

VIA UPS
June 19, 2026

Jay Beaumont, P.E., Chairman
Town of Montgomery Planning Board
110 Bracken Road
Montgomery, NY 12549

Subject: Neelytown Business Park
296 Neelytown Road
Town of Montgomery, Orange County, NY
Project No. 21000327A

Dear Members of the Town of Montgomery Planning Board,

Our office is in receipt of multiple review letters prepared for the above-mentioned project. Below please find our responses to the comments outlined in these letter. The comments have been repeated again for clarity.

[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 land use 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 ODCPW) 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 NYS DOT)."

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 85th 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 SEQ. 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 85th 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 testputs, 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.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT P.C.



Justin Ferrazzano,
Department Manager

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