

1
2 STATE OF NEW YORK : COUNTY OF ORANGE
3 TOWN OF MONTGOMERY PLANNING BOARD
4 - - - - - X
5 In the Matter of
6
7 SHEFFIELD GARDENS
8 1127 New York State Route 17K
9 Section 29; Block 1; Lots 5.1, 5.2, 5.3, 5.4 & 5.5
10 - - - - - X
11
12 PUBLIC HEARING
13 Date: April 15, 2025
14 Time: 7:45 p.m.
15 Place: Town of Montgomery
16 110 Bracken Road
17 Montgomery, NY 12549
18
19 BOARD MEMBERS: JAY BEAUMONT, Chairman
20 JOHN H. BROWN, III, Vice Chairman
21 MARIANNE HARRIS
22 RYAN A. MCGUIRE
23 ROSE PENNINGS
24 DARRAN PRINCE
25 CHERI ZAHAKOS

ALSO PRESENT: RICHARD HOYT, ESQ.
SUZANNE HADDEN

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

TRANSCRIBED BY: MICHELLE L. CONERO
Stenographer

2 CHAIRMAN BEAUMONT: Now to
3 Sheffield Gardens, next on the agenda.

4 So bring us up to date, Ross.

5 MR. WINGLOVITZ: Good evening. For
6 the record, Ross Winglovitz with
7 Engineering & Surveying Properties. I'm
8 here with Jerry Jacobowitz representing
9 the applicant, MILR, LLC.

10 This is the third continuation of
11 the public hearing. The Board determined
12 the DEIS to be complete back in January
13 and set us for a hearing. There's been
14 numerous comments over the two previous
15 hearings, most of them related to
16 traffic, one or two or so forth.

17 We are transcribing the minutes of
18 the meeting. They will be part of the
19 record and part of the final environmental
20 impact statement that we will respond to
21 point by point as required under SEQRA.

22 Since the last meeting there were
23 kind of three primary focuses. One was
24 the school district. I did personally
25 meet with the school district last week

1
2 and then with Brad. We went through
3 our study, their concerns. I think
4 we both have a better understanding
5 of both, and we'll respond to their
6 concerns in writing as part of the
7 FEIS.

8 I know there was also a meeting
9 virtually with the DOT regarding the
10 traffic study. Those discussions
11 continue.

12 There was also an analysis that
13 was done regarding the potential for
14 light that was requested by the Board
15 to be done. The analysis showed that
16 without the commercial portion of the
17 project, a light was not warranted.
18 With the commercial portion of the
19 project, a light was warranted. They
20 have submitted that to the DOT, and
21 as we've been processing through the
22 DOT, expect that we'll hear back from
23 them whether or not that may be
24 something acceptable in our proposal.

25 Last but not least --

2 UNIDENTIFIED SPEAKER: In the
3 back, can you just talk a little
4 louder or get the mic?

5 MR. WINGLOVITZ: Yes.

6 UNIDENTIFIED SPEAKER: It's hard
7 to hear back here. Thank you.

8 MR. WINGLOVITZ: Testing.

9 All right. So the three points
10 were, there was a virtual meeting
11 with the DOT regarding the project,
12 the traffic study, the need for a
13 light. An analysis was done which
14 showed that without the commercial, a
15 light was not -- did not meet the
16 warrants for a light. With the
17 commercial it did. The DOT will have
18 to make a decision on how they want
19 to treat that.

20 We also met with the school
21 district.

22 Last, I think there was also a
23 call with the town engineer regarding
24 sewer and ownership of the sewer plant.
25 I know that Jim was going to report

2 back to the Board.

3 CHAIRMAN BEAUMONT: Okay. This is
4 a public hearing. I'll recap quickly
5 what we received since the last meeting
6 on March 10th. We got a letter from
7 Tracy Palumbo, we got a letter from Blaze
8 Castillo, we got a letter from Kurt
9 Phillips, we got Conservation Advisory
10 Council's comments. At a work session we
11 met with the fire chief and the fire
12 commissioner, Bob Reynolds Junior and
13 Senior, about their comments. We also
14 got a letter from Roslyn Onland Corp,
15 which is the golf course basically. I
16 guess that's On Par Golf also. And I
17 forget what this one is.

18 MS. HADDEN: The letter sent to the
19 Town Board.

20 CHAIRMAN BEAUMONT: Yeah. We had
21 sent a letter to the Town Board regarding
22 the sewage treatment plant.

23 So given all that, I'll ask the
24 public if anybody wants to step up. If
25 you do want to talk, that's great. Tell

2 us your name for the record so that
3 Ross's folks can transcribe what you have
4 to say.

5 We'll start with you, Don.

6 MR. BERGER: Hello, everyone. Don

7 Berger, Village of Montgomery.

8 I'll tell you a little story.

9 About two weeks ago I was on Factory
10 Street in Montgomery. It's around 20
11 after 2 and I made the biggest mistake
12 that I could possibly make. Coming out
13 of Factory, I took a left-hand turn. I
14 should have knocked myself out. I wanted
15 to get to Shop Rite, so a logical person
16 who lives in the Village of Montgomery
17 knows you go, you take Goodwill. So I
18 did make that left-hand turn. It was
19 hell getting up to Scott's Corners and
20 then getting to Shop Rite. At the time
21 that I was on the road, the junior high
22 school was releasing. I believe it was
23 the junior high school. There must have
24 been fifty buses. So I sat there and sat
25 there and sat there. Not only me, but

2 hundreds of cars up and down Route 17K.
3 So that was my fault, but that's the type
4 of things that we are doing to live a
5 better life here in Montgomery. Let's
6 have more traffic.

7 I think it was in December, I think
8 it was Freddy's last meeting as Board
9 chair, and I had talked to this Board
10 about -- it was the zip line at the time,
11 public comments, and I talked about with
12 the New York State DOT and having a
13 meaningful meeting of everything that's
14 going on in Montgomery. Not just one
15 project at a time, everything,
16 particularly in the Scott's Corners
17 area. I hope you all remember that,
18 when I talked about that. You know,
19 it's different now. Four months have
20 passed, but it's different. Why is
21 it different? Well, you've got Wendy's,
22 you've got QuickChek. They're all back.
23 Except for Wendy's, they're new. But
24 they're back. At the time all I was
25 talking about was zip line, dinosaurs,

2 warehouses up and down 17K and 208.

Berger

3 Comment This Board assured me that you were
4 3.1 going to have that meaningful meeting
Traffic
5 with the New York State DOT. I'm
6 wondering if you ever did that.

7 CHAIRMAN BEAUMONT: Oh, yeah.

8 MR. BERGER: You did?

9 CHAIRMAN BEAUMONT: They did. The
10 Orange County Planning Department has a
11 budget to facilitate basically a town-
12 wide traffic study of 17K, 208, Neelytown
13 Road, 416, 211.

14 Did I get that right?

15 MR. BERGER: So that was Orange
16 County Planning. That came about not
17 because of zip lines or Sheffield or
18 anything else. That was a result of the
19 416 intersection. They agreed to have a
20 town-wide traffic study as a result of
21 everything we were talking about and
22 what's going on in the Village of
23 Montgomery.

24 CHAIRMAN BEAUMONT: Right.

25 MR. BERGER: That's good that

2 they're going to do that. Are they going
3 to do that?

4 CHAIRMAN BEAUMONT: They are, but
5 it's a government so it takes awhile.

6 MR. BERGER: It takes awhile.
7 Right.

8 CHAIRMAN BEAUMONT: -- a contract
9 to get a proposal -- a request for a
10 proposal and all that stuff.

11 MR. BERGER: So the thing about it,
12 and I'm going to say something that maybe
13 a lot of people here may not like, but I
14 have no faith in the New York State DOT.
15 All I have to tell you to do is go out to
16 the intersection of Bracken Road and 208
17 and that tells you all you need to know
18 about the New York State DOT. The roads
19 around here are a disgrace, and all I've
20 heard the many years that I've been
21 coming before this Board is that we're
22 going to have these warehouses and all
23 these businesses come in here and they're
24 going to pay taxes to make sure our roads
25 are great, because those are one of the

2 conditions that we always argued about.
3 The roads have deteriorated to a level
4 that we and our group RPM make a little
5 laugh that they have better roads in
6 Beirut. That's shameful that I have to
7 say something like that.

8 Moving on. I guess you get my gist
9 with the traffic issues. It really has
10 to be resolved.

11 This whole thing -- Ross, I'm sorry
12 -- no light, yes light and all that kind
13 of crap, that's a bunch of bull. That's
14 just a lazy New York State DOT, and it's
15 constantly like that. They're lazy.
16 They're no good. They're not here for
17 us. They're one lazy group. You're
18 right, government, lazy, particularly in
19 New York State.

20 The other thing I want to touch on
21 is Sheffield, where they're building.

22 Saturday I was at the culvert by
23 Richard's. Are you guys familiar with
24 the culvert I'm talking about? Well, the
25 water was up to the top of that culvert.

Berger
Comment
3.2
Surface
Water

1 To the top of that culvert. Where does
2 that water go? To the golf course. I
3 was at the golf course. Water all over
4 the place. So I'm wondering, for the
5 sake of the people of the golf course,
6 the people that play golf, the people
7 that enjoy using that facility -- they've
8 put a lot of work in over there. They do
9 outside evening events. They do all
10 kinds of stuff over there -- what is
11 being done to mitigate the problems that
12 those wetlands will pose to that golf
13 course?
14

15 I came down 17K today. I was
16 driving back toward the Village of
17 Montgomery. I looked at the culvert and
18 I looked over the punk weed that's there.
19 You know what I seen? I seen one of the
20 great lakes there. It was unbelievable.
21 I remember, and I bet you everybody here
22 who's been here for a very long time, as
23 a kid in high school and many years after
24 that, I used to go to Richard's, just
25 like anybody else. Do you remember where

2 that wetland line used to be? Does
3 anybody remember that? It probably was
4 500 feet in. Where is it now? It
5 borders the spa. It's right in their
6 parking lot. So that water is moving.
7 My fear is that when this project is
8 built, it's just going to push that water
9 more and more toward that culvert. I
10 remember a couple years ago -- Jay, you
11 probably will remember this -- where the
12 Army Corp of Engineers were supposed to
13 go in there and clear out the beaver
14 dams. Do you remember that?

15 CHAIRMAN BEAUMONT: No.

16 MR. BERGER: We used to talk about
17 it here at the meetings.

18 Cheri, do you remember?

19 MS. ZAHAKOS: I know the beaver
20 dams over by 84.

21 MR. BERGER: Those two culverts
22 there -- Sue, you must remember that. I
23 knew somebody would.

24 There's a problem there, particularly
25 the one that's closest to Valley Central.

2 You don't see the flow. You certainly
3 do see the flow by the one that goes
4 toward the golf course.

5 You know, I don't know if I'm
6 for or against or anything like that,
7 but what I've been saying lately is
8 that we have to make sure we do these
9 things right, and, you know, traffic
10 and the water flow, the sewer, we
11 have to get it done right. We cannot
12 impose onto other people's properties
13 damages, or with the golf course and
14 that poor house that sits there right
15 by the culvert, I don't know what the
16 hell they're going to do. What's
17 going to happen with their golf course?
18 You know, if anybody has ever played
19 golf there, the 7 and 8 holes are
20 right at the culvert. I played there
21 last year. You couldn't even hit a
22 ball because it was so wet.

23 I think this Board, you're
24 obligated to make sure to mitigate
25 the problems that all these things

are going to resolve.

You say, Jay, and I appreciate it because you're absolutely correct, the New York State DOT takes forever. Well, I'm sorry, but these things -- if that's going to take forever, we need to know the answers before we can allow anything to happen there.

Thank you.

CHAIRMAN BEAUMONT: Quickly. Fred, we jumped the agenda. We declared intent to be the lead agent for SEQRA, and so we're done with Wendy's. You'll have to sit and wait for that.

Okay. Anybody else have a comment about Sheffield Gardens? Come on down.

MS. FRAGALE: Hi. My name is Kim Fragale, I live on Bailey Road toward the 208 end side.

CHAIRMAN BEAUMONT: Say your name again.

MS. FRAGALE: Can you hear me now?

MS. ZAHAKOS: Yeah.

MS. FRAGALE: Is that better?

2 MS. ZAHAKOS: Just your name.

3 MS. FRAGALE: Kim Fragale. So I

Fragale

4 **Comment** live on Bailey Road, and our property is

5 **3.3** one of the lowest properties on Bailey

6 **Wastewater** Road. My backyard backs up to the

7 **Treatment** wetlands that are between us and Messco.

8 When that stream overflows, it overflows

9 the ponds that are there that backup into

10 my backyard. So I'm very concerned about

11 the extra water that's going to be

12 running through those streams from the

13 runoff from the water-sewage plant and

14 how much more water I'm going to expect

15 in my backyard.

16 I'm also concerned, I've lived on

17 Baileys over twenty years now, whenever

Fragale

18 **Comment** there's traffic on 17K, guess what, they

19 **3.4** use Bailey Road. It's 30 miles-an-hour.

Traffic

20 People walk their dogs, kids are playing.

21 They don't do 30. They do more. It's a

22 constant line of cars. It's residential.

23 So I'm very concerned about that.

24 Thank you.

25 CHAIRMAN BEAUMONT: Thank you.

2 Anyone else?

3 MS. TOCCI: Karen Tocci, I think
4 you might remember, I spoke at one of
5 the first meetings about this. I live
6 on 6 Montgomery Heights, the second
7 house in from 17K.

Tocci

8 So a couple of meetings ago you
9 Comment talked about Montgomery -- Town of
10 3.5 Montgomery is doing a comprehensive
Traffic traffic study. How long is this study --

12 CHAIRMAN BEAUMONT: Orange County.

13 MS. TOCCI: Orange -- oh, okay.

14 How long has the study been going on for?

15 CHAIRMAN BEAUMONT: They are --
16 they're in the process of preparing a
17 request for proposals to get consultants
18 to do the study.

19 MS. TOCCI: Oh, so it hasn't even
20 begun yet?

21 CHAIRMAN BEAUMONT: Correct.

22 MS. TOCCI: Okay. So is there
23 going to be decisions made regarding
24 Sheffield before this comprehensive
25 traffic study is completed?

2 CHAIRMAN BEAUMONT: Yes.

3 MS. TOCCI: Okay. So what's the
4 point then if the decisions are going to
5 be made before the traffic study is
6 complete? Because the first traffic
7 study that was done is showing the
8 intersection as being a poor grade and
9 everything, so I thought the purpose of
10 the comprehensive traffic study was to
11 get a better idea, more comprehensive,
12 but I misunderstood because, you know --

13 CHAIRMAN BEAUMONT: We share your
14 concerns and -- but we have to --

15 MS. TOCCI: So the comprehensive
16 traffic study isn't going to incorporate
17 what's going on for this proposed
18 Sheffield Gardens?

19 CHAIRMAN BEAUMONT: We're going to
20 build, as best we can, flexibility into
21 the Sheffield Gardens to work with the
22 traffic study when it comes out. That's
23 all I can say. We are under certain time
24 constraints and --

25 MS. TOCCI: From who?

2 CHAIRMAN BEAUMONT: The SEQRA law.

3 MS. TOCCI: Okay. The SEQRA law.

Tocci

4 **Comment** Can you explain what the SEQRA law is?

5 **3.6**

General

I'm not familiar with that.

6 CHAIRMAN BEAUMONT: Environmental

7 Quality Review Act.

8 MS. TOCCI: Okay.

9 CHAIRMAN BEAUMONT: I'll probably
10 ask Rich -- he can explain it better than
11 me. We just can't tell these folks to
12 sit back for a year while they do a
13 traffic study.

14 I hit it on the head. Okay.

15 So we just have to be --

16 MS. TOCCI: So we make decisions
17 based -- it doesn't matter what's --

18 CHAIRMAN BEAUMONT: Everybody makes
19 decisions based on a lot of things, and
20 we try to factor those all in there along
21 with the best decision for the Town.

22 MS. TOCCI: Okay.

23 CHAIRMAN BEAUMONT: It's not
24 something we say oh, we're going to do
25 this and forget about the traffic study.

2 We want -- we want to build flexibility
3 into what we decide here so that when the
4 traffic study does come around, we can
5 adjust accordingly.

Tocci

6 MS. TOCCI: Any idea when that
7 traffic study might be complete?
8

CHAIRMAN BEAUMONT: Not at all.

9 MS. TOCCI: Because it hasn't even
10 begun yet?

11 CHAIRMAN BEAUMONT: As far as I
12 know, they're working on the scoping over
13 at the Planning Department, but it has to
14 go to request for proposals, then they
15 choose the consultants, and then they get
16 the contract, and then they start their
17 study, then they do their study, then
18 they prepare -- okay.

19 MS. TOCCI: Got you.

20 CHAIRMAN BEAUMONT: Okay. That's
21 the way of the world.

22 MS. TOCCI: Okay. Thank you.

23 CHAIRMAN BEAUMONT: Thank you for
24 your comment, --

25 MS. TOCCI: Yup.

2 CHAIRMAN BEAUMONT: -- Karen.

3 MS. DUFF: Hi. Brenda Duff, 1116
4 Route 17K, Montgomery.

5 My newest concern to be brought up
6 is not only the wastewater going into the
7 swamp, but all the development. That
8 ground that usually soaks up the water is
9 also -- that water has to go someplace
10 from rain, just regular rain. That rain
11 is not going to soak into the ground any
12 more because it's all developed. Most
13 places have to have a retention pond or
14 whatever. Quality has their big
15 retention area because they took up that
16 with building. So there's no plan -- I
17 don't remember seeing any plan for any
18 retention ponds or anything like that.
19 It's just all going into the swamp that's
20 already at peak levels, if you ask me.
21 I'm not a professional, I'm not an
22 environmentalist, but that's something I
23 ask you all to consider and would like to
24 hear more about in the responses.

25 Thank you.

Duff

Comment
3.8
Surface
Water

2 CHAIRMAN BEAUMONT: Thank you,
3 Brenda.

4 MR. CORTEZ: Hi. I'm Carlos
5 Cortez. This is Tracy.

6 MS. PALUMBO-CORTEZ: Tracy Palumbo-
7 Cortez.

8 MR. CORTEZ: We own Richard's, 1103.

9 A new major concern for us is
10 obviously the wastewater treatment plant,
11 as Don discussed, and the sewer. Ross
12 mentioned earlier in the meeting that
13 it's just going to be a small through the
14 buffer, and everyone keeps referencing
15 this via the large wetlands into the
16 swamp into the culvert. Wastes are being
17 dumped right here in this wetlands. You
18 see all this green? They think this is
19 going to go from here, throughout here,
20 into here, into this culvert and come out
21 here to the Wallkill, passed the golf
22 course. This waste --

23 CHAIRMAN BEAUMONT: Carlos, Carlos,
24 Carlos. You've got to use that -- you've
25 got to use the microphone.

2 MR. CORTEZ: I have to. Here we
3 go. So saying the waste --

4 CHAIRMAN BEAUMONT: Thank you.

5 MR. CORTEZ: Well, I wanted the
6 residents who live here that are going to
7 be affected that don't know, they're
8 going to be dealing with the smell of
9 this waste that's going into this small
10 area right here. As you can see on their
11 own map, there's no -- this is water.
12 This is grass. There's no way this waste
13 is not just going to pile up and create
14 its own issue right here. It's not just
15 going to magically flow into these
16 wetlands.

17 The water is another issue that
18 obviously is going to contribute to this,
19 the culvert and flooding of Scott's
20 Corners and residents, but I just found
21 it very sneaky, if you will, that through
22 a thousand page DEIS and site plans and
23 all of this, the only site that they
24 reference is coordinates of dumping of
25 the waste. I just didn't really

2 appreciate that, you know what I mean.

3 Also, the traffic everyone is

Cortez

4 **Comment**
5 **3.10**
6 **Traffic**

7 mentioning. The traffic study that they
8 completed was done on January 5th and
9 January 7th. So only a couple days after
10 everyone was coming back from Christmas
11 break. The school was in operation, but
12 there's no outside sports. There's no
13 little league or lacrosse. There's no
14 soccer. There's no one going to Berea
15 for practice or the town park for
16 practice. The traffic is tenfold when
17 the weather gets warmer and more people
18 are going to Richard's. I mean, Quality
19 auto wasn't even in operation. We
20 weren't in operation. There's not
21 generally many people on the road in
22 January. It's cold, it's dark by 4:00.
23 We just felt that that was a very clear
24 underestimation of the traffic on that
25 road. And --

23 MS. PALUMBO-CORTEZ: It's bad, the
24 traffic. There was a fatality less than
25 a year ago.

2 CHAIRMAN BEAUMONT: Get closer to
3 the mic.

4 MS. PALUMBO-CORTEZ: I believe
5 there was a fatality less than a year ago
6 right in front of the Doros' house.

7 Palumbo- Comment Yes, the culvert, to reiterate what
Cortez 3.11
8 Wastewater Don was saying, it doesn't work properly.
9 To have the water drain, from where
10 Carlos was saying, on the side where my
11 mother's house is, so it just basically
12 borders my mother's house, where the
13 wastewater would be going. There's no
14 water there now, so it's not going to
15 flow. If it does like they said, the
16 DOT, we had them out twenty years ago
17 looking at the culvert. Nothing got
18 done. It just doesn't move.

19 There are -- there are -- there is
20 wildlife there. There were a couple
21 beavers had gotten killed on the road a
22 couple of weeks ago. I mean, they're
23 there. Also --

24 MR. CORTEZ: It's just a concern
25 Cortez Comment that they referenced odor control for the
3.12
Wastewater

2 treatment plant, and we understand that,
3 but what is going to be the odor control
4 for waste that is essentially going to be
5 dumped onto dry, flat ground? It's not
6 going to flow. That ground is dry eight,
7 nine months out of the year. Even in
8 their wetland analysis report, you can
9 see the pictures that they took for
10 spring and fall, they look identical.
11 The trees look identical, the ground
12 looks identical. I don't know if they
13 went on the last day of fall and the
14 first day of spring to be official, but
15 it's only wet during the winter when the
16 snow is melting, and then once spring
17 rolls around it's dry. There's not going
18 to be a flow of that waste into the
19 wetland.

20 Also the mention of wildlife in
21 their studies. They mentioned the bog
22 turtles and they looked at the bats, but
23 there was no mention of blue herons or
24 swans. We also have seen, from living
25 right next to it, an eagle's nest in that

Cortez

Comment
3.13
Plants &
Animals

1 area. They reference one on Bailey Road,
2 but there is right here in this treeline.

3
4 MS. PALUMBO-CORTEZ: And there are
5 blue herons nesting back there. It's a
6 major food source for eagles.

7 MR. CORTEZ: We just want the board
8 to consider us, you know, the residents
9 all around with that waste, the sewer,
10 the water, the turning lane as well. All
11 these businesses that will be affected by
12 that turning lane. In their traffic

Cortez 13 Comment
3.14
Traffic

13 study they reference the Bailey Road
14 intersection and 17K and 208. What about
15 all those private residents that have to
16 pull out to the road, people that are
17 getting a hair cut, or going to physical
18 therapy, or coming to Richard's, or going
19 to Quality? Are those even going to be
20 looked at or reviewed or is it just going
21 to be street intersections? I feel that
22 those need to be looked at further as
23 well.

Palumbo-
Cortez 24 Comment
3.15
Traffic

24 MS. PALUMBO-CORTEZ: Also the
25 sidewalks to keep it safe for people to

walk up and down, coming up to Richard's, up even to possibly the intersection by Scott's Corners and then down into the Village.

You know, we could all work together. Like, we're not against this, like Don was saying. Let's all work together to just do this right. Now is the time with all of the cumulative construction going on.

We really liked -- we read that one of the proposed ideas was to have some of the sewage piped into the Village. If we could work together to get some of these things done now, before all of this stuff starts to happen, and get this put in place. We all grew up here. We worked so hard. We've established this town. Mr. Jacobowitz, you know, our families grew up here. It's like now is the perfect time, before all of this stuff comes in, to set this up right and integrally and for the good of all of Montgomery and the surrounding towns. We

2 can all work together, and now is the
3 time. It's literally the time in the
4 planets, in the universe. It's time. So
5 let's do this right. We're not against
6 it. We just want to make sure it's done
7 right for everyone's highest and best
8 wellbeing and quality of life.

9 Thank you.

10 CHAIRMAN BEAUMONT: Thank you.

11 Anyone else?

12 MR. HILLMAN: My name is Bernie
13 Hillman. I live on 301 East Searsville
14 Road, Town of Montgomery.

15 I've been traveling this road here
16 about thirty years. Prior to these
17 lights here having been put on 17K and
18 the left and right lane, center lane for
19 the school, that was manageable. That
20 was manageable. We had a police officer
21 directing everybody to the left, to the
22 right and traffic was only bad just a
23 certain amount of time in the day.

24 DOT had a study and they came in
25 and put that light over there. We have

Hillman

Comment
3.16
Traffic

2 had nothing -- the only thing that that
3 light benefits, really listen to what I'm
4 saying, once you make that left off of
5 17K into that school or into that Dollar
6 General, once you get into that place,
7 you come out on that light, that light is
8 a trigger and that allows that person not
9 to sit like the other people up and down,
10 north and south on Route 17K like they're
11 sitting. Now you have children that come
12 across that street and hit that button,
13 and now we all know once they hit that
14 button, that light is twice as long to
15 get across. So now all the children are
16 coming out of Dollar General and are
17 hitting that button, and that's why we
18 have an awful lot of that traffic there.

19 So the thing is, you know, when we
20 first come into this Town and we start
21 developing it, we're pioneers, we're
22 building it, we're building it. Well,
23 the last people to start to build are the
24 ones that are really going to affect it
25 because of how we planned the first time

2 around. So I don't -- as far as taking
3 the Village -- the sewer from this place
4 down into the Village, I think that's a
5 bad mistake, number one.

6 Number two, as far as the
7 wastewater treatment plant, that's a
8 private plant now. That's not the
9 Village. I build these things. What's
10 going to happen in ten years? Who's
11 going to take care of that? The Town?
12 The Village? Maybrook? Who's going to
13 be taking care of that wastewater
14 treatment plant? So there's a lot of
15 factors here.

16 But he has a right to build also,
17 right. But the thing is, he might not be
18 able to build on all the property that he
19 wants to build on. So maybe he wants to
20 downsize and see how that is, because we

Hillman 21 Comment 3.17
22 Wastewater Montgomery and our water levels have been
23 down thirty years. They keep going down,
24 down, down. So the aquifer where we're
25 getting our water from, we're -- we've

2 been drilling a well. In 2021 we started
3 drilling another well down there. I know
4 you guys got good water up here, but
5 guess what. You guys are a lot higher
6 than we are. So there's a lot of
7 experience that needs to go into this.
8 I'm not saying to -- he's in there trying
9 to maximize every square foot of that
10 property. Let's take into consideration
11 the traffic, the sewer and the water.
12 That's what I'm saying, right.

13 Because the DOT, they've already
14 said -- just like Don said, I don't have
15 good faith in them because they're the
16 ones that did the traffic there. That
17 light is there not because DOT wanted it
18 there. That light is there because
19 somebody got involved because the
20 students that pulled out of there, they
21 were afraid that they would have
22 accidents there. That's why that light
23 is there. DOT didn't want that light
24 there, but somebody else, a politician
25 got involved and doesn't -- didn't live

2 around here, doesn't know the dynamics of
3 that road.

4 So now, I work out of town, but I
5 live here and I love this place. My
6 secondary roads have become my primary
7 roads. When I first came in here and I'm
8 riding on 17K, that's my primary road.
9 That's where I should be. I take 84 and
10 I go up over top of Shop Rite there and
11 go down that road and go into the Village
12 that way. I shouldn't have to do that.
13 That should be a consideration of what
14 you guys are going to decide when you
15 turn around and tell this man here how
16 many units he can build. It's a factor
17 there.

18 That's all I have to say about it.
19 I just want you guys to see what I see,
20 because I pay very close attention to
21 these factors.

22 Thank you.

23 CHAIRMAN BEAUMONT: Anyone else?
24 Trina.

25 MS. TIPTON: Karina Tipton. I live

1
2 at 225 Union Street. I just have a few
3 general comments after scanning through
4 the DEIS.

5 First, once again I stand before
6 you asking you to put a traffic circle in
7 the Town of Montgomery. I mean, I know
8 that I bring this wild, radical concept
9 to this Planning Board and to other
10 planning boards, but traffic circles will
11 calm traffic. Traffic circles slow down
12 trucks. Traffic circles slow down other
13 cars so people can pull out in front of
14 them because they're not going 75
15 miles-an-hour as they scream down 17K.
16 This Planning Board does have an
17 opportunity to request the DOT evaluate a
18 traffic circle also. You don't have to
19 just take what the DOT says. The DOT
20 doesn't care about our traffic in
21 Montgomery. They care about people not
22 crashing when they turn out at a light.
23 That's literally all they care about.
24 They care about people not crashing when
25 they turn and they care about how long

Tipton

Comment
3.19
Traffic

1 people have to sit at the light. That's
2 really it. Like, that's how traffic
3 lights are designed. They don't really
4 care about the impact of the traffic at
5 Scott's Corners because there's new
6 traffic coming out here. They don't care
7 about the impact at 17K and 211 and the
8 Village of Montgomery. They don't care
9 about Bailey Road. They just care about
10 that intersection and whether or not
11 people are going to crash and how long
12 they have to sit there because more cars
13 are coming out. I'm saying that as a
14 civil engineer. Like, that's what the
15 DOT is looking for. So ask them for what
16 we need. Ask them for the traffic
17 mitigation measures, for the traffic
18 calming measures that we need to protect
19 the people that already live around this
20 development and who are going to continue
21 to be going to work or coming home from
22 work or going to school or coming home
23 from school. A traffic light is probably
24 not it. I understand that a traffic
25

light is going to be considered based on the volume of traffic which depends on whether or not there's a commercial development or not, but I know that it's a State route, we have home rule. You can ask for more. So that's my first comment.

My second comment has to do on the receiving water body, the wastewater treatment plant evaluation.

Tipton

Comment
3.20
Wastewater

The SPDES permit is not evaluating the receiving capacity of the wetland that is receiving the discharge water. It's only evaluating the actual type of water that's coming out of the plant at the immediate discharge point. It's not doing a full wetland study. It's not doing a tributary study. It's not doing any kind of volume analysis to understand whether or not there's capacity in the wetland system right now to accept that water. So again, this is a design point that often gets pushed

1
2 off to New York State. Is New York
3 State going to be okay with this
4 wastewater treatment plant? Will New
5 York State issue the permit, the
6 discharge permit? The Planning Board
7 has the opportunity to request more,
8 to request the full wetlands evaluation,
9 to request a capacity analysis. / A

Tipton

Comment
3.21
Surface
Water

10 culvert should never be flowing at
11 one hundred percent. It will ruin
12 the road. It ruins the culvert.
13 Culverts are designed to flow at a
14 certain capacity and it's never one
15 hundred percent. It's really bad
16 news that that's where the culvert is
17 at. Again, I know it's a culvert
18 under a State road, but the State
19 doesn't care about how far downstream
20 the impacts are going to be from the
21 road. The State cares about their
22 road, right. They don't care about
23 the Town of Montgomery. That's why
24 we have a local Planning Board and
25 not a State-level planning board. So

1 please take a look at that discharge
2
3 point, the capacity of the wetlands
4
5 and whether or not they can accept
6 it.

7 I think we all recall the year
8 after Amazon was built when 84
9 flooded after some heavy rains. It
10 was very easy to assume that that
11 flooding came from the bridge that
12 was put in across those wetlands next
13 to Amazon and how it disrupted the
14 natural wetland flow in that area.

Tipton

Comment
3.22
Plants &
Animals

14 I am concerned about the impact
15 on the migrating amphibians. In the
16 wildlife habitat assessment it talks
17 about a lot of animals and birds and
18 amphibians that are not on the site,
19 but it does not talk at all about the
20 animals that are adjacent to the site
21 and how they're going to be impacted
22 by this. We know that turtles cross
23 the road there. We know that there's
24 migratory amphibians in that area
25 right now. I think one of the

businesses next to the site, probably the beauty salon, had a sign out, watch for turtles, right, a few years ago. That's something that hasn't been considered in this report either.

I'll just note also that in the

Tipton

Comment
3.23

Wastewater

wastewater treatment plant engineering report which is an appendix, it does say in the final conclusions that the water will be discharged to this point, and then it says, "Where mitigations will be made to avoid encroaching into the neighbors' property." I'm not sure that I saw what those mitigations were going to be when I was reviewing the full report. So again, that's the engineer's wastewater treatment plant report which is an appendix. I'm not sure I saw what those mitigations were going to be in the main body of the report. I'm not sure that those mitigations are currently planned for.

Thank you again.

Sorry. One more thing. Please
put in a traffic circle.

Thank you.

CHAIRMAN BEAUMONT: Carlos.

MR. CORTEZ: Hello. Again I just
wanted to say, as she mentioned, the
mitigation for the properties next door.

Cortez

Comment
3.24

Wastewater

We have not heard or talked to anyone
from the developer about any of those
mitigations since we are the adjacent
property.

CHAIRMAN BEAUMONT: Thank you.

MR. PICARELLO: Randi Picarello,
Village of Montgomery.

Again I just wanted to ask if the
intent is to continue the public hearing
or to keep it open at this time?

CHAIRMAN BEAUMONT: I'm sorry?

MS. PICARELLO: Is the intent to
keep the public hearing open at this
time?

CHAIRMAN BEAUMONT: We're going to
discuss that.

MS. PICARELLO: Okay. Respectfully

I would like to ask that it be kept open for at least another meeting. I think there's been some really valid concerns that were raised here tonight with traffic, with wetlands, with mitigation. I think that there have been times when there's been pushback or feedback from the public since I've been participating since 2017, 2018 and there's been times when it has been the residents that have pointed out critical errors in the planning process, in the site plans and what's been suggested. I'm not saying that that's what's happening here, but just in the last week or so I've been approached by multiple residents to discuss concerns. I think that they're valid, especially the traffic, in my opinion. So I would respectfully just request that the meeting be held open.

Picarello

Comment
3.25
General

CHAIRMAN BEAUMONT: Thank you.

MR. PALCZEWSKI: Hi. My name is

Mark Palczewski and I'm from the Village of Montgomery. I'm also chair of the CAC

for the Town.

I'm going to speak my own opinions tonight. I've spoken at two previous Planning Board meetings about the traffic, the wastewater and the quality of life. Traffic I'm not going to talk about tonight because I think it's been gone over and I don't want to repeat that. I want to concentrate more on the wastewater treatment plant.

Palczewski

Comment
3.26
Wastewater

My opinion is that there's an insufficient buffer between the wastewater treatment plant that's planned -- where it's planned to be put and businesses and residential homes, especially Richard's. The discharge in the wetlands, who is going to be monitoring that? Is the DEC going to be monitoring that? Do we know -- who is going to be checking to see that it's under -- we're not polluting that water? Also, even with the treatment, there's going to be stress on the ecosystem, right.

1
2 We're going to be introducing
3 nutrients into that ecosystem,
4 phosphorus and nitrates from the
5 human waste. We've had -- in the
6 past on the Wallkill River we've had
7 very mild algae blooms. I don't
8 think you want algae blooms in that
9 wetlands. So that's the question I
10 have on that.

11 Also, we're adding another
12 wastewater treatment plant. Potentially
13 the Wallkill River is one of the most
14 stressed tributaries of the Hudson
15 River. I don't think that's a great
16 idea.

17 Brenda mentioned the stormwater.
18 Does this plant have capacity for
19 stormwater? And what happens in the
20 case where it goes over capacity?
21 Are we going to have raw sewage into
22 the wetlands?

23 I would suggest moving -- my
24 suggestion would be, and I mentioned
25 it in the past, is to hook up with

the Village or the Town if possible.

I don't know why we're putting a wastewater treatment plant that close to residential houses. If it's absolutely necessary, can it be relocated to another piece of the project or the property, as far away from businesses and residents as possible?

Somebody mentioned about the water flow. I think Carlos mentioned about the water flow. Is there a test they can do? I mean, can they just go in there with a molly water tank with some dye and discharge some water and see where it flows? Has anyone come up with any kind of -- Carlos mentioned -- I don't know if it was him, but somebody mentioned where the water flows, how is it going to flow on that map? Is there a test we can come up with or does DEC or somebody have a test that we can test how it's going to flow out

Palczewski

Comment
3.27
Surface
Water

so we can actually see?

CHAIRMAN BEAUMONT: The topography of the land, water flows downhill. When it gets to the really flat part, it waits in line, basically, to go to the outlet.

MR. PALCZEWSKI: The test would also be a timeline test. How long does it take to get out of the wetlands? How long does it take that discharge, to leave?

CHAIRMAN BEAUMONT: I've never heard of such a test.

MR. PALCZEWSKI: Okay. Well, maybe they should come up with one.

Back to Karina. Culverts are not only not supposed to be a hundred percent, but they're only for temporary flows, and that culvert seems like it's not just a temporary outlet. It seems like it's very overstressed.

Another point on the Montgomery Heights people, they're the ones that are going to take the brunt of it, and I think there's an insufficient buffer for

Palczewski

17 Comment
3.28
18 Surface
Water

Palczewski

23 Comment
3.29
24 Aesthetics

1 the residents there. I don't think
2 that's been mitigated enough. It should
3 be either some kind of wall or some kind
4 of shrubbery or something so that they're
5 not looking at this massive project all
6 the time.

7
8 And two other comments. Goodwill

Palczewski

9 Comment
3.30
10 Traffic

11 Road should be included in the traffic
12 comment, because the gentleman mentioned
13 about the secondary roads are becoming
14 primary roads. I live off of Goodwill.
15 Goodwill has become the go to back way
16 between 84 and anyone heading west out of
17 the Village of Montgomery. They don't go
18 down 17K. They don't go down 208 and
19 make a left onto 17K. They cut through
20 Shop Rite, Hawkins and come up Goodwill.
21 There's traffic light signs on the road.
22 There's multiple traffic signs to slow
23 the traffic down. I walk my dog and I
24 see at least seventy percent of the cars
25 just not stop at the stop signs. They
come to a rolling stop. I see people
blow through stop signs. There's kids on

2 the road. We don't have sidewalks there.
3 It can't really be a primary road. It's
4 not really good for the Village.

5 This is just a suggestion, but I
6 looked and there's 11 acres of wetlands
7 on the property, and this is actually for
8 the developer -- a suggestion for the

Palczewski

9 Comment
3.31
Project
Description

9 developer. There's 11 acres of wetlands
10 on that property that are not going to be
11 touched basically. I think they're going
12 to take 1,700 square feet of the wetlands
13 and do something with it. That leaves 11
14 acres. My suggestion is create a
15 conservation easement, right. Show some
16 -- lead by example, generate goodwill,
17 preserve open space, protect critical
18 wetlands and aquifers and make it an
19 example for other developers. I mean, if
20 it's wetland and you can't use it, make
21 it non-developable forever, right. Just
22 a suggestion. You know, it's his
23 property, he can do what he wants with
24 it, but I think it would be a nice
25 gesture for the area, keep the open space

open.

Anyway, those are my comments.

Thanks very much.

CHAIRMAN BEAUMONT: Thank you,
Mark.

Anyone else?

MR. McIVER: James McIver, 28 Berea
Road.

I'm here because of Tracy and
Carlos, but I have only one question.

McIver

Comment
3.32
General

What's the obligation to actually -- time
obligation under SEQRA? I don't think
there is such a thing. As long as the
public has comments and questions, you
can keep the hearing open. I'm just
curious if there's a legal reason why you
feel you need to do that, especially
given the level of interest?

CHAIRMAN BEAUMONT: The question is
is there a legal obligation to close the
public hearing because of the time. The
answer is no. The answer -- the other
part of the question is, we've been here
and doing this for four months and we can

2 tell you what you're going to say before
3 you say it because we've heard it a lot.
4 There's a point where we have to come to
5 the end of this public hearing, which is
6 not the last public hearing. I'll tell
7 you about that in a minute. We have an
8 obligation to ourselves to move forward
9 and come to a resolution one way or the
10 other on these things.

11 Now, so right now we are in the
12 midst of, in effect, four public hearings.
13 There's one public hearing for SEQRA.
14 SEQRA is the State Environmental Quality
15 Review Act. There's a public hearing
16 because there's a site plan. There's a
17 public hearing because there is a
18 subdivision involved here. There's a
19 public hearing because there is a special
20 use permit for this project. So even if
21 we close this public hearing, there are
22 still three more public hearings still
23 active, although we won't hold one again
24 until we hear back from the applicant.

25 So what happens is if we close this

2 public hearing, then we will have an
3 extended period for written comments.
4 We're going to put it to the Board's vote
5 because it will be hopefully about 25
6 days. That will get us into early May.
7 After that, the applicant will go back
8 with his engineers and consultants and
9 they'll prepare a final environmental
10 impact statement where they will address
11 all the comments that were given tonight,
12 plus in all the other meetings, plus all
13 the written comments that came in, plus
14 all the comments that we have. At that
15 time they'll produce a final environmental
16 impact statement, but that in effect is a
17 draft that we use because the final
18 environmental impact statement is really
19 the Planning Board's document. From that
20 final environmental impact statement, we
21 will generate a findings statement. That
22 will be a detailed list, and it will be
23 many pages, of the impacts as prescribed
24 by the State Environmental Quality Review
25 Act. We'll look at water resources,

2 we'll look at land resources, we'll look
3 at soils and noise and traffic and
4 environmental -- or financial impacts on
5 the school. There's ten categories I
6 think. Something like that. Ten
7 different categories that are -- that
8 have -- basically it's a cookbook that we
9 have to answer all those questions.
10 Okay. We get to that point, meanwhile
11 they've been working on their site plan.
12 We'll probably re-notice the public
13 hearings again for the site plan, for the
14 subdivision and for the special use
15 permit. So if you still have comments
16 after all this stuff, you can come back
17 again at those public hearings.

18 It's a process that's made to get
19 us to hear what you have to say and
20 understand, and within our -- we have --
21 we have municipal limits. We have a
22 zoning law that we have to follow, we
23 have a subdivision law that we have to
24 follow, we have state laws. With
25 wetlands we have to follow the federal

2 laws. We have to deal with DOT, we have
3 to deal with DEC, we have to deal with
4 DOH. So all of those things come into
5 play during this process, and it's not a
6 short process. We have no intention of
7 shortchanging you on your ability to
8 voice your concerns and -- but at some
9 point -- like for instance, everybody
10 talked about traffic. We know about --
11 that we have to deal with that as best we
12 can. So it's our job to open this up for
13 your discussions. We've had four public
14 hearing sessions and we've gotten a lot
15 of good comments. I would imagine it's
16 in the hundreds if you counted them all
17 up, plus our planner just generated a
18 draft memo for us to look at. It's nine
19 pages of substantive comments that she's
20 noted during this whole process. So it's
21 very rigorous, it's very time consuming,
22 but it's a very good process that we try
23 to do.

24 So given that, I'm going to ask the
25 Board for a motion to close the public

2 hearing with the caveat -- two caveats.
3 The first, that there will be a period
4 until May 9th for written comments to
5 come in. If your friends or family
6 haven't been able to come to the meeting,
7 you can go online and see the Planning
8 Board meetings. They're welcome to write
9 a letter. They're welcome to send an
10 e-mail to the Planning Board. They can
11 all get together and jawbone it.

12 The other caveat is that we will
13 accept DOT and DEC comments whenever we
14 receive them because -- and County
15 comments whenever we receive them, just
16 because they are backed up with work and
17 it takes them usually a lot longer than
18 we expect to get us comments.

19 So given that, can I have -- I'll
20 put the motion on the floor and we'll
21 have discussion. Okay. Does anybody
22 want to --

23 MR. BROWN: I'll make the motion.

24 CHAIRMAN BEAUMONT: John will make
25 the motion. Can I have a second?

2 MR. PRINCE: Second.

3 MR. BROWN: May 9th for the comment
4 session?

5 CHAIRMAN BEAUMONT: The comments
6 will be -- written comments will be
7 accepted until noon on May 9th --

8 MR. BROWN: Thank you, Jay.

9 CHAIRMAN BEAUMONT: -- because
10 that's when the office closes.

11 Darran is a second?

12 MR. PRINCE: Yes.

13 CHAIRMAN BEAUMONT: Discussion?

14 MS. ZAHAKOS: I was going to ask,
15 are we reserving comments by the Board
16 before we close.

17 MR. McGUIRE: There's still at
18 least one person who is trying to make
19 some comments.

20 CHAIRMAN BEAUMONT: Oh, I'm sorry.
21 Did I miss somebody? Oh, okay. We'll
22 pause that.

23 MS. DIEP: I'm Salen Diep from NY
24 Beauty Bar. I'm just concerned about the
25 water. We met before. Because my

Diep

Comment
3.33
Surface
Water

building sits so low and it's literally like kissing the water. So I just want to make sure it's not going to, like, rise from -- you know, recede from the stuff. So like ten years from now what would happen if the water was like backing up into my property?

CHAIRMAN BEAUMONT: Your property is?

MS. DIEP: The Beauty Bar.

UNIDENTIFIED SPEAKER: Dr. Brown's old place.

CHAIRMAN BEAUMONT: Okay. So you're right to the east --

MS. DIEP: Yeah.

CHAIRMAN BEAUMONT: -- of Richard's.

MS. DIEP: I'm like kissing it.

CHAIRMAN BEAUMONT: Okay. Thank you.

MR. BROWN: What was your name? I'm sorry.

MS. DIEP: Salen Diep.

MR. BROWN: Thank you.

MS. DIEP: Thank you.

2 CHAIRMAN BEAUMONT: Okay.

3 MS. DUFF: I'm sorry. Brenda Duff.

4 You said that there were comments
5 from, like, the fire department and the
6 school. Are you going to read any of
7 those or those aren't for us to hear?

8 CHAIRMAN BEAUMONT: They will be in
9 the final environmental impact statement.

10 MS. DUFF: Oh.

11 MS. ZAHAKOS: They'll be accessible.

12 CHAIRMAN BEAUMONT: Okay. If you
13 want to see them, you can come to the
14 Planning Board office.

15 MS. DUFF: Okay.

16 MR. BROWN: They're public records.

17 CHAIRMAN BEAUMONT: It's all public.

18 MS. DUFF: Okay.

19 CHAIRMAN BEAUMONT: Thank you for
20 bringing that up.

21 Okay. I've got a motion on the
22 floor. All in favor, please say aye.

23 MR. McGUIRE: Aye.

24 MS. HARRIS: Aye.

25 MR. BROWN: Aye.

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CHAIRMAN BEAUMONT: Aye.

MS. ZAHAKOS: Aye.

MR. PRINCE: Aye.

MS. PENNINGS: Aye.

CHAIRMAN BEAUMONT: Opposed?

(No response.)

CHAIRMAN BEAUMONT: Okay. So this -- the first of four public hearings is over now. There's a 25-day -- starting tomorrow, a 25-day written comment period and then they'll be generating their final environmental impact statement. So send in more comments if you wish. After the environmental impact statement is done, the additional public hearings will be re-noticed in the paper and to the neighbors. Who knew.

Okay. So given that --

UNIDENTIFIED SPEAKER: When is the next meeting? You don't know?

CHAIRMAN BEAUMONT: There will be -- we're not going to have a next meeting for this project until after we get the environmental impact statement -- final

2 environmental impact statement and
3 generate a findings statement. So it's
4 going to be several months at least.

5 UNIDENTIFIED SPEAKER: Will we be
6 notified when the next meeting will be?

7 CHAIRMAN BEAUMONT: Yes.

8 UNIDENTIFIED SPEAKER: Thank you.

9

10 (Time noted: 8:35 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do
hereby certify:

That hereinbefore set forth is a true
record of the proceedings.

I further certify that I am not related to any of the parties to this proceeding by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 21st day of April 2025.

Michelle Conero

MICHELLE CONERO

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