involved and interested agencies, DEIS posted on internet:	November 18, 2024
Public Hearings held on DEIS:	December 9, 2024 & January 27, 2025
Applicant submits Final Environmental Impact Statement (FEIS):	June 27, 2025
Lead Agency provide written comments on adequacy of FEIS as submitted:	TBD
FEIS Accepted by Lead Agency:	TBD
FEIS distributed to all involved and interested agencies, FEIS posted on internet:	TBD
Lead Agency prepares, then adopts, SEQRA Findings Statement:	TBD

## Chapter 2: Comments and Responses

In accordance with SEQRA, this FEIS provides written responses to substantive comments on the DEIS received by the Lead Agency during the public review period, including comments made at the public hearing. All written comments received by the Lead Agency during the public comment period on the DEIS and the stenographer transcript of the DEIS public hearing are included in **Appendix A**.

This has been presented in a comment/response format for each of the comment letters received and the comments/questions raised during the public hearing on the DEIS. In some cases, some responses to comments which were previously addressed in this document refer to a prior response.

Below is an index of the written comments received on the DEIS with date and author of the letters:

Table 2: Comment Letters Received on the DEIS		
Letter #	Date	Responder
1	12/09/24	Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing
2	01/17/25	Orange County Department of Public Works Review Comments
3	01/23/25	Orange County Department of Planning Review Comments
4	01/24/25	MHE Review Comments
5	01/27/25	KALA DEIS Review Comments
6	01/27/25	KALA Site Plan Review Comments
7	01/27/25	Maybrook Fire Chief Review Comments
8	01/27/25	NPV Substantive Review Comments
9	01/27/25	Neighbor 1 Planning Board Meeting Comments
10	01/27/25	Neighbor 2 Planning Board Meeting Comments
11	01/27/25	Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing
12	01/30/25	NYS Department of Environmental Conservation Review Comments
13	02/05/25	NYS Department of Transportation Review Comments
14	02/06/25	Town of Montgomery Ambulance Review Comments
15	02/14/25	Comments provided by Karina Tipton
16	3/25/26	Review 2 of MHE Review
17	4/10/26	Review 2 of NPV Review
18	1/23/25	Review 2 of Orange County Department of Planning Review Comments
19	1/24/25	Review 2 of Full Letter #4 MHE Review Comments

20	1/27/25	Review 2 of Letter #8 NPV Substantive Review Comments
21	1/27/25	Review 2 of Letter #9 Neighbor 1 Planning Board Meeting Comments
22	1/27/25	Review 2 of Letter #10 Neighbor 2 Planning Board Meeting Comments
23	1/30/25	Review 2 of Letter #12 NYS Department of Environmental Conservation Review Comments
24	Feb. 2025	Review 2 of Letter #13 NYS Department of Transportation Review Comments
25	2/6/25	Review 2 of Letter #14 Town of Montgomery Ambulance Review Comments
26	2/14/25	Review 2 of Letter #15 Comments provided by Karina Tipton
27	4/20/26	Review 1 of RDM NBP Neelytown Business Park Development Site Plans, prepared by Karen Arent Landscape Architect (KALA)

## Letter #1      Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing, December 9, 2024

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

**Response:** *The Project Site is not in or near any Critical Environmental Area that has been designated by the Town of Montgomery pursuant to 6 NYCRR § 617. 14(g) of the SEQRA regulations. RDM is seeking approvals from state and federal agencies for wetland impacts and is proposing more than 2:1 creation of wetlands compared to the approximately .209 acres that will be disturbed by the Proposed Action. Due to proposed improvements, the 100' buffer disturbance is approximately 3.517 acres.*

**Comment:** No exits or entrances should be allowed on Beaver Dam Road. There are 300 cars on lot one and 156 cars on lot two which causes a huge amount of traffic for our road, which is already dangerous. It's difficult to exit our driveway with traffic coming from the south heading north.

**Response:** *Per the international Fire Code, two different means of egress to the Site are required for a development of this size. Further, a second access driveway onto Neelytown Road would require additional wetland impacts and regulatory review. Avoidance of wetland impacts through alternatives that do not have impacts is required by both state and federal agencies, and passenger vehicle only access onto Beaver Dam Road provides such an alternative. Since the TIS for the Proposed Action demonstrates that using Beaver Dam Road for passenger vehicles will not result in any significant adverse traffic impacts, this alternative is appropriate for avoiding impacts to wetlands.*

**Comment:** All other warehouses exit and enter on Neelytown Road with all their traffic, cars, trucks, the whole nine yards. Why not RDM? Why do they need Beaver Dam Road?

**Response:** *See above response.*

**Comment:** What's the physical disturbance of the land consist of? Does it include blasting? We have endured blasting when UNFI behind us, which was built and ruined our well. we cannot endure more of this, so RDM must continue to purchase our home, the homes, okay.

**Response:** *As illustrated in the Soil Erosion and Sediment control plan the overall physical disturbance is 87.66 acres. No blasting is proposed based upon Site conditions as reflected in the Geotechnical Report.*

**Comment:** Regarding the visual impact, we have UNFI behind us as the lights, noise and pollution.

**Response:** *The 100' berm along the western façade of the property along with vegetation will mitigate any visual concerns as depicted in the visual analysis. A sound study was carried out taking into consideration existing sound sources in the area. The study concluded that this project would fully comply with local limits as well as DEC guidelines resulting in no negative acoustical impact on the area. The Visual Impact study within Appendix M, provides the analysis and renderings for the Proposed Action.*

**Comment:** We already have UNFI truck noise, beeping, blowing of horns, and loudspeakers. Now you want us to live with even more noise that exceeds the levels. We will never be able to enjoy our yard or life. A twelve-foot sound wall will do little or nothing to mitigate this.

**Response:** *The Proposed Action includes a sound wall that is fifteen (15) feet in height along the loading dock operation to minimize potential noise impacts. Additionally, the 100' berm along the western façade of the property along with vegetation will reduce potential noise impacts. A sound study (See Appendix G to DEIS or Appendix I of the FEIS) conducted by the Project Sponsor demonstrated that the with these measures the Proposed Action would comply with local noise requirements and NYSDEC noise guidelines. The soundwall and the berm will also limit potential visual impacts from the Proposed Action. The visual impact analysis in Appendix M, together with the updated visual simulations included in Appendix M to this FEIS, provides the analysis and renderings associated with the Proposed Action.*

**Comment:** You had UNFI put bays on the other side of the building so that they wouldn't be facing our home. UNFI did that, why not RDM?

**Response:** *No loading bays for the Proposed Project face Beaver Dam Road docks and the loading bays for Warehouse #1 "face" a sound wall that is fifteen (15) feet in height as discussed above.*

**Comment:** For this project, the forested area is being reduced from 46 acres to 7 acres. In our 2020 National Resources Inventory, we talked about how Montgomery has important forest patches that serve as steppingstone forests for wildlife corridors. Forests play an important role in absorbing carbon in the atmosphere, in maintaining moisture and habitat for wildlife.

***Response: Acknowledged. As part of its review of the Project Sponsor's application for a wetlands permit, NYSDEC will be reviewing the proposed forest removal associated with the Proposed Action.***

**Comment:** The second area where wildlife was discussed is on page 12 where these were cited in very generic terms, such as "bird" or "insect". These should be looked into by qualified biologists who can say what actually is in that area. Nothing is said about the presence of the endangered Indiana bat. These are often dismissed just because it's easy to say we'll only do the cutting at a certain time of year.

***Response: The Project Sponsor's biological consultant conducted a detailed assessment of the Project Site's plants and animals and habitat that is included the Natural Resources Survey included in Appendix K. This assessment addressed potential impacts to protected species, and proposed measures to avoid any impacts, including for Indiana Bats.***

**Comment:** The overall concern is worrying about traffic, where it's going to go. About the blasting, if they're going to blast, what that's going to do with the 30,000 gallon propane tank across the street from us? Does Mirabito get contacted at all? Is there going to be a buffer for people on the other side of 84?

***Response: The Traffic Impact Study conducted for the Proposed Action provides a detailed analysis of the projected traffic associated with the Proposed Action, as well as measures proposed to minimize any potential traffic impacts, The updated Traffic Impact Study is included as Appendix G to this FEIS As analyzed in the Traffic Impact Study, all truck traffic is proposed to enter and exit the site via Neelytown Road with the primary truck route to and from I-84. Access to Beaver Dam Road will be for passenger vehicles only. There is no blasting anticipated for the construction of the Proposed Action. The noise and visual studies (See Appendices I and M to the DEIS) for the Proposed Action assess these potential impacts on properties to the north of I-84.***

**Comment:** While the applicant has reached out to the president of the ambulance, the information included in this document is inaccurate. It refers to Mobile Life as a provider of ambulance services. Mobile Life is no longer in business. So, at a minimum, any updates to this document must include the ambulance as well.

***Response: Comment noted.***

**Comment:** As you all know, the amendments to the New York Fresh Water Wetlands Act, Article 24, do go into effect on January 1st, 2025. The wetlands report and the natural resources study should be updated to confirm that the updates, in particular whether or not the eleven established criteria for wetlands have been evaluated by this document. For example, there's no discussion of vernal pools or anything like that in the wetlands delineation report. It's purely a soil study. While the natural resources study does discuss different types of amphibians and other animals that may be wetlands indicator species, it does not discuss them as wetland indicator species. It only refers to them as to whether they are species of special concern.

***Response: The Project Sponsor has determined that the wetlands on the Project Site are subject to the new jurisdiction of NYSDEC, effective January 1, 2025, set forth in its regulations at 6 NYCRR***

***Part 644 and has submitted an application for the proposed wetland and 100-foot adjacent area impacts associated with the Proposed Action.***

**Comment:** There's a corridor identification exhibit and a preserved forest patch exhibit. These two evaluations should include additional information that illustrates why these, this section of the property, if preserved as the plans suggest, actually maintain a corridor for migration and habitat use. The corridor implies that there are connections off property, and there is no evidence given that there is a connection off property. While in fact the construction of this warehouse does cut off that connection to the east that runs towards the Wallkill River. So, a little bit more information around whether or not this is actually a corridor still should be provided.

***Response: Noted. Review of the preservation of these forested areas and their value for providing a wildlife habitat corridor will be considered by NYSDEC as part of its review of the wetlands permit application submitted to that agency. The Project Sponsor's assessment indicates that some wildlife habitat corridor will be preserved.***

**Comment:** With the discussion around the forest, it says that the site, while it's removing 38 acres of forested habitat, that only comprises .889% of potentially available forested habitat within 2.5 miles of the site. While that does sound like a great buffer, the figure that is provided, which is figure 3.3.3, suggests that the area surrounding the site is forested habitat. This implies that all of that habitat is a habitat of quality, a habitat that is expected to remain in place. And further, that aerial doesn't have a date attached to it. It's hard to confirm if that is a current aerial, a 2024 aerial, or if it says a 2017 aerial from when we all first met and started to talk about all the development in the Town of Montgomery.

***Response: Comment noted. The aerial was taken from Google Earth dated 2025.***

**Comment:** Section M discusses financial and employment benefits, but there was not any employment benefits discussed. In other environmental impact statements, it has been discussed where the employees are going to come from, and if these employees will benefit those of us who live in the town. Is this going to become an employer that our children will want to work for, and is this going to be a partnership of longevity with the town? I understand that these are spec warehouses and perhaps there's no way of knowing, but there are a lot of other assumptions made in this report, and it would merit that there is even a workforce in the Town of Montgomery that may go to work at this warehouse. In other DEIS's, salary has been discussed, which would be appropriate so we can evaluate if this is actually going to be the type of long term partner that can sustain people who can live and work in this community in Montgomery if they can.

***Response: Until a tenant is identified and obtained, there is no way of projecting where the workforce would come from or anticipated salary of the workforce. While specific details cannot be predicted in the absence of a known user, the Community Impact Statement provided as Appendix O to the DEIS provides a reasonable estimate of the likely costs and benefits of the Proposed Action.***

**Comment:** The calculation of the services required per capita, the cost of municipal services required per capita does not reflect conditions after construction of the warehouses. Namely, it doesn't include any additional wear and tear on the roads, including that, the three hundred some

passenger vehicles that will be tooling around our, our area. It's not just the trips to and from the site. It's also trips off site to go pick up lunch at McDonald's or my new favorite, Taco Bell, or maybe traveling into the village to Java Blue to get a really great cup of coffee on your work break.

***Response: The cost of municipal services accounts for all necessary factors. Roadway maintenance is approached by the Town holistically and not by landowner, and the funds used are drawn from taxes, which the Proposed Action will be providing a substantial contribution towards.***

**Comment:** The potential impact on property values doesn't really seem to discuss at all the houses that are currently on Beaver Dam. It seems entirely focused on Maybrook. There's no mention even that there are three houses across the street from where this warehouse will be built. I would think that the proximity of those homes would merit a specific evaluation. I understand that this is not, you can't make any promises to property values, but it is something that was notably absent from this report.

***Response: The property value impact considers all dwellings within a ½ mile radius and concludes that there will be a positive impact on all of these dwellings. Of the 119 dwellings within the ½ mile radius, the majority of them lie within Maybrook so it is most appropriate to use that demographic for the typical home value as opposed to three isolated dwellings in the I-1 industrial district. It is worth noting that the property values of these three isolated dwellings, in the I-1 district where no new residential uses are allowed, are anticipated to increase in value for potential development that is allowed in the I-1 district.***

**Comment:** Neighborly for the applicant to further minimize the impacts of lighting, noise and vehicular traffic for those who live along Beaver Dam Road. That would include suggesting that there are no right hand turns of passenger vehicles. They can exit on that side and only turn to the left towards the Neelytown intersection.

***Response: Access to Beaver Dam Road has been restricted to passenger vehicles only (no truck traffic). The Traffic Impact study conservatively assumed 10% of the passenger vehicle traffic from the Proposed Action will travel to/from the north along Beaver Dam Road to account for traffic destined to the site from the Village of Montgomery. It is worth noting that there is also a posted speed limit of 30 MPH on Beaver Dam Road.***

**Comment:** The noise study, I didn't see that it actually had any modeling to represent the mitigation measures. It would be appropriate and perhaps comforting if those neighbors understood if those mitigating measures would actually be effective as modeled.

***Response: There is a detailed sound study inclusive of modeling provided in Appendix I. The results were based upon the installation of a fifteen (15) foot tall sound wall to reduce potential noise impacts. The most recent version dated 8 November 2024 includes acoustical modelling results in Section H as well as Appendix I. Model results confirm the project will fully comply with the local noise code as well as with NYSDEC noise guidelines.***

**Comment:** For the Beaver Dam access to the warehouses, on the lower building, where is parking for the people who are going to be working there? I don't see -- it has a road going in there. Is that a parking area right there or what? And most importantly, with those two entrances -- we had this

problem, I don't know when it was, a year ago, a year and a half ago, two years ago, with FedEx going through Beaver Dam and then speeding through Beaver Dam, and there was this up -- outrage of FedEx and I think UPS flying through Beaver Dam Road. What measures are you going to put in to make sure they don't take a right to access Beaver Dam Road to Goodwill Road?

**Response:** *Warehouse #2 has passenger parking lots on each side of the building, along the Southwestern and Northeastern. The access onto Beaver Dam Road will be restricted passenger vehicles only and no measures are proposed to restrict right hand turns onto Beaver Dam Road, which the TIS conservatively indicates will only comprise 10% of such vehicles to account for traffic destined to the Village of Montgomery.*

**Comment:** The RDM consultant said there's going to be no changes to revenue. That means he's not going to go before the Orange County IDA? Here in Montgomery, spec warehouses you can't get a PILOT. So hopefully he's going to be true to his speech and say the revenues are going to stay full bodied.

**Response:** *A PILOT is not being sought by the Project Sponsor at this time. The fiscal benefits are necessarily estimated without consideration of speculative property tax incentives that may be sought in the future for a specific tenant, however, even if such incentives are ever sought, the revenues would still be substantial for the Town, County and School District during the period when the incentives are in effect, full revenues would eventually be provided, and special district revenues would be unaffected by any incentives. .*

**Comment:** In the DEIS on page 167 and also on page 172, when you discuss the Indiana and the long-nosed bat, you state that the tree clearing is from October 1st on. It is actually November 1st via the DEC. So that is a misquote in several places in the book.

**Response:** *Noted.*

**Comment:** In talking to some of the effects of the employment when it shuffled down, there was 30,000 in the areas between Pennsylvania, being your workforce source, and Dutchess, Sullivan, Ulster are your sources. It goes on to describe the possibility of driving a change in the housing requirements in the area.

**Response:** *There is potential and hope that some employees from the proposed development will be residents of Montgomery but also that some employees may come to purchase homes and move to Montgomery, therefore it is appropriate for the assessment to include potential employees from the various counties and even Pennsylvania.*

**Comment:** On page 181, it states that "supply and demand for housing is currently balanced" which is no longer a valid statement, so there needs to be an accurate reference now.

**Response:** *Based on our assessment, the current housing market in Montgomery is not in extreme excess or demand, which can be considered balanced. Although a perfect 0 balance will almost never be possible, a search of the current market on Zillow describes a total of 78 homes for sale which range from 2 bedroom, 1 bathroom dwellings all the way to 4 bedroom, 3 bathroom dwellings. For a Town of Montgomery's size this provides a comfortable balance of opportunity to buy or sell homes.*

**Comment:** On page 67 it talks about the sanitary sewer flow calculations and that it uses the technical data for this warehouse which includes 265 warehousing employees and 82 for the office. However, when you go into the chapter 7 for growth, it states on page 180 and 181 that there's to be 898 employees for the site. So, in quoting your septic usage, it came out to 4,164 gallons per day. When you multiply that say by about three times, it's a different rate of over 12,000 gallons a day.

**Response:** *The sanitary flow calculations provided are accurate and based on the anticipated employees per shift. The 898 employee statement represents the potential total employees for the development but that quantity of employees would be staggered over multiple shifts for a maximum of 265 warehouse employees and 82 office employees during a given shift.*

## Letter #2 Orange County Department of Public Works Review Comments, January 17, 2025

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1. This office will retain a traffic consultant to assist with our review and evaluation of the proposed improvements to County owned/maintained roads and infrastructure. (informational)

**Response:** *Comment noted.*

2. Timing modifications and installation of overhead detection via a 360-degree camera in lieu of the existing inductance loops to improve intersection efficiency at Neelytown/Beaver Dam Rd will be required by this office.

**Response:** *Detailed design documents will include the installation of a 360-degree camera system.*

3. Full depth shoulders will be required in the area of the proposed truck entrance off Neelytown Rd.

**Response:** *Full depth shoulders will be provided at least 25 feet to each side of the proposed access as well as for a distance of 80 feet opposite the site access on northbound CR 99.*

4. Required documentation (deed, tax forms, dedication plans, and legal descriptions) for any land dedications and/or easements to Orange County will be required to be received by this office prior to plan approval being issued.

**Response:** *Comment noted. Will be provided prior to Town site plan approval or DPW traffic improvement plan approval.*

5. This office recommends that as part of the site plan approval a mechanism be in a place to require that the sight distance triangles over private property be maintained by the property owner to allow vehicles to safely exit the property and enter the County Road. This would include management of vegetation and a restriction on placement of objects (buildings, equipment, etc.) that would impeded sight lines within the sight distance triangles.

**Response: Comment noted. Mechanism will be provided to the satisfaction of the Planning Board and Orange County DPW.**

**Letter #3 Orange County Department of Planning Review Comments, January 23, 2025**

Potential Impacts:

1. Traffic: There is likely to be a substantial increase—projected to be approximately 40% at weekday AM and PM peak hours—in vehicle traffic along Neelytown Road and Beaver Dam Road as a result of this project. The applicant has suggested mitigation in the Traffic Impact Analysis performed for this project; these measures include separate left and right turning lanes on Neelytown Road at Proposed Site Driveway #1 and potential timing changes for the signals at Route 208 and the I-84 access ramps. We advise the Town to coordinate with the Orange County Department of Public Works and the New York State Department of Transportation to ensure that the proposed mitigation is sufficient and what other measures, if any, would be necessary in order to reduce the adverse impacts of this project on Level of Service and road conditions in the area.

**Response: The Orange County Department of Public Works has given conceptual approval to the mitigation proposed (1/17/2025) and has recommended the detail design documents include heavy duty shoulders at the access and modification to vehicle detection at the intersection of CR 99 with Beaver Dam Road. The applicant agrees to include these recommendations in the roadway design documents and to coordinate with the State, County and Town towards project impact mitigation.**

2. Land: The applicant proposes the physical disturbance of 86.08 acres, including all potential grading for the buildings and parking areas. Although there is no potential mitigation for this impact other than reducing or eliminating the proposed project, which has already occurred, the applicant has proposed to balance cut and fill onsite to the greatest extent possible. We advise the Town to ensure that the grading and site engineering are designed to ensure this outcome. We further advise the Town to consider additional mitigation, such as potentially “banking” some of the required parking spaces for employees, to be developed later if needed but saved as unpaved land area at this time.

**Response: The applicant is now proposing to disturb 87.66 acres. The Proposed Action provides a balanced site with minimal soil export/import as illustrated in the Construction Staging Plan and the Cut Fill Analysis. Each phase ensures no greater than 18 acres is disturbed at once and balances the cut/fill amounts for each particular phase. The Proposed Action also includes the maximum parking requirements for SEQRA review purposes and tenant marketing, although the design calls for areas to be banked and only constructed if desired by the tenant, so there is the potential they are never constructed.**

Stormwater: The development proposes to cover 86 acres of the project site, which will have the effect of significantly increasing stormwater runoff. This runoff will ultimately be directed to Beaverdam Brook, a tributary of the Wallkill River, located immediately west of the project site. The scale of the proposed development and the limited area onsite that will not be

subject to grading substantially limits the amount of onsite stormwater reclamation that can occur, such as detention ponds or bioretention areas. This is likely to increase erosion and sedimentation downstream on both Beaverdam Brook and the Wallkill River, causing potential flooding issues both upstream and downstream of the project site and causing potential negative impacts to the farming properties along the Wallkill, again both upstream and downstream.

***Response: The stormwater design is required to withhold, infiltrate, and then release stormwater runoff at reduced rates in accordance with the NYSDEC design manual. The project cannot be designed in a manner that would cause a negative impact upstream or downstream. NYSDEC guidelines require a proposed stormwater design to reduce run-off at specific percentage and rates for various storm intensities, treat/clean the water that runs off from asphalt and other surfaces, as well as a variety of other guidelines all of which would not allow for a negative off-site impact. These calculations are all provided within the SWPPP which is attached within Appendix E.***

3. Visual Resources: The project will be visible from residential properties, I-84, Neelytown Road, and Beaver Dam Road. This impact does not appear to be substantially greater than that of the surrounding existing development; however, if the Town desired to reduce the potential impact, landscaping solutions would likely be effective.

***Response: The applicant has provided extensive landscaping and berms to assist in buffering the development from adjacent viewpoints. Refer to the Appendix M which displays the visual impacts and the updated visual simulations provided in Appendix M to this FEIS. Note that the project will be built in the I-1 Zoning District, where some visibility is to be reasonably expected and that impact reduction will occur through proposed landscaping, topography, along with existing vegetation and distance to the warehouses.***

4. Noise: The DEIS notes that noise during construction and noise resulting from site traffic and HVAC system during operations are likely to exceed ambient noise levels. The applicant has proposed installation of a noise barrier.

***Response: Statement acknowledged.***

5. Lighting: The applicant proposes to install lighting brighter than existing area conditions. The applicant notes that the lighting will be dark-sky compliant. We advise the Town that additional lighting constraints could be put in place if needed, such as reducing the height of light poles to 15-20' tall maximum.

***Response: The applicant has and continues to work directly with the Town's lighting consultant to ensure that the site lighting is compliant with the Town's standards, Offsite light trespass, both on the ground and visual, is kept to an absolute minimum utilizing shielding and strategic pole placement. The mounting height of the wall lights is shown in the fixture schedule as 25 feet. We worked closely with Mr. Bill Kelly with the Town of Montgomery to keep offsite light impact to an absolute minimum.***

6. Wetlands: The onsite wetlands are under the jurisdiction of the United States Army Corps of Engineers, who will require a General Permit for construction work. The proposed design at this time shows only a small incursion into the wetlands, but mitigation will need to be determined between the applicant, the Town and the ACOE. Nearby wetlands around the area of the Beaverdam Brook are under the jurisdiction of the New York State Department of Environmental Conservation; the project as originally proposed had made incursions into the 100' wide buffer area. Those impacts are reduced if not completely eliminated by the project design changes.

***Response: Comment Acknowledged. At the beginning of 2025, the NYSDEC adopted new regulations which result in the wetlands on site now being under the state's jurisdiction. The applicant has submitted an Article 24 permit application for the proposed wetland and wetland buffer disturbance. Also, refer to the Wetlands Disturbance Exhibit within Appendix K of the FEIS for the wetland and 100' buffer disturbance.***

7. Endangered and Threatened Species: The proposed project is in an area known to contain habitat suitable for endangered or threatened species, including the Indiana Bat and the Northern Long-Eared Bat. We advise the Town and the applicant to ensure that best practices are followed during construction, in order to minimize any accidental takings of these species. Best practices are likely to include times for tree harvesting, among other measures.

***Response: The applicant will follow all best practices regarding the bat species, including limiting the tree clearing to the appropriate/allowable months. Refer to the Mitigation Measures subsection within the Endangered and Threatened Species section.***

8. Agricultural Land: The property is within Orange County Agricultural District No. 1 and is within 500 feet of farmland in active agricultural production. Additionally, the Wallkill River is used by farming operations in this area of the County primarily to irrigate crops; flooding concerns, as noted above, could cause serious impacts to farming operations both upstream and downstream of the project site.

***Response: Refer to comment #2 above, in response to Letter #3 by Orange County Department of Planning.***

9. Air Traffic: The project is close to both the Orange County Airport and New York Stewart International Airport. The applicant and the Town will need to consult the Federal Aviation Administration to ensure that the proposed building will not obstruct any flight paths or cause other impacts to the airports. Additionally, the applicant should coordinate with the Director of the Orange County Airport regarding the proposed project.

**Response: The project does not meet the FAA notice criteria thresholds, therefore consultation with the FAA and coordination with the OC Airport is not required. The image below provides the Title 14 Part 77.9 criteria, the Criteria Tool input, as well as the results confirming exemption.**

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#).

You must file with the FAA at least 45 days prior to construction if:

- your structure will exceed 200ft above ground level
- your structure will be in proximity to an airport and will exceed the slope ratio
- your structure involves construction of a traverseway (i.e. highway, railroad, waterway etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- your structure will emit frequencies, and does not meet the conditions of the [FAA Co-location Policy](#)
- your structure will be in an instrument approach area and might exceed part 77 Subpart C
- your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- your structure will be on an airport or heliport
- filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the [Air Traffic Areas of Responsibility map](#) for Off Airport construction, or contact the [FAA Airports Region / District Office](#) for On Airport construction.

The tool below will assist in applying Part 77 Notice Criteria.

* Structure Type:	BUILDING   Commercial Use Building			
Please select structure type and complete location point information.				
Latitude:	41	Deg	49	M 41 S N
Longitude:	74	Deg	23	M 03 S W
Horizontal Datum:	NAD83			
Site Elevation (SE):	444 (nearest foot)			
Structure Height :	55 (nearest foot)			
Is structure on airport:	<input checked="" type="radio"/> No <input type="radio"/> Yes			
<b>Submit</b>				

**Results**

You do not exceed Notice Criteria.

10. Energy: We recommend that the applicant explore options for integrating rooftop solar panels to offset the need to rely on the existing power grid and also to increase the resilience of the proposed facility. Orange County has adopted the C-PACE Commercial Property Assessed Clean Energy Program that can provide financing up to 100% of the cost of a rooftop solar project. For more information go to [orangecountygov.com/295/C-PACE](http://orangecountygov.com/295/C-PACE).

**Response: The warehouse roofs will be designed to support the weight and installation of solar panels; however, a commitment cannot be made until a tenant is in place.**

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

**Response: Correspondence with the Town of Montgomery has indicated the Town has sufficient capacity and is willing to serve the project. Refer to Appendix N – Utility.**

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

**Response: Comment acknowledged.**

#### Full Letter #4 MHE Review Comments, January 24, 2025

##### MHE DEIS Substantive Review Comments:

1. With regards to Chapter 3.A. – Potential Impacts, the applicant concludes that no blasting impacts are anticipated. A note to this effect should be added to the site plan.

**Response: A note has been added to the demolition plan and in Chapter 3.A.**

2. With regards to Chapter 3.A. – Potential Impacts – Section 3 – Anticipated Soil Movement, the applicant concludes that the total net fill from the site is 860 cubic yards. Our office understands this total net fill is for the entirety of the project. As noted in Section 3 – Anticipated Soil Movement, the project will be constructed in phases. The applicant should provide a phasing plan cut & fill analysis to understand how much soil will be in excess or needed to construct each phase as well as identify potential locations where the soil can be placed during these phases.

**Response: An analysis of cut/fill amounts have been revised and conducted for each construction phase. The analysis and exhibits are provided within Appendix J of the revised DEIS.**

3. Chapter 3.A – Mitigations – Section 3 Retaining Walls identifies that retaining walls over 3 feet in height will be installed with safety fence and designed by a NYS licensed structural engineer. Later in the report, retaining walls are noted to need to be designed by a structural engineer when greater than 4 feet in height. This height reference should be revised.

**Response: This referenced section has been revised to clarify walls over 30 inches will include the safety fence and licensed design. If temporary shoring is needed, the design will be completed by a Design Professional Licensed in NYS.**

4. With regards to Chapter 3.B. – Existing Conditions For Existing Topsoil, the applicant notes that “the exact depth of topsoil required for proposed planting areas will be coordinated with the landscape architect.” The applicant should advise how the cut & fill analysis was performed when the required amount of topsoil is unknown.

**Response: The exact depth of topsoil has been identified in the Cut/Fill Worksheets in Appendix J of the revised DEIS.**

5. With regards to Chapter 3.C. – Potential Impacts For Retaining Walls, fencing is noted to be required for fall protection where the height of the wall exceeds “36”. Our office understands that the Building Code requires fall protection where the retaining wall height exceeds 30 inches.

***Response: The section referencing “36 inches” has been revised to 30 inches.***

6. Chapter 3.C. – Grading/Adjoining Water Tanks notes “the proposed construction will not require water tanks.” The water demand section of the DEIS identifies the need for an onsite water storage tank.

***Response: The section has been revised to remove the reference stating a water tank is not required.***

7. With regards to Chapter 3.D. – Existing Conditions For Groundwater, the applicant notes that “the existing residences on the site will be demolished and the existing wells properly abandoned and taken offline.” The applicant should note that the existing wells will be abandoned in accordance with NYSDEC and AWWA requirements.

***Response: The corresponding section has been revised with the appropriate notes.***

8. With regards to Chapter 3.D. – Mitigation Measures, the applicant should note how the hotspot drainage will be utilized to mitigate impacts to groundwater.

***Response: This chapter has been revised to include details and note addressing the treatment of hotspot drainage.***

9. With regards to Chapter 3.D. – Surface Water & Wetlands, Existing Conditions, the applicant notes that there will be disturbance to approximately 0.23 acres of Army Corp wetlands. Given the recent regulation changes by the NYSDEC with regards to wetlands, the applicant should review these requirements and determine if the onsite wetlands are currently under state jurisdiction.

***Response: The wetlands on site now fall under the NYSDEC regulation. The applicant has prepared and submitted an Article 24 permit application to the state for review and approval.***

10. With regards to Chapter 3.D. – Mitigation Measures, the applicant should describe the velocity and erosion potential of the flood waters during the 500-year storm event when water is directed downstream of the onsite basins’ emergency spillways.

***Response: This chapter of the DEIS has been revised to include discussion of the velocity and erosion potential downstream of the emergency spillways.***

11. Chapter 3.D. – Mitigation Measures identifies the need for continued maintenance and rehabilitation of the proposed stormwater mitigation basins and conveyance systems. The applicant should incorporate the need for stormwater maintenance agreement between the Town and the property to be filed in the County Clerk’s Office to ensure proper maintenance in perpetuity.

***Response: As part of the SWPPP, a maintenance and inspection agreement will be set up between the Town and property to ensure proper maintenance is upheld. This agreement will be filed in the County Clerk's office.***

12. With regards to Chapter 3.E. – Existing Conditions, the applicant should revise the Town's wastewater treatment plant discharge to the Wallkill River not "Wallkill Creek".

***Response: The corresponding section of the DEIS has been revised.***

13. The applicant should review Chapter 3.E. – Existing Conditions and Potential Impacts with regards to providing an updated memo from the Town Engineer with regards to the identified additional capacity that has been purchased by the Town for sewer discharge.

***Response: Updated correspondence from the Town Engineer confirming capacity has been provided in Appendix N of the revised DEIS.***

14. The applicant notes in Chapter 3.E. – Existing Conditions that the effluent of the project will be conveyed via two separate pump stations before being pumped via proposed force main to the existing force main within Neelytown Road. The applicant should include this section within the potential impacts.

***Response: The description of the pump stations and 2" force mains have been included within the potential impact section of the revised DEIS, provided within the utilities plans, and the pump details/cut sheets are provided within Appendix N and detail sheets within the Appendix F.***

15. With regards to Chapter 3.E. – Potential Impacts, the applicant should provide the calculation for the sizing of the pump stations.

***Response: The pump station model and details have been added to the plans and Appendix N. Additional calculations can be provided prior to obtaining a building permit.***

16. With regards to Chapter 3.E. – Potential Impacts, the applicant should provide a note regarding maintenance responsibilities for the proposed sanitary sewer pump stations. A note should be added to the site plan noting who is responsible for the required maintenance.

***Response: A note has been added to the plan stating that the property owner is responsible for the maintenance and inspection of the sanitary sewer pump stations.***

17. With regards to Chapter 3.E. – Potential Impacts, the applicant should evaluate the existing force main to determine if the proposed development impacts the size of the existing force main.

***Response: Based on anticipated flows and calculations, the existing force main is large enough to receive the sewerage pumped from the site and will not require upgrade or reconstruction.***

18. With regards to Chapter 3.E. – Potential Impacts, the sanitary sewer demand for the proposed action assumes a warehouse classification. The applicant should clarify if manufacturing is anticipated for the project site. Further, input should be received from the Board’s Attorney and Planner with regards to if the SEQRA study should include options for a change in sewer (and water) demand should a future tenant require additional capacity for manufacturing purposes.

***Response: The Proposed Action is for an intensive warehouse use and SEQRA review is based upon this proposal. No manufacturing use is contemplated for the Proposed Action. Any amended proposal for a manufacturing use will require separate and additional review as determined by the Planning Board.***

19. Chapter 3.E. – Potential Impacts notes that “the proposed sanitary sewer collection system will be reviewed by the Town Engineer and Sewer District Superintendent.” The applicant should provide acceptance from the Town’s Engineering Consultant.

***Response: Enclosed please find a copy of correspondence with the Town’s Engineer confirming acceptance of the proposed sewer design located in Appendix N – Utility.***

20. Chapter 3.F. – Existing Conditions assumes Lots 36-1-10.1 & 11.23 are on private wells whereas Lot 26-1-11.1 is assumed to have a shared well or other means of potable water supply. The applicant should provide further information with regards to the wells and their locations on the site as the wells should be noted to be abandoned in conformance with AWWA and NYSDEC Standards prior to construction on the site.

***Response: The corresponding section of the DEIS has been revised to ensure conformance with AWWA and NYSDEC. The locations of the 7 private wells referenced in this section can be seen on the existing conditions plan.***

21. Chapter 3.F. – Potential Impacts notes a single connection to the existing 12-inch water main within Neelytown Road. The plans identify two water connections (one for each building).

***Response: The potential impacts section of the DEIS has been revised to describe the two connections.***

22. Chapter 3.F. – Potential Impacts discusses the need for a 180,000-gallon water tank and fire pump for fire suppression for one or both of the buildings. Based on a review of the DEIS, it is unclear if this pump station and tank will serve both buildings.

***Response: The 180,000 gallon water tank is intended to serve both buildings and shows connection lines to each building. The supporting calculations of the 180,000-gallon water tank is provided within Appendix N- Utility.***

23. Chapter 3.F. should discuss the long-term maintenance of the proposed fire pump and tank on site.

***Response: The section of the DEIS has been updated to note that standard tank maintenance, inspection and painting of the tank will occur.***

24. Chapter 3.F. – Mitigation Measures should discuss the proposed tank and fire pumps for fire flow protection.

**Response: The Mitigation Measures section of the DEIS has been revised to include a brief discussion regarding the fire tank and protection.**

25. With regards to Chapter 3.G. – Construction Impacts, the applicant notes the potential maximum number of truck deliveries over a period of a day. The applicant should clarify the total number of anticipated truck trips solely based on the importation of select materials to be delivered to the site as well as the export of material from the site.

**Response: Based solely on soil movement, the project anticipates 860 CY of export which at a rate of 10 CY per dump truck would require a total of 86 soil movement truck trips.**

26. With regards to Chapter 3.G. – Construction Impacts, the applicant notes the construction management plan including traffic control measures will be implemented with State and Local requirements. The applicant should provide such a plan for the Board's review.

**Response: A construction management will be prepared once a contractor is selected and prior to filing of a Building Permit. Some important items to note for the Board's concern is that construction operations would be limited to allowable hours per the Town's ordinance, and also that any trucks or equipment would enter the site via Neelytown Road as Beaver Dam Road is not rated for heavy equipment. Further, there are detailed Soil Erosion phasing plans which show the construction progression within the site limits.**

27. The applicant has included a Geotechnical Report under Appendix H. Our office notes that the Geotechnical Report prepared for the project contemplated the previous version of the project (3 buildings). The applicant should provide a plan similar to the "Bedrock Identification Exhibit" prepared by Colliers Engineering & Design dated 30 August 2024 with all the borings performed for the project.

**Response: The geotechnical report has been redlined to adjust the "3" to a "2", as the report was prepared prior to the redesign of the site. A boring location exhibit, prepared by Patton Geotech, has been included in Appendix J.**

28. The applicant should provide the calculations which identify the required fire flow and pressures needed for the project.

**Response: Fire flow calculations for the site have been added to Appendix N - Utility.**

29. The Engineers Report For Sanitary Sewer System dated 14 August 2024 prepared by Colliers Engineering & Design provides a calculation for pipe capacity with an 8-inch PVC pipe. The report does not contemplate flows within the proposed force mains onsite and existing Town owned force mains offsite.

**Response: The Utility Report has been revised to remove the 8" pipe capacity calculation and further explanation and design of the on-site and off-site force mains.**

30. An Engineers Report For Domestic Water Demand was prepared on 14 August 2024 by Colliers Engineering & Design for the project site. Report contemplates water flow for the potable water service only. The applicant should update their calculation to contemplate fire flow on site.

***Response: The Utility Report includes the supporting calculations for the wastewater demand. The Fire Suppression System report includes the calculations for the 180,000 gal. external water storage tank. Both the Utility Report and the Fire Suppressions System report can be found within Appendix N.***

31. The Engineers Report for Domestic Water Demand dated 14 August 2024 prepared by Colliers Engineering & Design calculates water flow through an 8-inch ductile pipe via Mannings Formula. The calculations should be updated to contemplate pressurized flow through the water main.

***Response: The water main calculation has been updated accordingly.***

32. Although our office defers the review of the visual resources section of the DEIS to the Board's Planner, our office notes that Chapter 3.O. – Potential Impacts does not identify the proposed water tank on the site.

***Response: A reference to the water tank has been added and the tank has been included within the Visual report and renderings provided within the DEIS and Appendix M - Visual.***

#### **MHE Site Plan Review Comments, January 24, 2025**

1. The Index Of Sheets identifies 42 sheets of the plan set whereas 41 sheets were found in the set. Sheet 42 in the index indicates a minor subdivision plat. The applicant should clarify if this plat is the "Lot Consolidations And Subdivision Map Prepared For Neelytown Development LLC" prepared by Lanc & Tully Engineering and Surveying dated 24 July 2024.

***Response: Correct, as the full set has now been updated to 50 sheets, the Lot Consolidation/Minor Subdivision Map has been added as sheet 50.***

2. Table 3.I.1. identifies asbestos containing materials within buildings located on the site. As such, a note should be added to the demolition plan that states "A demolition permit from the building department is required for demolition of existing structures. Demolition of the existing structures shall be conducted in accordance of all local, state and federal regulations."

***Response: The above note has been added to the demolition notes.***

3. The tree clearing notes on Sheets 2, 3 & 4 of 42 should be updated to required tree clearing from November 1st to March 31st.

***Response: The above note has been added to the tree clearing notes.***

4. The tree clearing notes number 2 require bright flagging/fencing shall be used to demarcate trees to be clearing. The applicant should clarify how these will be demarcated. Alternatively,

the applicant could propose a line on the outer limits of the property where construction fencing would be placed identifying the limits of tree clearing.

**Response: The above note has been clarified in the tree clearing notes on the Demolition. Further, the demolition plan depicts in shading the area where the tree removal would occur which would include a colored fence along it's limits.**

5. The Board should discuss with the Board's Attorney the need for easements for each proposed lot. Will the easements be required to include metes and bounds descriptions?

**Response: There will be blanket easements between the two properties which allow for access and maintenance across the entirety of the site. Metes and bounds and delineated easements would not be added, but the blanket easement may describe the metes and bounds of the entire lot.**

6. General Note 8 on Sheet 5 should be removed from the plan set.

**Response: General Note 8 on Sheet 5 has been removed.**

7. Sheet 9 shows a driveway to the rear (northwest side of Warehouse 2). The applicant should evaluate the need for an emergency access gate between the parking lot on both the southwest and northeast sides of the building and the emergency access drive to the rear.

**Response: An additional access gate near the parking area of Warehouse 2 has been provided to deter any erroneous access to the emergency driveway.**

8. No fire access is provided on the west/southwest side of Warehouse 1. The applicant should evaluate the NYS Fire Code to determine if fire apparatus access is required in this vicinity.

**Response: The layout plan has been revised per NFPA code to include a second aerial apparatus roadway along the southwest facade. The western chamfered façade is within close enough proximity to each surrounding parking lot (less than 150') as well as proximity to Beaver Dam Road (less than 100') to provide fire access.**

9. As the applicant is aware, the proposed water services include fire hydrants. As such, Orange County Department of Health approval will be required for water main extensions for each of the proposed water services.

**Response: Upon approval and prior to filing a building permit, the application will obtain a permit from the OCDOH for the water main extension and hydrants within the site.**

10. Based on a review of the overall utility plan, it appears that only Warehouse 2 is proposed to be connected to the fire pump building and storage tank.

**Response: The fire pump building and storage tanks depicts a service line for each warehouse and it is intended to service both buildings.**

11. The utility plans should be updated to include the locations of the existing water and sewer mains within Neelytown Road.

**Response: Utilizing available mapping from the Town, the existing water and sewer mains with Neelytown Road have been added to the plans.**

12. The utility plans identify two separate sanitary sewer pump manholes in close proximity to one another. The applicant should evaluate the ability to share a common pump station for both buildings.

**Response: The plans have been revised to provide a pump station for each building within proximity to the structure and then each provides a separate 2" force main to connect to the six inch (6") force main within Neelytown Road.**

13. The line between Sanitary Sewer Manhole SS-7 and Manhole S-6 is noted as a force main (no size and type of pipe noted). Is this line a gravity line?

**Response: The plans have been revised to provide a pump station for each building within proximity to the structure and then each provides a separate 2" force main to connect to the six inch (6") force main within Neelytown Road.**

14. The size and type of force mains to be connected to the existing Town owned sanitary sewer force mains should be noted.

**Response: Additional notes and details have been provided for the pump stations and 2" force mains, including material and size of the service lines.**

15. Calculations should be provided for the proposed fire hydrants on site to ensure the required fire flow is met.

**Response: Calculations for the proposed hydrants have been added to the Utility Report.**

16. Utility plan Sheet 18 identifies a water line entering the proposed pump building and water storage tank for fire protection measures from Warehouse 1 with no discharge side.

**Response: The design has been clarified to more clearly show a water main connection to the pump building and tank, along with discharge lines to both Warehouse 1 & 2.**

17. There is no proposed water main connection from the water storage tank to the pump building.

**Response: The design has been clarified to more clearly show a connection from the tank to the pump building.**

18. There is no feed/supply side of the fire pump building to serve Building 2.

**Response: The design has been clarified to more clearly show a connection from the pump building to Warehouse 2.**

19. The proposed water mains serving each site are identified as 6-inch ductile iron water main whereas the fire protection lines from the proposed pump building are identified as 8-inch.

**Response: The proposed water mains on site have all been revised to 8-inch DIP mains.**

20. Sheet 19 identifies a single valve at the 4-way T prior to entering Warehouse 2. The applicant should clarify where valves are proposed to be placed.

***Response: The design has been clarified to provide valves at each side of the 4-way tee connection.***

21. The following note should be added to all proposed lighting plans: Planning Board's acceptance of the lighting design shown hereon is premised on the representation of the applicant that the lighting will not cause a glare or other deleterious effect on adjoining properties and/or roadway traffic. Should any such conditions result from the installation, in the sole opinion of the authorized representatives of the Town, the applicant agrees to modify and/or replace fixtures to cause the correction of the condition, to the satisfaction of the Town representatives.

***Response: The lighting plan has been updated to include the specified note.***

22. The lighting plan should be updated to include the cut sheets for all proposed lights including the proposed color temperature of the fixtures.

***Response: The lighting details have been revised with cut sheet of the proposed fixture added. The color temperature of the fixtures is Amber which is in the 1800-2200 Kelvin range as directed by the Town's lighting consultant.***

23. With regards to the proposed handicap parking spaces, the applicant should update the accessible parking line strip stall detail (Detail 11 on Sheet 36) to require 8-foot minimum accessible aisle and include the required signage at the front of this aisle.

***Response: The corresponding detail has been revised accordingly.***

24. The concrete curb details indicate a depth of 20 inches or 18 inches. The applicant should clarify the required depth.

***Response: The corresponding details have been revised to specify 18 inches.***

25. The applicant should include our offices standard retaining wall notes on the proposed retaining wall detail: Design for the retaining wall shown hereon shall be prepared by a NYS Licensed Professional Engineer and submitted to the Town Building Inspector for record prior to construction. Such design drawings (or shop drawings) shall bear the stamp and signature of such engineer, and shall be specific for the site and specific to the retaining wall system to be utilized and shall consider all appropriate and necessary possible loadings and conditions related to this project.

***Response: The retaining wall detail has been revised to include the specified note.***

26. The applicant should review Detail 1 on Sheet 39. The detail requires geogrid to be installed behind the proposed retaining wall. The applicant should review if the fencing will conflict with the proposed geogrid.

***Response: Fence posts can be installed as well as geogrid. The fence posts are installed during construction and then the geogrid wrapped around the footing of the posts. The applicant will obtain necessary easements from adjacent properties if excavation limits and/or tiebacks extend into the adjacent property.***

27. The applicant's pole mounted luminaire detail (Detail 2 on Sheet 39) includes a concrete footing. The detail should be updated to include the required height above finished grade such that it would protect the lighting fixture from damage from being hit by a vehicle.

***Response: The required height above the finished grade is specified in the lighting plan but has also been added to the detail.***

28. The applicant should provide the required elevations in details 10 & 11 on Sheet 39.

***Response: Elevations of the temporary swale and filter sock vary throughout the site. Refer to the soil erosion and sediment control plan.***

29. The applicant should provide a truck turning diagram for the northwesterly most truck loading dock on the southwesterly side of Warehouse 1.

***Response: The truck turning diagram has been revised to include the loading dock on the northwesterly and the southwesterly sides of Warehouse 1.***

30. It would be helpful if a larger scale drawing could be provided for the truck turning diagrams.

***Response: Statement acknowledged, the truck turning diagrams have been revised to show a larger scale.***

31. Input from the Jurisdictional Fire Department should be received with regards to their review of the application.

***Response: Statement acknowledged; comments have been received from the Fire Department and included in the response below.***

**MHE SWPPP Review Comments, January 24, 2025:**

1. Call out the design points on the existing and proposed conditions plan.

***Response: The design points are shown on the existing and proposed conditions plans, and callouts have been added for further clarification.***

2. It appears that the existing conditions drainage area for Wetlands/Undeveloped is incorrect as there are pipes very close to each leader arrow that should be used as design points. Revise the existing and proposed drainage area plans to utilize existing pipes that the site drains to as design points, to show the potential impact the project will have on existing infrastructure. Based on the plans there are 7 pipes that take water from the project site onto other properties. At a minimum, these 7 pipes must be design points.

***Response: The above indicated pipes in the wetland/undeveloped area convey flow into the wetland area, not out of it, therefore they do not qualify as design points. The four pipes***

**along Neelytown Road all convey runoff into the site, not away. The three pipes along Beaver Dam that do convey runoff off the site are considered design points.**

- There appears to be a pipe crossing the road where the TC path ends for Existing Drainage Area 2. If this is correct, show the pipe, the pipe size and invert elevations on the plan and make this a design point for existing and proposed conditions.

**Response: There is no existing pipe in this location.**

- Provide soil testing meeting the NYSDEC Infiltration testing requirements and Frequently Asked Questions 2004 for Infiltration Basin 1G, 1H, 1B, 1C. This office recommends using a minimum safety factor of 2 for the infiltration rates based on soil tests, as the infiltration rates always slow down over time.

**Response: Infiltration rates were determined using the Revised Geotechnical Investigation Report, prepared by Kevin L. Patton, P.E., dated November 4, 2024. Basin 1B uses a rate of 9 in/hr per the tested rate of 18.5 in/hr at test pit P45. Basin 1C uses a rate of 10 in/hr per the tested rate of 24 in/hr at test Pit P50. Basins 1H and 1G use a rate of 7 in/hr per the tested rate of 14 in/hr at test pit P9. Additional testing will be provided prior to Final Approval.**

- Applicant's engineer to discuss how the infiltration rates for each of the proposed infiltration basins was determined.

**Response: Please refer to the response to comment 4 above.**

- Show that all the infiltration basins have the required pretreatment volume based on the infiltration rate for the basin.

**Response: Please refer to the GI Worksheets for the required and provided pretreatment volumes.**

- Revise the existing conditions drainage area plan to follow existing topography and not the proposed layout, specifically for area 1 and 2.

**Response: Existing drainage areas EDA 1 and Existing Wetlands/Undeveloped both drain to Design Point 1 under existing conditions. EDA 1 consists primarily of lawn and wooded area within HSG A, while Existing Wetlands/Undeveloped consists primarily of lawn and wooded area within HSG D. As modelled, Existing Wetlands/Undeveloped has an area of 27.15 Ac, CN of 73, and TC of 23.40 min and EDA 1 has an area of 18.29 Ac, CN of 52, and TC of 30.0 min. When these two areas are combined into a single drainage area, they have an area of 45.44 Ac, CN of 65, and Tc of 30.7 min. The peak rates of runoff for the existing areas are as follows:**

Storm	EDA 1	Existing Wetlands/Undeveloped
1-Year Storm	0.13 CFS	11.36 CFS
10-Year Storm	5.78 CFS	42.30 CFS
25-Year Storm	12.99 CFS	62.68 CFS

100-Year Storm

31.97 CFS

106.42 CFS

***As can be seen above, EDA 1 and Existing Wetlands/Undeveloped have significantly different peak rates of runoff due primarily to the vastly different hydrologic soil groups in each area. The combined area effectively averages the peak rates of runoff from each area, which underestimates the actual existing peak flow.***

***Under proposed conditions, the area EDA 1 will be routed through a series of basins that will reduce the peak rate of runoff to DP-1, for example reducing the peak flow to 0 CFS for the 1 year storm. However, if EDA 1 and Existing Wetlands/Undeveloped are modelled as a single drainage area and the peak flows from each area are averaged together, the removal of EDA 1 would effectively make it appear that the peak flows to DP 1 would increase. The increase in the peak rate of runoff would not be due to the proposed development, but due to the method of modelling.***

***We believe that by dividing the existing area draining to DP1, we are more accurately modelling the existing and proposed peak runoff to DP 1.***

8. Provide pretreatment for Bioretention Basin 4A, 4B.

***Response: Pretreatment for bioretention basin 4A is provided via a 22 FT wide grass filter strip at the northern end of the basin. Pretreatment for bioretention basin 4B is provided via 30 FT wide grass filter strip at the eastern end of the basin.***

9. Revise the TC path for proposed area PDA-1J to have a minimum of 6 minutes, which is required by HydroCAD to run the model correctly.

***Response: The TC path for PDA-1J has been revised to 6 minutes.***

10. Show the underdrains for the bioretention basins on the plans.

***Response: The underdrains for the bioretention basins have been added to the plans.***

11. Revise the bioretention basins to have a ponding depth of 6" by having the first orifice located 6" above the bottom of the basin. Rerun the HydroCAD model to show how this affects the bioretention basins.

***Response: The bioretention basins have been revised to have a ponding depth of 6".***

12. Provide the elevations for the bioretention basins in the detail on sheet 38.

***Response: The elevations have been added to the bioretention basin detail on sheet 38.***

13. Show the underdrains for the infiltration basins on the plans.

***Response: The underdrains for the infiltration basins have been added to the plans.***

14. Provide the elevations for the infiltration basins in the detail on sheet 38.

***Response: The elevations have been added to the infiltration basin detail on sheet 38.***

15. Provide a minimum of 1 ft. of freeboard for Bioretention Basin 1A, which currently only has 0.04 ft. of headboard during the 100-yr storm event.

**Response: Bioretention Basin 1A has been revised to have an elevation of 414.50 during the 100-year storm event and a top of berm elevation of 415.50, providing 1 FT of freeboard.**

16. Provide a minimum of 1 ft. of freeboard for Bioretention Basin J, which currently only has 0.01 ft. of headboard during the 100-yr storm event.

**Response: Bioretention Basin 1J has been revised to have an elevation of 412.84 during the 100-year storm event. The basin has a top of berm elevation of 414.00, so there will be 1.16 FT of freeboard.**

17. Provide a minimum of 1 ft. of freeboard for Bioretention Basin 4A, which currently only has 0.08 ft. of headboard during the 100-yr storm event.

**Response: Bioretention Basin has been revised to have an elevation of 440.43 during the 100-year storm event and a top of berm elevation of 441.50, providing 1.07 FT of freeboard.**

18. Additional comments may be required as further information is provided.

**Response: Statement of fact.**

## Letter #5 [KALA DEIS Review Comments, January 27, 2025](#)

### B. Soils

1. Based on the EIS, the understanding is that the top five inches of soil on site has been determined sufficient for use as topsoil in planting areas and it will therefore be stripped and stockpiled for reuse. Stockpiled topsoil will be evaluated by a landscape architect for reuse in landscaped areas. The landscape architect should submit a suitability report to Montgomery's Building Department prior to use of the topsoil. Given the extensive planting proposed on site and the large berms which are highly relied upon for screening, the quality and depth of topsoil is of utmost importance to establish and maintain effective screening of the site. FedEx, to the north, had many issues with plant die-off on their berms. Issues mostly resolved once they amended their berm soils. It is best to get it right upon first installation rather than having to go back and replace dead plants. Recommended specification for soils has been provided with the landscape review memo.

**Response: The corresponding notes have been updated to represent the correct soil specs.**

As part of the mitigation measures, topsoil will be left in place in pavement areas receiving more than 5 feet of new fill to raise grades. This seems counterintuitive as the topsoil could be stripped for use in the many proposed landscaping areas, especially considering only the top five inches of existing soils has been deemed suitable for use as topsoil.

**Response: As described on the landscape plan notes, all topsoil should be removed to be stockpiled and reused. No paving over topsoil is proposed.**

O. Visual Resources

2. In previous experience, it was important to screen views from Route 84. If this is still the case the entrance to proposed warehouse 2 will be very close to and particularly visible from Route 84. Perhaps a section and vantage point should be provided to determine visual impact of this entrance from Route 84.

***Response: The vantage points have been revised per the updated landscape plan. Visual***

3. Warehouse 3 is mentioned multiple times in the visual resources section despite no warehouse 3 being proposed for the site. The supplied renderings correctly label the warehouse but descriptions within the EIS mislabel the warehouses, creating confusion.

***Response: The corresponding section was previously revised and removed discussion of warehouse 3.***

4. Under the subheading for Vantage point 3, vantage point 2 and 2B are described rather than vantage point 3 and no proposed viewshed is discussed or shown with a computer rendering. No explanation, drawings or photographs show how views of the warehouses will be screened from Vantage Point 3.

***Response: The vantage point views and identification numbering has been clarified and corrected.***

5. The description of Vantage point 4 is incorrect as it calls vantage point 4 vantage points 2 and 2B. No mention is given that this vantage point is located in front of existing residences on the west side of Beaver Dam Road. Proposed warehouse 1 appears to be misdescribed as warehouse 2. Images correctly label the warehouse as warehouse 1. Warehouse 1 is described as not visible but the southernmost corner of warehouse 1 as illustrated in figures 3.O.15 and 3.O.16 will be partially visible until at least year 10 after landscaping is installed.

***Response: The vantage point views and identification numbering have been clarified and corrected. Vantage points of warehouse 1 and warehouse two from neighboring properties can be seen within the Visual Appendix M.***

6. Proposed vantage point 5 is on Neelytown Road but the proposed conditions section for this vantage point describe views from Beaver Dam Road.

***Response: The vantage point views and identification numbering have been clarified and corrected. Vantage points of warehouse 1 and warehouse two from neighboring properties can be seen within the Visual Appendix M.***

7. Renderings for vantage point 6 show that all trees between the corner of Neelytown and Beaver Dam Roads and the edge of proposed warehouse 2 will be removed. There are thriving existing trees at the corner of Neelytown and Beaver Dam Roads and further into the site which should be protected and marked to remain. Proposed screening should be more organic, creating depth to field. It should work alongside existing vegetation, especially

as it is easier to maintain existing thriving vegetation than it is to grow hundreds of new trees in the area's poor soils.

***Response: The vantage point has been revised to include existing vegetation to remain in place, as depicted on the revised landscaping plan.***

8. Vantage point 7 is incorrectly described as being located near single-family residences and looking east toward the project site despite being on the east side of the project site. There are no residences across the street at vantage point 7 and it does not border the United Natural Foods, inc. property. The vantage point is located on Neelytown Road but views along Beaver Dam Road are discussed in this section. Most of the screening from this vantage point will be provided by existing vegetation with little to no proposed screen plantings along the southern corner and eastern façade of proposed warehouse 1. Views of the western façade will be partially mitigated by a 15' height stockade fence and a row of mixed evergreen and deciduous trees.

***Response: The vantage point views and identification numbering has been clarified and corrected.***

9. Vantage point 8 is on Neelytown Road and East of the warehouses. It is incorrectly described as being located on Beaver Dam Road and west of the warehouse. The vantage point is on Neelytown Road and the proposed conditions incorrectly describe visibility from Beaver Dam Road.

***Response: The vantage point views and identification numbering has been clarified and corrected within the visual section. Additionally, the visual report has been revised and can be found within Appendix M - Visual.***

P. Animals, Plants, & Threatened and Endangered Species

10. The EIS discusses existing vegetation and habitat cover types found on site. It would be great to have a visual representation of the areas shown on the plan to get a better idea of what grew where. This way it will be easier to determine whether proposed plants will survive where they have been shown.

***Response: The proposed landscaping design takes into consideration the planting/growing conditions of each proposed species. The applicant will be responsible for the long-term maintenance and replacement - of all planted trees, so planting that maximizes survivability is a design criteria.***

11. Takeover by invasive species is a potential impact on any project that requires disturbing soils as invasive species are great at taking over disturbed sites and crowding out and suffocating desirable native vegetation. Approximately 86 acres of the site will be disturbed, around 36 of which will be landscaped and/or converted to meadow. A plan for long-term invasive species mitigation and monitoring on disturbed areas of the site should be included as a method of mitigating impacts on plants and animals.

***Response: The corresponding notes on invasive species and meadow maintenance have been revised within the landscape plans on pages 20 to 24.***

## Letter #6 KALA Site Plan Review Comments, January 27, 2025

### GENERAL COMMENTS

1. No specifications are provided for topsoil on the landscape plans. Given the extensive planting proposed on site and the large berms which are highly relied upon for screening, the quality and depth of topsoil is of utmost importance to establish and maintain effective screening of the site. The EIS defines good topsoil as containing significant amounts of sand or gravel or both, low shrink-swell potential and few cobbles and stones. A more specific recommended specification for soils has been provided at the end of this memo.

***Response: As described on the landscape plan (sheets 20-24), all topsoil shall be removed to be stockpiled and reused. The topsoil stockpile will be reused for planting and the large berm.***

2. General planting note C.I.(A) on sheet 40 defines backfill for plantings as consisting of one part each of topsoil, moistened peat moss, and parental material. Peat moss is no longer recommended for use in landscape projects, especially ones of this size, due to the economic feasibility and environmental impacts of the material. It is a limited natural resource which only accumulates at a rate of 0.04 of an inch per year. It would be better, and likely cheaper, to find a local, more sustainable alternative to peat moss. Consult with the landscape architect about what to use for backfill which will be determined by what soil amendments may be needed. The parental material should not consist of the soils determined in the EIS's soil as poor for topsoil use or it will provide detrimental to plant growth and wellbeing.

***Response: The corresponding detail has been updated to utilize coconut coir. Coconut coir is better as it is cheaper and more sustainable alternative to peat moss.***

3. Many stone walls characteristic of the area exist on the property. It would be great if the walls could be re-used decoratively elsewhere on site such as at site entrances or at the junction of Beaver Dam and Neelytown Roads.

***Response: The characteristics of the existing stone wall will be replicated and used decoratively elsewhere on site where possible.***

4. How will parking lot planting islands be installed? Will the area first be leveled and compacted, with the planting islands dug out? The EIS states that topsoil would be completely stripped from the proposed building footprint and 10 feet beyond the building limits and completely stripped in pavement areas receiving less than 5 feet of new fill. What is the plan to install good soils in the planting islands deep enough to grow trees successfully? There should be a detail of the planting islands and there should be at least 24" if not 36" of soil including at least 12" of topsoil.

***Response: The parking lot plantings will be installed in accordance with construction notes provided on the soil erosion and sediment control plans on page 30 and the details provided within the detail sheets (Pages 35-40 of the Full set). As previously stated, all topsoil shall be removed to be stockpiled and reused. The topsoil stockpile will be reused for planting and the large berm.***

5. Most evergreen trees will not tolerate the urban conditions and salinity present in parking lot islands. For screening, consider urban tolerant deciduous trees such as Pin Oaks. Oaks keep their leaves long into winter months and will help provide screening. Consider deer resistant large growing shrubs in these islands if they will be tall enough to bolster screening. If there is a concern about the spread of deciduous trees, consider columnar urban-tolerant deciduous trees instead such as columnar Oaks.

***Response: The landscape plan has been revised to install evergreens along the parking lot for screening. The proposed evergreens and plantings are to be set back 5' to 10' from the back of curb and islands. This will protect them from excessive salt spray.***

6. To avoid large weedy mulch beds or weed whacking around trees in planting islands, consider a groundcover which only needs to be mowed once or twice a year such as tall fescue. Weed whacking so close to the trees is likely to harm them, especially in islands where trees are closely spaced.

***Response: Mulch rings have been provided and noted within the Landscape plan General Notes D(1)1.3 on detail sheet 40.***

7. Many trees and shrubs are proposed on slopes. Provide a slope planting plan which indicates some sort of stone support on the downhill side of the plantings so the plants do not slide down the slope. This office can supply an example detail if so desired.

***Response: An additional slope planting detail has been added to the landscape detail sheet.***

8. It is highly recommended to install deer rub protection around the trunks of proposed deciduous trees until the diameter of the tree has reached a minimum of 6" as bucks tend to be attracted to smaller trees. Given the extensive number of deciduous trees proposed, both in the general planting plan and in the wetland mitigation areas, it would be wise to protect the investment from the millions of possible deer damage.

***Response: An additional deer protection detail has been provided to the landscape detail sheet (pg. 40).***

9. If overhead wires will connect to proposed warehouses, they should be shown on the landscape plans to determine whether placement of proposed trees would conflict with overhead wires.

***Response: Overhead wires will not conflict with placement of proposed trees as the landscape plan was designed in reference to the utility plan's overhead wires. This ensures there will be no conflict with either proposed design.***

10. Junipers are shown too far apart in a manner that is artificial, and which will not provide the most effective screening. Red Cedar Juniper should be shown no more than 10 feet on center as they grow in dense masses in the wild and will provide better screening much more quickly. To increase the naturalistic look, Junipers can be placed irregularly in spacing no more than 10-12 feet on center as they do not tend to grow in even intervals in the wild. Use different sizes of Junipers for a very natural look.

***Response: Varying sizing of Junipers have been added to the landscape planting plan and adjustments to the spacing has be included.***

11. The hatch for ERNMX 181-01 Mix "B" is applied at too large a scale on the plans and it is difficult to graphically determine whether an area is to be seeded with Mix B or lawn, which does not have a representative hatch.

***Response: The seed mix has been updated to be ERNMX 181-2.***

12. Steep slopes are proposed at the north of the site, most notably on the proposed berms along Beaver Dam Road. A steep slope meadow mix such as ERNMX-181-2 composed of native plants, many of which are grasses, with deep-growing roots should be proposed to prevent erosion on the slopes.

***Response: The landscape plan has been revised to change the seed mix in these areas. The seed mix has been updated to ERNMC 181-2.***

13. According to the landscape plans, it appears that lawn is proposed at the bottoms of most of the stormwater management areas. Clarify what will be planted at the bottoms of proposed stormwater management areas. Details for the bioretention basins show there will be 3" of mulch and 2.5 feet of planting soil at the bottom of the basin. These basins should be planted. The detail provided for detention basins do not specify plantings in or around the basin and the infiltration/detention basin detail shows sandy soils at the bottom of the basin. Can those basins be planted as well?

***Response: The landscape plan has been revised to label basin types. The bio-basin detail has been updated as well.***

14. Little Bluestem and Yellow Wild Indigo are proposed at the bottom of stormwater management areas. These plants are not known for tolerating wet soils and would be better suited for the edges of the stormwater management areas where they are less likely to become inundated with water.

***Response: Planting locations have been updated to corresponding water levels within the proposed basins.***

15. Large quantities of a small variety of perennials are proposed on this plan which puts a lot of eggs in one basket with regard to plant survival on site. Consider breaking up large groups of perennials into smaller groups with a variety of species which do well in poor, damp soils such as New York Ironweed.

***Response: The proposed plant species has been diversified by providing varieties to the basin plantings.***

16. No cultivar for a female Winterberry Holly has been specified in the plant list. To ensure berries which will be both aesthetically pleasing and will provide forage for native fauna, a companion female cultivar should be selected. Southern Gentleman is a late-blooming pollinizer for other late blooming female species such as 'Winter Red', which has a similar mature size.

***Response: A female cultivar has been added, specifically the Winter Red Ilex Verticillata swapped for straight species.***

#### LANDSCAPE PLAN SOUTH

17. The landscape plan proposes an over 1,000 linear feet uniform band of trees shoved between the property line and the 75-foot setback line along the southern edge of the property. Thriving trees exist in this area which provide an attractive, naturalistic views from the intersection of Beaver Dam and Neelytown roads (see Figure 1). Existing tree stands and individual trees in this area should be more accurately marked out in the field and on the plans so that proposed plantings can complement and build upon existing trees to remain. It is better to work with existing thriving plant material than to try to grow a lot of new trees, especially considering the droughts and floods that have become more common in this region, killing many new plantings. Consider redesigning the proposed landscaping at the southern tip, integrating stone walls removed from elsewhere on site and moving proposed screening plantings further into the site. This will allow views across the open space and create depth to the landscape instead of keeping views confined to a corridor. Naturalistic plantings help provide screening better than a more stylized planting as they blend in with the surrounding environment. Loosen up and more naturalistically arrange the plantings, and keep existing trees, instead of providing hard straight division between groupings of plants. As shown in the viewshed section for vantage point 6, screening close to the road relies on a lot screening with lower branches which is not obtained from deciduous trees nor Pine species, whose lower branches usually die off and fall off or break off after some years. Effective reinforced screening is still possible when proposed trees are moved back from the road edge.

***Response: Planting layout has been naturalized and placed within the existing plan material. A note has been added that the plantings shall be placed in field under guidance of landscape architect.***

18. There is a beautiful stand of White Birches in the existing vegetation at the southern tip of the site (Figure 2). These should be noted, located, and protected.

***Response: A note has been added to the landscape plan to preserve the White Birches. The location of the White Birches are also outside the limit of disturbance.***

19. In line with comment 15 above, clarify where existing wooded areas will remain as the line for woods to remain ends abruptly without closing near the corner of proposed warehouse

2 on the wetland side of the property. This is especially important to note so that proposed screen plantings complement rather than replace existing vegetation.

**Response: The Forest Patch preserved exhibit within Appendix K illustrates the existing wooded area to remain.**

20. The plans do not make it clear at what point in the project the houses at the southern tip of the site will be removed, nor does there appear there a plan for protecting existing thriving trees to remain on these properties. As in comment 1, locate these trees on the plans and provide tree protection fencing at the dripline to protect the trees from construction damage. Furthermore, clarify what groundcovers will be planted on top of soils disturbed from demolition.

**Response: The houses at the southern tip will be removed in accordance with the construction phasing plan on page 30 of the full set. Tree protection, groundcovers, and discussion of topsoil is noted within the landscape plan, soil erosion and sediment control plans, and the details.**

21. Add a north arrow to sheet 21, Landscape Plan South.

**Response: The north arrow has been added to Landscape Plan South.**

#### LANDSCAPE PLAN EAST

22. Seven trees are proposed at the top of the retaining wall at the southeast corner of proposed warehouse 1. The wall is nearly 15 feet tall and likely requires geogrid. Generally geogrid does not allow for sufficient soil depths to support trees, much less a tree with a taproot such as *Nyssa sylvatica*. Is there a way to support both?

**Response: The wall is a segmental block wall with geogrid. (7) trees have been moved from the area and placed elsewhere on site. All other plantings adjacent to the retaining wall have been set back to prevent conflict with the geogrid.**

23. If not requested to be built by the tenant, how will screening be bolstered along the area designated to be land banked in the future? Will that area still be cleared even if a tenant has not asked for the parking to be built?

**Response: The land banked area is identified as the last stage (stage 8) of the construction phasing. That area will not be cleared until all other phases are complete. If a tenant does not ask for the land banked area to build no clearing will occur.**

24. Proposed screening between the possible land banked parking area and Neelytown Road should consist of a double row of plantings rather than a single line. Additional plantings are needed to soften the 15 foot high noise and screening fence.

**Response: A double row of *Ilex Opaca* and *Viburnum* have been added to the curbed island. These have been placed to act as a soundwall buffer.**

#### LANDSCAPE PLANS WEST AND NORTH

25. A massive berm of up to 100 feet in height is proposed between proposed warehouse 2 and Beaver Dam Road. Singular lines of proposed plantings are shown on the berm which will highlight its artificial nature. Mix the proposed plantings together more to avoid large swaths of any one species of tree as large lines of one species of tree in a row at the same grade do not occur readily in nature. Proposed plantings should be more loosely organized along the slopes and should not consist of singular bands at one grade.

***Response: The planting layout has been adjusted to be more naturalistic and with a greater mix of plant species.***

26. *Populus tremuloides* and *Populus deltoides* (Quaking Aspen and Cottonwood, respectively), would be excellent additions to the trees proposed on the berms, particularly as a replacement for Thornless Honeylocust. These trees, along with American Sycamore, are known to quickly and readily proliferate in poor disturbed soils as will be present on site. Quaking Aspen are an early successional pioneer species that will eventually give way to intermediate species such as Red Maples.

***Response: The Thornless Honeylocust has been replaced with a Quaking Aspen. =***

27. Consider using smaller size trees and in larger quantities along the slopes of the berms along with the many larger sized trees proposed. Smaller sized trees must be large enough to be above the browse line of deer.

***Response: The proposed trees will be installed at the minimum allowable caliper size permitted by the Town Ordinance. Our landscape architect has review and provided some edits to the berm landscaping, but one goal is to provide large screening as quickly as possible which tends to lean towards taller trees at the time of planting.***

28. How will the large berms be constructed? Most of the screening in this portion of the site relies upon the large proposed berms. They should be built in a way that will reduce erosion but will also provide good, deep, uncompacted topsoil over the entire mound in which proposed plantings will be able to grow and thrive. Compacted soils are a large threat to the well-being of plantings, existing or proposed. The berms will be largely made of soil excavated from the site, most of which, according to the EIS, is poor for use as topsoil. The neighboring FedEx site had issues with trees surviving on their much smaller constructed berms which was only improved by amending their berm soils. It is best to prevent issues beforehand rather than to deal with massive die-off.

***Response: The large berm will have an internal core of compacted soil but will have a layer of uncompacted soil over the top of the mound to allow plantings to survive. The slope of the berm is also proposed at a slope no steeper than 3:1 to ensure soil will not erode and plantings will thrive.***

29. What will be planted or built in the area designated to be land banked in the future until a tenant requests it or if no tenant requests it? Will that area still be cleared even if a tenant has not asked for the parking to be built?

**Response: The land banked areas will remain in their existing state until the time (if such time arrives) that a tenant requires use of the additional trailer storage.**

### Letter #7 Maybrook Fire Chief Review Comments, January 27, 2025

Thank you for the short meeting today on site. As far as comments on the project thus far, the Maybrook Fire Chief's office would like you to install Knox boxes, one on each building upon completion with any and all access keys and contact information in the event of an emergency. This office will be in touch with Town of Montgomery Building and Code Enforcement throughout the project.

**Response: A note has been provided depicting a Knox box at each building.**

### Letter #8 NPV Substantive Review Comments, January 27, 2025

#### DEIS Comments

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

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

**Response: The table of contents has been updated to include the Air Quality Section heading.**

#### Chapter 1: Executive Summary

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

**Response: Discussion of the water tower ownership, location, access road, easement, and use of access road for emergencies is discussed within the Land Use and Zoning section of the Executive Summary.**

#### Chapter 2: Project Description

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

**Response: The cultural resource report has been redlined to remove this note.**

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

##### D. Water Resources

1. What is the status of the Army Corps of Engineers PCN?

**Response: The PCN was submitted to the Army Corps of Engineers upon which the 45-day review period expired. Per ACOE regulations, any projects not reviewed or responded to within 45 days can proceed. This was formalized in an email exchange with ACOE upon which they responded and confirmed on November 21, 2024.**

2. Please indicate whether the project is subject to the new NYSDEC wetland regulations. If so, what consultation has occurred?

***Response: The Proposed Action and the wetlands on site are now subject to the recently adopted NYSDEC regulations. The applicant has submitted a wetlands permit application to NYSDEC Region 3.***

3. The actual limits of the NYSDEC wetland should be shown. It has not been determined whether the improvements are within or outside the 100-foot adjacent area on the site plan sheets. Reference is made to the Environmental Resource Mapper, which is not “official”.

***Response: The plans have been revised to depict the 100-foot wetland buffer surrounding all of the wetlands on site, as they are now all under the NYSDEC’s jurisdiction.***

4. With regard to “A small wetland area on the eastern portion of the Site was determined to be isolated by the Project Sponsor’s wetland expert and, as such, not subject to federal jurisdiction”, there should still be an evaluation of the wetland, its characteristics, and whether it holds any value or potential regulation, e.g., is it a vernal pool, etc. The wetland survey and maps do not show the location of this isolated wetland and whether it can still be avoided. Any isolated wetland should still be shown on the existing conditions map for the project and impacts to it discussed.

***Response: The small wetland area was determined to be isolated by the ACOE during the FedEx site review. The existing conditions plan has been updated to show the wetland and the 100’ NYSDEC buffer. The Proposed Action wetlands disturbance exhibit within Appendix K has been added to show potential impacts have been mitigated to the fullest extent possible.***

5. In reviewing the DEIS and the site plan, it does not appear that the layout or grading sheets actually call out and quantify the wetland area being disturbed. The DEIS states the disturbance is at the entry, but does not appear to show what is being filled in. Additional detail is needed.

***Response: Both the plans and the DEIS have been revised to include reference and description of the new total wetland/wetland buffer disturbance based on the new NYSDEC wetland designation and associated 100-foot buffer.***

6. We raise a question as to whether wetland area is being filled adjacent to Warehouse 1 by the proposed access aisle. The wetland, as shown on the layout sheet, suggests the wetland has a linear shape up against the aisle, but a review of Sheet 2 of 42 indicates that the wetland area bows out, and the aisle may encroach into it.

***Response: The area in question does propose wetland disturbance and it is described as such on the plan.***

7. There should be a discussion of how much area exists between the edge of the wetland and the retaining wall to assess whether there is sufficient area to construct the wall without any encroachments. How will encroachments be avoided?

***Response: The wetlands are consistently located on the low side of the wall and there is no anticipated disturbance beyond the limits of the proposed wall.***

8. It seems the Natural Resource Survey and the DEIS erroneously refers to the entire wetland complex on the site as a “red maple swamp” and therefore minimizes its value. As per the NWI mapper, freshwater emergent wetlands, two open water ponds, stream, and forested wetland is present creating a diverse matrix which would be richer biologically.

***Response: Although the dominant cover type is red maple swamp there is open water and marsh component on the additional parcel that makes up the site. The red maple swamp is maximizing the wetland value however not minimizing it.***

9. Is any increase in stormwater being directed toward the NYSDOT right-of-way? If so, has the NYSDOT reviewed the stormwater plans?

***Response: The NYSDOT right-of-way is elevated and does not have direct frontage along the site. There is no stormwater being directed or contributed to the DOT, therefore there is no possibility of an increase in stormwater being directed towards the DOT right-of-way.***

10. The Orange County DPW has indicated a need for full depth shoulders along Neelytown Road. Does the potential exist to encroach into the wetland area to meet this design requirement?

***Response: The road widening would occur within the existing right-of-way, so there would be no further encroachment into the wetlands. Appendix K – Ecological provides the wetland and wetland buffer disturbance exhibit to support this conclusion.***

#### E. Wastewater Management

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

***Response: A new will serve letter has been obtained from the Town confirming they have capacity to service the site and it has been added to Appendix N.***

#### F. Water Supply

1. Defer to Planning Board engineer.

**Response: Comment acknowledged.**

#### G. Traffic and Transportation

1. The FEIS should address any comments issued by the Orange County Department of Public Works.

**Response: Comment acknowledged. The OCDPW comments have been included in this response**

2. The layout routes all truck traffic through one single access drive – as designed, it does not appear to anticipate that any security booths or other security fencing or measures would be needed for any of the tenants. This should be confirmed.

**Response: It is confirmed that no security booths or fencing are proposed at this time.**

#### H. Noise

1. Please confirm that the warehouses will not be refrigerated, as the noise analysis did not consider potential noise from that type of warehouse.

**Response: Correct, neither warehouse is proposed to be refrigerated as part of the Proposed Action.**

2. Please address sound levels that will emanate from Warehouse 2 which would be directed toward the residential area to the north of I-84. The warehouse is on top of the hill, and vegetation and grading could direct noise toward this area.

**Response: The sound study evaluated residences north of I-84 by way of Receptor A in the acoustical model. The model takes into account grading and the elevation of noise sources and structures to accurately predict the attenuation provided by distance and screening. The sound study concludes that the project meets all local noise limits and complies with DEC guidelines for all residences north of I-84.**

#### I. Air Quality

1. The Scoping Document requires the following: Future PM 2.5 and PM10 levels will be predicted for the Proposed Action. This analysis was not performed. A generic discussion is provided as to why an analysis was not done, rather than calculating future PM2.5 and PM10.

**Response: The Project does not meet EPA criteria that would require a PM hotspot analysis to predict future PM levels. The Project will not result in significant increases in diesel vehicles at intersections with LOS D, E, or F, or change the LOS to D, E, or F due to a significant increase diesel vehicles. The Project will not cause or**

***contribute to any new violation of any NAAQS in any area, increase the frequency or severity of any existing violation of any NAAQS in any area, or delay timely attainment of any NAAQS in any area.***

2. The Applicant should review the NAAQS PM standards that are referenced – they were updated in 2024, although this does not appear to have been captured in the analysis.

***Response: The NAAQS Table in Appendix P has been updated to reflect current EPA PM standards.***

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

***Response: A discussion of fugitive dust controls has been added to Appendix P.***

#### J. Land Use and Zoning

1. Under Potential Impacts, need for editing of second sentence, “can range between”...

***Response: The corresponding section has been revised.***

2. Also under Potential Impacts, second paragraph, add “municipal” to water tank. And the final sentence should note that the existing roadway also runs within the Project Site, along its northern boundary.

***Response: This section has been revised in accordance with this comment.***

3. Provide more description of the water tower, owner and location, including location of access road on the Project Site, easement, use of access road for emergency access for the proposal.

***Response: Additional detail of the water tower has been added to this section.***

4. Small portion of land banked parking lot along Neelytown Road appears to be within 75' front yard and 50' rear yard setback. Also, an interior driveway also appears within the full length of the 50' rear yard setback. Is this permissible?

***Response: Yes this is permissible, as the site is zoned as I-1 (General Industry) district, the banked parking lot and the interior driveway within the setback is permitted.***

5. When referring to Performance Buffering requirements, note the reason why the Proposed Action is grandfathered from compliance. Discuss buffering goal for Grade B buffers, as the proximity of the proposed warehouse use to the existing residences across Beaver Dam Road may possibly require Grade D buffer, which requires more substantial buffering.

***Response: See revised language in the DEIS.***

6. Note that the Town's 2021 Comprehensive Plan also recommends part of the site, along Beaver Dam Road, as Low Density Residential/Agriculture.

***Response: Noted.***

7. In the last sentence of the first paragraph, please consider whether Proposed Action will enhance the value of the nearby properties, particularly the residential properties across Beaver Dam Road.

***Response: Property valuation affected by the proposed action is discussed within Section M: Fiscal and Employment Impacts within the DEIS and conclude that the values of the properties should increase. The paragraph in the revised DEIS has been expanded to explain these details.***

#### K. Utilities

1. Defer to Planning Board engineer.

***Response: Comment acknowledged.***

#### L. Community Services and Facilities

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

***Response: Correspondence with the Maybrook Fire Chief is provided within Letter #7 of this document and provided within Appendix Q – Community Services. The correspondence concludes that with some minor adjustments the MFD would support and be able to service the development.***

#### M. Fiscal and Employment Impacts

1. We question the use of valuation of properties within the Village of Maybrook for evaluating the impacts of residential properties within 1/2 mile of the Project Site, as detailed in Appendix M, Appraisal Report. We consider the residential properties along Beaver Dam Road, directly across from the site, and residential properties to the north of I-84, as more appropriate for discussions of impacts. Impacts will include visual impacts on properties and traffic impacts along Beaver Dam Road.

We question the conclusion of no fiscal impacts to home values, particularly along Beaver Dam Road. These questions also relate to the conclusions as stated in Appendix M, Appraisal Report, which references property Values in the Village of Maybrook.

While trucks are to be accessed from Neelytown Road, employee traffic will access the site from Beaver Dam Road, thus potentially incurring negative impacts on residential properties along that road. Impacts and mitigation discussions are needed.

***Response: Regarding properties to the north of I-84 as referenced in the above transcript, it is the appraiser's opinion that any increase in vehicular traffic by employees of the existing and proposed industrial development is minimal, since the majority of potential employees will likely utilize the on-ramp to I-84 at Neelytown Road at the intersection of Homestead Avenue (Route 208). Any vehicular traffic utilizing Beaver Dam Road north of I-84 is generated by residents of the residential area south of Ward Street (Route 17K), which would be seen as a benefit to the residents due to proximity to a major employment center.***

***Montgomery, NY Real Estate Trends Near Industrial Areas:***

***Current Market Trends: As of January 2025, Montgomery's housing market has shown positive trends. Home prices have increased by 10.8% compared to the previous year, with a median sale price of \$380,000. Additionally, homes are selling faster, averaging 15 days on the market compared to 65 days the previous year.***

***Local Market Dynamics: The 12549 ZIP code, encompassing Montgomery, has experienced significant growth. The median sale price of homes in this area was \$550,000 last month, reflecting a 14.1% increase from the previous year.***

***Considerations for Beaver Dam Road and Neelytown Road:***

***Distance and Buffering: If Beaver Dam Road is sufficiently distanced from Neelytown Road, with natural or constructed buffers, the negative impact on property values may be minimized.***

***Economic Benefits: Industrial development can create jobs, potentially increasing demand for housing and rental properties in the vicinity. This economic boost can counterbalance potential negative perceptions associated with industrial proximity.***

***Community Engagement: Active involvement of residents in the planning process can lead to development plans that address community concerns, such as implementing noise reduction measures, aesthetic enhancements, and traffic management strategies.***

***Conclusion:***

***While industrial development can introduce factors that might negatively influence nearby residential property values, such as increased traffic or noise, the actual impact is highly context-dependent. Given the current positive real estate trends in Montgomery, NY, and considering factors like adequate buffering and community engagement, the development along Neelytown Road should not diminish property values along Beaver Dam Road. Proactive planning and open communication between developers, local authorities, and residents are crucial to mitigate potential adverse effects and to harness the economic benefits of such developments.***

2. Were any discussions held with the IDA to determine the length of the PILOT or its structure? Is the time period for the PILOT accurate? Other warehouses with PILOTS have longer terms.

***Response: Please refer to DEIS document page 18 and 139. As noted, a PILOT is not being pursued by the Project Sponsor at this time due to the speculative nature of the Proposed Action. The scenario calculated in the DEIS report assumes a 10-year PILOT period. PILOTS can, however, extend for up to 30 years.***

#### N. Cultural Resources

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

***Response: Figure 3.N.1 (pg. 142) shows an Area of Potential Effect (APE) which reflects wetlands areas that will not be disturbed. For clarity the limit of disturbance (LOD) has also been added to this figure.***

#### O. Visual Resources

1. The Scope required a discussion of a tree survey removal as per the site plan and subdivision requirements. An analysis and discussion are not provided in this section.

***Response: Visual impacts of any tree removal along with the analysis and visual mitigation impacts from the proposed landscape design is provided within this section and within Appendix M – Visual.***

2. The proposed project will be visible from Beaver Dam Road north of I-84. A field visit to the neighborhood during off-leaf conditions indicates that the warehouse on Lot 2 will be visible from the Tweddle and Pelton Farms and homesteads. A visual analysis of the impacts to these viewsheds is needed, and a discussion of landscaping to mitigate views on the north side of Lot 2 is needed. Very little landscaping is being installed along the northerly end of the building.

***Response: The overall landscape plan and visual reports have been revised to add additional screening. This can be seen on the landscape plans within Appendix F of the Site Plans and the Visual report within Appendix M.***

3. As per the Scope, a more full and detailed discussion of lighting is needed. There is no summary and reference is made to the lighting plan. What are the ranges of footcandles? Since one of the buildings is elevated, what will be seen from the residential area north of I-84? What is the proposed kelvin value? What are the proposed mounting heights of the wall mounted lights and are they elevated enough to be visible to residential uses? A full discussion of impacts and mitigations, especially regarding the Lot 2 warehouse, is needed, in terms of its visibility and impacts to the residential neighborhood on the north side of I-84.

***Response: A lighting summary (in footcandles) for the site is shown on the lighting plan. The color of the LED light source is Amber which is in the 1800-2200 Kelvin range. The mounting height of the wall lights is shown in the fixture schedule (25').***

4. The egress ramp going from Beaver Dam Road up to proposed Warehouse 1 is not discussed and is minimally shown on the proposed viewsheds. This ramp will be clearly visible from Beaver Dam Road and the nearby residences. We recommend some landscaping be proposed to screen the ramp, if possible.

***Response: Additional landscaping has been provided along the access ramp in the Landscape plan and discussion of the driveway included within the DEIS and Visual report.***

5. The proposed viewshed from Beaver Dam Road for Vantage Point 3 is not provided? Proposed conditions are not discussed in the document.

***Response: The viewshed for Vantage Point 3 has been revised in the DEIS and has been updated in the Visual report within Appendix M.***

P. Animals, Plants & Threatened and Endangered Species

1. Please provide any comments and correspondence from the NYSDEC.

***Response: Correspondence with the NYSDEC is provided within letter #12 of the FEIS.***

2. Appendix I, Natural Resource Survey, indicates that 30 shagbark hickories will be planted as mitigation for removal of trees which are utilized by regulated bat species. No such plantings are provided on the landscape plan as per the Plant Schedule. Specifically: "The applicant is proposing to plant a minimum of 30 shagbark hickory (*Carya ovata*) trees, in open areas around the facility and along the proposed access road which, when mature, may be used as roost trees by Indiana bats." Please address.

***Response: The proposed mitigation plantings were provided on the wetland exhibit plans, but they have now been added to the landscaping plan and table.***

3. As a general comment, all of the mitigations in the Natural Resource Study need to be incorporated into the mitigations of the FEIS, e.g., addressing effects of dust, etc.

***Response: The mitigation measures referenced in the Natural Resource Survey have been incorporated into the mitigation discussion section of the DEIS.***

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

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

***Response: There is no commitment to solar panels being placed on the building roof, however the buildings will be constructed with the ability to support solar panels. The installation of panels will ultimately be the tenant's decision.***

## Chapter 9: Climate Change

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

***Response: There is no commitment to solar panels being placed on the building roof, however the buildings will be constructed with the ability to support solar panels. The installation of panels will ultimately be the tenant's decision.***

### Letter #9 Neighbor 1 Planning Board Meeting Comments, January 27, 2025

Dear Chairman and members of the planning board,

Our family has not only been Montgomery residents for over 100 yrs but we have lived in the same house on the same farm for over 125 years. We are very concerned with the RDM project on the agenda tonight.

This will greatly impact our quality of life. It was impacted by Fed Ex and now this is even closer. How much more so we need to be subjected too?

There is already a tremendous amount of traffic on Beaver Dam Rd. We had cars, trucks and fed ex drivers who have no idea what a speed limit is! We have horses our kids ride, along with their bikes and there's people who run on the road and walk with their kids and dogs. It's a very dangerous road now. This will only get worse with a warehouse right there. Even if they are told not to make a right, it is guaranteed some will.

We have the lights from Fed Ex shining into our bedroom windows every night. Even with the lower watt bulbs, it's very disturbing as is the constant beeping and the intercoms we hear on nights when the air is right, or wrong in our case.

We've voiced our concerns all along. We were lied to by a previous supervisor, along with other families on this road, that the zone would be changed to residential. These warehouses will not pay the income needed to live in this town. They will maybe go to McDonalds or Burger King. They won't be making the money and having a long enough lunch breaks to be eating at the restaurants around the villages. They are coming from PA and NJ to work here. Not from within our town.

Is there to be any barriers for noise, lights or even to block the building that will probably need to sit on the higher side of the sloped area? Not only does it effect our quality of life, but it also drops our land value if there ever comes a time that we'd want to sell.

With so many help wanted signs along Neelytown Rd and buildings for rent, why do we need more?

We can't make more land.

Please consider all the factors in this project and its effect on the residents who will be closest to it. Do your best in preserving the farming town this was. Hold them to the highest standards possible! It impacts our children the most.

***Response: A 15-foot-tall sound barrier is proposed around the westernmost truck court which is near residential receptors. The barrier is taller than a tractor trailer, which is 13.5 feet tall, to provide sufficient screening and block line-of-sight from upper story residential vantage points. The most recent version of the DEIS dated November 8, 2024 includes acoustical modelling results in Section H as well as Appendix I. Model results confirm the project will fully comply with the local noise code as well as with NYSDEC noise guidelines.***

## Letter #10 Neighbor 2 Planning Board Meeting Comments, January 27, 2025

Planning board members:

We are here to once again appeal to you for help concerning the RDM warehouses across from our home on Beaver Dam Road. We have attended all the meetings and have written many letters to you stating our concerns and objections to the RDM project. The noise, traffic, litter, lights, pollution, the degradation of the quality of our life and the value of our home and property.

RDM required all the homeowners at the meeting with Brian Maher and Kristin Brown to sign an agreement to leave the zoning on this section of Beaver Dam Road ID. It was an all or none agreement. If all signed, then they would buy our homes. As you know, RDM bought the properties on the east side of Beaver Dam Road and then notified our lawyer that they put the three homes on the west side "on hold" due to the Critical Environmental Area that did not preclude development. We have been "on hold" and in limbo ever since because of the breach of the agreement.

HOW LONG IS "ON HOLD" ? INDEFINITELY AND FOREVER? RDM has the signed agreement of all the homeowners and none were given a copy.

When we speak at the planning board meetings, it is extremely difficult not to sound angry due to the frustration and anxiety we have had since we were notified of being "on hold". It has been a long time to not know the future of this. Must we live the rest of our lives surrounded by 30,000 gallon propane tanks, UNFI, and RDM warehouses? There would never be any quality of life for us and no value to our homes and property that we have spent our life improving and paying taxes on/ Doing this to us shows that RDM has no integrity and can't be trusted.

We are appealing once again to you to remedy this situation. Thank you.

***Response: The DEIS and FEIS provide detailed studies concluding there will be minimal impact to the surrounding residential parcels. Responses above detail how several considerations were given to the design with respect to the residential dwellings, which we have determined will still increase in value as a result of this project. Each study concluded the Proposed Action and associated impacts comply with local, state, and federal requirements. Impacts to the surrounding residential properties has been mitigated to the fullest extent possible.***

## Letter #11 Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing, January 27, 2025

***Please note that the Statements at this Public Hearing from Thomas Weber and Karina Tipton as well as the acknowledgement made of Debbie Pirl and Tammy Malley's email are being responded to separately in this report, as written comment letters have been provided from these parties.***

## Letter #12 NYS Department of Environmental Conservation Review Comments, January 30, 2025

### Freshwater Wetlands

The DEIS states that there “are no designated surface waters or wetlands regulated by the New York State Department of Environmental Conservation (“NYSDEC”)” and that no disturbance is proposed to the 100-foot adjacent area of “the NYSDEC-regulated wetland on the opposite side of Neelytown Road”. No mention is made of DEC-regulated wetlands previously mapped on the opposite side of Beaver Dam Road. The Freshwater Wetlands Law, Article 24 of the Environmental Conservation Law, was revised in 2022 and as January 1, 2025, DEC jurisdiction is no longer restricted to the areas previously mapped.

Portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24, Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC’s website (see Regulated Activities), which contains examples of regulated activities and those exempt from wetland permits.

DEC’s amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025. To determine whether the property contains regulated freshwater wetlands the project sponsor must submit a request for a Parcel Jurisdictional Determination (Parcel JD). A Parcel JD is a determination made by DEC whether a property contains regulated freshwater wetlands or adjacent areas within the parcel boundary. Please use the attached link to request a Parcel JD for the project site:

<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>. If you have any problems submitting the Parcel JD request, please email: [fwwjurisdiction@dec.ny.gov](mailto:fwwjurisdiction@dec.ny.gov). By copy of this letter, the project sponsor is directed to request a Parcel JD.

If the property contains regulated freshwater wetlands or adjacent areas, further delineation of the wetland boundaries and a Project Jurisdictional Determination (Project JD) may be required. A Project JD is a determination made by DEC whether a proposed activity within a parcel containing regulated freshwater wetlands or adjacent areas requires an Article 24 Freshwater Wetlands permit. If necessary, a Project JD may also be requested using the link provided above.

If regulated freshwater wetlands or adjacent areas are present, all efforts must be made to first avoid disturbing the wetland and adjacent area. If disturbance to the wetland and/or adjacent area

cannot be avoided, the project sponsor must submit a Freshwater Wetland permit application and obtain a permit to conduct a regulated activity. In accordance with DEC's Freshwater Wetlands Permit Requirements Regulations (6 NYCRR Part 663), the applicant would need to justify the disturbance, discuss alternatives, and minimize impacts as part of the Freshwater Wetlands permit application. More information on application procedures and permit issuance standards is available on DEC's website at: <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands#Determine>.

Questions on the jurisdiction change or the current process can be directed to the Region 3 Bureau of Ecosystem Health at [r3.beh@dec.ny.gov](mailto:r3.beh@dec.ny.gov) or 845-256-3087.

***Response: The applicant has submitted a wetlands permit application to the NYSDEC for the proposed impacts to wetlands and the 100-foot adjacent area of those wetlands.***

#### Endangered and Threatened Species

This site is in an area occupied by the endangered species Indiana bat and northern long-eared bat, tree-roosting bat species. Removal of habitat, taking of individuals, and interference with essential behaviors may result in a taking of the species pursuant to Article 11, Title 5 of the Environmental Conservation Law and require an Incidental Taking Permit pursuant to 6 NYCRR Part 182. At a minimum, take-avoidance measures will need to be implemented to minimize the risk of direct adverse impacts to individuals.

In addition, as the project includes the removal of 38.13 acres of forested habitat, further analysis is needed to determine if the project would constitute a taking of habitat. A forest coverage analysis was provided in the DEIS, but it is not consistent with DEC guidelines for such analyses. An assessment is also needed of other potential impacts that could interfere with essential behaviors, including noise, lighting, etc. The project sponsor needs to contact the Region 3 Bureau of Wildlife to obtain the necessary analysis protocols and confidential locations of known occurrences. Please reach out at [wildlife.r3@dec.ny.gov](mailto:wildlife.r3@dec.ny.gov).

In order for DEC to make a determination on taking and the need for Part 182 permit, the project sponsor needs to respond to this letter with additional project information as requested above. Please note, additional information, comment, and review may still be needed even after receiving the requested information. Determination of the need for Part 182 Incidental Taking Permit will be required as part of any application for Freshwater Wetlands Permit and, if an Incidental Taking Permit is required, the applications must be processed together.

***Response: A NYSDEC Article 24 wetlands permit application has been submitted to NYSDEC. It is anticipated that the potential need for a 6 NYCRR Part 182 permit and any further assessment of potential impacts on plants and animals will be addressed through that review process. After NYSDEC has reviewed the application and the Natural Resources Survey included in Appendix K, the Project Sponsor believes it will be responsive to this comment.***

#### Municipal Water Supply

Please note that the water district map in the DEIS Appendix L does not match the approved water district map attached to the Town of Montgomery's Water Withdrawal Permit. Parcel 33-1-91 is

Water District 1 as shown. Parcels 36-1-33, -11.221, -11.212, and -11.211 are in the Neelytown West Water District. However, parcels 36-1-11.23,-11.11, and -10.1 are not in the Town's permissible service area. A minor modification of the Town's Water Withdrawal Public Permit will be needed for service of the development. This can be addressed as part of the Town's current renewal application.

***Response: The Town's permit will either updated during its renewal application or the applicant can seek an out of district user agreement from the Town Board if necessary.***

### Letter #13 NYS Department of Transportation Review Comments, February 5, 2025

1. See attached signal timing for the intersections of Route 416/Neelytown Road and Route 208/Neelytown Road and update synchro models to match.

***Response: The Traffic Impact Study (See Appendix G) has been revised and the Synchro analyses have been updated accordingly.***

2. Provided a description in the mitigation section of the proposed signal timing changes proposed on the NYSDOT signals.

***Response: A description of the proposed timing changes has been added to the Potential Impacts and Mitigation Measures, section G, within the DEIS.***

3. Signals along Route 208 between Neelytown Road and Hawkins Drive has adaptive signal equipment. Any type of signal changes would need calibration of the corridor and a meeting with our signal should be setup to discuss.

***Response: Comment noted.***

4. For the crash history, please update to provided the data between 2021 to end of 2024 for the NYSDOT intersections.

***Response: The Traffic Impact Study (Appendix G) has been updated to include the crash history between 2021 and 2024.***

5. Provided a signal warrant analysis for the intersection of Route 416/211.

***Response: As analyzed in the Traffic Impact Study (11/5/24), 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 and Weekday Peak PM Hours.***

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

***As shown on the Level of Service Table (Table No. 2), the additional project traffic will increase the delay on the NYS Route 416 approach (minor approach) by less than 1 second during each of the Peak Hours.***

***In addition, 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, a traffic signal warrant analysis was completed for the intersection of Route 416/211 for Existing Conditions. As shown on Table TSW-1A the intersection currently meets traffic signal warrants under Existing conditions.***

6. NYSDOT recommends this project and others projects proposed in Montgomery be included in the transportation district established for Bracken Road to identify areas that need to be mitigated.

***Response: Comment noted.***

#### **Letter #14 Town of Montgomery Ambulance Review Comments, February 6, 2025**

At this time, the Town of Montgomery EMS is at full capacity with current call volumes and contracted staffing. Additional and proposed developments in the Town of Montgomery should consider that this will result in delayed responses for their emergencies and limited availability of ambulance transportation options. In order to bridge the gap between current staffing and increasing call volumes, the Town of Montgomery EMS has an annual financial shortfall of \$400K in 2025, which may continue into 2026 and 2027 and will most likely increase as well. The Town of Montgomery EMS accepts Community Benefit Agreements and donations as a method to ensure proper staffing ratios for the Town. Donations and community benefits agreements do not guarantee or provide preference in call responses but add to the overall success of our emergency medical services program in the Town of Montgomery.

***Response: Comment noted.***

#### **Letter #15 Comments provided by Karina Tipton, February 14, 2025**

1. Alternatives that the Project Sponsor should include are:
  - No construction option
  - Reduction in warehouse size – several additional layouts could be considered, with the goal of mitigating the serious impacts of risk to Town infrastructure (major retaining wall along Beaver Dam Rd., major impacts to traffic at evaluated intersections, impacts to habitat fragmentation, impacts to steep slope, impacts to air quality, noise impacts. The scoping document is clear (as is NYS SEQR requirements) that the DEIS must assess the potential impacts of the Proposed Action as well as to present and evaluate potential mitigation measures to mitigate impacts. These mitigation measures have not been provided in the DEIS.

***Response: The applicant has already provided 3 alternatives; the alternative designs can be reviewed within Appendix F of the DEIS. A “no action” alternative was also considered as not being consistent with the Project Sponsor’s objectives. See redline DEIS in Appendix B. A reduction in warehouse size would not meet the Project Sponsor’s reasonable project objectives. Mitigation measure have been provided, as necessary, for all potential impacts from the Proposed Action as reflected in the DEIS and its appendices.***

2. Topography: mitigation for the large grade change required for the proposed action only addresses erosion controls during construction. There is no specific discussion of long-term mitigation of erosion required specifically to any adverse impacts due to the flow of stormwater long-term over steep slopes adjacent to highway structures and the new building. The impacts to topography, and related outcomes, have NOT been mitigated to the maximum extent practicable.

***Response: The project does not propose any steep slopes in excess of allowable tolerances (1 foot rise for every 3 feet of run) which would result in erosion or destabilization, therefore no soil matting or long term erosion measures are provided or required. For details requiring erosion control during construction and operation of the Proposed Action, please review the SWPPP (Appendix E) and the Site Plans (Appendix F).***

3. Groundwater: the DEIS states that there is a potential for impact from ice/snow treatment methods, that will be mitigated with standard dewatering practices. “Standard dewatering practices” does not specifically address the potential for infiltration to the underlying aquifer from snow and ice treatment chemicals which could potentially contaminate the water source that the Town and the adjacent water supply company draw from. Additionally, while the DEIS identifies best practices for salt application, the operation of this warehouse will be undertaken by unknown parties, and there is no clarity provided for how these best practices will be communicated to future operators of the site. This passes the long-term responsibility for mitigating the impact from use of salt-containing products to the Town and their inspection processes. Because this is a speculative warehouse complex, the long-term use of salt over this aquifer should be engineered out of the future operational plans, or, there should be a clear plan for communicating operational requirements and funding the inspection of those operational activities for future users. The potential impacts from the Proposed Action on Groundwater have NOT been mitigated to the maximum extent practicable.

***Response: The proposed salt application measures and mitigation have been provided on the plans and included in the SWPPP. These measures will be required and enforced through the filed maintenance and inspection agreement for the project and will bind any future landowner.***

4. Surface Water and Wetlands: the concern with salt usage adjacent to wetlands is of concern, and the comments related to Groundwater carry through to this topic as well. The potential impacts from the Proposed Action on surface water, and Wetlands have NOT been mitigated to the maximum extent practicable. Additionally, the on-site wetlands should be further evaluated to confirm if the wetland is “of unusual importance,” as evaluated against one of

the 11 established criteria in amendments to NY Freshwater Wetlands Act (Article 24), which are in effect as of January 1, 2025.

***Response: The Project Sponsor has applied for a wetlands permit from NYSDEC.***

5. Stormwater management: The DEIS states that, per the Orange County Climate Resilience Study, there is no indication that the site will be impacted by heavy precipitation, extreme heat, extreme storms, and/or flooding as identified by the areas of concern. This statement misconstrues the conclusions of general resiliency statements made by Orange County. Orange County states that “Extreme weather events are a growing threat In Orange County with the potential to wipe out critical transportation infrastructure, disrupting the local and regional economy by preventing the circulation of people and goods. The shifting climate will contribute to an increase in these events - including elevated temperatures, droughts, extreme storm events, high winds, and storm surges associated with sea level rise – which must be considered in future decision making and planning practices.” Please update this section and related areas of discussion to clarify that Orange County has not specifically identified this area in the County as “particularly susceptible to the negative externalities associated with the above events,” and discuss that there may be localized flooding impacts to the area based on existing infrastructure and its ability or inability to handle these events. (Quotes taken from Orange County Resiliency website Resiliency | Orange County, NY). Without an evaluation of localized extreme weather impacts, the potential impacts from the Proposed Action on stormwater management has NOT been mitigated to the maximum extent practicable.

***Response: Comment noted.***

6. Traffic and Transportation:

The DEIS identifies a degradation of service level at nearly every intersection evaluated, and in particular, the intersection of Route 208 and Neelytown Rd. The only mitigation provided is adjustment of signal timing.

***Response: Orange County Department of Public Works and New York State Department of Transportation (NYSDOT) both reviewed the Traffic Impact Study (Appendix G) and provided comments including recommended improvements and which have been incorporated into a revised Traffic Impact Study.***

***As identified in the updated Traffic Impact 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 with the mitigation measures outlined in Section III.J.***

***It should be noted, as discussed in Section III.B to provide a conservative analysis, the “higher” Trip Generation Rates for Land Use Category – 130 Industrial Park were utilized 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.***

7. The DEIS does not address the impact of high levels of passenger vehicles entering Beaver Dam Rd and traveling towards the Village of Montgomery, and additionally, based on this additional increase in vehicles to be routed on narrow town and then village streets, the Peak Hours for the traffic study should be expanded to be inclusive of times when children are waiting for the school bus. Busses were indicated as “observed,” however, there was no information gathered from contacting local school district bussing companies included in the Traffic Study. Additionally the Weekday Peak study periods on weekday mornings likely do not capture the heavy FedEx truck traffic that travels between the FedEx facility and the Village of Montgomery.

***Response: The DEIS and Traffic Impact Study address existing and future traffic volumes and the resulting Levels of Service along Beaver Dam Road including those towards the Village of Montgomery. The peak hours analyzed represent the peak hours observed along the area roadways. The existing traffic volumes take into consideration existing pedestrian activity and truck traffic (including FedEx traffic). In addition, as shown in DEIS Section G and TIS section II.C, the volume of observed school bus traffic was noted. The existing pedestrian activity, truck and school bus traffic was included in the traffic analysis (resulting Levels of Service).***

8. The Traffic Study identifies serious concerns with speeding traffic and accidents on residential streets, and then proposes to add additional vehicles to these already dangerous streets with no additional mitigation. To confirm the real impact of the passenger vehicle traffic exiting onto Beaver Dam Rd the evaluation should be completed with the assumption that all passenger traffic will turn to the right when exiting onto Beaver Dam Rd.

***Response: The Traffic Impact Study has been updated to reflect the most recent accident data (January 1, 2021 – December 31, 2024), which has been summarized 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. The Traffic Impact Study did not conclude that there are “serious concerns with speeding traffic and accidents on residential streets”. A review of the accident information identified only a total of 8 accidents recorded over the 4-year period that had a contributing factor of speed at the study area intersections. Furthermore, there were no contributing factor of speed at the Beaver Dam Road study area locations.***

***Access to Beaver Dam Road has been restricted to passenger cars only (no truck traffic). The Traffic Impact study conservatively assumed 10% of the passenger car traffic to/from the north along Beaver Dam Road to account for traffic destined to the site from the Village of Montgomery.***

9. The conclusion that the adjustments to traffic signal timing will adequately address any impacts to traffic or transportation is incorrect. The potential impacts from the Proposed Action on traffic and transportation have NOT been mitigated to the maximum extent practicable, and in fact, at the final public hearing, the Project Sponsor acknowledged this and suggested it would be finalized in the future. This statement indicates a poor-faith

completion of this DEIS that failed to consider all legal requirements for mitigation and consideration of alternatives.

***Response: As noted in above, Orange County Department of Public Works and New York State Department of Transportation (NYSDOT) both reviewed the Traffic Impact Study and provided comments including recommended improvements and which have been incorporated into a revised Traffic Impact Study.***

10. Noise: The proposed noise barrier does not adequately screen the grandfathered residences along Beaver Dam Rd from truck traffic and loading dock noises that are expected with this type of development. Restriction to hours of operation or further evaluation at the property boundaries for truck noises should be evaluated as an alternative.

***Response: The sound study prepared by the Project Sponsor's noise consultant projects that noise from the Proposed Action will comply with local noise requirements and NYSDEC noise guidelines. See Appendix I.***

Additionally, the site plan must include the requirement to use "shushers" or other forms of back-up warning that is directionally focused and does not carry beyond the project site like a back-up beeper would. The potential impacts from the Proposed Action on noise have NOT been mitigated to the maximum extent practicable.

***Response: The sound study includes a variety of noise sources that might occur on site including traditional tonal back-up alarms and concludes that there will be no negative acoustical impact. Accordingly, since the Proposed Action will comply with local requirements and NYSDEC noise guidelines. Even though the proposed action already complies, use of "shushers" is proposed to provide additional noise pollution mitigation.***

11. Air Quality: While there is an evaluation of greenhouse gas emissions from the project site, it is not compared against alternatives that would substantively reduce the air impact from fossil fueled vehicles. Additionally, the project does not provide infrastructure that would provide a mitigating effect from greenhouse gas emissions such as the incorporation of solar powers to the roof as a trade off at a regional level, or the incorporation of charging stations for electric passenger or freight transport vehicles for local mitigation. The potential impacts from the Proposed Action on air quality have NOT been mitigated to the maximum extent practicable.

***Response: The majority of greenhouse gas emissions associated with the Proposed Action would be produced by vehicles. Potential greenhouse gas offsets from the incorporation of charging stations would only be realized to the extent that electric passenger and transport vehicles might be utilized by end users and their employees. The use of electric vehicles is not controlled by the Project.***

12. Utilities: As stated above, there are no mitigation measures provided such as installation of solar panels on the warehouse roofs that would address the increased demand for electric usage on-site. The potential impacts from the Proposed Action on utility usage has NOT been mitigated to the maximum extent practicable.

***Response: Potential greenhouse gas offsets from the incorporation of solar panels on the warehouse roofs would depend on the extent of daily and seasonal electricity demand for lighting, ventilation, heating, cooling, warehouse equipment, office operations, and electric vehicle charging. A discussion of solar panels was added to Chapter 9: Climate Change.***

13. Community Services and Facilities: As indicated in public meetings, the Town of Montgomery EMS has not provided an updated statement discussing that there may be an increase in required services. There has been no mitigation of the impact of the increased level of calls for EMS.

***Response: The Town of Montgomery EMS response is provided above, directly addressing its review comments.***

14. Fiscal Impacts: The potential impact to homeowners within the Town of Montgomery on Beaverdam Road in the form of reduced property values) is not adequately discussed. The property value discussion focuses only on the Neelytown corridor and residents in Maybrook. This should be revised, and the appraisal report in Appendix M should be updated. There has been no mitigation of the impact to property values.

***Response: The appraisal report within Appendix O of this FEIS, concludes that all dwelling within ½ mile radius of the project should increase in value. This includes the residential properties along Beaver Dam Road, which are located in the I-1 zoning district where such uses are allowed and new residential uses are not permitted.***

15. Visual Resources: The retaining wall along Beaver Dam Rd is monolithic and will not be consistent with other similar neighboring industrial properties, as stated in the summary, regardless of landscaping. This should be clearly stated.

***Response: The DEIS has been revised to clearly state that the retaining wall along Beaver Dam Road is monolithic, and the style/color of the wall may be unique to the subject site. The wall will compliment the projects architecture and there is no requirement to match other industrial properties in the area.***

16. Animals, Plants, and Threatened and Endangered Species: the impact to forest patch habitats and migratory routes relies on areas of the Town to justify that adequate habitat will remain after this site is cleared and developed. No alternatives, including purchase of undeveloped land and dedication of it for open space and naturalized areas, have been discussed in this document. The fragmentation of habitat in this area is profound, and the potential impacts from the Proposed Action on animals, plants, and habitat has NOT been mitigated to the maximum extent practicable.

***Response: The forest and habitat removal and exhibits will be coordinated with the NYSDEC and their ecological experts during the review of the wetland permit application submitted to that agency.***

17. No blasting is anticipated – should be clear what the process would be for blasting to be acceptable by the Town, especially considering that houses on Beaver Dam road were adversely impacted by the Medline blasting which was a further distance away. Due to the

proximity to Rt 84 I assume that this blasting plan would require NYSDOT approval and also review by the Mirabato propane tank company. Retaining wall along a town roadway – request the planning board and their engineer require minimum performance requirements for the design of the wall. There are no issued for construction plans included in this DEIS. This is with reference to the ten foot high retaining wall that extends for over 1000 linear feet along Beaver Dam Rd. Aquifer mapping Figure 3.D.1 titled “Sole Source Aquifer Map” does not include a legend and, as such, is unusable for review. Appendix D – DEC Mapper and FEMA maps – this appendix should include the date that these electronic resources were accessed.

***Response: No blasting is anticipated based on the review of the proposed design by our geotechnical engineer, so no blasting protocol is required. Any walls over 3 feet in height will require design by a NYS licensed engineer prior to construction, however there are no special accommodations necessary or required due to the walls proximity to the roadway. The Aquifer Map in Figure 3.D.1 has been updated to include a legend in the DEIS within Appendix B. The DEC Mapper and FEMA maps are now shown within Appendix F. If temporary shoring is needed, the design will be completed by a Design Professional Licensed in NYS.***

18. Page 130, Appendix M (Community Impact), and Appendix O. Suggest reaching out to TOMEMS again, as this letter is inaccurate based on current TOM EMS capabilities. Mobile Life is no longer in business and this does not present an accurate perspective of emergency service capacity or availability. I see that there was a request made on October 30, 24, but it did not include a date for response and without this update, the impact of the project can not be determined.

***Response: A response to the Town of Montgomery EMS can be found above addressing their review comments.***

19. Appendix I – Wetland Delineation Report and Natural Resources Study – for an undeveloped area of land of this size, and where there are mapped NYSDEC and federal wetlands, I would have expected a more thorough and detailed wetlands delineation report and greater documentation attached to the National Resources Study. Survey sheets were included for the Wetlands Delineation Report, whoever, this was conducted in January 31, 2021 (see fact sheets). Photographs presented are misleading, showing fully vegetated wetlands areas (not dated but likely in the summer months). Similarly, there are no transects or representative photographs of work completed during the Natural Resources Study.

***Response: A comprehensive Natural Resources Study has been provided in Appendix K addressing potential impacts and proposed mitigation measures. Further relevant review will be conducted as part of NYSDEC’s review of the wetlands permit application submitted to that agency.***

20. The evaluation should be updated to include information such as maps or aerial photographs with transects shown and locations of soil sampling points labeled on the map, a comparison of mapped wetlands areas to the delineated areas found in the report, etc. The Corridor included in the “Corridor Identification Exhibit” should include additional

information that illustrates that this section of the property – if preserved – will maintain a significant corridor for migration and habitat use. Note that the placement of the warehouses and other paved surfaces severs the preserved corridor from corridor to the west, extending across Beaverdam Brook, and minimizes access to the Wallkill River. This also relates to the “forest Patch Preserved.”

***Response: The forest removal exhibit has been revised and will be coordinated with the NYSDEC and their ecological experts as part of NYSDEC’s review of the wetlands permit application submitted to that agency.***

21. Specific comments -- Appendix I Natural Resources Study Section 5. Please identify for each species their classification (i.e., endangered, threatened, or special concern) throughout. For example, the Northern long-eared Bat is endangered, which is defined as “in imminent danger of extirpation or extinction in New York State” Section 5.1.1. “The impacts of tree clearing on Indiana bats suggest that clearing activities could have an adverse impact on active roost trees.” There WILL be an adverse impact on roost trees (as they will be cleared), and the applicant should demonstrate what the adverse impact and what mitigations are required for the bats that use these roost trees. Please reword this section to be more clear. Section 6.1 Impacts to Vegetation and Cover Type – Item 5 discusses Habitat Fragmentation. Please provide information justifying the statement that “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. Section 6.2 General Species Migration Patterns. “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. Please provide examples of this corridor on figures so this can be better understood. Based on site plans, the “corridor” preserved is against Neelytown Road, which does not appear to be contiguous to other habitat corridors or islands nearby.

***Response: A comprehensive Natural Resources Study has been provided in Appendix K addressing potential impacts and proposed mitigation measures. Further relevant review will be conducted as part of NYSDEC’s review of the wetlands permit application submitted to that agency.***

22. Appendix J – EAF form. Maps and other information that was adjusted due to the addition of corner lots to the site should be updated to be accurate and up-to-date as of the date of form signature, which is 11/8/24.

***Response: The EAF form has been revisited and updated accordingly to account for any final edits to the Site. The EAF form can now be found within Appendix K.***

23. Appendix M. Appraisal Report. The appraisal report should include properties located along Beaver Dam Rd, which are directly across from the property.

***Response:***

**Market Trends: The appreciation in property values along Beaver Dam Road aligns with the overall positive trajectory of the Montgomery housing market. This trend is influenced by factors such as economic growth, infrastructure development, and increased demand for housing in the region.**

**Conclusion: Over the past ten years, properties along Beaver Dam Road have seen significant appreciation in value. This trend reflects the area's economic development and the attractiveness of Montgomery, NY, as a residential community. The appraisal report can be found within Appendix O.**

24. Appendix N – Air Quality Report – The baseline air quality report data memorandum identifies the increase of VOCs and Particulate Matter due to “more sporadic and short lived trace detections that may be the result of passing vehicles”. This data should be used to build out future use conditions consistent with the general increase and compared to the number of passenger vehicle and truck traffic along Neelytown and Beaverdam Rds, particularly in the Level of Service Screening. The data memorandum submitted in October 2023 should also include if any updates are required to the air quality report.

**Response: This comment is outside the scope of the information required for the EIS, which has been accepted by the Town's consultants.**

25. Page 168 Section P, last paragraph 2nd line – add a colon. Page 169 Figure 3.P.1. Place the site location onto this figure.

**Response: The corresponding section and Figure 3.P.1 have been revised accordingly.**

26. Page 176. The statement “Proposed Clearing for the Proposed Action will remove 38.13 acres of forested habitat, which represents 96% of forested habitat on the site, but only 0.889% of potentially available forested habitat within 2.5 miles of the site” and the following figure (3.P.3) suggests that the area surrounding the site is forested habitat of quality that is expected to remain in place. Please provide the date of this aerial photograph, and a statement regarding additional buildout in the vicinity that may reduce the expected habitat. This section should identify the primary impact to bats, which is the availability of their roosting habitat post-development.

**Response: The forest removal exhibit has been revised and will be submitted and coordinated with the NYSDEC and its ecological experts as part of that agency's review of the wetlands permit application that has been submitted.**

27. Table 3.M.5 Please add the Ambulance District to the projected Annual tax Distribution Breakdown. This will require additional updates to the calculations of per capita impact to municipal services. Also, please update table 3.M.8.

**Response: The Montgomery Ambulance District tax, which was instituted in 2023, has a rate of 0.491331, resulting in an annual assessed contribution of \$415 at present. The projected tax contribution based on the value of the Proposed Action will be \$30,881.**

The calculation of services required per capita does not reflect the conditions after construction of the warehouses. Namely: wear and tear on our infrastructure / roads, and need for additional emergency services. The per capita discussion should be updated with a projection based on expected usage of Beaver Dam Rd, and increases in emergency services calls including police and EMS.

***Response: As described in Chapter L, the police department estimated 75 to 100 calls annually from the subject project. EMS did not provide an estimate as to the number of calls anticipated, though approximately 20% of their total calls (or 500 of their 2,500 calls annually) are from the 522 industrial and commercial sites in town.***

Page 139. Potential Tax Exemptions. While this states that a pilot is not anticipated at this time, the applicant should clarify if they intend to file for a pilot in the future. Based on the UTEP used by the Montgomery IDA, it is unlikely that a PILOT would be appropriate, as the applicant appears prepared to develop the property without that additional assistance.

***Response: The Project Sponsor is not proposing a PILOT but any tenant requesting one would need to provide further details.***

Page 141. Potential Impact on Property Values. This section does not discuss the potential impact on homes within the Town of Montgomery on Beaver Dam Road, instead focusing ONLY on the Neelytown corridor and residents in Maybrook. This should be revised, and the appraisal report in Appendix M should be updated.

***Response: The appraisal report within Appendix O, concludes that all dwellings within ½ mile of the project will increase in value, including properties on Beaver Dam Road.***

28. N. Cultural Resources. Page 146. There should be mitigation measured identified for the potentiality of a mastodon discovery during construction activities. The Mitigation Measures section should read "There are no identified significant archeological..."

***Response: The corresponding section has been revised to clarify there are no identified significant archeological sites.***

29. General Comment: use of "non-conforming uses" in the report. As a historical and procedural note, RDM approached Montgomery during finalization of the Comprehensive Plan. The Comprehensive Plan Committee had identified the land use type as "residential" along the entirety of Beaverdam Rd, including the frontage that these warehouses are proposed to be constructed along. This was recommended due to the longevity of residences along this stretch of road. However, based on communications between the applicant, the Town Board, and residential owners on this portion of Beaverdam Rd, the Town Board changed the proposed zoning from the recommended residential, to industrial. This was done clearly to facilitate this project as evidenced by the applicant approaching homeowners to suggest the potential for property purchases. Despite robust public hearings the zoning for this section was finalized as industrial, and as we heard this evening, those purchases did not go through. Based on this, while the existing use is technical and legally "nonconforming," it would be appropriate and even neighborly for the applicant to further

minimize the impacts of lighting, noise, and vehicular traffic for those who live along Beaverdam Rd beyond that which is strictly required by zoning. For example, the noise study (Page 105) summary indicates that receptors identified as B, C, and D will experience an increase in sound from HAVC and truck activity, in some cases by as much as 55 dBA. There will be very real impacts to these beleaguered residents. While the noise study identifies mitigation measures, it does not provide modeled outcomes for the implementation of these mitigation measures – something that would be helpful to support evaluation of the effectiveness of these proposals.

***Response: Statement acknowledged, however, potential impacts from the Proposed Action are mitigated to the fullest extent possible, including for the three nonconforming residences on Beaver Dam Road.***

## Letter #16, Review 2 of MHE Review, dated March 25, 2026

### MHE FEIS Completeness Review 25 March 2026:

1. Retaining Walls ranging up to 36' in height are proposed adjacent to the western property line northeast of Warehouse 1 and southeast of Warehouse 2. The Geotechnical Report states that excavation limits and/or tiebacks will likely extend into the adjacent property. Confirm mitigation measures are discussed in the FEIS, including the need for easements from adjacent properties.

***Response: The applicant will obtain necessary easements from adjacent properties if excavation limits and/or tiebacks extend into the adjacent property. This note has been added into the FEIS.***

2. Concept retaining wall details have been included in the site plans for a concrete cantilever and modular block wall. Consider completing preliminary design of the retaining wall at worst case scenarios (i.e. long heel for cantilever and geogrid lengths for modular block) so required mitigation measures area realized for extensive excavations and/or tiebacks near adjacent property lines.

***Response: Statement acknowledged, retaining wall designs will be provided and signed by a licensed engineer prior to the building permit approval.***

3. The Geotechnical Report recommends additional borings be completed along extents of major retaining walls. Discuss if this will be completed and how this relates to mitigation of blasting/bedrock removal at these areas of deep cuts onsite.

***Response: Statement acknowledged, additional borings to be provided prior to final approval.***

4. Per the Geotechnical Report, design of temporary excavation shoring is a delegated design that is the responsibility of the construction contractor. It should be clarified in the FEIS and/or on the plans that this design must be completed by a Design Professional Licensed in NYS.

***Response: This note has been added to the FEIS and is shown within the plans on the detail sheets.***

5. Landscaping is proposed surrounding proposed hydrant locations onsite. Confirm clearance/access to all hydrants on site meets 2025 FCNYS requirements.

***Response: The landscape plan has been revised to provide a minimum 15' clearance of all trees to all hydrants to meet 2025 FCNYS requirements.***

**MHE SWPPP Review Comments 25 March 2026:**

1. The woods/grass combo cover type should not be used for the existing and proposed drainage areas. This cover type is intended to represent areas such as orchards or tree farms.

***Response: The proposed cover type used for proposed drainage areas is noted within the landscape plans and abides by the NYS stormwater design management guidelines.***

2. Provide the Cornell Rainfall Data (Northeast Regional Climate Center) that was used to model the rainfall distribution curve in the HydroCAD Model.

***Response: This rainfall data (IDF file) for the subject site was used to model the rainfall distribution within the HydroCAD model.***

**MHE SWPPP Review Comments 2 September 2025:**

3. One foot of freeboard in the 100-year storm is required in all ponds, Infiltration Basins, Bio Basins and forebays. According to modeling, Forebays FB 1i and j appear to appropriately only have 3 inches of freeboard and must be revised.
  - Forebay FB-1H also is less than 1 ft.
  - Bio Basin J has appropriately 0.16 ft. of freeboard
  - Forebay FB-1G has less than 1 ft.
  - Forebay FB-1D has less than 1 ft.
  - Detention Pond 1K has less than 1 ft.

*The ponds and forebays have not been revised to provide the required freeboard in the HydroCAD model in the latest SWPPP report.*

***Response: The updated HydroCAD model has now been added to the latest SWPPP report.***

8. The information for the outlet control structure (detail #6 on sheet 38 of 50) will need to be completed before final approval.

*Acknowledged. Applicant will provide at a later date prior to site plan approval.*

***Response: Notes have been added to the OCS detail to refer to grading plan where each Grate, size, and invert of each OCS structure and their respective location can be found.***

9. Truck bays are considered level 1 hot spots according to the 2024 NYSDEC Stormwater Manual. Level 1 hot spots require a stormwater BMP prior to infiltration. The current design does not appear compliant.

*Provide a detail for the grass filter strip that shows an impermeable liner at the bottom and clearly shows the location on the grading and drainage plan sheet that meets the NYSDEC Requirements (Section 5.3.2) to qualify as a treatment practice.*

**Response: A grass filter strip detail has been added to detail sheet 37 of the plans in accordance with NYSDEC Stormwater manual requirements.**

**MHE DEIS Substantive Review Comments 24 January 2025:**

9. With regards to Chapter 3.D. – Surface Water & Wetlands, Existing Conditions, the applicant notes that there will be disturbance to approximately 0.23 acres of Army Corp wetlands. Given the recent regulation changes by the NYSDEC with regards to wetlands, the applicant should review these requirements and determine if the onsite wetlands are currently under state jurisdiction.

*Acknowledged. NYSDEC wetlands onsite have been re-delineated and field verified.*

*Coordination with NYSDEC remains ongoing. Applicant will continue to update status of permit(s) submissions.*

**Response: Statement acknowledged. The applicant has been onsite with the NYSDEC to field verify delineation and will continue to update status of permits as needed.**

11. Chapter 3.D. – Mitigation Measures identifies the need for continued maintenance and rehabilitation of the proposed stormwater mitigation basins and conveyance systems. The applicant should incorporate the need for stormwater maintenance agreement between the Town and the property to be filed in the County Clerk's Office to ensure proper maintenance in perpetuity.

*Acknowledged. The applicant stated a note was added to the plans indicating a maintenance agreement is required, although said note was not found. Clarify where this note was added.*

**Response: This note has been added to the grading plans within the full civil set – sheets 10 to 14.**

16. With regards to Chapter 3.E. – Potential Impacts, the applicant should provide a note regarding maintenance responsibilities for the proposed sanitary sewer pump stations. A note should be added to the site plan noting who is responsible for the required maintenance.

*Pump Station Detail not found in the plans.*

**Response: The sanitary grinder pump detail can be found on detail sheet 37 as detail 8. A note has been added indicating the owner shall remain responsible for maintenance responsibilities of the proposed sanitary grinder pump.**

28. The applicant should provide the calculations which identify the required fire flow and pressures needed for the project.

*Previous comment not addressed: Fire Suppression System Report still contains DRAFT-FOR REVIEW label that should be removed if finalized.*

***Response: The fire flow calculations have been added to Appendix N and the “Draft-for Review” label has been removed.***

29. The Engineers Report For Sanitary Sewer System dated 14 August 2024 prepared by Colliers Engineering & Design provides a calculation for pipe capacity with an 8-inch PVC pipe. The report does not contemplate flows within the proposed force mains onsite and existing Town owned force mains offsite.

*It does not appear that a revised report was included in the latest FEIS submission.*

***Response: A sanitary pump design that contemplates flows within the force mains onsite and existing town owned force mains offsite is included within Appendix N – Sanitary design. Report is labelled Pump station Sizing for Neelytown Development. All technical data and corresponding details are also within Appendix N. This is supplementary to the Colliers Engineering & Design report.***

31. The Engineers Report For Domestic Water Demand dated 14 August 2024 prepared by Colliers Engineering & Design calculates water flow through an 8-inch ductile pipe via Mannings Formula. The calculations should be updated to contemplate pressurized flow through the water main.

*It does not appear that a revised report was included in the latest FEIS submission.*

***Response: The Engineers report for Domestic Water Demand has been updated to contemplate the 12” pressurized DIP main within the ROW and the 8” pressurized DIP onsite. Since the pipe capacity Q (0.847 cfs for 12” DIP main & 0.158 cfs for 8” DIP) is greater than the total design flow (0.101 cfs) the proposed pipes have adequate hydraulic capacity to serve the proposed peak demand.***

**MHE Site Plan Review Comments 24 January 2025:**

14. The size and type of force mains to be connected to the existing Town owned sanitary sewer force mains should be noted.

*The forcemain from Warehouse 2 shows 2.5” forcemain, near bldg. 2 and 2” forcemain downstream. This was not clarified or revised in the latest FEIS submission.*

***Response: This has been added to the FEIS report and the 2” forcemains are shown on the utility plans.***

**MHE SWPPP Review Comments 24 January 2025:**

4. Provide soil testing meeting the NYSDEC Infiltration testing requirements and Frequently Asked Questions 2004 for Infiltration Basin 1G, 1H, 1B, 1C. This office recommends using a minimum safety factor of 2 for the infiltration rates based on soil tests, as the infiltration rates always slow down over time.

*Applicant acknowledges that infiltration testing in accordance with NYSDEC Design Manual will be required prior to final approval.*

***Response: All infiltration rates utilized within the SWPPP report and in the stormwater design use a minimum safety factor of 2. Final infiltration testing will be provided prior to final approval.***

### Letter #17, Review 2 of NPV Review, dated April 10, 2026:

#### **General Comments:**

1. The date of the FEIS needs to be updated – it is dated June 27, 2025 although submitted in January 2026.

***Response: This date has been updated to show the last revised date of this resubmission.***

2. The document should be reviewed again to address residual errors from recent revisions (e.g., deletions and formatting inconsistencies). For example, on p. 3, the text states: “The Project Site is has”.....because a deletion was made.

***Response: This typo has been fixed to be grammatically correct.***

3. In some instances, a response is provided in the response letter, but not in the FEIS document. For example, we raised the question – “With regard to the residences, what will they see regarding Warehouse 1, which is closer – add description.” The response is provided in the response letter, and no revision is made to the FEIS document. The substantive responses in the Colliers response letter need to be inserted into the FEIS.

***Response: This note has been added to the FEIS to clarify vantage points and what adjacent residences will see can be viewed within Appendix M – Visual.***

4. In general, some of the responses are generic and only refer back to the appendices. At a minimum, a summary responses is needed so that the commenters, especially local residents, are able to read a response without having to sift through pages in an appendix. Many of the responses are in the Colliers response letter – they need to be added to the FEIS.

***Response: Statement acknowledged, responses are added to the FEIS to provide clarity especially for local residents.***

5. In general, it is not customary to have FEIS comments organized by commenter, rather than topic. Note that NPV had to sort through comments, come up with a numbering system, to assign the comments to relevant staff. Our comments have been listed based on that numbering system. We have included the annotated FEIS so that the applicant can see the response where NPV has comments. Also, please number all the commenters comments. The transcript should be annotated with the number of the comment as well for ease of reference. Not addressed.

***Response: NPV’s numbering system has been maintained within the response letter and FEIS to prevent confusion. Headers, sub-headers, comment numbers, and page numbers are referenced to provide clarity.***

6. In Table 2, indicate the individuals whose comments you have responded to. Not addressed – no change?

**Response: Table 2 has been updated to add the new comment letters. All previous FEIS comment letters are included in Table 2 and have been responded to.**

7. Is the acoustical study in the FEIS up to date? A response to an NPV comment indicates the most recent version of the noise study is dated November 8, 2024 – the FEIS includes a noise study from 8/27/24. Not addressed on p. 57 of the FEIS, it still refers to a November 8, 2024, acoustical study being the most recent document.

**Response: Yes, the acoustical report dated 27, August 2024 is the most up to date report. This report is provided within Appendix I.**

8. Please address the status of the wetlands and review for incidental take permit, and include any correspondence from NYSDEC. This is in process and the FEIS will need to be amended to include the correspondence and outcomes of the ITP process with the NYSDEC. The Applicant indicates a revised PCN must be submitted.

**Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction that the revised forested corridor would provide a suitable habitat and migration route, and therefore an incidental take permit will not be required.**

### Chapter 1: Introduction and Project Summary:

Pg. 3 Comment: New sentence that reads “ Furthermore, the Forest Patch Preserve...” – seems to be incomplete... “within the.....?”

**Response: This sentence reads “Furthermore, the Forest Patch Preserved exhibit and the Overall Existing Conditions and Demolition plan within the plan set provides the analysis of tree removal survey from pre- and post- construction.” This is not an incomplete sentence.**

Pg. 4 Comment: “Appendix X” is mentioned in the first full paragraph. Is this just a placeholder because there is no Appendix X? Appendix K would make sense here.

**Response: This has been updated within the DEIS to state Appendix K not Appendix X.**

Pg. 5 Comment: With regard to the residences, what will they see regarding Warehouse 1, which is closer – add description. This comment is not addressed – add response in the response letter to the FEIS. Specifically address whether the buildings will be seen on the north side of I-84.

**Response: Additional detail has been added to the FEIS that vantage points from neighboring properties and from the north side of I-84 are depicted within Appendix M – Visual.**

Pg. 5 Comment: Site disturbance here is 86.08 acres – previously noted as 95.8 acres (see p. 3). It is now listed as 87.66-acres – please confirm whether that is with or without the land bank. We did not find any land disturbance limits on the grading and drainage plans.

**Response: The applicant is now proposing to disturb 87.66 acres. This has been clarified within the DEIS, FEIS, plans including SESC/grading, and all reports.**

Pg. 5 Comment: There is discussion about there being no water tank on this site. Should note the distance to the Town water tank and why there will be no impact. The language has been updated to include the distance to the Town water tank; however, there is not an expanded discussion of why there will be no impact. In particular, the response letter, p. 4/69, indicates there is potential for blasting. That narrative needs to be added to the FEIS.

**Response: This is accurately stated. There are no existing water tanks on the subject site, however, the proposed construction will require an 180,000 gallon fire water tank. The Town's water tank, water line, and access easements located to the north of the site will remain undisturbed. There will be no impact to the Town water tank as it is greater than 1,000 ft. away from the northern point of the site.**

Pg. 6 Comment: Please spell out NYSSMDM – it is not referenced elsewhere in the FEIS. Contrary to the response letter, we do not find it spelled out where referenced – add to FEIS.

**Response: Statement acknowledged. This is the New York State Stormwater Management Design Manual.**

Pg. 6 Comment: Please clarify whether the Operation and Maintenance Manual is for stormwater management, or for overall maintenance of all components of building and site. Language initially discusses stormwater, but then includes discussion of the building façade, etc. This comment is not addressed as stated in the response letter.

**Response: This has been clarified to reference both the Stormwater Operation and Maintenance manual and the overall site maintenance.**

Pg. 7 Comment: The plans appear to have been last revised 6/27/25, not 3/28/25. This comment remains, with the most recent revision now appearing to be 12/12/2025 (and not 6/27/25 in the response letter). Please revise.

**Response: The plans revision date has been revised to indicate 5/29/26 as the most recent revision.**

Pg. 6 Comment: In the first paragraph, the FEIS should indicate if the actual layout has changed, in terms of building footprint, parking, or layout. This comment is not addressed in the FEIS. Specifically, has the layout changed in terms of the building footprint, parking, or layout?

**Response: The following has been added to the introduction "Following completion of the DEIS, the layout has not changed in terms of building footprint, passenger parking, or layout. The only minor change is 1 land banked trailer space has been added increasing the total trailer storage spaces from 245 spaces to 246 spaces."**

Pg. 6 Comment: Figure 2 shows zoning, not surrounding land uses. Same thing regarding Figure 1. Amend figures. This comment is not addressed – insert a land use figure for one of the images, and caption the other as the zoning map.

**Response: The surrounding landuse map has been added to Figure 2 in addition to the zoning map. This can also be found within Appendix O.**

Pg. 10 Comment: It is confusing to discuss the Alt. 3 layout to the wetland discussion, without explaining the purpose of the additional information. What has the PCN been filed for – the

proposed action and/or Alt. 3? This comment has been addressed. However, we await additional response from NYSDEC to determine if it is adequate. An amended PCN is going to be submitted, as per the Colliers response letter.

**Response: The PCN was submitted to the Army Corps of Engineers upon which the 45-day review period expired. Per ACOE regulations, any projects not reviewed or responded to within 45 days can proceed. This was formalized in an email exchange with ACOE upon which they responded and confirmed on November 21, 2024.**

Pg. 10 Comment: Confirm that stockpiles are shown on maps. In the FEIS, add the response from the Response Letter.

**Response: All proposed stockpile locations are shown on the SESC plans sheets 30-35.**

Pg. 11 Comment: Provide a list of the traffic improvements required here. This comment has not been addressed in the FEIS – add the following from the response letter: “The traffic improvements required as a result of the project are the widening and introduction of right and left turn lanes at the site access on Neelytown Road, the installation of a 360 degree camera for vehicle detection at the intersection of Neelytown Road and Beaver Dam Road (as discussed with OCDPW) and the furnishing and installation of radar detection at the intersections of NYS Route 208 and the I-84 EB and WB Ramps and NYS Route 208 and Hawkins Drive (as discussed with NYSDOT).”

**Response: This has been added to the FEIS to indicate the traffic improvements required.**

Pg. 12 Comment: Regarding the statement as to who will be responsible for the site utility maintenance requirements, this should be discussed. Will the current Applicant sell the buildings? Or will they own them? This comment has not been addressed – please add response from response letter: “If the applicant maintains ownership of the development, they will be responsible for the site utility maintenance. In the event the applicant decides to sell the project, the new ownership group will bear the responsibility of the utility maintenance.”

**Response: This sentence has been added to the FEIS.**

Pg. 12 Comment: While nothing has changed from the DEIS to the FEIS, the noise section needs additional information about the analysis from the Acoustical Study since this is an Executive Summary. Should also mention that all noise requirements are met. Also, there should not be reference to “noise improvements” – it should be “ambient noise levels.”

**Response: This has been added to the noise section of the FEIS.**

Pg. 13 Comment: What is the amount of the one-time fee? This comment has not been addressed.

**Response: As previously indicated, the projected tax contribution based on the value of the Proposed Action will be \$30,881.**

Pg. 13 Comment: The Ambulance District indicated they would have a significant adverse impact. This is not addressed. This comment has not been addressed. Substantive narrative is being provided in the response letter (p. 7/69), not the FEIS.

**Response: As previously indicated, the Montgomery Ambulance District tax, which was instituted in 2023, has a rate of 0.491331, resulting in an annual assessed contribution of \$415 at present. The projected tax contribution based on the value of the Proposed Action**

**will be \$30,881.**

## **Chapter 1: Comment and Responses**

### **Letter #1 Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing, December 9, 2024 (Comments not numbered in FEIS):**

Comment 1.2: Will the entrance to Neelytown Road be fully accessible to Warehouse 2? Also, provide more information regarding the new intersections on Beaver Dam Road, and if they meet sight distance standards. Address road on Beaver Dam Road and whether improvements proposed/required. Provide the response in the response letter in the FEIS.

***Response: More information regarding the sight distances and reference to the location of the sight distance exhibit has been added to the FEIS. The entrance to Neelytown road will be fully accessible to Warehouse 2 as shown on the truck turning plans within the full civil set.***

Comment 1.3: This comment should also address the statement regarding speeding on Beaver Dam Road stated in the transcript. Provide the response in the response letter in the FEIS.

***Response: Discussion of the 85<sup>th</sup> percentile travel speeds has been included in the FEIS in reference to the sight distance analysis.***

Comment 1.4: Defer to the Planning Board engineer regarding blasting. This response is inconsistent with the response letter (p.4/69), which states: "It is anticipated that compliance with the recommendations of the geotechnical report will minimize the potential for impacts associated with the deepest cuts, including the unexpected potential for blasting. Based on all of the geotechnical investigation prepared to date, it is not anticipated that blasting will be necessary and that excavation will be possible without the need for any blasting. However, as there is a small depth of uninvestigated substratum in the area of the deepest cuts that will be excavated to grade the site to its proposed elevation, if bedrock is encountered in that area that cannot be cut or scraped, a blasting permit will be sought based upon a plan and all applicable Town requirements will be complied with." The FEIS should acknowledge the potential for blasting and discuss a protocol.

***Response: Detail has been added to the FEIS executive summary mentioning this potential for blasting and the protocol that a blasting permit will be sought after along with applicable town requirements.***

Comment 1.5: Comment partially addressed: Berm won't address all visual concerns but will mitigate most of them. Address whether the lights on the second warehouse are elevated in a manner where they will be visible. Add reference to Appendix with noise study. Specifically, address visibility from the commenter's home (Weber). Comment remains – this is generically addressed in the response letter (p. 9/69) For the noise portion of the comment, directly reference Appendix I (the Acoustical Report).

***Response: The acoustical report can be found within Appendix I, visual renderings/visual impacts are shown within Appendix M, all lights have house-side shields to prevent visibility from the Weber's home.***

Comment 1.7: Comment partially addressed. Based on the orientation of the building to the commenter's home, loading docks do face in the direction of the Weber home. This should be acknowledged. Address whether the sound wall effectively screens the dock doors and the trailers. Again, be specific to this specific residence – the FEIS does not specifically respond to this property owner. Add the response from p. 9/69 in the response letter.

**Response: Per the acoustical study the sound wall effectively screens the dock doors and trailers from the Weber home. The acoustical report can be found within Appendix I.**

Comment 1.8: Additional information should be provided regarding the context of the site in relation to surrounding forested areas and a discussion of the Natural Resource Inventory (2020) should be included. The response indicates it is acknowledged but does not address concerns on wildlife or the role of the surrounding forest, or how RDM will or will not impact it. Also, when will NYSDEC comment on the forest removal. That needs to be done prior to closing out SEQR. This is an open item and will need to be updated based on NYSDEC input. Discussion of the Town NRI should still be added.

**Response: Correspondence and a site visits with the NYSDEC have been ongoing confirming that the surrounding forested areas and wildlife will be minimally impacted by the proposed development. An ecological report within appendix K further supports these conclusions.**

Comment 1.9: Please also add that the Town's ecological consultant also visited the site in June 2023 during review of the DEIS. In addition, provide an update on the NYSDEC review of the project site regarding the Indiana bat and need for an incidental take permit. Add language from response letter (p. 9/69) to the FEIS.

**Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction that the revised forested corridor would provide a suitable habitat and migration route, and therefore an incidental take permit will not be required.**

Comment 1.10: Need to address comments addressing speeding along Beaver Dam Road. Indicate the percent of traffic anticipated to use Beaver Dam Road. Need to specifically summarize what the studies say about impacts to the north of I-84, not just refer to appendices. Add response on p. 10-11/69 of the response letter to the FEIS.

**Response: Discussion of the 85<sup>th</sup> percentile travel speeds has been included in the FEIS.**

Comment 1.11: Comment not addressed. What is the correct up-to-date information regarding ambulance service. Add response on p. 10/69 of the response letter to the FEIS. *Noted previously.*

**Response: The up-to-date information regarding the ambulance service has been to the FEIS and is further supported by the appendices within Appendix Q.**

Comment 1.12: Are vernal pools present on the site? The response addresses the new jurisdiction of the wetlands along Neelytown Road - address presence of any vernal pools. Add response on p. 11/69 of the response letter to the FEIS.

**Response: As indicated within the ecological report within Appendix I, there are no vernal pools present onsite.**

Comment 1.13: Comment not addressed. The requested information was not added, and the information should not rely on NYSDEC review of wetlands. In addition, it is our understanding that the questions on the forest patch relate to the potential need for an incidental take permit – please clarify. This response will need to be updated based on the outcome with NYSDEC.

**Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction that the revised forested corridor would provide a suitable habitat and migration route, and therefore an incidental take permit will not be required.**

Comment 1.15: Does Appendix O address potential salaries? Given the Applicant's experience with warehouses, general observations should be made. Add response on p. 12/69 of the response letter to the FEIS.

**Response: Addressed in 1/16/26 response on page 12: "Appendix O has been revised to provide some general estimates of potential salaries. While the applicant has experience developing warehouse properties, they are not experienced in salary ranges for the employees of the warehouse tenants. A more accurate observation can be made by referencing Indeed.com, where it can be found that the average base salary for a warehouse employee in Orange County, NY is roughly \$20 an hour or \$41,600 a year assuming a typical 40-hour work week. Currently there are at least three (3) warehouse positions available at a Staples warehouse in Montgomery which all pay roughly \$24 an hour or \$49,920 a year assuming a typical 40-hour work week. Based on the above information one can assume the typical salary range of the warehouse employees will range between \$40,000 and \$50,000 per year".**

Comment 1.17: Comment not addressed. A review of all property values within ½ mile radius does not address impacts on property values immediately adjacent to a warehouse – most of the homes within a ½ mile radius are not next to a mega-warehouse. No support is provided relative to this response. This is a conclusion for which no evidence is provided: "It is worth noting that the property values of these three isolated dwellings, in the I-1 district where no new residential uses are allowed, are anticipated to increase in value for potential development that is allowed in the I-1 district." Add response on p. 12/69 of the response letter to the FEIS.

**Response: This response has been added to the FEIS to describe the property values assessment.**

Comment 1.18: Need to specifically address the comment – can traffic movements be restricted to left turns only on Beaver Dam Road? What is implication of doing that? Add response on p. 13/69 of the response letter to the FEIS regarding the effect of closing accesses on Beaver Dam Road.

**Response: Discussion of the traffic movements and implications have been added to the FEIS to provide clarity.**

Comment 1.19: The comment references a version of the acoustical study (November 8, 2024) that post-dates the one provided with Appendix I (August 27, 2024). Has the most recent study been submitted? Comment not addressed. It still refers to a November 8, 2024, study, with the referenced study being from August 27, 2024. Please change the date on the response, or provide a November 8, 2024, study if it exists.

**Response: The acoustical report dated 27, August 2024 is the most up to date report. This report is**

***provided within Appendix I.***

Comment 1.21: The response states that the “fiscal benefits are necessarily estimated without consideration of speculative property tax incentives” – however, Table 3.M.10 in the DEIS does review the effects of a 485-b – this should be reworded. In addition, Appendix O includes tax revenues during a PILOT period. Lastly, can the developer seek an IDA from the County? Should address this as a response.

Remainder of Don Berger comment regarding availability of employment needs to be added as a comment. Add response on p. 14/69 of the response letter to the FEIS.

***Response: Addressed in 1/16/26 response on page 14: “While specific details cannot be predicted in the absence of a known user, the Community Impact Statement provides a reasonable estimate of the likely employment needs, costs, and benefits of the Proposed Action. Data from the New York State Department of Labor Local Plan of Orange County and the US Census indicate that there is an opportunity to find local employees within the surrounding counties of 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. The Applicant has not had discussions with the Orange County Industrial Development Agency (IDA)”.***

Comment: 1.24: Comment not addressed. Additional information regarding the accuracy and method of the housing market analysis should be provided. If updated information has been released by the US Department of Housing & Urban Development, it can be included. Delete reference to “our” as this is the Planning Board’s FEIS. This comment has not been addressed regarding “our” and the additional data in the response letter needs to be added.

***Response: Addressed in 1/16/26 response on page 14: “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.***

***Based on the assessment, the current housing market in Montgomery is not in extreme excess or demand, which can be considered balanced. Although a perfect 0 balance will almost never be possible, a search of the current market on Zillow in November 2025 describes a total of 100 homes for sale which range from 2 bedroom, 1 bathroom dwellings all the way to 5 bedroom, 3 bathroom dwellings. For a Town of Montgomery’s size this provides a comfortable balance of opportunity to buy or sell homes”.***

[Letter #18, Review 2 of Orange County Department of Planning Review Comments, January 23, 2025 \(Note: one of the comments not separately numbered\):](#)

Comment 3.1: Comment addressed, except indicate whether NYSDOT had comments. Add reference

to the email from Jason Brenner in Appendix G of the FEIS.

**Response: A reference to the NYSDOT correspondence from Jason Brenner has been added to the FEIS.**

Comment 3.6: Will light sources be visible from Beaver Dam Road (north and south) given the elevation of Warehouse 2? This response needs to be updated. The Town does not have a lighting consultant. In addition, the question is not footcandles, but whether the luminaire will be visible because of the elevation of the warehouse.

**Response: Light sources will not be visible from Beaver Dam Road. Light will be screened via house-side shields and all lights are to be tilted at 45 degrees. This will prevent light from being visible from Beaver Dam road.**

Comment 3.8: Has NYSDEC completed its review of endangered species? This is in progress and will likely require further revision.

**Response: The NYSDEC has completed its review of endangered species and has visited the site with the applicant/owner and engineer.**

Comment 3.9: Defer to Planning Board engineer regarding stormwater impacts and flooding. Comment not addressed. Comment needs to directly address the concern of runoff onto agricultural lands.

**Response: Statement acknowledged, as illustrated within the SWPPP report there will be no runoff onto agricultural lands. All stormwater will be directed into the onsite stormwater management systems.**

[Letter #19, Review 2 of Full Letter #4 MHE Review Comments, January 24, 2025 \(NPV defers to the Planning Board Engineer, but see several comment below\):](#)

Comment 4.1: As part of the Findings Statement, language will be included that only warehousing is evaluated in the DEIS (and no cold storage), and that future SEQR review will be required if a different use is proposed. Please revise the response to address that blasting may be required for those areas where the deep tests did not occur.

**Response: Detail has been added to the FEIS executive summary mentioning this potential for blasting and the protocol that a blasting permit will be sought after along with applicable town requirements.**

Comment 4.23: Comment not addressed. It does not appear that tank maintenance, inspection, etc. details were added to the redlined DEIS section. The response on p.17/69 of the response letter should be added to the FEIS.

**Response: This response and corresponding discussion of tank maintenance, inspection, and details has been added to the utilities section of the FEIS and is further discussed within the DEIS.**

Comment 4.26: Not addressed – comment indicates it is to be provided for the Planning Board’s review – need to discuss with Board.

**Response: Statement acknowledged.**

Comment 4.32: Comment partially addressed. The potential impacts paragraph in Chapter 3.0 should discuss the visibility of the water tank – not just a description of it. It is also unclear if the renderings in the Chapter have been updated to the ones that show the water tank, as the renderings are small and difficult to read.

**Response: The Potential Impacts subsection of Chapter 3.0 is shown in Appendix M Visual to explicitly evaluate the visibility of the proposed pump building and water storage tank. Simulations and callouts are provided on VP-0-PB Site Map of Photo-Simulations, VP-8-1-PB Neelytown Road. Each full-page rendering is scaled to 30x42 for legibility. Field verification during leaf-off (date: 02/02/2023) confirms the tank is not visible from public roads or adjacent properties due to intervening warehouse massing, existing mature woodland, proposed evergreen infill, and lower road elevations.**

Comment 4.41: Has the Applicant met with or consulted with OCDOH? Are they reviewing the plans at this time?

**Response: Yes, the applicant has corresponded with the OCDOH. They have reviewed the plans, the water plan application, backflow prevention application, and provided comments.**

#### [Letter #20, Review 2 of Letter #8 NPV Substantive Review Comments, January 27, 2025:](#)

Comment 8.3: Comment not addressed. The redlined version of the cultural resources report has not been provided. References to a shared/combined trailer storage area remain throughout the revised DEIS (Appendix B) which need to be removed. In addition, the cultural survey attached to the FEIS identifies three storage warehouses, although now only two are proposed. It is unclear which report the response addresses. It appears the reference has been removed, although the document is not redlined – comment addressed.

**Response: Statement acknowledged, there are no references identifying three warehouses. The references to a shared/combined trailer storage area describe that the storage areas are accessible via both warehouses. The latest cultural resources report is already provided and does not need to be redlined.**

Comment 8.4: If not already appended to DEIS or FEIS, please add email exchange to FEIS. If the document, reference the page/location in the response. Where is the PCN and email exchange added – to which Appendix?

**Response: The PCN email exchange with Brian Orzel has been added to Appendix K – Ecological.**

Comment 8.11: The Natural Resource Survey or Wetland Report should be updated to reflect the actual wetland morphology. Incomplete – as per the response letter: “Their [Colliers] team is in the process of preparing a new Wetland & Watercourse Delineation Report to discuss the results of their field investigation, which will include detailed descriptions of the morphology, soils, vegetation, and hydrology of wetlands and streams delineated on site, as well as completed data sheets for all representative data points collected during their comprehensive investigation.”

**Response: The updated wetland & watercourse delineation report prepared by Colliers dated**

**12/11/25 has been added to Appendix K.**

Comment 8.17: Response does not address comment – can booths be accommodated if needed, and not affect internal layout as a result of queuing, etc? Most of the large distribution warehouses along Neelytown Road have a guard booth that have to check the security seals on the back of the trailer before accepting the trucks into the yard. This includes Cardinal, Unfi, Medline, Home Depot, FedEx, and others. Can guard booths be installed without affecting traffic movement to either warehouse. Please show where theoretical booths may be added and not affect the remainder of site's circulation.

**Response: It is confirmed that no security booths or fencing are proposed at this time. Booths can be accommodated if needed but are not proposed at this time.**

Comment 8.20: Not addressed – the Planning Board should discuss. This is regarding the PM2.5 and PM10 analysis, which was not predicted as required by the Scope.

**Response: This analysis was performed and discussed within Appendix I – Acoustical. This was also further discussed within the DEIS and FEIS.**

Comment 8.26: Confirm that banked parking lot and interior driveway allowed within the setback. Still to be addressed by the Town.

**Response: The plans have already been updated to remove any banked parking and interior driveways within the setbacks.**

Comment 8.27: Not addressed? In reviewing the DEIS, there does not appear to be any revised language or it is not redlined. Note that it is supposed to be explained within the response as well. Comment not addressed – add the revised language as a response to this comment.

**Response: This has been updated within the DEIS and it is redlined. Refer to the corresponding section for this comment.**

Comment 8.32: Not responsive to impacts to homes on Beaver Dam Road. Still not addressed in the FEIS – add response from response letter (p. 12/69).

**Response: Additional detail has been provided in the FEIS and DEIS indicating there is negligible impact to on the Beaver dam homes.**

Comment 8.33: Specifically indicate whether there have been discussions held with the IDA. “At this time” only suggests it can occur in the future. Not addressed - If a PILOT calculation remains in the document, it should be extended over a more realistic time frame.

**Response: Addressed in 1/16/26 response on page 22: “There have not been discussions with the IDA regarding a PILOT agreement. The applicant has no intention of pursuing a PILOT agreement, however, a future user may but that is speculative at this time and does not merit further consideration”.**

Comment 8.36: Comment partially addressed. Although additional screening is proposed, a visual simulation of these viewsheds has not been done. Please address Pelton Farm views. Add discussion from response letter (p. 22/69).

**Response: A visual simulation of these viewsheds is included within Appendix M and further**

***discussed within the FEIS and DEIS.***

Comment 8.37: Comment not addressed. A lighting summary discussion should be provided. Provide an explanation in this response, not just a reference to the plans. The response does not address visibility to residences north of I-84. Visibility of the luminaires from dwellings north of I-84 not discussed.

***Response: A lighting summary discussion is provided within the FEIS and DEIS. As shown on the lighting plans there will be no visibility from the dwellings and house-side shields will be utilized.***

Comment 8.41: Comment addressed – has DEC signed off on the plantings being located around the wetlands? This is still in progress, as per the response letter.

***Response: Yes, the DEC has reviewed the plans and visited the site with the ecologist and engineer and not provided any comments regarding the plantings being located around the wetlands.***

#### [Letter #21, Review 2 of Letter #9 Neighbor 1 Planning Board Meeting Comments, January 27, 2025:](#)

Comment 9.1: This response does not address all the comments raised. At a minimum, since it appears most if not all were raised during the public hearing, reference should be made back to those responses. From a noise standpoint, the response should also reference the findings of Appendix I (the Acoustical Study) to further show that noise will not be an issue. Planning Board should review.

***Response: Statement acknowledged, additional detail has been added to the FEIS and DEIS.***

#### [Letter #22, Review 2 of Letter #10 Neighbor 2 Planning Board Meeting Comments, January 27, 2025:](#)

Comment 10.1: The response is inaccurate – minimal impact to the surrounding residences – this response should be specific to the neighbor that issued the comment. Further, it is expected this residence will be impacted, and it will not be minimal. The response should specify all the measures that are being pursued to minimize those impacts to the greatest extent. Add the specific mitigations to the response from response letter (p.24/69).

***Response: There are various screening measures utilized and discussed within the FEIS and DEIS. These screening measures include house-side shields, visual/sound wall, "shushers" for sound dampening, and the 100' berm to prevent visual impacts from neighboring properties.***

#### [Letter #23, Review 2 of Letter #12 NYS Department of Environmental Conservation Review Comments, January 30, 2025:](#)

Comment 12.1: Not substantively responsive. Provide a discussion of the wetlands that are now being regulated, the j.d. that was secured, alternatives considered, etc. For example, why cannot parking areas be relocated outside of the adjacent area, including those proposed to be landbanked.

As the FEIS states in response to other comments, this is a speculative development. So, the need for the amount of parking is likewise speculative. The response in the response letter (21-22/69) needs to be added. This is an open item.

**Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction. All parking areas are located outside of setbacks and not within land banked areas to prevent variances.**

Comment 12.2: Comment not addressed. Any further assessments of plants and animals and the need for an incidental take permit is part of the SEQR process. This response should specifically indicate what has been sent to the NYSDEC, include same in an appendix, and should indicate whether NYSDEC will require additional mitigation measures. This is an open item until NYSDEC indicates they are satisfied with what has been submitted.

**Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction that the revised forested corridor would provide a suitable habitat and migration route, and therefore an incidental take permit will not be required.**

#### [Letter #24, Review 2 of Letter #13 NYS Department of Transportation Review Comments, February 2025:](#)

Comment 13.1, 13.2, 13.3, 13.4, 13.5: For these comments, the Applicant should meet with the NYSDOT and determine whether the changes to the Traffic Impact Study, and the proposed mitigation measures, are acceptable to the NYSDOT. Update the FEIS to provide the response from response letter (p. 26/69).

**Response: The FEIS has been updated to provide the response from the response letter.**

Comment 13.6: The Planning Board should note that the NYSDOT has opined that the project be included in the "transportation district" established for Bracken Road. The response should indicate that the payment would be for the required mitigation. Planning Board to review with the Applicant.

**Response: Additional detail has been added to the FEIS and this is further discussed within the DEIS.**

#### [Letter #25, Review 2 of Letter #14 Town of Montgomery Ambulance Review Comments, February 6, 2025:](#)

Comment 14.1: "Comment noted" is not sufficient. The Montgomery EMS indicates they accept Community Benefit Agreements. Is this specifically to mitigate impacts? Will the Applicant enter into an agreement? Response on p. 26/69 of the response letter needs to be added to the FEIS. Planning Board should discuss.

**Response: Addressed in 1/16/26 response on page 26: "It is not anticipated that the Proposed Action will have more than a minimal impact on ambulance services provided by the Town of Montgomery Ambulance and any impacts will be avoided or minimized through the projected annual payment of special district tax fees to the**

**Town’s Ambulance Special District.**

**The Proposed Action is not anticipated to result in a significant increase in the number of calls for service as compared to existing conditions. Warehouse facilities typically draw employees from existing residents within the local community and surrounding region (See Appendix Q to FEIS, Community Impact Statement), so no significant increase in the local population will occur as a result of the Proposed Action.**

**Moreover, the Town of Montgomery Ambulance is supported by mutual aid services from other neighboring communities for instances when calls exceed the Town of Montgomery Ambulance’s capacity (See Town of Montgomery Ambulance Correspondence). Further, according to the Town of Montgomery Ambulance, only 20% of the estimated 2500 calls per year are from commercial locations like the Proposed Action. For these reasons, it is not expected that the local population will incur reduced ambulance services as a result of the Proposed Action.**

**Finally, the Proposed Action will result in the direct payment of substantial annual tax fees for the Town’s Ambulance Special District, providing revenue to the Town of Montgomery Ambulance that will avoid or minimize impacts from the Proposed Action on ambulance services. For example, projected additional tax fee revenue for the Town’s Ambulance Special District in 2024 from the Proposed Action would have been:**

Tax Type	Value of Proposed Development	Tax Rate Per \$1000 of Assessed Value	Annual Tax Contribution
Ambulance	\$62,007,914	0.491331	\$30,466.41

**For the foregoing reasons, it is not anticipated that the Proposed Action will have more than a minimal negative impact on ambulance services and will instead provide an ongoing benefit through tax revenues generated to address the Town of Montgomery Ambulance’s budgetary needs along with other taxpayers in the community. Accordingly, no additional direct contribution to the Town of Montgomery Ambulance through a community benefit agreement is considered necessary”.**

**Letter #26, Review 2 of Letter #15 Comments provided by Karina Tipton, February 14, 2025:**

Comment 15.4: Indicating a wetland permit has been applied for does not respond to the substantive comment. Please address comment. Comment not addressed - submitting a permit application doesn't satisfy SEQR. The response must evaluate salt impacts on wetlands, evaluate unusual importance criteria, and alternatives analysis.

**Response: Salt impacts and mitigation measures has been added to the FEIS and is further discussed within the DEIS on page 57.**

Comment 15.5: Not addressed. The EIS Scope indicated: To the extent a resiliency study being

conducted by Orange County is made available (draft or otherwise) during preparation of the EIS, the stormwater analysis will discuss the recommendations of that study, and the project's consistency with same. The commenter is raising a substantive comment related to the Scope. Comment not addressed in FEIS – need to add what is stated in the response letter (p. 28/69).

**Response: Discussion of the resilience study conducted by Orange County has been added to the FEIS.**

Comment 15.10: Add proposed hours of operation in the response. Indicate the extent to which trucks are visually screened. The following is to be added from the response letter: “The hours of operation will be 24/7 schedule, split between 3 shifts. This is indicated within the DEIS, Chapter 2, under subsection D. Construction and Operation. Trucks are visually screened by either the visual/sound wall, the large landscape berm, or landscape buffering. The only time it is anticipated that trucks will be seen is during exiting and entering the site along access driveways.”

**Response: The hours of operation and peak hours of truck movements have been added to the FEIS and are further discussed within the DEIS. Visual renderings and the acoustical study within Appendix M and Appendix I both illustrate trucks are visually and acoustically screened to the fullest extent possible.**

Comment 15.12: The response to this comment does not specifically address the lack of solar panels proposed. Additionally, while the use of electric vehicles by employees is not controlled by the applicant, EV infrastructure such as charging stations could encourage the use of EVs at the site. The Greenhouse Gas Offsets section (page 204) does not discuss any mitigation measures that the applicant has committed to at this time. The Planning Board should discuss whether it would be appropriate to incorporate a defined number of EV charging stations. Elsewhere in the Colliers response letter it indicates 10 EV stations are being provided for building. Update the response.

**Response: Discussion of the use of solar panels and EV infrastructure has been added to the FEIS and is further discussed within the DEIS. As indicated on the layout plan, there are 10 EV stations proposed per warehouse.**

Comment 15.13: This comment should indicate that the Applicant does not propose the use of solar panels, and that use of panels will be driven by the specific tenant, as set forth in prior responses. This comment has not been addressed – need to specifically amend response and indicate the Applicant is not proposing solar panels.

**Response: Statement of fact. The discussion of the solar panels has been added to the FEIS and is discussed within the DEIS.**

Comment 15.15: The specific impacts to the residential adjoiners directly across the street from the project have not been addressed, in terms of property values. The FEIS response needs to be revised as per the response letter.

**Response: This response has been added to the FEIS to describe the property values assessment.**

Comment 15.17: Comment addressed. The Applicant needs to coordinate with the NYSDEC now to determine whether an incidental take permit will be required, and whether or not they will impose additional mitigations. Open item.

***Response: The applicant has coordinated with and met with the NYSDEC, ACOE, and NYFW and received conceptual approval to everyone's satisfaction that the revised forested corridor would provide a suitable habitat and migration route, and therefore an incidental take permit will not be required.***

Comment 15.20: The additional documentation and review should be provided as part of the SEQRA process as well. The Planning Board should have a signoff (not permit) that the NYSDEC is of the opinion that mitigations are sufficient. It is unknown at this time whether they will require project modifications as additional mitigation. Open item.

***Response: The applicant has coordinated with and met with the NYSDEC and received conceptual approval.***

Comment 15.21: See response to 15.20 – need comments from NYSDEC. Open item.

***Response: Statement acknowledged. Additional detail has been added to the FEIS and is further discussed within the DEIS.***

Comment 15.22: See response to 15.20 – need comments from NYSDEC. Open item.

***Response: Statement acknowledged. Additional detail has been added to the FEIS and is further discussed within the DEIS.***

Comment 15.24: Comment not addressed. See prior comments regarding dwellings adjoining the site along Beaver Dam Road. Add response from the response letter which is more relevant.

***Response: Statement acknowledged, additional detail has been added to the FEIS discussing the mitigation measures utilized for the dwellings adjoining the site along Beaver Dam Road.***

Comment 15.25: Comment not addressed. Written confirmation suggesting that this is outside the scope of the EIS should be included. Planning Board to address – regarding air quality analysis.

***Response: Statement acknowledged. Additional detail has been added to the FEIS regarding the air quality analysis. The air quality analysis is further discussed within the DEIS as well.***

Comment 15.27: This comment relies upon review of the NYSDEC wetlands permit, and does not address the substance of the comment – what is date of aerial? What other buildout is occurring which may not be shown on the aerial? Also need final comments from NYSDEC. Update the response – this is also open item.

***Response: The date of the aerial is already provided. The applicant has coordinated with and met with the NYSDEC and received conceptual approval.***

Comment 15.29: Need to address the wear and tear on infrastructure/roads portion of comment. Add response from the response letter.

***Response: Statement acknowledged, this is discussed within the traffic section of the DEIS and FEIS.***

Comment 15.31: Not addressed – see prior comments. Add response from the response letter.

***Response: Statement acknowledged. Additional detail has been added to the FEIS.***

Comment 15.33: As stated previously, the actual mitigations should be noted or otherwise refer to another response where they are. Add response from response letter (p. 31/69).

**Response: Statement acknowledged. Additional detail has been added to the FEIS and is further expanded upon within the DEIS.**

## Appendices

### Appendix B: DEIS (comments address the redline changes):

Pg. 11 Comment: The wetlands are still under the jurisdiction of the Army Corps of Engineers. Issuance of a Nationwide should still be included in discussion. Same comment at p. 58. The Applicant indicates an updated PCN will be submitted to ACOE. This response should be consistent throughout the FEIS responses.

**Response: The PCN was submitted to the Army Corps of Engineers upon which the 45-day review period expired. Per ACOE regulations, any projects not reviewed or responded to within 45 days can proceed. This was formalized in an email exchange with ACOE upon which they responded and confirmed on November 21, 2024.**

Pg. 31 Comment: Borings were not conducted at the locations with the deepest cuts for Warehouse 2. Additional discussion is needed to address whether or not bedrock could occur within these deeper locations. Add to the response in FEIS as noted previously.

**Response: This discussion has been added to the FEIS. To reiterate, as illustrated on the Bedrock Identification Exhibit in Appendix J and the construction notes in the Site Plans, it is anticipated that compliance with the recommendations of the geotechnical report will minimize the potential for impacts associated with the deepest cuts, including the unexpected potential for blasting. Based on all of the geotechnical investigation prepared to date, it is not anticipated that blasting will be necessary and that excavation will be possible without the need for any blasting. However, as there is a small depth of uninvestigated substratum in the area of the deepest cuts that will be excavated to grade the site to its proposed elevation, if bedrock is encountered in that area that cannot be cut or scraped, a blasting permit will be sought based upon a plan and all applicable Town requirements will be complied with.**

Pg. 99 Comment: The Planning Board should discuss whether the Applicant is also to mitigate impacts to the Bracken Road/Route 208 intersection – see comments from NYSDOT. If so, the payment will need to be determined.

**Response: Additional detail has been added to the FEIS and addressed the comments by the NYSDOT. This is further expanded upon within the DEIS as well.**

Pg. 113 Comment: The Planning Board, as part of its scope, required that the change in particulate matter be predicted. This has not been done. For Planning Board discussion.

**Response: Particulate matter discussion has been added to the FEIS and is further discussed within the DEIS.**

Pg. 134 Comment: The discussion on ambulance service seems incomplete. It seems there may be

an adverse impact which is not being mitigated. If there is an emergency and service cannot be provided by Town of Montgomery ambulance, what happens? Also address the ambulance discussion of a community benefit agreement. Update the FEIS with response from response letter.

**Response: Addressed in 1/16/26 response on page 33. Furthermore, addressed in 1/16/26 response on page 26: “It is not anticipated that the Proposed Action will have more than a minimal impact on ambulance services provided by the Town of Montgomery Ambulance and any impacts will be avoided or minimized through the projected annual payment of special district tax fees to the Town’s Ambulance Special District.**

**The Proposed Action is not anticipated to result in a significant increase in the number of calls for service as compared to existing conditions. Warehouse facilities typically draw employees from existing residents within the local community and surrounding region (See Appendix Q to FEIS, Community Impact Statement), so no significant increase in the local population will occur as a result of the Proposed Action.**

**Moreover, the Town of Montgomery Ambulance is supported by mutual aid services from other neighboring communities for instances when calls exceed the Town of Montgomery Ambulance’s capacity (See Town of Montgomery Ambulance Correspondence). Further, according to the Town of Montgomery Ambulance, only 20% of the estimated 2500 calls per year are from commercial locations like the Proposed Action. For these reasons, it is not expected that the local population will incur reduced ambulance services as a result of the Proposed Action.**

**Finally, the Proposed Action will result in the direct payment of substantial annual tax fees for the Town’s Ambulance Special District, providing revenue to the Town of Montgomery Ambulance that will avoid or minimize impacts from the Proposed Action on ambulance services. For example, projected additional tax fee revenue for the Town’s Ambulance Special District in 2024 from the Proposed Action would have been:**

Tax Type	Value of Proposed Development	Tax Rate Per \$1000 of Assessed Value	Annual Tax Contribution
Ambulance	\$62,007,914	0.491331	\$30,466.41

**For the foregoing reasons, it is not anticipated that the Proposed Action will have more than a minimal negative impact on ambulance services and will instead provide an ongoing benefit through tax revenues generated to address the Town of Montgomery Ambulance’s budgetary needs along with other taxpayers in the community. Accordingly, no additional direct contribution to the Town of Montgomery Ambulance through a community benefit agreement is considered necessary”.**

Pg. 138 Comment: We note that tax data are from 2022 – the Planning Board has asked for updates for other EISs (Medline). Planning Board should discuss.

**Response: Addressed in 1/16/26 response on page 34: “The applicant began the project in 2022 and therefore several data points are from this year, which we feel are appropriate. The calculations done at the onset of this project utilized 2022 tax rates which decreased by 0.652% in 2024, therefore the resulting calculations would only see a slight change. While they remain generally accurate, each**

***year's tax rates will change projected tax revenue so it is not necessary or impactful to recalculate all of the data points".***

Pg. 173 Comment: The vantage point should specifically be from the National Register residence located along Beaver Dam Road. Existing vegetation along Beaver Dam Road is not relevant, as the dwelling is on the south side of the road. Also confirm whether it was taken from that vantage point. In addition, address Gideon Pelton Farm. Add the response to the applicable comment in the FEIS – "As explained in comment response number 2, we established a new VP from the National Register-listed residence on the south side of Beaver Dam Rd (VP-11-1-PB), photographed 11/24/2025 (leaf-off). Simulations indicate that the existing vegetation is relevant and there is no façade visibility; minor roofline visibility is fully screened by added evergreen plantings. See Appendix M Visual."

***Response: This note has been added to the FEIS to confirm that vantage point was considered from the residence located along Beaver Dam Road.***

Pg. 185 Comment: Provide date of aerial map. July 2023.

***Response: The date of the Google Earth aerial map is July 2023 as indicated on the DEIS.***

Pg. 204 Comment: With the number of proposed vehicles at each warehouse, the Applicant should commit to providing some EV charging stations on site. Applicant has added 10 EV spaces to each building. Update the responses in the FEIS where appropriate.

***Response: The reference to the 10 EV spaces added per building has been added to the FEIS Executive summary and the corresponding sections.***

#### **Appendix H:**

1. Archaeological Resources – see prior comments above.

***Response: Statement acknowledged.***

#### **Appendix I:**

1. Appendix I Noise Resources - appears to be outdated. One of the comments (p. 19) describes an acoustical survey with a more recent date. See prior comments – if the August acoustical study is the most recent, delete references to a November study.

***Response: The acoustical report within Appendix I is the most recent. Within the FEIS, DEIS, and acoustical report there are no references to a November study.***

#### **Appendix J:**

1. Geotechnical Study - The bedrock identification log does not address the areas of the site that will be cut for warehouse 2 even though the cur-fill exhibit illustrates massive cuts (72 + feet).

***Response: As illustrated on the Bedrock Identification Exhibit in Appendix J and the construction notes in the Site Plans, it is anticipated that compliance with the recommendations of the geotechnical report will minimize the potential for impacts***

***associated with the deepest cuts, including the unexpected potential for blasting. Based on all of the geotechnical investigation prepared to date, it is not anticipated that blasting will be necessary and that excavation will be possible without the need for any blasting. However, as there is a small depth of uninvestigated substratum in the area of the deepest cuts that will be excavated to grade the site to its proposed elevation, if bedrock is encountered in that area that cannot be cut or scraped, a blasting permit will be sought based upon a plan and all applicable Town requirements will be complied with.***

2. The Patton Report was updated (November 5, 2024). It notes, under Evaluation, that some of the proposed stormwater control areas have not yet been investigated, and additional borings and /or testpits, and appropriate field tests, are required to assess both the stormwater control areas and the proposed retaining wall sections. When will this occur? See also, for example, under Section 4.4 which discusses additional need for borings for the retaining walls.

***Response: Final test pits and borings will be completed prior to final planning board approval.***

3. The cut and fill condition map – the numbers are being obscured by the topography which is layered on top of it – you cannot see all the numbers. Please place cut and fill numbers over topography layer.

***Response: This exhibit has been updated to see all the numbers over the topography layer. The updated exhibit is included within Appendix J.***

4. For Warehouse 2, the cut/fill map shows cuts in excess of 70 feet along the southerly side of the building (where the bays are). The Patton discusses a maximum nominal height of 57 feet – is this report up to date? Does it take into account the large cuts? Also, the borings do not appear to go deeper than 54 feet, although there are 60-70 foot deep cuts. We raise the question for purposes of determining whether blasting could occur.

***Response: As illustrated on the Bedrock Identification Exhibit in Appendix J and the construction notes in the Site Plans, it is anticipated that compliance with the recommendations of the geotechnical report will minimize the potential for impacts associated with the deepest cuts, including the unexpected potential for blasting. Based on all of the geotechnical investigation prepared to date, it is not anticipated that blasting will be necessary and that excavation will be possible without the need for any blasting. However, as there is a small depth of uninvestigated substratum in the area of the deepest cuts that will be excavated to grade the site to its proposed elevation, if bedrock is encountered in that area that cannot be cut or scraped, a blasting permit will be sought based upon a plan and all applicable Town requirements will be complied with.***

5. Need to update prior references in the FEIS to this comment as per response letter (p. 36/69).

***Response: The FEIS has been updated to provide additional information to this comment.***

#### **Appendix K:**

1. Ecological Studies - There have been no updates to the ecological survey.  
**Response: An updated ecological study prepared by Colliers has been added to Appendix K.**
2. The 2.5-Mile Radius Forest Patch Exhibits prepared by Colliers Engineering and Design should include a scale and date of the aerial in response to comments. The forest patch map does not include a scale to confirm the 2.5-mile radius. Analysis has been updated and NYSDEC review is ongoing.  
**Response: A scale and date are already included within the Forest Patch exhibits located within Appendix K.**

#### Appendix M:

1. Visual Study - The appendix is stamped "Draft for Review" – we presume this is for SEQR review, not the consultant's client review?  
**Response: This "Draft for Review" label has been removed and the updated report is included within Appendix N.**
2. Color swatches should be provided to the Planning Board of the buildings – what appears on the screen and in printed copies can vary significantly from the actual colors to be used. To be provided.  
**Response: This will be provided prior to final Planning Board approval.**

#### Appendix O:

1. Community Impacts – the housing data are from 2/23 – not up to date, but not sure it is important to Planning Board. Check to see question regarding impact on home value.  
**Response: Addressed in 1/16/26 response on page 38: "The housing and employment data from 2023 still provides an accurate assessment of the project".**
2. Employment data are from 2023. Are there sufficient employees?  
**Response: Addressed in 1/16/26 response on page 38: "There are a limited amount of open warehouse jobs posted in Montgomery which we conclude as indicating that there is still a sufficient workforce available in the Town and the region to fill new positions".**
3. Is market getting soft for warehouses in area?  
**Response: Addressed in 1/16/26 response on page 38: "Orange County continues to see warehouse construction and tenants so the market appears to still be strong".**

#### Appendix P:

1. Air Quality - no comments, except for prior questions on screening versus predicted measurements of particulate matter. Discuss with Planning Board.  
**Response: Statement acknowledged.**

## **Appendix Q:**

### 1. Community Services

Update to include any new DEC correspondence.

A map is identified as a hospital services map, but does not show hospitals – it seems to be duplicate of Emergency Services Map. Does not appear to be updated.

**Response: Map has been updated. The hospital services map as Appendix Q shows.**

Letter #27, Review 1 of RDM NBP Neelytown Business Park Development Site Plans, prepared by Karen Arent Landscape Architect (KALA), dated April 20, 2026

### **Bat Corridor Exhibit Comments**

1. How will drainage be maintained in the pockets of existing woods to remain? The areas between berms should not be allowed to turn into pools of water, enclosed on three sides.

**Response: Drainage will be maintained in the pockets of the existing woods of these areas between berms by our stormwater design. No additional flows will be entering those areas. Therefore, existing drainage conditions will be maintained and there no pools of water will exist.**

2. How do we know there is good, healthy, non-invasive vegetation worth saving in the 50 foot corridor?

**Response: The DEC walked the site with the applicant and engineer confirming there is good, healthy, non-invasive vegetation worth saving.**

3. How will the pockets of existing vegetation to be preserved be accessed for maintenance?

**Response: The existing vegetation to be preserved be accessed for maintenance via the maintenance path. These maintenance paths are called out on the layout plans and the Bat corridor exhibit.**

4. Cross section B indicates there will be a visual/sound fence at the edge of the proposed parking but is not indicated on the layout plan. Revise the layout plan so the fence is properly located.

**Response: This visual/sound fence is shown on the layout plan and illustrated within the Bat Corridor exhibit.**

5. Indicate where there will be gaps in the visual/sound fence at the edge of the proposed parking lot for access to the slope and berms.

**Response: The location of the gaps in the visual/sound fence are identified for maintenance access.**

6. The intent of the design is to protect the trees to remain but please note that root systems will need to be cut to install the 14 foot and 7 foot proposed retaining walls on both sides of the corridor which may lead to tree die-off on the edges of the corridor.

***Response: The retaining walls have been removed and the slope has been graded 3:1 to ensure the root system is protected. Additionally, the applicant has agreed to replace trees at a 1:1 ratio if any trees die off.***

#### **General Comments**

7. Stone walls utilizing stockpiled stone from the site are proposed by the eastern entrance. Make sure these walls will not block sight triangles. Provide a detail for the freestanding decorative stone walls which shall be 30-36" height.

***Response: A detail of the free standing decorative stone wall has been added to the detail sheets and called out within the plans.***

8. A curbed island detail is included on sheet 39. Remove "5 inches of soil" from the callout directed at the shredded hardwood bark mulch.

***Response: This detail has been updated to remove the 5 inches of soil from the callout directed at the shredded hardwood bark mulch.***

9. Planting note D 1.3 reads "three (4) inches of double shredded hardwood mulch". Revise the note so that the numeral and written number for depth of mulch match.

***Response: This planting note has been updated so the depth of the mulch matches the detail.***

#### **Landscape Plan South Comments**

10. The applicant has stated that the removal of the existing houses at the southern tip of the property are included as part of phase 6. There is no indication on the Soil Erosion and Sediment Control phasing plan that corroborates this. This area is not included in any of the graphic depictions of plan phases. There is a call out on the landscape plan saying that existing mature trees at the southern tip should be evaluated in field prior to commencing construction and shall be protected from damage during construction with tree protection fencing. What is the best way to make sure these trees will be protected? There are nice existing trees on those properties that should be protected and will help provide additional site screening if they remain.

***Response: The trees will be protected by installing the 4 foot temporary tree protection fence to the drip line and woodchips inside around the base of the trees as indicated in detail. The Soil Erosion & Sediment Control plan has been updated to the removal of existing houses at southern tip to be part of phase 6 as well.***

# Appendix

## Appendix A | Written Comments Received and DEIS Public Hearing Transcripts

<b>Table 3: Comment Letters Received on the DEIS</b>		
<b>Letter #</b>	<b>Date</b>	<b>Responder</b>
1	12/09/24	Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing
2	01/17/25	Orange County Department of Public Works Review Comments
3	01/23/25	Orange County Department of Planning Review Comments
4	01/24/25	MHE Review Comments
5	01/27/25	KALA DEIS Review Comments
6	01/27/25	KALA Site Plan Review Comments
7	01/27/25	Maybrook Fire Chief Review Comments
8	01/27/25	NPV Substantive Review Comments
9	01/27/25	Neighbor 1 Planning Board Meeting Comments
10	01/27/25	Neighbor 2 Planning Board Meeting Comments
11	01/27/25	Comments based on the transcript of the Town of Montgomery Planning Board Public Hearing
12	01/30/25	NYS Department of Environmental Conservation Review Comments
13	02/05/25	NYS Department of Transportation Review Comments
14	02/06/25	Town of Montgomery Ambulance Review Comments
15	02/14/25	Comments provided by Karina Tipton

## Appendix B | DEIS Track Changes (Redline)

## Appendix C | Final Scope

## Appendix D | Involved and Interested Agencies

## Appendix E | SWPPP

# Appendix F | Project Plans

# Appendix G | Traffic

## Appendix H | Archaeological

# Appendix I | Acoustical

# Appendix J | Geotechnical

## Appendix K | Ecological

# Appendix L | Environmental Site Assessment

## Appendix M | Visual

## Appendix N | Utility

## Appendix O | Community Impact

## Appendix P | Air Quality

## Appendix Q | Community Services



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