Final Environmental Impact Statement (FEIS)

for

SHEFFIELD GARDENS

1127 NYS ROUTE 17K
Town of Montgomery, Orange County, New York
SEQRA Type 1 Action

Town of Montgomery Tax Lots: Section 29 Block 1 Lots 5.1, 5.2, 5.3, 5.4 & 5.5

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Date of Submission: December 19, 2025
Revision Dates: May 1, 2026
Date of Acceptance:

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1 ~~DESCRIPTION OF THE PROPOSED ACTION~~EXECUTIVE SUMMARY

1.1 INTRODUCTION & SEQR OVERVIEW

On June 3, 2022, the Project Sponsor, MILR, LLC, filed a Site Plan, Special Use Permit and Subdivision application and Full Environmental Assessment Form (FEAF) for a multiple dwelling (multi-family) residential and commercial development on a +/-52.42-acre parcel, known as Sheffield Gardens. After reviewing the conceptual site plan and FEAF for the development, the Planning Board determined the Proposed Action was a Type I Action pursuant to SEQRA Part 617.4 (b) (6) (i) and declared its intent to become Lead Agency under the New York State Environmental Quality Review ("SEQR") Act. A Lead Agency Notice dated September 12, 2022 was circulated to interested and involved agencies.

The Planning Board assumed the role of Lead Agency by resolution and issued a Positive Declaration for the Project on November 14, 2022. A Public Scoping Session was held on November 28, 2022, to consider and discuss the potentially significant impacts related to the Proposed Project that should be addressed in the Draft Environmental Impact Statement (DEIS). Written comments on the Draft Scope were accepted by the Planning Board until noon on December 2, 2022. The Scoping Document was adopted by the Planning Board on December 12, 2022, and served as the outline for this DEIS.

The Project layout was subsequently revised and a letter from the Town of Montgomery Planning Board Chair dated May 8, 2023 with a Sketch Plan dated April 17, 2023, was circulated to all neighboring parcels within 500 feet of the Site and interested and involved agencies. Three written responses were received to this letter.

A DEIS was prepared by the Applicant and submitted for the Planning Board's review on January 30, 2024. In response to comments received from the Planning Board and its consultants, the Applicant revised and resubmitted the DEIS on September 20 and December 11, 2024. The Planning Board deemed the DEIS adequate for public review and the DEIS, with a date of acceptance of January 13, 2025, was circulated to Interested and Involved Agencies for comment. Public hearings were held on the DEIS, site plan, special permit and subdivision application on held on February 10, March 10 and April 15, 2025.

This Final Environmental Impact Statement (FEIS) has been prepared in compliance with the rules and regulations of the New York State Environmental Quality Review Act (SEQR). This FEIS addresses comments provided by Interested and Involved Agencies, Planning Board Members, the public, and the Town consultants at three public hearings held on February 10,

March 10 and April 15, 2025, and during the specified SEQR written comment period which ran from the DEIS filing date of January 30, 2024 until May 9, 2025.

1.2 PROJECT DESCRIPTION & SITE LOCATION

The Applicant, MILR, LLC, proposes to consolidate five existing tax lots and create a three-lot subdivision to develop a multi-use development consisting of up to 31,000 square-feet of potential retail space, three residential buildings with a total of 261 apartment units, a bus passenger shelter, wastewater treatment plant, water treatment building and water storage tank, on a +/-52.42-acre parcel located on the south side of NYS Route 17K in the Town of Montgomery, Orange County, New York. The Proposed Action (the "Project Site", "Project", or "Site") is known as Sheffield Gardens. The retail use will be contained within ~~the first~~ proposed ~~l~~Lots 1 & 2, and the residential use, bus passenger shelter, water treatment building, water storage tank and wastewater treatment plant (WWTP) will all be contained within the ~~second~~ third proposed lot. It is estimated that residential buildings will house 625 occupants. The apartments will be market rate rental units available to the general population (not age-restricted). Monthly rents are anticipated to range from $1,900 to $2,100 depending upon the number of bedrooms and the market conditions when construction is complete The Applicant is seeking Subdivision, Site Plan and Special Use Permit approval for the Project from the Town of Montgomery Planning Board and approvals and permits from other involved agencies. The Applicant is seeking Real Property Tax and Mortgage Tax reductions. A PILOT will not be pursued.

The Project Site is located south of Ward Street (NYS Route 17K), approximately 2,250 feet west of its intersection with NYS Route 208. The Site's only road frontage is on NYS Route 17K, which is a two-lane, State-maintained roadway that begins in the City of Newburgh, approximately 10.5 miles to the east, and ends in the Town of Wallkill approximately 11.5 miles to the west of the Site. The Site is currently accessible from both dead ends of Montgomery Heights Road. According to property deeds, the east-west leg of Montgomery Heights Road is located on land owned by the Applicant. The north to south portion of the roadway is listed on the Town's Consolidated Local Street and Highway Improvement Program (CHIPS) list for which state funding is received to maintain that section of the roadway and is currently maintained by the Town. The east to west leg, serving lots 21-3-1.1, 1.2 & 1.3 located between proposed Lots 1 and 2, is also currently maintained by the Town[1] , but is not listed on the Town's CHIPS list.

[1] Source: Email dated 6/10/2024 from Shaun Meres, Town of Montgomery Superintendent of Highways

As part of the subdivision approval, the entirety of east/west leg of Montgomery Heights Road right-of-way shall be gratuitously dedicated to the Town of Montgomery for highway purposes to resolve the existing title issue.

The property is approximately 3,000 feet east of the Village of Montgomery and is identified as Section 29, Block 1, Lots 5.1, 5.2, 5.3, 5.4 and 5.5 on the Town of Montgomery tax maps and is located in three different zoning districts: RA-1, B-2, and RM-1. The northern portion of the Site closest to NYS Route 17K is located in the B-2 (Community Commercial) zoning district. A small portion in the northwest corner of the Site is in the RA-1 Residential (Residential Agriculture – One- and Two-Family Residences) zoning district. The remainder, which is the majority of the Site is zoned RM-1 (Multifamily). A small portion of the property on the east side of the Site, which corresponds with the 100-year floodplain, is included in the FP Floodplain environmental subdistrict.

Table 1~~2~~.2A – Existing Parcel Area

Section-Block-Lot	Acres
29-1-5.1	1.92
29-1-5.2	0.34
29-1-5.3	0.89
29-1-5.4	0.42
29-1-5.5	48.85
Total	**52.42**

Source: Engineering & Surveying Properties, P.C.

The Proposed Action is designed in conformance with the regulations of the B-2 and RM-1 Zoning Districts in which the proposed buildings are located. There are no buildings proposed to be constructed within the FP Floodplain Environmental subdistrict. Sheet O-1 in FEIS Appendix L demonstrates the Project's compliance with the Zoning Table Bulk Requirements. The Project conforms with the Town of Montgomery Zoning Code. The Applicant is proposing a cluster development in order to "shift" density from the RA-1 zoned portion of the Site to the RM-1 zone. According to Town Code §235-8.2A, a cluster development for subdivisions can be approved by the Planning Board simultaneously with the approval of a subdivision plat. DEIS Figure 3.13C depicts a potential conventional subdivision plan on the portion of the Project located in the RA-1 zone to establish a yield of eight dwelling units. Table 1.2B summarizes the permitted density calculation for each zoning district of Lot 3 and the number of units proposed.

Table 1.2B – Permitted Density Calculation for Lot 3						
Lot Area Deductions	**Lot 3 (RA-1 Zone)**		**Lot 3 (RM-1 Zone)**		**Lot 3 (B-2 Zone)**	
	SF	**Acre**	**SF**	**Acre**	**SF**	**Acre**
Utility rights-of-way and designated streets	0.00	0.00	0.00	0.00	0.00	0.00
Land Under Water	0.00	0.00	430,242	9.88	484,277	11.11
Floodplains	0.00	0.00	2,432	0.06	2,432	0.06
Steep Slopes – 50% for slopes 25-50%	0.00	0.00	27,443	0.63	27,443	0.63
Steep Slopes – 100% for slopes >50%	0.00	0.00	706	0.02	706	0.02
Rock Outcrops	0.00	0.00	0.00	0.00	0.00	0.00
Total Area Deductions	**0.00**	**0.00**	**460,823**	**10.58**	**514,858**	**11.83**
Total Lot Area	136,999	3.15	1,728,906	39.69	156,389	3.59
Buildable Area	**136,999**	**3.15**	**1,268,083**	**29.11**	**102,354**	**2.35**
Permitted Density	1 dwelling unit per 16,335 SF		1 dwelling unit per 5,000 SF		-	
Total Permitted	**8.4 Units**		**253.6 Units**		**-**	
Total Proposed	**261 Units**					

An area or use variance is not required to develop the Proposed Action, nor is one ~~presently~~ being pursued. ~~However, a height variance may be requested in the future to meet the growing market demand for taller interior ceilings within the apartment buildings (9-foot clear ceiling height vs. 8.6-foot). The 4.3-foot increase in building height over the permitted 35 feet would require an Area Variance approval from the Zoning Board of Appeals. The recently constructed Hawkins Apartments on Hawkins Drive in the Town of Montgomery obtained a building height variance to permit an overall height of 42.5 feet.~~ The Proposed Action will also meet all of the requirements of the Chapter 200 Subdivision of Land Code that apply to the Project.

Proposed Lot 1 will be 1.21 acres in size and is located in the northwest corner of the Site adjacent to NYS Route 17K. Lot 1 will contain up to 3,375 square feet of potential future retail space. Proposed Lot 2 will be 3.93 acres in size and is located in the northeast corner of the Site adjacent to NYS Route 17K. Lot 2 will contain up to 16,400 square feet of potential future retail space. Proposed Lot 3 will be 46.43 acres in size, covers the southern portion of the Site and will contain three proposed residential buildings, a bus passenger shelter, a water treatment building, a water storage tank, and a proposed wastewater treatment plant. A 0.85-acre portion of the Project Site will be gratuitously dedicated to the Town of Montgomery for highway purposes to resolve the existing title issue on the east/west leg of Montgomery Heights Road and for the proposed public entrance roadway opposite Bailey Road.

The future retail use on Lots 1 & 2 in the B-2 zone is classified as “Retail store or shop, permitted or accessory not otherwise specifically identified herein” use in Section E - Business Uses of the Table of Use Regulations (§235 Attachment 1) and requires Site Plan approval. Drive-throughs will not be permitted on the commercial Lots 1 or 2. The residential apartment use on Lot 3 in the RM-1 zone is classified as a “Multiple Dwelling” use in Section A - Residential Uses of the Table of Use Regulations and requires Special Use Permit and Site Plan approval, while the water storage tank and water treatment building are classified as “Small utility structures located partially or wholly above ground (see 235-11.11)” uses in Section C - General Community Facilities and require Site Plan approval. The wastewater treatment plant, also on Lot 3, but in the B-2 zone is classified as “Sewage or wastewater treatment plant” use in Section C - General Community Facilities of the Table of Use Regulations and requires Special Use Permit and Site Plan approval, while the “Bus passenger shelter” use is a permitted accessory use under Section G - Accessory Uses in Nonresidential Districts. As per §235-7.1 "Additional primary and accessory uses shall be allowed on the same lot provided that all other zoning use and special area requirements for each use, except side yards, have been met and provided...".

The primary access to the Site will be from a new public roadway entrance located on NYS Route 17K opposite Bailey Road that connects to the east/west leg of Montgomery Heights Road. The existing Montgomery Heights Road entrance on NYS Route 17K will be converted into a gated emergency entrance. A shared private drive will provide access to the residential potion of the Project from the new public roadway. The Project offers ~~741~~ 704 parking spaces for apartment residents, employees, customers and guests.

Water supply will be provided by ~~private~~ on-site wells. Sewer service will be provided by a proposed onsite sewage treatment plant. The Town Board will be petitioned to approve a water district and sewer district for the project property. The Town Board will be petitioned to consent to the formation of a water transportation corporation and sewer transportation corporation. They are public utilities regulated by statute and developer’s agreements to provide the Town with the authority and control of the utility systems. Any costs or expenses are charges to the project property. There will be an offer of dedication, operational requirements and various security provisions to allow control and operation of the water and sewer improvements until the Town decides as to schedule, timing and other aspects of turnover of the completed systems and operation and the Town exercises its option to accept the offer of dedication.

The Applicant's purpose for the Project is to provide retail and multi-family residential opportunities proximate to the NYS Route 17K & 208 intersection and to serve the Town of

Montgomery. Construction is expected to begin in the Spring of 2026 and the anticipated completion date is Spring 2029.

A proposed traffic signal, and eastbound and westbound left-turn lanes on NYS Route 17K at the entrance into the Site are the only proposed off-site improvement.

Presently the 52.42-acre Site is covered with vegetation consisting of approximately 39.50 acres of woods, 1.42 acres of lawns, 0.25 acres of impervious surfaces and 11.25 acres of wetlands. The existing impervious surface consists of the east/west leg of Montgomery Heights Road, which is currently part of the Project Site.

At the completion of the Project there will be approximately 11.60 acres of woods, ~~15.84~~16.52 acres of lawns, 13.08~~76~~ acres of impervious surfaces and 11.22 acres of wetlands and waterbodies on the Site. The area of wetlands will be reduced by 0.03 acres resulting from a small portion of ACOE Wetland "C" being filled to construct the entrance drive to the residential portion of the Project. Table 1.~~2A~~ 2C tabulates all of the natural and development coverage areas in both the existing and proposed conditions and calculates the total gain or loss of each cover type. The total change in land cover is estimated to be 27.93 acres. Figure 2.3A shows the proposed conditions of the Site.

Table 1.~~2A~~ 2C – Project Parcel Land Coverage (Acres)

Natural Cover	**Existing**	**~~Proposed~~Future**	**Loss of Cover**
Woods	39.50	11.60	-27.90
Surface Water/Wetlands	11.25	11.22	-0.03
		Subtotal	**-27.93**
Development Cover			**Gain of Cover**
Lawn	1.42	16.~~65~~52	+15.~~23~~10
Impervious Surfaces	0.25	~~12.95~~13.08	+12.83~~70~~
		Subtotal	**+27.93**

Source: Engineering & Surveying Properties, P.C.

Impervious surfaces, such as buildings, roads and parking lots will account for ~~13.76~~13.08 acres or 26% of the overall Site area. Table 1.~~2B~~ 2D shows the acreage that will be covered by the Proposed Action impervious surfaces.

Table 1.~~2B~~ 2D – ~~Proposed~~ Future Impervious Surfaces

Type	**Amount (acres)**
Buildings/Structures	3.40
Pavement	7.75

Sidewalks	1.47
Gravel/Stone Dust Access Roads	0.33
TOTAL	~~12.95~~13.08
Source: Engineering & Surveying Properties, P.C.	

Approximately 29.21[2] acres of the Site will be disturbed, leaving 23.21 acres, or 44% of the Site as undisturbed open space, of which 11.99 acres are considered usable open space that is not covered by wetlands. As the proposed site development is the maximum permitted buildout under the current Zoning Law, the remaining undisturbed open space will be preserved for the foreseeable future. A protection mechanism for the preserved lands will be addressed in the terms of the approval conditions as determined by the Town, which can include a conservation easement. A formal commitment will be made as part of the approval conditions.

Slopes on the Project Site vary from almost flat within the wetland area in the east, to gently sloping areas in the north and west, and moderately steep to steep on the ridge in the central portion of the Site. The Site is currently undeveloped and covered by areas of upland forest in the central and northern portions of the site, while wetlands are present in the eastern and the southwestern portions. As with many areas of New York State, this property had been cleared of most its forest cover within the historic past, and, as recently as 1957, USGS topological maps were still showing this site as remaining largely unforested and undeveloped. The entire forested upland portion of the property has therefore been reforested since that time with pioneering and mature trees that may range up to 60+ years of age. There are five large-scale habitats found on the Project Site: oak-maple hardwood forest upland, palustrine forested wetlands, emergent vegetation wetland, eutrophic pond wetlands and vernal pool wetland. There were no Threatened, Endangered or Species of Special Concern identified on the Site.

According to the NYSDEC Environmental Mapper website, there are no surface waterbodies (creeks, streams, ponds or lakes) located on the Project Site, but there are two streams designated as unregulated (Standard C – Class C) streams shown as being located just beyond the project site boundaries and a pond on the eastern portion of the Site. However, there is surface water ponding in the NYSDEC wetland on the eastern side of the Site. A small area of Special Flood Hazard Area denoted as Zone AE (100-Year Floodplain) is located on the

[2] The area of disturbance greater than the "loss of cover" amount because some areas of disturbance will remain the same cover type as they were in the existing condition.

eastern side of the Project Site. The 500-Year Floodplain denoted as Zone X is located on the eastern side of the Site and extends west into the Site.

Delineation of the onsite NYSDEC wetlands was performed by Ecological Analysis LLC and the boundary was validated by the NYSDEC on September 5, 2025, with an expiration date of September 5, 2030. The NYSDEC Freshwater Wetlands Delineation Map, signed by NYSDEC Biologist Michael Fraatz, is included in FEIS Appendix D1. A portion of NYSDEC Wetland WD-29 is located on the eastern side of the Project Site. The two on-site portions of WD-29 total 9.314 acres, and the 100-foot-wide wetland adjacent area totals 14.71 acres. As a result of the 2022 revisions to New York's Freshwater Wetlands Act (Environmental Conservation Law Article 24), two additional wetland areas became regulated by the NYSDEC on January 1, 2025. On-site NYSDEC Wetland Area "B" totaling 0.274 acres and Wetland Area "C" totaling 0.664 acres are situated in southwestern potion of the Site. NYSDEC Wetland Area "B" is located entirely on-site, while NYSDEC Wetland Area "C" continues off-site to the west. The 100-foot-wide wetland adjacent area for these two wetlands totals 3.10 acres.

The location of the Army Corps of Engineers (ACOE) wetlands was also determined by Ecological Analysis LLC. A jurisdictional determination request was sent to the ACOE on August 7, 2024, which was included as DEIS Appendix C2. ACOE representatives walked the Site on October 22, 2025, and a jurisdictional determination was received from the ACOE on December 17, 2025, which is found in FEIS Appendix D2.

There are ~~four~~ three on-site ACOE wetland areas totaling ~~11.139~~10.865 acres. ACOE Wetlands "A" ~~and "B" are~~is located in the southwestern portion of the Site. The on-site area of ACOE Wetland "A" is 0.664 acres in size and shares the same boundary as NYSDEC Wetland "C" adjacent to the Site's property line. ~~ACOE~~ Wetland "B" is 0.274 acres and shares the same boundary as NYSDEC Wetland "C". Wetland "B" ~~is an isolated ACOE wetland since it is not hydrologically connected to~~ does not meet the current criteria of Waters of the United States under Section 404 of the Clean Water Act. The on-site areas of ACOE Wetlands "C" and "D" are respectively 1.457 and 8.744 acres in size and are located on the eastern portion of the Site adjacent to the property line. Wetlands "C" and "D" are essentially the same on-site areas as NYSDEC wetland WD-29.

According to Phase I ESA interviews, available regulatory information, and reviewed aerial photographs from 1975 and 1984, the site was previously improved with a structure located near NYS Route 17K. Today, the property is mostly forested and entirely vacant except

for three existing drilled wells. There are currently no utilities currently serving the Site, although cable, electric and gas are located adjacent to or nearby the Site.

The following land uses are found on properties surrounding the Site: single family residential homes, Middle School / High School campus, retail, office and commercial uses. An adjacent adjoining vacant parcel to the south of the Site, currently consisting of woods and fallow farm fields, has been approved as a 55 and older mixed residential community.

1.3 SITE DESIGN AND LAYOUT

Based on comments received from the Planning Board, NYSDOT and the public as part of the review of the DEIS, several elements of the Project have been modified. The Project originally proposed an unsignalized access driveway connection to NYS Route 17K to be located approximately 400± feet east of Bailey Road and a westbound left turn lane on NYS Route 17K for vehicles entering the site. The current access driveway configuration aligns with Bailey Road and includes the installation of a traffic signal at the intersection as well as the provision of left turn lanes along NYS Route 17K in both the eastbound and westbound directions for vehicles turning onto Bailey Road and into the Project. Under this proposed access scenario, a 75-foot left turn lane is proposed to be provided on NYS Route 17K in the eastbound direction for vehicles turning onto Bailey Road. In the westbound direction, a 100-foot left turn lane is proposed to accommodate vehicles turning into the site. The site access will be provided by one entry lane and two exiting lanes comprised of a shared left turn/through lane and a separate right turn lane. The Bailey Road approach will remain unchanged. A preliminary concept plan identifying the potential layout of the proposed improvements is provided on Sheet No. CP-01 contained in found in FEIS Appendix H1 Attachment 2.

In addition, modifications to Montgomery Heights Road are also proposed, which includes an internal connection from the Site to the east/west leg of Montgomery Heights Road and closure of the north/south leg of Montgomery Heights Road at NYS Route 17K, which will be gated for emergency access only. Under this condition, Montgomery Heights Road residents would utilize the new signalized intersection to access their homes.

The signalization of the Bailey Road/Site Access intersection will also allow for the modification of the traffic signal timings at the Valley Central High School/Middle School entry and exit driveway intersections. These existing signals currently operate as uncoordinated traffic signals, but with the introduction of the new traffic signal at the Bailey Road/Site Access intersection, it is proposed to coordinate all three traffic signals. The coordination of these three traffic signals will result in improved traffic flow along NYS Route 17K through this area.

Other onsite revisions include a reduction in the number of parking spaces from 824 to ~~741~~704, which resulted in the elimination of ~~0.31~~0.54 acres of impervious surface and the retaining wall that was located between the parking lot for Building 1 and the existing residences on Montgomery Heights Road. One of the stormwater management facilities was converted from an infiltration basin into bio-retention basins due to the soil percolation rates.

1.3.1 BUILDINGS AND STRUCTURES

There are three multi-family residential buildings, two potential future commercial retail buildings, bus passenger shelter, wastewater treatment plant, water treatment building (Figure 3.6E) and a 31-foot diameter, 106-foot-tall, cobalt blue water storage tank (Figure 3.6F) proposed to be constructed on-site. The guidelines provided in Attachment 6 of the Zoning Code, entitled Town of Montgomery Non-Residential Design Guidelines, have been followed to the extent that they apply to the design of the future commercial retail buildings and the wastewater treatment plant building. A chain-link fence will be installed where necessary along the shared property line with the Valley Central School District in areas where there is currently no fence. Additionally, a 6-foot-tall chain-link fence will be installed around the water storage tank and a 6-foot-high board-on-board fence will be constructed around the WWTP. Light poles will be distributed throughout the Site. There are three retaining walls proposed onsite. The first retaining wall is located along the exterior parking lot near Building 2 on the east side of the development and is ~~510~~ 598 feet in length and a maximum of ~~16~~ 13 feet in height. The second retaining wall is located along the exterior parking lot near Building 1 on the west side of the development and is 380 feet in length and a maximum of 25 feet in height. The third retaining wall is located at the bottom of the slope near water treatment building on the west side of the development and is 95 feet in length and a maximum of 4 feet in height. The retaining walls will be constructed with Mechanically Stabilized Earth (MSE) blocks of earthtones colors made of concrete that have a natural stone imprint on the façade. A 5-foot-high split-rail wood fencing with black vinyl mesh will be installed above each retaining wall where their height exceeds 30 inches. Outdoor amenities are proposed and consist of a children's playground, fire pit area, bocce courts, pickleball courts, a community garden, walking path and access to the pond on the east side of the property, fenced-in dog park and a covered picnic pavilion with a movie wall and grills. The location of each structure is shown on Figure 2.3A.

Each of the proposed multi-family residential buildings will be three-stories and 35 feet in height, ~~unless a variance is issued by the Zoning Board of Appeals,~~ with 87 apartment units consisting of 12 one-bedroom units each being 954 square-feet in size and 75 two-bedroom

units each being 1,100 square-feet in size. The front central portion of each building measures 238 feet in length and each wing measures 221 feet. The width of the buildings is 73 feet wide. The proposed building coverage for Lot 3, which contains the residential buildings, will be 9.95% where 35% is permitted. In the opinion of the Project Architect, the residential buildings have been designed to complement the traditional residential architecture in the Montgomery area, while providing for modern needs of its residents. The design of the buildings provides visual breaks in the façade of the building by using different colors and materials, and various protrusions to mitigate the mass of the structure. The proposed building materials used on the building façade will be natural-looking and include a mix of vinyl siding and cultured stone that act to reduce the perceived scale of the buildings' proportionate mass. The vinyl siding will be 4-inches tall and come in three shades of gray from dark to light (Riverway, Flagstone and Sterling). The cultured stone will be 6 x 25-inch panels of natural marble wall tile and will also be gray in color (Alaska Gray Ledger).

Table 1.3.1 summarizes the footprint area of each proposed structure.

Table 1.3.1– Proposed Structures

Type	Height (ft) / # Stories	Length (feet)	Width (feet)	Footprint (SF)
Potential Retail Space	<40 / 1 story	310	100	31,000 max
Residential Building #1	35 / 3	622	73	39,848
Residential Building #2	35 / 3	622	73	39,848
Residential Building #3	35 / 3	622	73	39,848
Wastewater Treatment Plant	<18 / 1	38	24	912
Water Storage Tank	106 / 1	31	31	755
Water Treatment Building	18 / 1	15	15	225
Bus Shelter	<12 / 1	23	20	346
			TOTAL Structure Footprint	152,782
Source: Engineering & Surveying Properties, P.C.				

Several indoor community amenities will be constructed in the ground floor lobby of each residential building. The ground floor amenities will include a fitness and yoga room, lounge area with a kitchenette and fireplace, game room, dog wash, mail room and restrooms. Building 1 will also contain a leasing office on the ground floor, while Buildings 2 and 3 will have a conference room. All three residential buildings also have a multi-purpose room with a kitchenette on the second floor. On the third floor Building 1 will have an 18-seat theater, Building 2 will have a painting room and Building 3 will have an activities room. All three residential buildings will be 3 stories and 35 feet in height and have two elevators and four stairwells. Sidewalks are also proposed throughout the development.

The future retail buildings will comply with the B-2 zone and will be 40 feet or less in height, and a maximum of 310 feet in length and 100 feet in width. The bus shelter will be a maximum of 12 feet in height, 23 feet wide and 20 feet in width. The 38-by-4-foot wastewater treatment plant and 15 by 15-foot water treatment building will be a maximum of 18 feet in height. The water tank will be 106 feet in height and 31 feet in diameter.

1.3.2 SITE ACCESS, VEHICULAR AND PEDESTRIAN CIRCULATION, AND PARKING

Proposed vehicle and pedestrian access to and from the Proposed Action will be from NYS Route 17K. As illustrated on the Site Plans in FEIS Appendix L, access to the Site will be from a new public roadway entrance located on NYS Route 17K opposite Bailey Road that connects to the east/west leg of Montgomery Heights Road. The existing Montgomery Heights Road entrance on NYS Route 17K will be converted into a gated emergency entrance. A shared private drive will provide primary access to the residential potion of the Project from the new public roadway. All roadways will be 26-feet-wide asphalt pavement and there will be 7,700 linear feet of roadway for a total of 4.60 acres of roadway pavement. The road width is more than adequate to accommodate vehicles turning into and out of the Site, including emergency vehicles as depicted on FEIS Appendix H3. A private driveway will provide access to the eastern side of the future potential retail space as well at the residential buildings, around which the driveway creates a loop. The 26-foot-wide width is adequate to accommodate vehicles making turning maneuvers into and out of the parking spaces. A common use and maintenance cross-easement agreement will be executed between both proposed lots and the transportation corporation for the driveway, drainage & stormwater infrastructure, and water and sewer utilities.

A paved 20-foot-wide emergency access drive will be provided on the western side of the Site from the southern end of the north/south leg of Montgomery Heights Road. A second paved 26-foot-wide emergency access drive will be provided from NYS Route 17K on the eastern side of the Site. Gates will be installed by the Property Owner at the entrance to each emergency access into the Site to prevent unauthorized access. Both emergency accesses will be owned and maintained by the Property Owner.

The entirety of east/west leg of Montgomery Heights Road right-of-way shall be gratuitously dedicated to the Town of Montgomery for highway purposes to resolve the existing title issue along with the proposed public entrance roadway opposite Bailey Road. Improvements proposed to Montgomery Heights Road include a vehicle turnaround near the proposed termination adjacent to NYS Route 17K and emergency access gates at both ends of the north/south leg.

The Bus Shelter and Wastewater Treatment Facility, located near NYS Route 17K, will be accessible directly from the private driveway. There are eight parking spaces adjacent to the Bus Shelter to accommodate parents who drive their child(ren) to the bus stop. A 12-foot-wide driveway provides parking and access for the Wastewater Treatment Facility. Additionally, 12-foot-wide gravel access drives provide parking and access to each of the three on-site wells, the water treatment building and the water storage tank. Two parking spaces are provided near the water treatment building.

Five-foot-wide sidewalks and marked crosswalks for pedestrians will be provided along the entrance road and private driveway to the retail and residential portions of the Site, and along both the front and rear of the residential buildings throughout the Site. The nearest existing sidewalks on NYS Route 17K are almost a mile to the west of the Project Site in the Village of Montgomery. A walking/bicycle path will be constructed between the Site and the Valley Central High School/Middle School campus that avoids travelling on NYS Route 17K for the safety of students as they walk or bicycle to and from the school campus. Low wattage bollard light posts will be installed along the walking/bicycle path. Students will utilize the western emergency access drive to reach the proposed walking/bicycle path. All driveway and sidewalk improvements will be installed, owned and maintained by the Property Owner, including snow and ice removal.

The parking spaces will be provided for apartment residents, employees and guests, along with the potential retail space, bus passenger shelter, wastewater treatment plant, water treatment building and water storage tank. The number of parking spaces required to serve the Proposed Action is calculated in Table 1.3.2 which equates to 677 spaces.

Table 1.3.2 - Off Street Parking Calculation				
Use	**Parking Space Requirement per §235-12.4**	**Number of Units**	**Parking Spaces Required**	**Parking Spaces Proposed**
Multiple Dwelling	2 per dwelling unit	261 units	522	~~574~~537
Retail Stores	1 per 200 SF of floor space	31,000 SF	155	155
Wastewater Treatment Plant	Unspecified	1 building	0	2
Water Treatment Building	Unspecified	1 building	0	2
Water Storage Tank	Unspecified	1 structure	0	2
Bus Passenger Shelter	Unspecified	1 structure	0	6

	Total Parking Spaces	677	~~741~~704

To accommodate this demand, ~~741~~ 704 parking spaces are distributed throughout the Site close to each building, of which there are 24 proposed ADA parking spaces. Parking spaces will be 9 feet wide by 20 feet in length. There is no land-banked parking proposed. The Proposed Action will provide ~~64~~ 27 more parking spaces than required by the Town of Montgomery Code Chapter 235-12 for Off-Street Parking and Truck Loading Space. There will be 9 electric vehicle charging stations installed, with three located near each residential building.

The Property Owner will contract with a private snow removal company to plow the entrance drive and parking areas during winter months. Snow and ice will be removed from on-site sidewalks, driveway, and parking areas. After snow accumulation, apartment building residents will be contacted by the property manager via email and text to move their vehicles so that snow can be pushed beyond the parking spaces by the snow removal company. Designated snow storage areas have been shown on the Site Plan in FEIS Appendix L.

1.3.3 UTILITIES

The Applicant considered connections to Village and Town water and sewer facilities, but neither will allow a connection. Therefore, connection to an existing treatment facility is not feasible. The onsite system has been designed to meet current and projected flow requirements, and it can be maintained and upgraded as needed. The on-site WWTP will allow the Project to proceed independently without relying on external infrastructure upgrades, and it ensures compliance with regulatory and environmental requirements.

The approvals will include various agreements that provide the legal basis and operational controls to deal with any contingencies. The Town Board will be petitioned to approve a water district and sewer district for the Project property. Dedication of the water and sewer systems will be irrevocably offered to the Town. If the Town Board does not immediately accept the offer of dedication, the Town Board will be petitioned to consent to the formation of a water transportation corporation and sewer transportation corporation, which are public utilities regulated by statute and developer's agreements to provide the Town with the authority and control of the utility systems. Any costs or expenses are charges to the project property. The Applicant will submit the necessary petitions, resolutions, notices and orders as to which the Town Board can take actions to address this comment.

Sewer

The Proposed Action will include sanitary sewage treatment ~~by~~ for an average of 56,360 gallons per day or 39.14 gallons per minute. The proposed residential use will produce 53,460 gallons per day and the potential commercial use will produce 2,900 gallons per day. Sewage produced on-site will be collected in a proposed series of gravity sewer mains to an on-site wastewater treatment plant (WWTP) constructed to be capable of treating 58,000 gallons per day. In the event of a power failure, a back-up generator and fuel tank are located ~~inside~~ outside the WWTP building to provide uninterrupted sewer service. Sound attenuating enclosures will be provided around the backup generator. If chemicals for wastewater treatment are stored on-site, they will be located indoors.

The MBR (Membrane Bioreactor) wastewater treatment plant is designed to minimize odor. Continuous aeration and fully aerobic operation prevent the formation of hydrogen sulfide and other odor-causing compounds. High MLSS concentrations (10,000–15,000 mg/L) and extended sludge retention times (20–30 days) promote complete biological stabilization of organic matter, further reducing odor potential. The MBR is housed within a building to limit the dispersion of any minor odors. To enhance air circulation, the building will be equipped with two air intake louvers and two exhaust fans, providing controlled airflow and preventing odor accumulation.

The proposed sewage collection system and WWTP will be offered for dedication to the Town, should it decide to take over the operation and maintenance. Until the Town takes ownership, the sewage collection system and WWTP will be owned and maintained by the Project Sponsor and ~~. T~~the Applicant will prepare the required incorporation documentation in compliance with Transportation Corporation Law Article 10. The WWTP will be designed and constructed in a manner that allows for it to be expanded in the future should the Town determine additional capacity is warranted.

Water

The Proposed Action will include potable water use of an average of 61,~~630~~ 360 gallons per day or 42.61 gallons per minute. The proposed residential use will require 58,460 gallons per day (including 5,000 gpd of landscaping irrigation) and the potential commercial use will require 2,900 gallons per day. Water for the Project will be provided by a proposed community water system. Water will be supplied to the Project by three existing, private, on-site, drilled bedrock wells. Well 1 is located on the eastern side of the Site near the NYSDEC wetland. Wells 2 and 3 are located within 20 feet of each other in the southwestern portion of the Site near the ACOE wetlands.

Water pumped from the wells will be treated in the water treatment building located between Wells 2 & 3 and Building 3, as required by the NYS Department of Health, then pumped through a subsurface four-inch diameter, thickness class 52, ductile iron watermain to a 31-foot diameter, 106-foot-tall, water storage tank located at the highest on-site elevation. An FAA approved warning signal light will be installed on top of the Water Tank. In the event of a power failure, a back-up generator and fuel tank will be located adjacent to the water treatment building to provide uninterrupted water service. Sound attenuating enclosures will be provided around the backup generator. If chemicals for water treatment are stored on-site, they will be located indoors. Water will be supplied via gravity to all buildings through newly installed subsurface eight-inch diameter, thickness class 52, ductile iron watermains. All water infrastructure will be designed to meet municipal standards and the Town Engineer, and/or the Town's Consulting Engineer will review and approve of all components of the water system. In addition, the water infrastructure will be offered for irrevocable dedication to the Town. The water supply, treatment, distribution, and storage system will be owned and maintained by Project Sponsor. The Applicant will prepare the required incorporation documentation in compliance with Transportation Corporation Law Article 4.

Stormwater facilities & drainage

The Project proposes the construction of a series of catch basins, drainage pipes and stormwater management facilities, designed to collect and treat stormwater runoff for both quantity and quality prior to being discharged off-site. Six stormwater management facilities will be located on the Site down gradient from the proposed development areas. Two are situated adjacent to Building 2 and the other two are located adjacent to Building 1. Stormwater easements are not proposed as the Site will be owned by one entity.

The stormwater management facilities are designed to comply with NYSDEC regulations to attenuate the 1-, 10-, and 100-year storms. The project will adhere to Town requirements as a designated MS4 community. Regular inspections and maintenance by the Project Owner will be performed to ensure long-term water quality function. A Stormwater Pollution Prevention Plan is proposed and attached as FEIS Appendix E, and site drainage is designed and shown in the full-sized set of plans in FEIS Appendix L.

Electric and Natural Gas

The Proposed Action is located in the Central Hudson electric and gas service territory. There are existing overhead electric lines located on the south side of NYS Route 17K. Natural gas service is also available in the vicinity of the Site. Demand for electrical energy sources will

increase as a result of the Proposed Action to power building and site lighting, appliances, and water, sewer and HVAC systems. The Proposed Action proposed to use electrical energy exclusively to power the Site. Electrical service will be provided by Central Hudson through underground conduits. Energy conservation techniques and technologies will be evaluated for incorporation into the design and operation of the site infrastructure and buildings.

Garbage and Recycling

The Town of Montgomery does not provide waste collection services; therefore, the Project Sponsor intends to contract with a private solid-waste removal service to remove garbage and recycling from the Site. All collected trash will be stored in screened and covered enclosures to control odor and limit its visibility for the proposed retail space. Trash will be stored within the residential buildings in a trash room to control odor and limit visibility.

Fire protection systems

The residential buildings will have Fire Department Connections (FDC) and sprinkler systems for firefighting purposes. Fire hydrants will be located throughout the Site. The on-site wells and water storage tank will ensure a readily available volume and flow rate of water is available for fire-fighting purposes. Proposed stormwater facilities will not be used for back-up fire protection.

1.3.4 LANDSCAPING

A landscaping plan has been prepared for the Project in compliance with Town of Montgomery Zoning Code §235-16.5.C(3)(d), under Required Site Plan Procedures and Standards. The overall landscaping concept is to preserve existing vegetation as much as possible within the Site and maintain a natural buffer around the perimeter of the Site and along the existing public thoroughfare to the greatest extent practicable. Where this cannot be achieved, plantings are proposed to supplement existing vegetation. The proposed landscaping will replace the trees being removed between the existing dwellings on Montgomery Heights Road and the commercial and multifamily units.

Development of the Site will result in the removal of 74 trees 8- to 12-inches DBH and 384 trees over 12-inches DBH within the limit of disturbance. Two of the existing specimen trees is proposed to be removed, while the other three will remain undisturbed. The trees to be removed are shown on the Tree Preservation Plan in FEIS Appendix G.

The proposed landscape plan includes a variety of deciduous and evergreen trees consisting of 11 different species. The trees were selected to provide a diversity in habitat and support for songbirds and pollinators. The landscape plan proposes 324 deciduous trees and

134 evergreen trees for a total of 458 trees. In addition, the plan will establish understory layer of deciduous and evergreen shrubs. Proposed are 348 deciduous flowering shrubs and 639 evergreen shrubs for a total of 987 shrubs that will provide support to songbirds and pollinators. The landscape plan also proposes to establish a diverse groundcover in the area of development that will include lawn areas, wildflower areas, and will introduce 1,364 ornamental grasses and 482 flowering perennials. The diversity in groundcovers will also provide support for small mammals, songbirds, and pollinators.

The proposed residential units have been intentionally set back from the perimeter property line to provide buffering from adjacent properties. Many of the proposed plants are native to the northeast and suitable for the Site such as Cornus Florida (Flowering Dogwood) & Crataegus Viridis 'Winter King' (Winter King Hawthorn). The plants were selected based on hardiness for the area, disease resistance, deer resistance, habitat and aesthetics. The proposed deciduous trees are also compatible with the existing vegetation to remain. The ornamental deciduous trees were selected for their flowering for pollinators and a food source for existing wildlife.

In accordance with the Town of Montgomery Zoning Code §235-11.9 entitled "Performance buffering", a 10-foot-wide Grade "A" buffer will be provided between the proposed future retail use and the existing single-family dwellings on Montgomery Heights Road. Buffers are not required between any uses and NYS Route 17K, or the proposed multiple dwelling use and the existing school to the west and vacant lands to the south and east. Although not required, the proposed layout provides a natural vegetative buffer containing existing vegetation to remain along the southeast, south and southwest property lines. Where the proposed wastewater treatment plant use adjoins the existing single-family residential use to the east, a 15-foot-wide Grade "B" buffer will be provided along the property line up to the B-2/RM-1 Zone boundary, beyond which point a buffer is not required between the proposed multiple dwelling use and the existing single-family dwelling. Finally, a 10-foot-wide Grade "A" buffer will be provided between the proposed multiple dwelling use and the existing ice cream shop parcel. Most of the required performance buffering will be achieved with the existing vegetation to remain, but in the areas where it is close to residential properties, the area is well screened with a mix of native deciduous trees such as pin oaks & red maples & native evergreen trees such as cedars and spruces and mixed evergreen species including arborvitae, cedar and spruce.

1.3.5 LIGHTING

The Proposed Action requires outdoor lighting for the safety and convenience of its residents, guests, employees, and delivery personnel as they move around the Site during nighttime hours. Driveways, parking areas, and walkways will all be illuminated from dusk until dawn. All outdoor lighting will utilize LED bulbs, reducing the amount of energy necessary to power them~~, with a correlated color temperature (CCT) of 3000 kelvins (K) or lower~~. The proposed outdoor lighting will consist of pole-mounted site lighting fixtures, with a correlated color temperature (CCT) of 2,700 kelvins (K) that are 15-feet tall along the driveway and in parking areas, and low wattage bollard light posts, with a correlated color temperature (CCT) of 3000 kelvins (K), along the ~~stone dust~~ pathways ~~,~~in the central recreation area and along the pathway to the Valley Central High School ~~and a portion of the emergency access drive~~. The site lighting fixtures will be dark sky compliant and be shielded and directed downward. The light fixture's type and placement have been chosen to minimize the amount of light at the Project boundary. All proposed outdoor lighting will comply with Town of Montgomery Zoning Code §235-16.5C(1) that regulates site plan lighting and §235-13 that regulates lights pertaining to signs.

1.3.6 SIGNAGE

The residential development will have a ground mounted community identification sign located adjacent to the entrance drive, as shown on the Site Plan in FEIS Appendix L, that will look like the design shown in DEIS Figure 3.6D. Each residential building will also have a wall mounted sign above the central main entrance doorway as shown in DEIS Figure 2.3P. The entrance sign, wall signs and any other proposed signs for the potential retail space will comply with the Town of Montgomery Zoning Code §235-13 entitled "Sign Regulations" and will be reviewed by the Planning Board during Site Plan review and approval.

The community identification (announcement) ground mounted sign in the business district is permitted as per Town of Montgomery Zoning Code 235-13.3B, which indicates "a detached or ground identification sign may be erected where the building is set back from the street line a distance of 40 feet or more. Such sign shall have: (1) A maximum area of 100 square feet. For double-faced signs the maximum area shall be 100 square feet per side. (2) A maximum height of 20 feet measured vertically from the center line of the nearest street. (3) Adequate clear space shall be provided between the signboard and the ground to allow for visibility in vehicles between streets and drives. Necessary supports may extend through such clear space. [See § 235-13.5B(2).] (4) A setback of at least 20 feet from any property line, except

if the average front setback of existing buildings within the same block is less than 10 feet, then the average setback so established shall be applied to such sign." The proposed ground mounted community identification entrance sign will be 40 square feet per side, a maximum height of 6 feet, and setback 20 feet from the property line and 40 feet from the street line.

The building mounted signs on the apartment buildings located in the residential district are permitted as per Town of Montgomery Zoning Code 235-13.2C, which states "a parish house, club, school, or public or semipublic building may have one announcement sign not over six feet in area on each public street frontage of its property fixed on the main wall of its building". The proposed signs will not be internally lit, back lit or illuminated, instead the entrance sign and building wall signs will have appropriately shielded external lights so that they are visible during non-daylight hours. At this time there is no formal Site Plan application for a proposed commercial use on Lots 1 & 2, but the potential retail space signs will be designed to present a cohesive development as far as sign locations, appearance and content. No Sign will be erected, altered, or relocated without first obtaining a building permit for the sign from the Town's Code Compliance Department.

1.4 CONSTRUCTION

The Project will be bid out and awarded to a qualified general contractor, who will subcontract specialty trades to appropriate subcontractors. It is estimated that approximately 50 construction jobs will be created during the construction period. Local labor and material suppliers will be utilized to the greatest extent practical, as long as they are both within budget and can commit to the Project schedule.

Anticipated Construction Period

It is estimated that the Project will be fully constructed over a three-year period. Assuming construction begins in the Spring of ~~2026~~2027, the anticipated completion date is Spring ~~2029~~2030. Construction will be conducted during specific hours that comply with the Town of Montgomery Noise Code. ~~Furthermore, §~~Section 162-7.B states construction activities are permitted on weekdays during daytime hours and on weekends and holidays during the hours of 10:00 a.m. to 5:00 p.m. Blasting is not permitted on Sunday or holidays. However, the Applicant will voluntarily limit construction hours to Monday – Friday 7 am to 7pm and Saturday from 10am to 5pm. There will be no construction on Sundays or Federal Holidays.

Proposed Phasing

The Project will be divided into two sections of development, the residential and commercial portions, with eight different construction phases. The proposed phasing plan is included in FEIS Appendix L.

Phase 1 is 1.84 acres in size and consists of establishing the entrance into site, grading, wastewater treatment plant. Phase 2 is 9.42 acres in size and consists of rough grading the eastern portion of the site to establish subgrade elevation and stormwater management area A1. Phase 3 is 14.41 acres in size and includes rough grading of the western side of the site to establish subgrade elevation and stormwater management area B1 and water treatment building and water storage tank. Phase 4 is 1.86 acres in size and consists of constructing underground water and sewer utilities to serve site. Phase 5 is 4.10 acres in size and includes construction of Building 1 and establishment of final grade. Phase 6 is 4.75 acres in size and consists of construction of Building 2 and establishment of final grade. Phase 7 is 6.03 acres in size and consists of construction of Building 3 and establishment of final grade. Phase 8 is 5.14 acres in size and includes the potential future construction of retail space and establishment of final grade.

Due to the amount of earth movement required and the area of disturbance to perform cuts and fills to balance the earthwork volume, the Project will require the disturbance of more than five acres at a time. Accordingly, the Property Owner will seek a waiver from the NYSDEC's maximum disturbance limit of 5 acres regulation from the Town of Montgomery as the MS4 Administrator. The waiver will allow the Property Owner to more efficiently construct the Site, balance the earthwork without having to stockpile large quantities of soil for long periods of time, stabilize the Site and control runoff. The project will comply with the Town's General Enhanced Erosion and Sediment Control Plan for Large Projects.

In order to ensure the safety of residents of Phase 5, 6 and 7 as the residential and commercial phases (Phase 6, Phase 7, & Phase 8) of the Proposed Action progress, orange construction fencing, signage and additional temporary chain-link fencing will be installed to separate the ongoing construction from prior phases that obtain a Certificate of Occupancy (CO).

Schedule of Construction

The proposed general sequencing of construction activities within each Phase is as follows:

1. Installation of erosion control measures (i.e. silt fence, stabilized construction entrance, etc.);
2. Clearing and grubbing;

3. Stripping and stockpiling of topsoil for later use;
4. Excavation of temporary sediment basins and swales (permanent and temporary);
5. Excavation and grading for roadways, parking lots, utilities, building pads and storm water infrastructure;
6. Installation of utilities;
7. Fine grading of roadways, installation of sub-base, base and first course of asphalt, construction of sidewalks and curbs;
8. Building construction and utility service connections;
9. Spread stockpiled topsoil, landscaping and lawn installation; and
10. Removal of temporary erosion control measures after vegetation has been established.

Erosion and Sediment Control

When installing erosion control measures, the following sequence will be utilized.

1. Mark and delineate limits of clearing and grading by installing construction fence, and/or silt fence and install stabilized construction entrances.
2. Strip and stockpile topsoil after clearing and grubbing; stabilize topsoil stockpiles with temporary seeding and silt fence.
3. Install temporary erosion control devices (sediment traps, diversion swales, and check dams) prior to commencing earth moving activities.
4. During and/or immediately after rough grading, install as necessary additional temporary erosion control measures including intermediate silt fences, diversion swales, and check dams.
5. Fine grade, spread topsoil and stabilize within two weeks of establishing final grade.

Best Construction Practices and Access

Construction will be conducted during specific hours that comply with the Town of Montgomery Noise Code. All construction equipment and materials, construction offices and worker parking will be located on-site. Erosion and sediment control measures, including a stabilized construction entrance will be installed before construction begins. Process water and slurry resulting from concrete work will be prevented from entering the waters of the State by implementing appropriate concrete handling measures. All vehicles, equipment, and petroleum product storage/dispensing areas will be observed regularly during site observations to detect any leaks or spills, and to identify maintenance needs to prevent leaks or spills. Any chemicals stored in the construction areas will conform to the appropriate manufacturer's recommendations and/or the appropriate State/Federal Regulations. All chemicals will have cover, containment, and protection provided per all Federal and NYSDEC regulations. Concrete slurry will be

contained using designated washout areas and protective barriers so it cannot reach any on-site water resources. All concrete washing and equipment cleaning will occur only within the marked washout zone shown on the site plan. The contractor will ensure these activities remain confined to that controlled area at all times.

Bedrock Removal Procedures

In December 2023, Engineering & Surveying Properties, P.C. performed preliminary subsurface soils investigations in the development portion of the Site to determine the depth to bedrock. The exploration included the excavation and observation of 20 test pits extending to depths from 2 to 15 feet. Bedrock was not encountered in any of the test pits and there are no areas of exposed bedrock on-site. Therefore, ~~R~~rock removal by blasting is not anticipated. However, if rock is encountered during construction, the contractor will first attempt to remove exposed bedrock by mechanical means. If blasting is unavoidable, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements. Since blasting impacts and protocols are specific to each location, they will be addressed by the construction contractor through a pre-blasting analysis and development of a site specific blasting protocol.

The Town of Montgomery currently does not regulate blasting except under §162 Noise where it is permitted on Monday through Friday during daytime hours and Saturday, during the hours of 10:00 a.m. to 5:00 p.m. However, the Applicant will voluntarily limit construction hours to Monday – Friday 7 am to 7pm and Saturday from 10am to 5pm. There will be no construction on Sundays or Federal Holidays.

The following general blasting protocol will be followed to ensure safe, effective blasting on-site by requiring detailed planning, oversight, and compliance with state and federal regulations.

1. Blast Plan Submission
    a. Contractor must submit a written blast plan for conditional approval.
    b. Plan reviewed by Geotechnical Engineering;
    c. Profile rock face before drilling.
    d. Limit blast size/frequency in sensitive areas.
2. Pre-blast Meeting
    a. Mandatory attendees: Engineer, Contractor, Project Blaster(s), Engineering Geologist, and relevant agencies.
    b. Discuss blast design, safety measures, and site-specific conditions.
    c. Final approval of Blast Plan after pre-blast meeting.
3. Documentation
    a. All blasts will be properly documented.
    b. Maintain driller's logs, borehole deviation surveys, and geologic profiles.
4. Test Blasts
    a. May be required to validate design and adjust plan.
5. Monitoring & Mitigation
    a. Preblast Surveys: Document nearby structures within 300 ft.

b. Seismic Monitoring: Required for vibration control.
c. Emergency Action Plan: For gas migration or misfire incidents.

6. Safety & Compliance
   a. Blaster Certification: NYSDOL Blaster Certificate of Competence required (Class A/B for rock blasting).
   b. Explosives License: Needed for purchase, possession, or transport of explosives.
   c. Regulatory Compliance: Adhere to NYSDOL (12 NYCRR 61) and NYSDOT Standard Specifications.
7. Major Hazards & Controls
   a. Flyrock: Prevent with proper blast design, stemming, mats, and site clearance.
   b. Ground Vibrations: Monitor with seismographs; comply with particle velocity limits.
   c. Airblast Overpressure: Control via blast timing, design, and atmospheric conditions.
   d. Noxious Fumes: Ventilate trenches, monitor CO levels, use vent holes/pits.
   e. Misfires: Immediate inspection post-blast; re-detonate or safely remove explosives.
   f. Bedrock Displacement: Avoid damage to adjacent pavement/utilities.

Short-term Impacts Resulting from Construction Activity

The short-term use of heavy equipment operations will result in a temporary, minor increase in noise and pollutant emissions from various equipment used in the construction process. Trucks, compressors, cranes, excavators, generators and other equipment will be maintained in good working condition and turned off when not in use. This will reduce the idling of unused equipment in adherence to state regulations. Reduced idling will reduce potential noise and air pollution. Noise produced on-site will comply with Chapter 162 of the Town of Montgomery Code entitled “Noise”. §162-5.B(1) states that when a noise emitter is in a Residential zone, noise beyond the property boundary cannot exceed the following levels: 62 dBA for Industrial zone receptors, 55 dBA for Business zone receptors, 55 dBA during the day and 45 dBA at night for Residential zone receptors. §162-5.B(2) states that when a noise emitter is in a Business zone, noise beyond the property boundary cannot exceed the following levels: 62 dBA for Industrial zone receptors, 62 dBA for Business zone receptors, 55 dBA during the day and 45 dBA at night for Residential zone receptors.

Another short-term concern during the construction operation will be the control of fugitive dust during site clearing, excavation, demolition, grading or blasting operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the freshly exposed soil into the air. To a lesser extent, some fugitive dust emissions will arise from wind erosion of the exposed soils. All construction related air quality impacts will be of relatively short duration. Best construction management practices will be employed to reduce soil erosion and

possible sources of fugitive dust. This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances as needed and adherence to a Storm Water Pollution Prevention Plan (SWPPP), which provides Erosion and Sediment Control. Environmental protective measures such as a Stormwater Pollution Prevention Plan (SWPPP), topsoil stockpiling, noise mitigation, a blasting plan as needed, and soil erosion and sediment control measures, including methods to limit soils being tracked onto Route 17K are proposed.

Short-term stormwater impacts are a concern during land disturbance activities due to erosion and sedimentation. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared to meet NYSDEC technical standards included in the New York State Stormwater Management Design Manual and satisfies the SPDES General Permit requirements for Stormwater Discharges from Construction Activity. The SWPPP includes construction best management practices, standards and general specifications to protect surface waters from the impacts associated with construction and an Erosion and Sediment Control Plan.

Construction impacts will be most apparent to the nearest existing residential homes located on Montgomery Heights Road. The proposed driveway will be approximately 68 feet from the nearest existing residential home on Montgomery Heights Road. The nearest proposed grading, which is for the proposed driveway construction, will be approximately 2 feet away from the property line and 25 feet from the nearest house. Construction workers will utilize a portion of the Building 1 parking lot for parking, which is approximately 210 feet from the existing residential homes on Montgomery Heights Road. On Site soil processing and rock crushing is not expected, but if it is required it will occur in the southern portion of the Site, a minimum of approximately 685 feet from the existing residential homes on Montgomery Heights Road. Material stockpiles are located a minimum of 223 feet from the existing residential homes on Montgomery Heights Road. The proposed locations of soil stockpiles and rock crushing on Site are shown on the Erosion & Sediment Control Plans in FEIS Appendix L.

A slope and swale will be constructed a minimum of 2 feet from the eastern rear property corner of 16 Montgomery Heights Road and approximately 125 feet at its nearest point from the house. The proposed slope is located near the parking area for Building 1 and has a maximum height of 22 feet. The remainder of the shared east to west property line is 18 feet or more from the proposed grading disturbance. The swale to be constructed along the bottom of the proposed slope will direct stormwater runoff from the slope eastward away from the existing residential parcels.

Construction Traffic

Construction traffic to and from the Site is another short-term impact. The proposed ~~driveway~~ emergency entrance on the eastern side of the Site will provide the sole access to the Site for deliveries and construction workers during construction. Construction vehicles will typically operate Monday through Friday from 7:00 AM to ~~5~~7:00 PM and on ~~weekends and holidays~~Saturday from 10:00 AM to 5:00 PM. The Applicant's traffic engineer indicates that it is anticipated that construction worker traffic arrival/departure will generally follow a similar distribution to the traffic from the residential portion of the Project (i.e. 70% to and from the east on Route 17K, 30% to and from the west). Construction heavy vehicle traffic is likely to primarily arrive to and from the east on Route 17K with the majority of the construction vehicles utilizing I-84 to get to and from the project area.

The majority of earthmoving operations will take place on site. The proposed improvements will result in approximately ~~16,222~~19,937 cubic yards of excess cut. During construction of the project, approximately ~~649~~ 797 semi-trailer dump truck trips at 25 cubic yards per truck or ~~1081~~ 1329 tri-axle dump trucks at 15 cubic yards per truck will be required to haul away the excess cut material from the site. Cut soil generated by the Proposed Action will be reused on-site as fill material to the greatest extent possible. Construction of the Project will require approximately 13,928 cubic yards of material to be hauled into the Site which will result in 557 semi-trailer dump truck trips or 1,393 tri-axle dump trucks at 10 cubic yards per truck. All trucks importing and exporting material will enter the site from the proposed emergency entrance and will exit the Site via NYS Route 17K over a construction period of three years.

Off-Site Improvements

Off-site improvements include the installation of a traffic signal and construction of left turn lanes in both directions on NYS Route 17K at the Bailey Road/Site Access intersection. In addition, some pruning of vegetation to improve sight distances at the entrance drive may be required. The offsite roadway improvements will be completed before a Certificate of Occupancy is issued for the first residential building, which is expected to be 18 months after construction commences. Construction Entrance Ahead signs with flashing warning lights will be located along 17K both east and west of the construction entrance. The contractor will provide a temporary traffic signal at the proposed future entrance to the Project, opposite Bailey Road, during construction until the permanent traffic signal is operational. Once the permanent traffic signal is operational, the Montgomery Heights Road intersection with NYS Route 17K will be

gated and closed off. Montgomery Heights residents will then use the new public road entrance opposite Bailey Road to access NYS Route 17K.

1.5 OPERATION AND MAINTENANCE OF THE PROJECT

Project Operation

The Property Owner intends to construct the Project and own and operate all buildings and infrastructure improvements on the Site. Apartment units will not be permitted to be sublet. The Project Sponsor will oversee all aspects of the property management, including maintenance as discussed below. There will be a permanent resident onsite manager, business office and onsite custodial-maintenance employee or contractor. A security system will be installed following recommendations from a credible and competent security service provider. If cameras are a component, they will be monitored as is provided for in the system operations. Keypads will be installed at all doorways for residents and employees to limit entry into the buildings.

The retail use is anticipated to operate from 8am to 9pm, seven days a week and employ approximately 77 full-time equivalent employees based on the Metro Washington Council of Governments, which recommends estimating 1 employee for every 400 square feet of retail space. The residential buildings will have 5 employees whose hours will provide adequate coverage.

Project Maintenance

Water and Sewer Systems - The property owner will be responsible for ensuring that both the water and sewer systems operate and function as designed. The property owner will contract with certified water and sewer contractors to operate and maintain the water and sewer systems, unless the Town accepts the water and sewer infrastructure ~~is dedicated to the Town~~dedication, in which case the Town will own and operate the water and sewer systems.

Stormwater management facilities - Upon completion of the project, the permanent stormwater facilities will be owned and maintained by the property owners. A Stormwater Maintenance Agreement between Lots 1, 2 & 3 and the Town for shared facilities will be executed and filed with Orange County prior to final subdivision approval. If the Town requires the Applicant to establish a drainage district, one will be established per the Town's direction. The property owners will be responsible for ensuring that the facilities operate and function as designed through proper maintenance as follows:

a. Regular inspection and maintenance of the proposed facilities are required to ensure their long-term water quality and quantity reduction functions.

b. All stormwater facilities and roadways with associated infrastructure are proposed to be located within lands to be owned by the property owner.

c. All side slopes within the stormwater facilities are a minimum of 3:1, to allow for maintenance.

d. Catch Basins:

   i. Basins shall be inspected for accumulated sediment and trash every 6 months.

   ii. Accumulated sediment and trash shall be removed from basins annually, or at more frequent intervals, if needed.

e. Forebay & Detention Pond

   i. The grass within the pond should be mowed at least 3 times per growing season, limiting the grass to a height of no more than 12 inches

   ii. Sediment removal should be done at least every five years.

f. Infiltration Basin

   i. The grass within the pond should be mowed at least 3 times per growing season, limiting the grass to a height of no more than 12 inches

   ii. Sediment removal should be done at least every five years.

g. Bio-Retention Facility

   i. Sediment removal in the forebay shall occur every five to six years or after 50% of total forebay capacity has been lost.

   ii. The grass embankments should be mowed at least 3 times per growing season, limiting the grass to a height of no more than 12".

   iii. Silt/sediment shall be removed from the filter bed when the accumulation exceeds one inch. When the filtering capacity of the filter diminishes substantially (i.e., when water ponds on the surface of the filter bed for more than 48 hours), the top few inches of discolored material shall be removed and shall be replaced with fresh material. The removed sediments shall be disposed of in an acceptable manner.

Landscaping - The on-site landscaping will be mowed and trimmed regularly and maintained in good condition. Trees and shrubs shown on the Landscaping Plan will be inspected yearly and replaced as needed.

Snow & Ice removal - The Project Sponsor will contract with a private snow removal company to plow the entrance drives and parking areas during winter months. Snow and ice will be removed from on-site sidewalks, driveways, and parking areas. Salt or other de-icing agents may be brought to be used on-site by the contractor as needed and will not be stored on-site. After snow accumulation, apartment building residents will be contacted by the

property manager via email and text to move their vehicles so that snow can be pushed beyond the parking spaces by the snow removal company.

To avoid the risk of salt migration to wetlands and surface waters, Best Management Practices (BMPs) will be incorporated for winter maintenance as recommended by NYSDEC and regional guidance, including the measures outlined in the Dutchess County EMC/Cary Institute report3. The Property Owner will:

- Limit salt application to essential areas only (roads and sidewalks).
- Use calibrated spreaders to control application rates.
- Consider liquid brine pre-treatment to reduce overall salt use.
- Store deicing materials off-site to prevent contamination.
- Route all runoff through stormwater management facilities designed to capture and treat pollutants, including chlorides, before discharge.

These measures will minimize potential impacts on water quality and sensitive habitats.

[3] https://www.caryinstitute.org/sites/default/files/downloads/report_road_salt.pdf

1.6 SUMMARY AND COMPARISON OF ALTERNATIVES

Table 1.6 summarizes the quantitative impacts associated with the Proposed Action and the project alternatives.

Table 1.6 – Alternatives Comparison of Impacts

Area of Concern	Proposed Action/As-of-Right	No Action	Village of Montgomery Sewer Alternative	Town of Montgomery Sewer Alternative	Town of Montgomery Water Alternative	Smaller Building Layout Alternative
Number of Dwelling Units	261	0	261	261	261	261
On-Site Disturbance Area	29.21Ac	0.00 Ac	29.21 Ac	29.21 Ac	29.21 Ac	28.28 Ac
Off-Site Disturbance Area	1.59 Ac	0.00 Ac	2.11 Ac	1.92 Ac	2.40 Ac	1.59 Ac
Constructed Impervious Surface	12.~~95~~ 83 Ac	0.00 Ac	12.~~95~~ 83 Ac	12.~~95~~ 83 Ac	12.~~95~~ 83 Ac	11.48 Ac
Wetland Disturbance	0.03 Ac	0.00 Ac	0.03 Ac	0.03 Ac	0.03 Ac	0.03 Ac
Population	625	0	625	625	625	625
School Aged Children	55	0	55	55	55	55
Tax Revenue Increase	$1,286,021	$0	$1,286,021	$1,286,021	$1,286,021	$1,286,021
Traffic Generation Peak Hour Trips	166 AM 251 PM 247 Sat	0 AM 0 PM 0 Sat	166 AM 251 PM 247 Sat	166 AM 251 PM 247 Sat	166 AM 251 PM 247 Sat	166 AM 251 PM 247 Sat
Water Demand	61,360 gpd	0 gpd	61,360 gpd	61,360 gpd	61,360 gpd	61,360 gpd
Sewer Demand	56,360 gpd	0 gpd	56,360 gpd	56,360 gpd	56,360 gpd	56,360 gpd

Source: Engineering & Surveying Properties, P.C.

1.7 LIST OF PERMITS AND APPROVALS

Table 1.7 – Summary of Permits and Approvals	
Agency	**Approval**
US Army Corps of Engineers	Nationwide Wetland Permit
New York State Department of Environmental Conservation	SPDES – Stormwater
	SPDES – Wastewater
	NYSDEC Article 24 Permit- Water Withdrawal pursuant to 6 NYCRR 601.6
	Freshwater Wetlands – wetland eligibility determination and mapping
New York State Department of Transportation	Highway Entrance and Installation of Utilities Permits
New York State Department of Health	Public Water Supply Approval
Orange County Health Department	Water Main Extension
Orange County Planning	GML §239 m & n Review • Issuance of special use permits • Approval of site plans • Approval of subdivisions • Within 500 feet of: o A County or State Road
Town of Montgomery Planning Board	Subdivision, including waiver from §200-23.F.2
	Site Plan, SEQR Compliance
	Special Use Permit, Cluster Development
~~Town of Montgomery Zoning Board of Appeals~~	~~Area Variance (Building Height alternative)~~
Town of Montgomery Town Board	Water and Sewer Transportation Corporations/Districts
Town of Montgomery	MS4 for ~~5 acre~~5-acre disturbance waiver
Town of Montgomery Highway Superintendent	Improvements to Montgomery Heights Road
Town of Montgomery Stormwater Administrator	MS4 Acceptance

INVOLVED AGENCIES

Town Board of the Town of Montgomery
Town of Montgomery Planning Board
Town of Montgomery Highway Superintendent
Town of Montgomery Stormwater Administrator
Town of Montgomery Building Department
~~Town of Montgomery Zoning Board of Appeals (for Building Height alternative)~~
Orange County Health Department
Orange County Planning Department
NYS Department of Environmental Conservation
New York State Department of Transportation
US Army Corps of Engineers

INTERESTED AGENCIES

Town of Montgomery Conservation Advisory Council
Town of Montgomery Historian
Town of Montgomery Fire Department (Montgomery Fire District)
Town of Montgomery Police Department
Town of Montgomery Volunteer Ambulance Corp
Village of Montgomery Board of Trustees
Valley Central School District
NYS Office of Parks, Recreation and Historic Preservation
NYS Police Troop F
NYS Department of Health
Orange County Hazmat Team

1.8 PROJECT PURPOSE, NEED & BENEFIT

Public Need

The Proposed Action will address the need for medium density housing in a location that is accessible to major transportation routes of the region. The proposed project intends to address the public and community objectives of residential planning embodied in applicable sections of the Town zoning code as listed below and the Town's comprehensive plan.

§200 - Subdivision of Land
§235-3 - Definitions
§235-8 – Cluster Development for Subdivisions
§235-10 - Stormwater Management and Erosion and Sediment Control
§235-11.2 - Lot area, lot coverage and lot width
§235-11.4 - Yards
§235-11.9 - Performance buffering
§235-12 - Off-Street Parking and Truck Loading Space
§235-13 - Sign Regulations
§235-15.4 - Special Permit Uses
§235-16.5 - Required Site Plan Procedures and Standards
Attachment 1 - Table of Use Regulations
Attachment 2 – Table of Dimensional Regulations
Attachment 7 - Land Use Intensity Classification table
Attachment 8 – Required Grade of Buffers
Attachment 9 – Buffer Design Standards

The Property Owner intends to develop a residential development in response to a continued need and demand for a variety of housing types in the Town of Montgomery and Orange County. Multiple dwelling (multi-family) has been a permitted use in the RM-1 Zoning District since the adoption of the Town's Zoning Code. The Applicant has designed the development to comply with the RM-1 Residential District and to relate to the character of surrounding developed areas, the topography and natural features, and

community services and facilities. It is the opinion of the Project Applicant that the Proposed Project is consistent with adopted policies and plans set forth within the Town's Comprehensive Plan. The 2021 Town of Montgomery Comprehensive Plan identifies nine specific goals that are further broken into several more concrete objectives throughout the comprehensive plan. Goals 2, 3 and 4 apply to the proposed development of the Site, discussed in DEIS Section 3.13.

Benefits of the Proposed Action

Benefits to the Town include conservation of natural resources accomplished by the clustered nature of the development, generation of additional tax revenue, and provided on-site recreational and social amenities for its residents and guests which will reduce the use of existing public parks by residents of the proposed development.

The proposed undeveloped portion of the Site occupies 23.21 acres or 44% of the parcel, which is open space that will help conserve the Town's natural resources in a sustainable, contiguous area of undeveloped lands.

When complete, it is estimated that the Project will generate approximately $1,286,021 of additional net property tax revenue per year for the Town, County and School District.

Public highway improvements include the installation of a traffic signal and construction of left turn lanes in both directions on NYS Route 17K at the Bailey Road/Site Access intersection. The water and wastewater infrastructure will be constructed to Town of Montgomery standards and will include the ability to be expanded in the future if the Town desires. Sidewalks are also proposed throughout the development that connect to a walking/biking path that will be constructed to the adjacent high school to the west and open space to the east.

2 PROJECT IMPACTS & MITIGATION MEASURES

2.1 INTRODUCTION

This Section identifies the potential environmental impacts that may result from the construction of the Proposed Action. Since the Proposed Project, as revised, is relatively the same as the project described in the DEIS, much of the analysis contained in the DEIS and measures to avoid, minimize, or mitigate impacts remain relevant.

Since the issuance of the DEIS, the following project modifications have been made in response to public and agency comments:

- Relocation of the main access to and from the development on NYS Route 17K opposite Bailey Road.
- Installation of a traffic signal and construction of left turn lanes in both directions on NYS Route 17K at the Bailey Road/Site Access intersection.
- Design of a roadway to be dedicated to the Town of Montgomery from the proposed Bailey Road/Site Access intersection on NYS Route 17K to the east/west leg of Montgomery Heights Road
- Closure of Montgomery Heights Road at NYS Route 17K, which will be gated for emergency access only
- Reduction of the number of on-site parking spaces from 824 to ~~741~~ 704 and constructed impervious surface from 13.37 to ~~12.95~~12.83.
- Elimination of the retaining wall near the residences on Montgomery Heights Road
- Addition of two retaining walls on the west side of the Site to avoid disturbance of the recently designated NYSDEC wetlands.
- Design of the stormwater management facilities as Bio-Retention Basins based on soil percolation rates.

The impacts listed in Section 2.2 are those that will result from the Proposed Project, as revised, along with the mitigations that are proposed to address the identified impacts.

2.2 SUMMARY OF SIGNIFICANT IMPACTS & MITIGATION MEASURES

~~While there are no identifiable significant adverse impacts resulting from the Proposed Action, t~~The following potential unavoidable impacts are anticipated and mitigation measures to avoid or reduce the identified impacts are proposed.

Table 2.2 - Summary of Potential Impacts & Mitigation Measures

CONCERN	POTENTIAL IMPACTS	MITIGATION MEASURES
1). Land Resources	a) Disturbance of 29.21 acres of soil and topography b) Loss of 5.98 acres of agricultural soil c) Earthwork cut volumes exceed fill volumes by approximately ~~16,222~~19,937 cubic yards d) Disturbance of 0.81 acres of regulated steep slopes (25%+) e) Potential erosion & sedimentation during construction f) Groundwater is expected to be encountered during construction g) Bedrock is not expected to be encountered during construction	a) A total of 23.21 acres of open space will be preserved b) Site plan design minimizes earthwork and cut/fill volumes to the greatest extent possible given the Site's topography and environmental constraints, with the building layout the Property Owner intends to construct c) Detailed grading and erosion & sediment control plan d) Waiver request from Town of Montgomery as MS4 to disturb more than 5 acres at a time e) Construction best management practices f) Construction phasing plan g) Dewatering techniques h) Bedrock removal procedures & blasting protocol if needed
2). Surface Water Resources	a) Permanent disturbance of 0.03 acres of ACOE wetlands b) Permanent disturbance of 0.996 acres NYSDEC wetland buffers c) Temporary disturbance of 0.087 acres NYSDEC wetland buffers	a) Wetland avoidance and protection measures b) A Stormwater Pollution Prevention Plan is proposed that addresses runoff quantity and quality concerns, and includes long-term maintenance practices c) Erosion/sediment control plans d) Incorporation of Green Infrastructure technique – soil restoration of disturbed areas e) Dewatering techniques
3). Groundwater Resources	a) Average daily water demand is estimated to be 61,360 gallons per day. b) Adequacy of on-site groundwater quantity & quality to serve the development	a) Water conservation strategies and appliances, and landscaping design b) Potential groundwater contaminants will not be stored on-site, and will be applied on-site only when necessary

4). Plants & Animals	a) Loss of 27.90 acres of woods & and subsequent wildlife habitat. b) Removal of 460 trees ≥8-inches DBH	a) A total of 23.21 acres (44% of the Site) of undisturbed vegetation and wildlife habitat will remain b) Clearing and grading limits will be clearly identified prior to the start of construction c) Potential habitat contaminants will not be stored on-site, and will be applied on-site only when necessary
5). Air Quality Resources	None expected	No mitigation required
6). Aesthetic Resources	a) Disturbance of 29.21 acres of mostly wooded lands b) The Proposed Action, including the sewer treatment plant, will be visible from off-site public roadways and adjacent school campus c) Outdoor lighting will be installed d) Removal of existing vegetation	a) Site layout provides greater setbacks than required by Town Code b) Preservation of existing vegetation c) Performance buffering is provided as per the Town Code d) A Site Lighting Plan is proposed that eliminates light trespass at the property line and incorporates Dark Sky Approved fixtures e) A Landscaping Plan is proposed to supplement existing vegetation to remain f) Use of architectural design elements, colors and materials
7). Cultural Resources	None expected	No mitigation required
8). Trans-portation Resources	a) Increased number of vehicles travelling to and from the Site during the peak hours (156 in weekday AM, 251 in weekday PM and 247 on Saturday). b) Increased delay at studied intersections	a) Signal timing modifications at three existing intersections b) Infrastructure improvements to be completed by the Property Owner: i) Onsite Electric Vehicle (EV) charging stations ii) Installation a traffic signal and left-turn lanes on NYS Route 17K at the Site's entrance
9). Energy	a) Project will increase the demand for energy	a) Onsite Electric Vehicle (EV) charging stations will be installed b) Energy conservation techniques and technologies will be incorporated into the design and operation of the buildings c) Energy utilities will be privately contracted, and user-fee supported

10). Wastewater Treatment	a) Average daily sewer generation is estimated to be 56,360 gallons per day.	a) An on-site WWTP will be constructed & operated by a transportation corporation unless or until the Town accepts the offer of dedication. b) Water conservation strategies, fixtures and appliances
11). Human Health	None expected	No mitigation required
12). Greenhouse Gases	None expected	Implement construction strategies including material selection & management, energy efficiency, transportation & logistics, and construction processes.
13). Land Use & Zoning Resources	The project is consistent with all Town Zoning Code requirements & Comprehensive Plans	No further mitigation required.
14). Socio-Economic	a) Town population increase of 625 people, including 55 school-aged children b) Project will provide an additional inventory of rental apartment units c) Project will increase the demand for Town & County services	a) Revenue generated by the project will offset costs to the taxing jurisdictions therefore no mitigation is required b) $1,286,021 of increased tax revenue over the existing amount will be generated by the Project
15). Community Service & Facilities	a) Additional residents requiring emergency services (fire, police, and EMS) b) Additional residents requiring health care, recreation facilities, solid water removal and public education	a) Additional tax revenue generated for Town EMS services, County, and School District b) Recycling to reduce the amount of solid waste sent to landfills c) On-site community recreational and social amenities
16). Community Character	a) On-site activities during construction and operation of the Site will create noise b) Outdoor lighting will be installed c) Increased number of vehicles travelling to and from the Site d) Buildings will be constructed on currently vacant lands	a) The Town's noise ordinance will be adhered to during construction and operation b) A Site Lighting Plan is proposed that eliminates light trespass at the property line and incorporates Dark Sky Approved fixtures c) Traffic mitigations are proposed d) Residential and commercial uses on the Site are envisioned in Town's zoning law and comprehensive plan e) Building architectural design elements, colors and materials will be incorporated

17). Construction Related Impacts	a) Construction will create short-term effects such as noise & air pollution, surface and groundwater quality degradation	a) The Town's noise ordinance will be adhered to during construction b) Construction best management practices c) Construction phasing plan d) Detailed grading and erosion & sediment control plan

2.3 UNAVAOIDABLE ADVERSE IMPACTS

Development of the Project will have some unavoidable impacts. Although these impacts cannot be avoided, many are mitigated to some extent as noted in FEIS Section 2.2.

Temporary Construction Impacts

- Construction vehicles and equipment will generate noise, dust and contribute to erosion and sedimentation while operating on the Site.
- There will be an increased number of construction vehicles on local roadways as equipment and supplies are delivered to and refuse and excess material is removed from the Site.
- There will be temporary disruption of traffic flow on NYS Route 17K and other town roadways as improvements to the roadways are made to mitigate potential impacts to traffic.
- There will be temporary visual impacts during construction.

Impacts on Natural Site Features

- Construction of the Project will clear and regrade of 29.21 acres of land, permanently disturb native soils resulting in the export of 19,937~~16,222~~ CY of material from the Site.
- Alterations to the Site's natural topography to construct buildings, roads and associated infrastructure. A total of 12.~~95~~ 83 acres of impervious surface will be constructed which will affect groundwater recharge.
- Removal of existing vegetation on the Site will result in loss of wildlife habitat and increased susceptibility to erosion and sedimentation.
- Approximately 0.03 acres of ACOE wetlands and 0.996 acres of NYSDEC wetland buffer will be permanently disturbed to construct the Project.
- The Project will permanently alter the visual appearance of the Site.
- Groundwater will be utilized to provide water service to the project and may be encountered during construction of the Project's infrastructure.

Operational Impacts

- The Site's existing land use will be converted from vacant land to residential and commercial uses~~, which may include a future zoning height variance for the residential buildings~~.
- Development on the Project will create 12.~~95~~ 83 acres of impervious surfaces including roads, buildings, and parking areas.
- The Project will cause an increase in groundwater usage by an average of 61,360 gallons per day.

- The Project will produce average daily rate of 56,360 gallons of wastewater per day.
- The Project will lead to an increased amount of traffic on local roads.
- The Project will introduce noise, light, and odor impacts.
- The Project will generate demand for additional energy usage.
- The Project will result in an increased demand for emergency services and the creation of solid waste.

2.4 IRREVERSIBLE AND IRRETRIEVABLE RESOURCES

Land

As a result of grading and construction activities, the project will modify 29.21 acres of the existing topography and soils on the Site. Approximately 19,937~~16,222~~ cubic yards of soil will be removed from the Site. Approximately 12.~~95~~ 83 acres of impervious surfaces will be constructed.

Ground Water

The Proposed Action will result in an increased use of ground water for domestic water. Water will be supplied from the existing on-site wells.

Vegetation & Habitat

As a result of the Proposed Action, 29.21 acres of the site's natural vegetation and habitat will be disturbed. After construction, 12.~~95~~ 83 acres will be converted to impervious surface and 15.~~23~~10[4] acres will be converted to landscaped or lawn coverage.

Wetlands

As a result of construction of the Project a small portion of ACOE Wetland "C" will be filled to construct the entrance drive, permanently reducing the total area of wetlands on-site by 1,345 square-feet or 0.03 acres. An ACOE nationwide wetlands disturbance permit will be obtained as a condition of site plan approval. In addition, a 43,374 square-foot (0.996-acre) area of NYSDEC Wetland "B" buffer area on the western side of the Project will be filled by grading for the adjacent residential Building 1 and Wells #2 & #3 access drive. A temporary disturbance of NYSDEC Wetland WD-29 buffer area on the eastern side of the Project will be disturbed for the grading of access road to Well #1 (2,017 square-feet or 0.046 acres) and the installation of a retaining wall (452 square-feet or 0.010 acres). In total 1.05-acres of NYSDEC 100-foot adjacent buffer will be disturbed by the grading. A NYSDEC wetlands disturbance permit for the buffer will be obtained as a condition of site plan approval.

[4] The sum of the area of lands converted to impervious and lawn surfaces do not equal the total disturbance area since some areas of existing lawns will be disturbed for grading purposes and subsequently restored as lawns

Land Use

The proposed plan will commit the entire Project Site to residential, commercial, water supply/storage, wastewater treatment and open space uses, for which it is zoned. Once committed to this use, the site would be unavailable for other uses for the foreseeable future.

Materials & Energy

Finite resources would be irretrievably committed by the Proposed Action such as materials and energy required to construct the Project and to maintain its use as a residential development after completion. Construction will involve a commitment of resources such as, concrete, asphalt, steel, lumber, paint products, and other building materials. When completed, the Proposed Action will also result in an increased demand for energy for heating, air conditioning, equipment, and lighting. The operation of construction equipment will result in consumption of fossil fuels and other finite energy sources.

2.5 GROWTH-INDUCING ASPECTS

The development of the Project Site is expected to improve the conditions of the property along an established and developed corridor in the southern portion of the Town of Montgomery. Introduction of residential and commercial use on the Site will be consistent with area land use patterns.

The proposed development of this Site is consistent with the current Town Comprehensive Plan. This development will induce a certain amount of growth in the local region in support services (such as professional services and home contractors) and commercial establishments that cater to residential populations. Use of Town facilities and services, such as municipal emergency services would experience a limited growth in demand from the proposed project.

~~No significant direct or indirect adverse impacts to community facilities, however, are anticipated as a result of this project, nor is growth resulting from increased demand for support services and facilities anticipated to cause adverse effects on the local area. The new population projected to reside in this Project will increase the demand for police, fire protection, emergency medical services, school, community services, but additional revenues provided via property taxes from the developed Project to the Town would offset the costs of the potential increase in~~

~~Town services resulting from this project. Although the introduction of centralized water and/or sewer services is a proposed component of the Project, capacities of these systems are designed specifically for the Proposed Action, therefore other uses would not be able to connect to these services without additional infrastructure.~~

3 RESPONSES TO COMMENTS ON THE DEIS

3.1 INTRODUCTION

This Chapter of the Final Environmental Impact Statement (FEIS) addresses comments that were made on the Draft EIS (DEIS), either verbally at the Public Hearing held on February 10, 2025, March 10, 2025 and April 15, 2025, or provided in writing through May 9, 2025. This includes all comments made by the public or their representatives, the Town of Montgomery and its technical consultants, and interested and involved agencies.

This chapter provides responses to the substantive verbal and written comments submitted on the DEIS. A full transcript of public testimony can be found in Appendix A of this FEIS and complete correspondence in Appendix B of this FEIS from which these comments are drawn.

Approximately 457 comments were received regarding the DEIS. Comments are presented verbatim. Similar comments, in terms of subject or technical points, by multiple or by the same commenter, are grouped together. Comments are denoted by the agency or last name of the commenter and the date of the comment.

In accordance with the guidelines established by the New York State Department of Environmental Conservation (DEC) – the governmental agency that promulgates SEQR regulations – only a summary of the public hearing comments should be part of the text of the FEIS. Further, as directed by the NYSDEC:

(i) only substantive comments warrant a response, *i.e.*, comments that are relevant to identified impacts, alternatives and mitigations, or which raise important, new environmental issues that were not previously addressed,

(ii) general statements of objection or support need no response,

(iii) comments may be grouped by topic,

(iv) repetitive comments need to be responded to only once; repetitive comments do not need individual responses,

(v) speculative comments or assertions that are not supported by reasonable observations or data need no response, and

(vi) comments identifying minor discrepancies in wording or typographical errors in the DEIS can be corrected in the FEIS if warranted, without meriting a specific response to such a comment.

3.2 LIST OF COMMENTORS

3.2.1 VERBAL COMMENTS FROM PUBLIC HEARINGS

1. February 10, 2025 Public Hearing
   a) Louis Doro – Pages 10-22, Comments 1.1-1.16
   b) Brenda Duff – Pages 22-23, Comment 1.17
   c) Karen Tocci – Pages 24-28, Comments 1.18-1.23
   d) Mark Palczewski – Pages 29-37, Comments 1.24-1.31
2. March 10, 2025 Public Hearing
   a) Louis Doro – Pages 3-9, Comments 2.1-2.8
   b) Ron Trent – Pages 9-12, Comments 2.9-2.12
   c) Tracy Palumbo-Cortez – Pages 12-17, Comments 2.13-2.19
   d) Charlie Thompson – Pages 18-24, Comments 2.20-2.24
   e) Brenda Duff – Pages 25-27, Comment 2.25
   f) Lisa Melville – Pages 27-31, Comments 2.26-2.29
   g) Neil Moscato – Pages 32-36, Comments 2.30-2.33
   h) Darlene Provino – Pages 36-38, Comments 2.34-2.35
   i) Mark Palczewski – Pages 38-44, Comments 2.36-2.40
   j) Jim McIver – Pages 44-50, Comments 2.41-2.45
   k) David Lehrer – pages 50-52, Comment 2.46
   l) Michael Young – Pages 52-54, Comments 2.47-2.48
   m) Lisa Joyce – Pages 55-60, Comment 2.49-2.53
   n) Brenda Duff – Page 63, Comment 2.54
   o) Tracy Palumbo-Cortez – Page 64, Comment 2.55
   p) Jennifer DeLeonard – Pages 64-65, Comment 2.56
   q) Mark Palczewski – Pages 65-66, Comment 2.57
   r) Stacy Hillman – Pages 66-67, Comment 2.58
   s) Charlie Thompson – Pages 68-69, Comment 2.59
   t) Planning Board Member, Ryan McGuire – Pages 70-72, Comment 2.60-2.61
   u) Planning Board Member, Cheri Zahakos – Pages 72-76, Comments 2.62-2.63
   v) Planning Board Member, Rose Pennings – Page 76, Comment 2.64
   w) Planning Board Attorney, Richard Hoyt – Pages 86-90, Comments 2.65-2.71
   x) Planning Board Member, Cheri Zahakos – Pages 91-93, Comment 2.72
3. April 15, 2025 Public Hearing
   a) Don Berger – Pages 6-14, Comments 3.1-3.2
   b) Kim Fragale – Pages 14-15, Comments 3.3-3.4
   c) Karen Tocci – Pages 16-19, Comment 3.5-3.7
   d) Brenda Duff – Page 20, Comments 3.8
   e) Carlos Cortez – Pages 21-27, Comments 3.9-3.10, 3.12-3.14
   f) Tracy Palumbo-Cortez – Pages 64, Comments 3.11 & 3.15
   g) Bernie Hillman – Pages 28-32, Comments 3.16-3.18
   h) Karina Tipton – Pages 32-38, Comments 3.19-3.23
   i) Carlos Cortez – Page 39, Comment 3.24
   j) Randi Picarello – Pages 39-40, Comment 3.25
   k) Mark Palczewski – Pages 40-47, Comments 3.26-3.31
   l) Jim McIver – Page 47, Comment 3.32
   m) Salen Deip – Pages 53-54, Comment 3.33

3.2.2 WRITTEN COMMENTS FROM INTERESTED & INVOLVED AGENCIES

4. Conservation Advisory Council Memo dated 3/9/2025 - Comments 4.1-4.4
5. Conservation Advisory Council Memo dated 5/8/2025 – Comments 5.1-5.12
6. Coldenham Fire Company letter dated 3/26/2025 – Comments 6.1-6.31
7. Jay Beaumont memo dated 1/13/2025 – Comment 7.1
8. MHE Engineering memo dated 5/8/2025 – Comments 8.1-8.50
9. Montgomery Fire Department letter received 4/2/2025 – Comments 9.1-9.19
10. NPV memo dated 4/15/2025 – Comments 10.1-10.61
11. NYSDOT email dated 5/6/2025 – Comments 10.1-11.2
12. Planning Board comments dated 5/9/2025 – Comments 12.1-12.36
13. Theron Adkins letter dated 5/7/2025 – Comment 13.1
14. Town Board letter dated 5/9/2025 – Comments 14.1-14.11
15. Valley Central School District letter dated 2/10/2025 – Comment 15.1

3.2.3 WRITTEN PUBLIC COMMENTS

16. Anna Mercurio Romero email dated 5/8/2025 – Comment 16.1
17. Blaise Castaldo email dated 3/11/2025 – Comment 17.1
18. Charlotte Palumbo letter received 3/10/2025 – Comments 18.1-18.4
19. Gina Zwart letter dated 3/10/2025 – Comments 19.1-19.6
20. Gina Zwart letter dated 5/8/2025 – Comment 20.1
21. Karina Tipton email & letter dated 5/9/2025 – Comments 21.1-21.9
22. Kirk Phillips email dated 3/11/2025 – Comments 22.1-22.3
23. Lisa Melville letter received 3/10/2025 – Comments 23.1-23.5
24. Louis Doro letter dated 2/10/2025 – Comments 21.1-24.13
25. Louis Doro letter dated 3/10/2025 – Comments 25.1-25.5
26. Norma Manning letter dated 03/04/2025 – Comments 26.1-26.5
27. Patricia Henighan letter dated 4/15/2025 – Comment 27.1
28. Residents Protecting Montgomery letter dated 5/7/2025 – Comments 28.1
29. Richards Dairy Shed letter dated 3/10/2025 – Comments 29.1-29.13
30. Richards Dairy Shed email dated 3/10/2025 – Comments 30.1-30.5
31. Richards Dairy Shed letter received 5/9/2025 – Comments 31.1-31.8
32. Ron Trent email dated 3/19/2025 – Comments 32.1-32.3
33. Ron Trent email dated 5/8/2025 – Comment 33.1
34. Roswind Farm Land Corp letter dated 4/4/2025 – Comments 34.1-34.4
35. Scott Corners Golf Course letter dated 3/27/2025 – Comments 35.1-35.2

3.3 GENERAL COMMENTS

Comment 3.6 – Karen Tocci, Verbal Comment from the April 15, 2025 Public Hearing:
Can you explain what the SEQRA law is?

Response 3.6:
The New York State Environmental Quality Review Act (SEQRA) requires all state and local government agencies to consider the environmental impacts during the decision-making process. ~~The law mandates that agencies assess, and where possible, mitigate or avoid, any significant adverse environmental effects. This process ensures that environmental concerns are weighed equally alongside social and economic factors.~~ Agencies must use all practicable means to realize the policies and goals set forth in NYS Consolidated Laws Chapter 43-B Article 8, and shall act and choose alternatives which, consistent with social, economic and other essential considerations, to the maximum extent practicable, minimize or avoid adverse environmental effects, including effects revealed in the environmental impact statement process.

Comment 3.25 – Randi Picarello, Verbal Comment from the April 15, 2025 Public Hearing:
I would respectfully just request that the meeting be held open.

Response 2.25:
The Public Hearing for SEQRA was held open for three public hearings (February 10th, March 10th & April 15th). The public hearing for the Site Plan and Special Use Permit remains open and the Applicant will be required to re-notice the hearing once the FEIS is deemed complete.

Comment 3.32 – James McIver, Verbal Comment from the April 15, 2025 Public Hearing:
What's the 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 the need to do that, especially given the level of interest?

Response 3.32:
The SEQRA hearing was kept open for three months (February, March & April of 2025), and then allowed for further written comments until May 9, 2025, after the close of the SEQRA hearing, which gave the ample time for agency and public comments to be received.

Comment 9.19 – Montgomery Fire Department letter received 4/2/2025:
The Town of Montgomery just passed a law banning battery storage facilities and for some very good reasons. We believe you should consider the same with projects like this and even for more important reasons, life safety. We believe the town should build infrastructure such as water, sewer, roadways before construction, not after.

Response 9.19:
There is no planned battery storage facility as part of the Proposed Action. The water/sewer and roadways infrastructure will be constructed before completion of project construction.

Comment 10.1 – NPV Letter dated 4/15/2025:
Shifting of Density from Zone to Zone. Early on in the review of this application, we noted that the Applicant has shifted density from the RA-1 to the RM-1 portion of the site. The Applicant submitted a theoretical layout of four two-family dwellings to yield 8 dwelling units. These units have been shifted to the RM-1 zone and the Applicant does not propose any zoning amendments. Is a cluster subdivision needed to shift the dwelling units?

If so, this would trigger various requirements of Section 235-8 of the Town's zoning. This may require Town Board approval of any concept for the open space. If this is a cluster development

and open space is required, we question whether the area left in open space can also be counted toward recreation demand. This question may have been addressed, but should be noted in FEIS.

Response 10.1:

The Applicant is proposing a cluster development in order to "shift" density from the RA-1 zoned portion of the Site to the RM-1 zone. According to Town Code §235-8.2A, a cluster development for subdivisions can be approved by the Planning Board simultaneously with the approval of a subdivision plat. DEIS Figure 3.13C depicts a potential conventional subdivision plan on the portion of the Project located in the RA-1 zone to establish a yield of eight dwelling units. Table 3.3 summarizes the permitted density calculation for each zoning district of Lot 3 and the number of units proposed.

Table 3.3 – Permitted Density Calculation for Lot 3

Lot Area Deductions	Lot 3 (RA-1 Zone)		Lot 3 (RM-1 Zone)		Lot 3 (B-2 Zone)	
	SF	Acre	SF	Acre	SF	Acre
Utility rights-of-way and designated streets	0.00	0.00	0.00	0.00	0.00	0.00
Land Under Water	0.00	0.00	430,242	9.88	484,277	11.11
Floodplains	0.00	0.00	2,432	0.06	2,432	0.06
Steep Slopes – 50% for slopes 25-50%	0.00	0.00	27,443	0.63	27,443	0.63
Steep Slopes – 100% for slopes >50%	0.00	0.00	706	0.02	706	0.02
Rock Outcrops	0.00	0.00	0.00	0.00	0.00	0.00
Total Area Deductions	**0.00**	**0.00**	**460,823**	**10.58**	**514,858**	**11.83**
Total Lot Area	136,999	3.15	1,728,906	39.69	156,389	3.59
Buildable Area	**136,999**	**3.15**	**1,268,083**	**29.11**	**102,354**	**2.35**
Permitted Density	1 dwelling unit per 16,335 SF		1 dwelling unit per 5,000 SF		-	
Total Permitted	**8.4 Units**		**253.6 Units**		**-**	
Total Proposed	**261 Units**					

Source: Engineering & Surveying Properties, P.C.

Comment 10.2 – NPV Letter dated 4/15/2025:

Recreation. The DEIS indicates that sufficient recreation area is being provided on site, through a combination of miscellaneous recreational equipment and the majority of the open space which remains (much of which cannot be developed as it is within the DEC wetlands or regulated area). The DEIS indicates a fee in lieu of recreation will not be provided. The Planning Board needs to assess whether the proposed 261 dwelling units are creating a recreational demand that is not met onsite.

Response 10.2:

The comment correctly states a part of the statutory standard for requiring open space or parkland. The parkland need is first determined by reference to acceptable reasonable measures that look to the overall parkland and open space of the Town, how that need is met, and if the project creates need that is not met by the existing designated areas. Once that need is identified, the inquiry becomes what demand does the Project create. Next is whether that need can be satisfied by the project facilities. If it can, there is no basis for a

parkland fee (ie. capital purchase and improvement of parkland). If the need cannot be entirely met, then the inquiry becomes what fee is required to meet the unmet need the project generates. It is the Applicant's opinion that the project addresses the project parkland needs on site and off site. The required analysis is set forth below:

The Town of Montgomery has more than five parks to serve the recreational needs of its residents totaling approximately 140 acres. Planning standards set forth by the National Parks and Recreation Association recommend that 5 to 8 acres of parkland be provided per 1,000 people. The U.S. Census estimates the Town's 2020 population, excluding the Villages of Maybrook, Montgomery and Walden at 9,530 persons (23,322 minus the Villages 3,150 + 3,834 + 6,818 respectively); thus, the Town requires 48 to 76 acres of parkland to meet the recommendation. A population increase of 625 people would increase the need for parkland between 3 and 5 acres. Adding this to the recommended range of 48 to 76 acres for the existing population, would require 51 to 81 acres of parkland. Based on the existing 140 acres of parkland in the Town, there is ample parkland to support the additional residents from the Project.

In addition, outdoor on-site recreational and social amenities are proposed onsite and consist of a children's playground, fit pit area, bocce courts, pickleball courts, a community garden, walking path and access to the pond on the east side of the property, fenced-in dog park and a covered picnic pavilion with a movie wall and grills. Proposed indoor recreation amenities include a fitness and yoga room, lounge area with a kitchenette and fireplace, and game room on the ground floor of each residential building. All three residential buildings also have a multi-purpose room with a kitchenette on the second floor. On the third floor Building 1 will have an 18-seat theater, Building 2 will have a painting room and Building 3 will have an activities room.

Furthermore, approximately 29.21 acres of the Site will be disturbed, leaving 23.21 acres, or 44% of the Site as undisturbed open space, of which 11.99 acres are considered usable open space that is not covered by wetlands. All of the on-site facilities will be for the use of residents and their guests.

Comment 10.3 – NPV Letter dated 4/15/2025:

NYSDEC wetlands. The project site is within the Walden census urban area. It is our understanding that all wetlands would be regulated by the NYSDEC. The Applicant will need to submit to the DEC for a jurisdictional determination. The FEIS should provide, as an appendix, the specific map and data submitted to the NYSDEC for its determinations.

Response 10.3:

A jurisdictional determination was requested from the NYSDEC using their online portal[5]. Letters of No Jurisdiction were received for Parcels 29-1-5.1, 5.2, 5.3 and 5.4. A Letter of Positive Jurisdiction was received for Parcel 29-1-5.5. Subsequently, the NYSDEC regional office was contacted to revalidate the on-site NYSDEC wetland limits, which occurred on September 5, 2025. The Letters and NYSDEC Freshwater Wetlands Delineation Map are included as Appendix D1.

Comment 10.4 – NPV Letter dated 4/15/2025:

[5] https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination

Lighting. “Outdoor lighting facilities of any kind where the light source is visible from outside the property lines, or where glare beyond the property lines creates public hazards or nuisances to nearby residential zones” is a prohibited use as per the Town’s zoning law. The FEIS should indicate whether the light sources for the development will be visible to any of the residences in the Montgomery Heights neighborhood. If so, it will need to be adjusted.

Response 10.4:

Outdoor lighting fixtures selected for the Site meet International Dark-Sky Association (www.darksky.org) requirements, which reduce negative impacts on the nighttime environment. Dark Sky Approved products minimize glare while reducing light trespass and skyglow. All products approved in the program are required to be fully shielded, meaning that the light source is not visible, and minimize the amount of blue light in the nighttime environment. The Lighting Plan shows the light distribution across the Site and the proposed foot-candle illumination at the boundary line. Light fixtures are positioned in locations that provide sufficient lighting for the safety and security of the future residents without ground level light spillage over the property line as depicted on Site Plan Sheets C-117 & 118 (FEIS Appendix L). In the locations where the light posts are closest to the Montgomery Heights neighborhood (on the entry road from NYS Route 17K, the driveway to the residential apartments, and the parking lot adjacent to Building 1) the light fixtures have been revised to be full cut-off lamps. Site Plan Sheet C-104 shows that in relation to the elevation of the closest Montgomery Heights home, these areas are respectively, at the same elevation, 16 feet higher, and 22 feet higher.

Comment 10.5 – NPV Letter dated 4/15/2025:

Visual resources. It does not appear that any visual analysis or simulation has been performed regarding the impact of major grading activities and construction of the development “pad” and retaining walls on the adjoining residences on Montgomery Heights Road. Insufficient information is provided on the impacts to these specific residences, especially 12, 14 and 16 Montgomery Heights Road. The DEIS makes representations that a retaining wall no more than 10 feet off the property line, and nominal amount of land for landscaping (8 feet in width) is mitigative. We question whether this is an adverse impact which is not being adequately mitigated. Focused discussion on impacts to these neighbors should be provided in the FEIS The Planning Board has also indicated they may desire a balloon test for the proposed project based on a review of the DEIS.

Response 10.5:

~~Photo-simulations are extremely time-consuming and costly to prepare. Once the revised plan has been reviewed in detail by the Planning Board, an updated rendering will be prepared and provided.~~ Although no formal site plan application is being sought for the commercial development, a rendering of what the development “pad” might look like is shown as Viewpoint 2 of DEIS Appendix G2. The retaining wall near the Montgomery Heights residences has been replaced by a landscaped slope which is blocked from view in Viewpoint 2 by the commercial building.

Comment 10.6 – NPV Letter dated 4/15/2025:

Environmental Justice Area. The Montgomery Heights neighborhood and Project Site is within a Potential Environmental Justice Area of the community: “*The EJ Siting Law requires lead agencies under SEQRA to consider whether an action may cause or increase a disproportionate pollution burden on a disadvantaged community (DAC) as part of the determination of significance for a proposed project and include an evaluation of whether the proposed action causes or increases any disproportionate pollution burden in a DAC where an environmental*

impact statement is required." The FEIS needs to consider the implications of the proposed project on any Environmental Justice Area.

Response 10.6:

According to available mapping[6] on the NYSDEC website, neither the Montgomery Heights neighborhood nor the Project Site is located within a Potential Environmental Justice Area (PEJA). PEJAs are U.S. Census block groups of 250 to 500 households each that, in the Census, had populations that met or exceeded at least one of the following statistical thresholds:

1. At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty level.

There is PEJA located approximately 1,000 feet to the southeast of the Project, which is bounded by NYS Route 17K to the north and NYS Route 208 to the west.

The Site is located in a disadvantaged community (DAC) area according to the NYS Climate Act map[7]. The Climate Leadership and Community Protection Act (Climate Act) requires that state agencies, authorities, and entities direct a minimum of 35% with a goal of 40% of the overall benefits on clean energy and energy efficiency programs, projects, or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation, and economic development to disadvantaged communities (DACs).

Although the Project is located in a DAC, it does not require a major permit application from the DEC pursuant to the following sections of the ECL:

- Article 15, Title 15, and Article 17 for facilities withdrawing and using over 20 MGD of water for cooling purposes
- Article 19, Air Pollution Control
- Article 23, Title 17, Liquefied Natural Gas and Petroleum Gas
- Article 27, Title 7, Solid Waste Management
- Article 27, Title 9, Industrial Hazardous Waste Management

In addition, the Project does not require any permits administered under the Uniform Procedures Act (UPA) for the construction of energy production, generation, transmission, or storage facilities, nor does it include sources and activities that may result in GHG emissions or copollutants, directly or indirectly, including those from mobile emissions related to and essential to the proposed action. Therefore, the preparation of a disproportionate burden analysis to meet the requirements of 6 NYCRR 621.3(a)(13) for the Project it not required.

Furthermore, due to its location in the DAC area, the project could be favored to receive investments in clean energy or energy efficiency from NYS.

Comment 10.7 – NPV Letter dated 4/15/2025:

6 https://www.arcgis.com/apps/mapviewer/index.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area__PEJA__Communities/FeatureServer

7 https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria

Wastewater treatment plant. The Planning Board has expressed that the visibility of the wastewater treatment plant, and potential emissions including odors, would be impactful to adjoining properties and the Town. The Planning Board has expressed that an alternative location should be considered, or the project should consider connection into an existing treatment facility

Response 10.7:

The exterior of the Wastewater Treatment Plant (WWTP) will appear similar to other commercial buildings constructed on the Site. Landscaping measures will be incorporated to effectively screen the facility. The proposed location of the WWTP represents the most suitable option, providing adequate separation distance from both the proposed water supply wells and the wetlands. Potential odors are expected to have minimal impact on adjacent properties, as the major biological treatment processes will occur within the enclosed WWTP building. This type of plant is very compact, and it produces a high-quality effluent and results in little odor. The MBR (Membrane Bioreactor) wastewater treatment plant is designed to minimize odor. Continuous aeration and fully aerobic operation prevent the formation of hydrogen sulfide and other odor-causing compounds. High MLSS concentrations (10,000–15,000 mg/L) and extended sludge retention times (20–30 days) promote complete biological stabilization of organic matter, further reducing odor potential. The MBR is housed within a building to limit the dispersion of any minor odors. To enhance air circulation, the building will be equipped with two air intake louvers and two exhaust fans, providing controlled airflow and preventing odor accumulation. Based on experience with similar MBR systems, the facility is not expected to generate noticeable odors outside the building. This technology has a proven record of successful installations, and a site visit to an operational MBR plant can be arranged to demonstrate minimal odor. The Applicant has considered connections to existing facilities but none will allow a connection. Therefore, connection to an existing treatment facility is not feasible.

Comment 10.8 – NPV Letter dated 4/15/2025:

Wetlands. During the public hearings, the public noted that numerous turtles had been observed using the on-site wetlands. It does not appear from the FEIS narrative that the ecologist went to the area where the core potential location for bog turtles is situated. Further, the habitat discussion of impacts is uneven and unclear. See comments below. It is recommended that the Town's ecological consultant visit the site to further assess the habitat.

Response 10.8:

The large NYSDEC wetland that borders the site would be expected to support populations of pond turtles. As suggested by the Town's ecological consultant, the site does not present core habitat for bog turtles. The area around any core habitat on the adjoining parcels of land was directly examined by the Town's ecological consultant, Mr. Jason Tusoro, during a field visit on June 19, 2025. His assessment of any of these areas of potential core habitat is that they appear to be sufficiently buffered and distant from project-related impacts. Any portions of the area on this site that might present non-core habitat for (bog) turtles are limited to the on-site open water areas and immediate shorelines of the pond, and these areas are all within the jurisdiction of the NYSDEC and are areas of the site that are not to be disturbed by the proposed development.~~While adjacent parcels of land might contain core potential habitat for bog turtles, those off-site areas, in other privately held parcels, were not accessed.~~

Comment 10.9 – NPV Letter dated 4/15/2025:

Fire district. At the time the DEIS was accepted, we believe there was little input from the Montgomery Fire Department. The FEIS needs to include comments from the department, given

the proposed layout and design of the buildings. The FEIS should indicate the type of construction being used for the building from a Fire Code perspective.

Response 10.9:

A list of concerns was received from the Montgomery Fire Department on April 2, 2025 and from Coldenham Fire Company dated March 26, 2025. The type of construction from a Fire Code perspective will be 5A.

Comment 10.10 – NPV Letter dated 4/15/2025:

Valley Central School District. The FEIS should document that the school district vetted the population and school age children multipliers and that the estimates are reasonable based on local data in the community. The multipliers utilized are old and potentially obsolete.

Response 10.10:

VCSD relies on the Comprehensive Long Range Planning Study Demographic, Enrollment & Facilities Analysis 2021-22 by Western Suffolk BOCES for future student enrollment forecasts and building operating capacities. The Long Range Planning Study (LRPS) takes a 10-year look-back at historical enrollment and predicts enrollment over the next ten years. An update to the report was issued during the 2024-25 school year. The Sheffield Gardens project is listed in Table 4 of the LRPS update as an Approved and Proposed Housing in the Valley Central SD. It is noted that the LRPS states on page 14 that "rental property generally attracts a more transient population with fewer school-aged children than owner occupied housing". The VCSD was contacted to provide the source of the multipliers utilized by Western Suffolk BOCES in the LRPS, to which they stated they use "Rutgers". Correspondence with VCSD is included in Appendix J. The projected number of school age children (grades K-12) who would live in development (55 based on multipliers of 0.08 children per one-bedroom apartment and 0.23 children per two-bedroom apartment) was shared with VCSD and acknowledged in the February 10, 2025 letter in Appendix B1.

Comment 19.4 – Gina Zwart letter dated 3/10/2025:

Concerning the water for this project, what happens when the old Village at Goodwill with it's 400 plus homes finally takes off? This property borders that what are the concerns with this. Who is paying for the water and sewer district connections that we all know will happen. My tax bill went up 48% in one year I don't think the town residents would appreciate another large increase.

Response 19.4:

The approved Village at Goodwill (Vistamor) site plan General Notes #17 states that "Upon completion of the water system (water supply wells, water storage tanks, water mains, water and its rights and easements) the project owner shall dedicate all of it to the Town". The property owner is responsible for paying for any water and sewer district connections. Furthermore, only properties included in a water and sewer district are billed for water and sewer fees.

Comment 19.5 – Gina Zwart letter dated 3/10/2025:

The size of this project is concerning also. The property really doesn't seem the right size for this many apartments and all the things they want to provide. Three story tall building will be an eye sore along that area. Look at the one on Hawkins. That is an eye sore and not a good fit.

Response 19.5:

The proposed buildings comply with all zoning code requirements, including building height.

Comment 21.1 – Karina Tipton email/letter dated 5/9/2025:

Chair Beaumont's representation to the public at the final public hearing that there would be several opportunities to participate in public hearings glossed over the importance of the SEQRA hearing for DEIS. The public can provide comment on the site plans and other components at other hearings, however, the public will not have an opportunity to indicate to the planning board where mitigation activities have not been fully taken or evaluated after the DEIS and FEIS have been finalized. This is a key component of SEQRA - the opportunity for neighbors to share with the planning board how a project will impact them, and an opportunity for the planning board to work with the applicant to ensure that all potential impacts have been mitigated.

Response 21.1:

Comment is noted. The public will have the opportunity to review and comment on the FEIS ~~before~~ after it is accepted as complete by the Planning Board.

Comment 23.1 – Lisa Melville letter received 3/10/2025:

The purpose of an EIS is to enable the public and decision-makers to understand the nature and consequences of specific environmental impacts that can be mitigated. Part of environmental review is to take a look at cumulative impacts. For instance, there are several large multi-family residences being built or proposed to be built out within a short period of time in the town and the village of Walden. How do all these added units affect our school system and it's ability to handle all these new students as well as the other cumulative impacts like water, sewer and traffic.

Response 23.1:

~~Cumulative impacts were identified in the Scoping Document and considered in the DEIS.~~ The VCSD Comprehensive Long Range Planning Study 2021-2022 and the VCSD Long Range Planning Study Update 2024-25, both prepared by Western Suffolk BOCES Office of School Planning and Research, which include forecasts for future student enrollment for the entire district, were utilized to assess the cumulative impacts to the school district. The Traffic Impact Study also includes future traffic generation from other proposed projects in the area to evaluate the cumulative impacts on the existing road network. The water and sewer systems are designed to serve only the proposed development and therefore cumulative impacts were not studied.

3.4 EXECUTIVE SUMMARY

Comment 2.32 – Neil Moscato, Verbal Comment from the March 10, 2025 Public Hearing:
What does MILR stand for? And how did we come up with Sheffield Gardens? What's the history behind the name?

Response 2.32:
M,I,L, and R are the initials of each of the Project developers' first names. The name Sheffield comes from local history, as described on the Village of Walden website on the Walden History page.[8] "Little Sheffield" was the name that Walden earned in the early 1900's as it became the cutlery capital of the United States, named after Sheffield, England, which at the time, was renowned for its steel production and knife manufacturing.

Comment 8.1 – MHE Engineering memo dated 5/8/2025:
Table 1.3 should be updated to identify the Town of Montgomery as an MS4 for the proposed waiver request for the ability to disturb more than 5 acres at one time as opposed to NYSDEC

Response 8.1:
Table 1.7 in the FEIS has been updated as requested.

Comment 8.2 – MHE Engineering memo dated 5/8/2025:
Table 1.3 identifies bedrock and blasting removal procedures as mitigation measures; however, these measures have not been included in the DEIS.

Response 8.2:
The following language is included at the end of DEIS Section 3.1.3

Bedrock Removal Procedures

Rock removal by blasting is not anticipated. However, if rock is encountered during construction, the contractor will first attempt to remove exposed bedrock by mechanical means. If blasting is unavoidable, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements. Since blasting impacts and protocols are specific to each location, they will be addressed by the construction contractor through a pre-blasting analysis and development of a blasting protocol.

Comment 8.3 – MHE Engineering memo dated 5/8/2025:
With regards to Tabel 1.3, the applicant should evaluate the potential impacts of the proposed sewer plant under Aesthetic Resources.

Response 8.3:
The sewer plant has been added to the potential impacts under Table 2.2.

Comment 10.11 – NPV Letter dated 4/15/2025:
Confirm you are installing "fit pit" or "fire pit" on pages 24, 222 and 224.

Response 10.11:
The typo "fit pit" has been corrected to "fire pit" in the FEIS.

Comment 12.1 – Planning Board comments dated 5/9/2025:
The FEIS outline all mitigation measures in clear terms. Table 1.3 (Section 1.3) at pages 12-15, and elsewhere, needs to carefully describe all of this.

Response 12.1:
Mitigation measures have been described in clear terms in FEIS Table 2.2.

[8] https://villageofwaldenny.gov/residents/walden-history

3.5 PROJECT DESCRIPTION

Comment 1.5 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

Tie-ins for water and sewer for properties along Montgomery Heights are addressed in the 12/12/2022 SEQRA scoping document under 10-F. However, these tie-ins are not mentioned in the latest DEIS.

Response 1.5:

The water and sewer systems are designed specifically for the Project use, and do not have capacity for additional users or tie-ins without further expansion.

Comment 1.7 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

What are the contingencies if the Sheffield Gardens' owner fails to maintain any onsite infrastructure? Does the Town of Montgomery assume responsible for domestic water and wastewater systems if they fail?

Response 1.7:

The approvals will include various agreements that provide the legal basis and operational controls to deal with any contingencies. The Town Board will be petitioned to approve a water district and sewer district for the project property. The Town Board will be petitioned to consent to the formation of a water transportation corporation and sewer transportation corporation. They are public utilities regulated by statute and developer's agreements to provide the Town with the authority and control of the utility systems. Any costs or expenses are charges to the project property.

Comment 2.10 – Ron Trent, Verbal Comment from the March 10, 2025 Public Hearing:

I don't understand why they're not being pushed towards municipal water and sewer. I know it's a disturbance, but that's the type of – this is the type of project that warrants that type of connection.

Response 2.10:

The project application includes the means and methods for public utility regulation and for municipal sewer and water at the Town's control.

Comment 2.35 – Darlene Provino, Verbal Comment from the March 10, 2025 Public Hearing:

For a project this size, I don't see how you can ever get it approved without doing public water and sewer for that many units.

Response 2.35:

See **Response 1.7** and **Response 2.10**.

Comment 2.62 – Cheri Zahakos – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

What is your anti-icing treatment? There's a best practice that we hold. Fishkill developed it. Just to make sure that when you're examining that particular handling, we'd like a little more expansion on that.

Response 2.62:

The NYSDEC promotes reducing road salt use through guidance on best practices for storage and application.. Guidance encourages municipalities to limit salt use to what is needed, avoid application near sensitive water resources, use application regulators, consider liquid salt brine, and ensure proper storage to prevent environmental contamination. Communities should also consider developing written snow and ice plans to mitigate liability concerns and encourage salt reduction strategies.

DEIS Section 3.2.2 states that deicers will only be used on roadways and sidewalks, which will account for 16% of the Site, to prevent slip and fall hazards and that by routing runoff from all developed portions of the Site, both impervious and landscaped, through the proposed stormwater treatment facilities, the pollutants of concerns, including pesticides, fungicides, and deicing agents, will be prevented or mitigated to the fullest extent possible from reaching wetlands and their buffers.

The Proposed Action acknowledges the risk of salt migration to wetlands and surface waters and will incorporate Best Management Practices (BMPs) for winter maintenance recommended by NYSDEC and regional guidance, including those outlined in the Dutchess County EMC/Cary Institute report[9]. The Property Owner will:

- Limit salt application to essential areas only (roads and sidewalks, ~16% of site).
- Use calibrated spreaders to control application rates.
- Consider liquid brine pre-treatment to reduce overall salt use.
- Store deicing materials off-site to prevent contamination.
- Route all runoff through stormwater management facilities designed to capture and treat pollutants, including chlorides, before discharge.

These measures will minimize potential impacts on water quality and sensitive habitats.

Comment 3.31 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:

There's 11 acres of wetlands on that property that are not going to be touched basically. I think they're going to take 1,700 square feet of wetlands and do something with it. That leaves 11 acres. My suggestion is create a conservation easement.

Comment 5.5 – Conservation Advisory Council Memo dated 5/8/2025:

On page 42 of the DEIS, it reads, "*The proposed undeveloped portion of the Site occupies 24.14 acres of 46% of the parcel. The remaining open space will help conserve the Town's natural resources in a sustainable, contiguous area of undeveloped lands."* This is an excellent idea. Has the developer considered making all or some of this land into a permanent conservation easement, to remain undeveloped in perpetuity?

Responses 3.31 & 5.5:

The status of the wetlands and preservation will be addressed in the terms of the approval conditions as determined by the Town, which can include a conservation easement.

Comment 6.9 – Coldenham Fire Company Memo dated 3/26/2025:

Where are the Fire Department Connections located on each building? Are the FDC going to be storz connections or y connections?

Comment 9.11 – Montgomery Fire Department letter received 4/2/2025:

Where are the fire department connections in the building? Storz or Gated?

Responses 6.9 & 9.11:

A fire department connection will be located at the front of each building near the main entrance and it will be Gated.

Comment 6.10 – Coldenham Fire Company Memo dated 3/26/2025:

Does the complex have standpipes? If so what are the locations of the standpipes and what is the flow rate of the system?

Response 6.10:

[9] https://www.caryinstitute.org/sites/default/files/downloads/report_road_salt.pdf

No, there will not be standpipes.

Comment 6.11 – Coldenham Fire Company Memo dated 3/26/2025:
If building has standpipes it is extremely important that the FDC on the building be clearly labeled whether they are standpipe connections or sprinkler connections?

Response 6.11:
There will not be standpipes.

Comment 6.12 – Coldenham Fire Company Memo dated 3/26/2025:
Do the buildings have trash chutes and/or trash compacts? If so is the chute sprinklered and is there a fire department hook up on the compactor?

Response 6.12:
The buildings will have two trash chutes but no trash compacters. The trash chutes will be sprinklered.

Comment 6.13 – Coldenham Fire Company Memo dated 3/26/2025:
Building Construction- Are these buildings truss construction or stick built? If truss where are they-flooring, roofing, etc?

Response 6.13:
Floor joists will be TJI joists and roof will be trusses.

Comment 6.14 – Coldenham Fire Company Memo dated 3/26/2025:
Do these units have fire breaks or is it common space throughout the attic and void spaces?

Response 6.14:
There will be fire blocking in the attic above every second dwelling unit and above one wall of the corridors. Areas in attic will not exceed 3,000 SF without fire blocking.

Comment 6.15 – Coldenham Fire Company Memo dated 3/26/2025:
Will there be fire doors in the hallways?

Response 6.15:
There will be one fire door in the hallway on each floor.

Comment 6.16 – Coldenham Fire Company Memo dated 3/26/2025:
Do these buildings have any fire escapes from the upper floors or is the only emergency access/egress through interior stairwells and elevators?

Response 6.16:
There will be no exterior fire escapes. There will be four interior stairwells.

Comment 6.17 – Coldenham Fire Company Memo dated 3/26/2025:
Does the facility have elevators? Is so how many and where? Will the facility provide the fire department with the appropriate elevator keys?

Response 6.17:
There will be two elevators in the central hallway located 196’ from each other, and the facility will provide the fire department with the appropriate elevator keys

Comment 6.18 – Coldenham Fire Company Memo dated 3/26/2025:
Are the stairwells going to be labeled ie: stairwell a, stairwell b etc?

Response 6.18:
Yes the four stairwells will be labeled.

Comment 6.20 – Coldenham Fire Company Memo dated 3/26/2025:
What is the overall height of the buildings and is there enough room for fire apparatus and personnel to safety operate outside of the recognized collapse zone which is 1.5 times the height of the building?

Response 6.20:
The building heights will be 35 feet or less~~, unless a height variance is applied for and received,~~ and meet all building and fire codes.

Comment 6.21 – Coldenham Fire Company Memo dated 3/26/2025:
Parking lot navigation- According to the drawings it appears the actual driving areas of the parking lot are only 20 feet wide. Setting up a Tower Ladder takes up an 18 foot jack spread. So if the parking lot is full and a Tower Ladder is set up that leaves about 1 foot of operating space for emergency personnel to walk and operate around either side of the apparatus. Members need to be able to open compartments and access equipment quickly.

Response 6.21:
The driving aisles in the parking lots are 26 feet wide, which will allow for sufficient room for firefighting apparatus operation.

Comment 6.22 – Coldenham Fire Company Memo dated 3/26/2025:
I see potential issues with apparatus navigating the parking lot specifically turning between buildings based on apparatus length and tail swing? Was the fire department contacted to ascertain the overall length and wheelbase of vehicles expected to navigate the lot? This will further be impacted by light post placement and snow piles?

Response 6.22:
The Montgomery Fire Department was contacted to provide comments and concerns. Truck turning figures have been provided in Appendix H3 to assure fire trucks can easily access the entire roadway network.

Comment 6.23 – Coldenham Fire Company Memo dated 3/26/2025:
Are the power and utility lines going to be overhead or underground service? Overhead lines may impede aerial device placement.

Response 6.23:
All proposed utilities will be installed underground.

Comment 6.24 – Coldenham Fire Company Memo dated 3/26/2025:
Where are the fire alarm panels going to be located and will there be satellite panels throughout the building?

Response 6.24:
The fire alarm panel will be located in the main lobby of the building. There will be satellite panels throughout the building according to the Building and Fire Code or according to the authority having jurisdiction.

Comment 6.25 – Coldenham Fire Company Memo dated 3/26/2025:

Electric Vehicle Charging Stations- Several on the drawings. Will there be emergency power off switches for these stations and where will they be located? These charging stations should be kept as far away from other vehicles and buildings as possible. EV fires present a unique set of hazards for responders.

Response 6.25:

Three groups of three electric vehicle charging stations are located in the parking areas for the residential apartments as far from the proposed building as possible and with spacing between them and the adjacent parking spaces.

Comment 6.26 – Coldenham Fire Company Memo dated 3/26/2025:

Does the facility have generators? If so are the natural gas, propane, diesel? Where will they be located and what will they power?

Response 6.26:

A natural gas or propane powered emergency generator is proposed to power the water treatment building, including the well pumps, as well as wastewater treatment facility. Each generator will be located next to the facility for which they supply emergency power.

Comment 6.27 – Coldenham Fire Company Memo dated 3/26/2025:

Heating System and HVAC- Natural Gas, Heating Oil, Propane, Electricity? If propane or heating oil what are the capacity's of the tanks used to hold the material?

Response 6.27:

The heating system will be electric.

Comment 6.28 – Coldenham Fire Company Memo dated 3/26/2025:

Solar Panels- Any at the location if so where and how many? Make sure EPOs are clearly identified.

Response 6.28:

Solar panels are not currently proposed for this Project.

Comment 6.29 – Coldenham Fire Company Memo dated 3/26/2025:

Will each unit have its own laundry set up or are there common laundry areas? Commercial vs residential washer and dryers.

Response 6.29:

Each unit will have its own laundry inside their apartment.

Comment 6.30 – Coldenham Fire Company Memo dated 3/26/2025:

Each Building should be clearly labeled with its proper designation where that be a separate address or a building letter or number. Should be labeled on all 4 sides.

Response 6.30:

Yes, all buildings will be ~~properly~~ labeled ~~according to the Building and Fire Code or/and according to the authority having jurisdiction~~on all four sides of the building.

Comment 6.31 – Coldenham Fire Company Memo dated 3/26/2025:

Are there any equipment or storage units at the location? Will the contents of these storage units and sheds be governed. Concerns with hazardous materials specifically batterys and fuel.

Response 6.31:

There is no storage rooms proposed for the tenants. There will be mop closets and cleaning supplies storage in the building, but no equipment or hazardous material will be stored. There will be an equipment/maintenance shed. The contents of the shed will not exceed the hazardous limitations of the Building and Fire Code

Comment 8.4 – MHE Engineering memo dated 5/8/2025:

Throughout the document, the wastewater treatment and proposed water facilities are noted to be operated by a transportation corporation in the future. The Town of Montgomery Town Board has expressed their desire via letter to the applicant to accept dedication of the proposed water and sewer improvements. As such, the document should be updated accordingly.

Response 8.4:

There will be an offer of dedication, operational requirements and various security provisions to allow control and operation of the water and sewer improvements until the Town decides as to schedule, timing and other aspects of turnover of the completed systems and operation and the Town exercises its option to accept the offer of dedication. Also see **Response 1.7** and **Response 2.10**.

Comment 8.5 – MHE Engineering memo dated 5/8/2025:

Under Section 2.3.4 - Water, the applicant has a typo where 61,630 gallons per day is noted as the proposed water use whereas our office understands the total water use proposed is 61,360 gallons per day.

Response 8.5:

The total water use proposed is 61,360 gallons per day. 61,630 is a typo.

Comment 8.49 – MHE Engineering memo dated 5/8/2025:

The applicant should address the Montgomery Heights Road Dedication. Fire apparatus turn around(s) should be considered.

Response 8.49:

The revised entrance configuration provides for adequate fire apparatus access and improves the existing condition in which no vehicle turnarounds are provided.

Comment 8.50 – MHE Engineering memo dated 5/8/2025:

The applicant is proposing a private road to serve the 3 proposed lots. Based on Town Code Section 235-7.8, a private road will need to be authorized by the Town Board. Further, the applicant should consider how the proposed private road and Turn-A-Rounds meet the requirements of the State Fire Code, more specifically Turn-A-Rounds.

Response 8.50:

The current Proposed Action proposes three lots and a right-of-way for the new entrance road from NYS Route 17K and east/west leg of Montgomery Heights Road. In the revised entrance configuration, the primary access roadway, up to and including the east-west leg of Montgomery Heights Road, will be gratuitously dedicated to the Town of Montgomery. Beyond the new intersection, a proposed private driveway will provide access to the residential apartments and the eastern side of the future retail parcel, which does not require Town Board approval. A turn-a-round will be provided on the north/south leg of Montgomery Heights Road near NYS Route 17K.

Comment 9.12 – Montgomery Fire Department letter received 4/2/2025:

Access- Would we have access to all four sides of the buildings outside of the collapse zone?

Response 9.12:

Yes, all four sides of the building are accessible as per NYS fire code requirements.

Comment 9.13 – Montgomery Fire Department letter received 4/2/2025:

Are there any emergency access roadways?

Response 9.13:

Yes, there are two emergency access roadways proposed. One from the termination of the north-south leg of Montgomery Heights Road on the west side of the Project and a second from NYS Route 17K on the east side of the project.

Comment 9.14 – Montgomery Fire Department letter received 4/2/2025:

Access road connecting Montgomery Heights Drive only 20' wide, should be a minimum of 26' as per code. Also, all hydrants should be 26' wide in their locations.

Response 9.14:

The emergency access road from the termination of the north-south leg of Montgomery Heights Road is 20 feet wide as required by NYS Fire Code Appendix D Fire Apparatus Access Roads.

Comment 9.15 – Montgomery Fire Department letter received 4/2/2025:

We need to make sure all interior courtyards and roadways allow for all apparatus from Montgomery and our automatic aid departments can navigate. Need to apply our turning radius to make sure no curbs, shrubs, trees etc. will impede. We have ladders, towers, engines and rescue to consider.

Response 9.15:

Truck turning figures have been provided in Appendix H3 to assure fire trucks can easily access the entire roadway network.

Comment 9.17 – Montgomery Fire Department letter received 4/2/2025:

Elevators and Fire Escapes?

Response 9.17:

There will be two elevators, four stairwells and no fire escapes.

Comment 9.18 – Montgomery Fire Department letter received 4/2/2025:

Are there any hazardous materials on site? Equipment sheds? Storage units? Any generators? Are the buildings heated by gas, electricity or oil? Any solar panels? Laundry rooms? Alarm systems?

Response 9.18:

Are there any hazardous materials on site? No

Equipment sheds? There will be an equipment/maintenance shed. The contents of the sheds will not exceed the hazardous limitations of the Building and Fire Code

Storage units? No

Any generators? Not for the buildings. There will be generators for the wastewater treatment plant and water treatment building.

Are the buildings heated by gas, electricity or oil? Electric

Any solar panels? No

Laundry rooms? No

Alarm systems? Yes

Comment 10.12 – NPV Letter dated 4/15/2025:
Why is an excess of being provided on the project site 677 required versus 819 provided (additional 142 parking spaces)? The FEIS should provide a rationale for the additional parking and need to disturb the site for the excess parking supply. Is it anticipated that commercial vehicles would be allowed to park on the site?

Comment 12.4 – Planning Board comments dated 5/9/2025:
The parking narrative should provide justification for the excess parking proposed on the site (beyond what is required by the zoning).

Response 10.12 & 12.4:
The parking capacity was selected to anticipate maximum possible demand. The number of parking spaces has been reduced to ~~741~~704. It is not anticipated that the parking areas will be utilized for commercial vehicles other than service providers and resident personal vehicles. Vans and pick-ups are commonplace basic transportation for resident small business or service owners.

Comment 10.13 – NPV Letter dated 4/15/2025:
Given the very large scale of the buildings and rooftops, is rooftop solar an option?

Response 10.13:
The nature of the residential apartment roofs do not accept solar units and can interfere with roof maintenance.

Comment 10.14 – NPV Letter dated 4/15/2025:
Will there be an onsite manager? Given the number of dwelling units on the site, it would be beneficial to have 24-hour presence.

Response 10.14:
There will be an onsite permanent resident manager, project business office and onsite custodial-maintenance employee or contractor.

Comment 10.15 – NPV Letter dated 4/15/2025:
There has been discussion of an alternative to close Montgomery Heights at its westerly intersection and connect the neighborhood to the new driveway. The Applicant proposed that the driveway would be private. The FEIS needs to address the preferences of the Town in the arrangement and whether the road will be public or private.

Response 10.15:
An alternative access to the Site from NYS Route 17K has been proposed, reviewed by NYSDOT and submitted to the Town Planning Board at which it was discussed at a public meeting. The right-of-way for the entrance roadway from NYS Route 17K up to and including the east/west leg of Montgomery Heights Road will be dedicated to the Town of Montgomery to become a public road.

Comment 10.16 – NPV Letter dated 4/15/2025:
The construction period phasing should be updated in the FEIS.

Response 10.16:
The construction phasing narrative has been updated in FEIS Section 1.4.

Comment 10.17 – NPV Letter dated 4/15/2025:
The FEIS should discuss the option of limiting certain construction activities on Sundays or weekends. The potential noise impacts are generically considered and the impact discussion minimizes what may occur to the adjoining residences.

Response 10.17:

The allowable construction times will be set forth as conditions for the land use approvals. Construction will be conducted during specific hours that comply with the Town of Montgomery Noise Code. Section 162-7.B states construction activities are permitted on weekdays during daytime hours and on weekends and holidays during the hours of 10:00 a.m. to 5:00 p.m. Blasting is not permitted on Sunday or holidays. However, the Applicant will voluntarily limit construction hours to Monday – Friday 7 am to 7pm and Saturday from 10am to 5pm. There will be no construction on Sundays or Federal Holidays.

Comment 10.18 – NPV Letter dated 4/15/2025:

The FEIS should include a maintenance plan that documents the regular maintenance of the apartment building. It is anticipated that the lots can be in different ownership, so the plan or easements and agreements need to document how facilities will be maintained when they are interconnected. How is security being addressed? Will the cameras be monitored 24 hours?

Response 10.18:

The Project will be required to comply with the conditions of approval, which will include a common use and maintenance agreement. A map note stating this has been added to the subdivision and site plans. A security system will be installed following recommendations from a credible competent security service provider. If cameras are a component, they will be monitored as is provided for in the system operations.

Comment 10.19 – NPV Letter dated 4/15/2025:

The FEIS should document how the market value for the various alternatives and the proposed action can be the same, especially the alternative with more buildings that have fewer dwellings in each.

Response 10.19:

The market value is based on the total number of units. Since the various alternatives have the same number of residential units as the Proposed Action, their market values are also the same.

Comment 10.20 – NPV Letter dated 4/15/2025:

The FEIS and Applicant should indicate whether they a height variance will be pursued.

Response 10.20:

A height variance ~~will not be~~is not being pursued ~~at this time~~.

Comment 10.21 – NPV Letter dated 4/15/2025:

The FEIS needs to document all improvements required by the NYSDOT. It has been discussed that a new signal would be considered.

Response 10.21:

The proposed off-site improvements that the NYSDOT will review and approve include: a Traffic Signal left turn lanes at the NYS Route 17K/Bailey Road/Site Access intersection, and traffic signal coordination along NYS Route 17K. These improvements are discussed in detail in FEIS Section 3.13.

Comment 10.22 – NPV Letter dated 4/15/2025:

A benefit of the action is the land that will remain in open space. What measures will be implemented to retain the lands in open space? Will a conservation easement or other restrictions be imposed? Is this required for a cluster development, if this is needed to transfer the dwelling units?

Comment 12.5 – Planning Board comments dated 5/9/2025:

The FEIS should clarify how the open space will be preserved in perpetuity. To state that current zoning won't allow further development does not provide any future assurances.

Response 10.22 & 12.5:

The status of the wetlands and preservation will be addressed in the terms of the approval conditions as determined by the Town, which can include a conservation easement.

Comment 12.2 – Planning Board comments dated 5/9/2025:

Combination of retail/ residential (zoning?)

Response 12.2:

The Project Site is located within one business zoning district (B-2) and two residential districts (RM-1 and RA-1).

Comment 12.3 – Planning Board comments dated 5/9/2025:

Snow removal/ storage areas insufficient and must be examined.

Response 12.3:

Snow removal storage areas have been expanded in the revised plans in Appendix L.

Comment 14.1 – Town Board letter dated 5/9/2025:

All water and wastewater infrastructure shall be designed to a municipal standard. During the design process the Town Engineer, and/or the Town's Consulting Engineer should be involved in the design of all components. The design of the infrastructure shall include provisions for future expansion.

Response 14.1:

The water and wastewater infrastructure has been designed to Town of Montgomery standards and included the ability to be expanded in the future if the Town desires. The Town Engineer and the Planning Board's Engineer will review and approve all components of the water and wastewater infrastructure.

Comment 14.2 – Town Board letter dated 5/9/2025:

The water and wastewater infrastructure shall be offered for irrevocable dedication to the Town. The Town Board will consider accepting dedication of the water and wastewater infrastructure upon start-up of the facilities to ensure that the infrastructure is properly operated and maintained.

Response 14.2:

See ~~responses~~ **Responses ~~to~~ 1.7, 2.10 and 8.4**, which indicate the water and wastewater infrastructure will be offered for dedication to the Town. If the Town Board does not immediately accept the offer of dedication, the Town Board will be petitioned to consent to the formation of a water transportation corporation and sewer transportation corporation and the Project Owner will, own, operate and maintain the water and wastewater infrastructure.

Comment 14.3 – Town Board letter dated 5/9/2025:

The environmental impact statement should include a sufficient budget for operation and maintenance of the facilities as well as the establishment of a capital fund to pay for repairs.

Response 14.3:

The creation of transportation corporations for water and sewer require various security devices including operation bonding based on income and expense. Those budgets will be part of the application to the Town Board for the necessary consents. A capital reserve fund will be supplemental to the statutory required bonding, based on reasonable life use of infrastructure components.

Comment 14.6 – Town Board letter dated 5/9/2025:

Adequate land shall be provided around all water and wastewater treatment facilities to allow for future expansion of the facilities.

Response 14.6:

Adequate land is provided around both the water and wastewater treatment facilities to allow for future expansion of those facilities.

Comment 14.7 – Town Board letter dated 5/9/2025:

The developer shall fund a capital improvement fund for both water and wastewater infrastructure in the amount of 25% of the capital cost of the improvements. The capital fund will be maintained in the water and sewer district fund for the service area of the district.

Response 14.7:

See Response 14.3.

Comment 22.1 – Kirk Phillips email dated 3/11/2025:

Wells and a wastewater treatment plant?

Response 22.1:

The Project will utilize on-site wells to provide water to the Project and an on-site wastewater treatment plant to treat sewage generated by the Project.

Comment 24.8 – Louis Doro letter dated 2/10/2025:

What are the contingencies if the SG owner fails to maintain any on-site infrastructure? Does the TOM assume responsibility for domestic water and wastewater systems?

Response 24.8:

As is common for residential developments of this kind, the Property Owner will provide a blanket easement over the parcel to allow the Town to maintain on-site infrastructure if the property owner fails to. Any improvements or repairs made by the Town will be charged back to the property owner via property taxes.

3.6 LAND RESOURCES

Comment 8.6 – MHE Engineering memo dated 5/8/2025:

Appendix B1 includes test pit locations and logs of excavation exploration for ground water and rock. Our office notes that no test pits were performed in the vicinity of the proposed sewer treatment plant nor the proposed commercial building.

Response 8.6:

Test pits were performed in areas where the largest grading cuts are anticipated to determine the depth to bedrock. There is little to no grading expected in the area of the proposed sewer treatment plant or the proposed commercial building.

Comment 8.7 – MHE Engineering memo dated 5/8/2025:

Section 3.1.2 should include the supporting documents for the cut/fill analysis.

Response 8.7:

The calculation data for the cut/fill analysis is provided in Appendix C.

Comment 8.8 – MHE Engineering memo dated 5/8/2025:

Under Section 3.1.3 – Bedrock Removal Procedures, the applicant notes that rock removal by blasting is not anticipated and if blasting is required for the project, they will "be addressed by the construction contractor through a pre-blasting analysis and development of a blasting protocol." The blasting protocol should be developed as part of the Environmental Impact Study.

Comment 10.27 – NPV Letter dated 4/15/2025:

In the first Bedrock paragraph, it states "If bedrock is encountered, every attempt will be made to remove it to the desired grade by mechanical means such as bulldozers, backhoes, rock hammers and/or pneumatic hammers. While rock removal by blasting is not anticipated, should it be required, all Federal, State, and local rules and regulations governing blasting activity will be strictly followed. Blasting will be utilized as a method of last resort." If blasting is proposed, a protocol needs to be included in the FEIS. The FEIS should also evaluate whether blasting could occur in proximity to the adjoining buildings.

Response 8.8 & 10.27:

The following information has been added to Section 1.4:

The Town of Montgomery currently does not regulate blasting except under §162 Noise where it is permitted on Monday through Friday during daytime hours and Saturday, during the hours of 10:00 a.m. to 5:00 p.m. However, the Applicant will voluntarily limit construction hours to Monday – Friday 7 am to 7pm and Saturday from 10am to 5pm. There will be no construction on Sundays or Federal Holidays.

The following blasting protocol will be followed to ensure safe, effective blasting on-site by requiring detailed planning, oversight, and compliance with state and federal regulations.

1. Blast Plan Submission
    a. Contractor must submit a written blast plan for conditional approval.
    b. Plan reviewed by Geotechnical Engineering;
    c. Profile rock face before drilling.
    d. Limit blast size/frequency in sensitive areas.
2. Pre-blast Meeting
    a. Mandatory attendees: Engineer, Contractor, Project Blaster(s), Engineering Geologist, and relevant agencies.
    b. Discuss blast design, safety measures, and site-specific conditions.
    c. Final approval of Blast Plan after pre-blast meeting.
3. Documentation
    a. All blasts will be properly documented.

   b. Maintain driller's logs, borehole deviation surveys, and geologic profiles.
4. Test Blasts
   a. May be required to validate design and adjust plan.
5. Monitoring & Mitigation
   a. Preblast Surveys: Document nearby structures within 300 ft.
   b. Seismic Monitoring: Required for vibration control.
   c. Emergency Action Plan: For gas migration or misfire incidents.
6. Safety & Compliance
   a. Blaster Certification: NYSDOL Blaster Certificate of Competence required (Class A/B for rock blasting).
   b. Explosives License: Needed for purchase, possession, or transport of explosives.
   c. Regulatory Compliance: Adhere to NYSDOL (12 NYCRR 61) and NYSDOT Standard Specifications.
7. Major Hazards & Controls
   a. Flyrock: Prevent with proper blast design, stemming, mats, and site clearance.
   b. Ground Vibrations: Monitor with seismographs; comply with particle velocity limits.
   c. Airblast Overpressure: Control via blast timing, design, and atmospheric conditions.
   d. Noxious Fumes: Ventilate trenches, monitor CO levels, use vent holes/pits.
   e. Misfires: Immediate inspection post-blast; re-detonate or safely remove explosives.
   f. Bedrock Displacement: Avoid damage to adjacent pavement/utilities.

Comment 10.23 – NPV Letter dated 4/15/2025:

Please confirm that all onsite debris has been removed.

Response 10.23:

The Phase I Environmental Site Assessment Report dated August 29, 2024 found in DEIS Appendix K states "On August 8, 2024, TEAM together with site clean-contractor, Conner Spencer, conducted a re-inspection of the former debris location. The inspection of these property areas revealed no remaining debris, unusual odors, or stained soils/vegetation."

Comment 10.24 – NPV Letter dated 4/15/2025:

In our evaluation, the proposed action does not minimize cuts and fills to the maximum extent. The need for retaining walls and export of cuts indicates that has not occurred. We question whether the proposal would be more "terrain adaptive" if the smaller building alternative was constructed.

Response 10.24:

The grading plan balances cuts and fills, to the greatest extent possible given the Site's topography and environmental constraints, with the building layout the Property Owner intends to construct.

Comment 10.25 – NPV Letter dated 4/15/2025:

Has sufficient space been provided between the retaining wall and the adjoiner for safety purposes? What kind of construction is proposed to ensure there will not be a retaining wall failure?

Response 10.25:

The retaining wall near the adjoining parcels on Montgomery Heights Road has been eliminated from site plan.

Comment 10.26 – NPV Letter dated 4/15/2025:

In the second full paragraph where it states “Construction of the wall will not impact the residential neighbor or the existing tree line along the shared property line”, this is not a substantive sentence as it does not give indication as to why this is the case.

Response 10.26:

See **Response 10.25**.

3.7 SURFACE WATER RESOURCES

Comment 1.27 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

Have the new DEC rules been addressed for this that have gone into effect regarding wetlands and vernal pools?

Comment 2.66 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:

Do the new SEQRA wetland regs have any impact in your project? Because your narrative in the DEIS predated those regs and they contemplated they'd be adopted. Well, they were adopted. Now the question becomes, does it change anything for Sheffield Gardens?

Response 1.27 & 2.66:

A revalidated NYSDEC wetlands map was signed on September 5, 2025, which expires in 5 years. The map is included in FEIS Appendix D1. The boundary of Wetland WD-29 on the eastern side of the Site did not change nor did its 100-foot adjacent area. The two smaller wetlands on the western portion of the Site are now designated as NYSDEC wetlands and have a 100-foot adjacent area surrounding them.

Comment 2.12 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

The culvert east to Richard's has never worked properly. It always has standing water there. You could drive by right now and see. For the past decade or so it's never flowed correctly. That's why wetlands have been building up exponentially over the years.

Response 2.12:

The culvert is within the right-of-way of NYS Route 17K and owned by NYSDOT. The Applicant does not have the ability to investigate or maintain this culvert.

Comment 2.46 – David Lehrer, Verbal Comment from the March 10, 2025 Public Hearing:

It's a very, very small stream that we're adjacent to that's all connected. I can tell you that any additional water that gets added into this will not only backflow into those properties, into people's backyards. In addition, all the – that stream that's connected running down 208, every property from us to the Wallkill will be affected. There's no way it can handle any sort of additional capacity. I haven't seen any information about the amount that is expected in that.

Comment 29.12 – Richard Dairy Shed letter dated 3/10/2025:

All of the impervious land created by these parking spaces will have a tremendous impact on the water as well. With all of the stormwater runoff that will collect pollutants as it returns to the wetlands or surrounding streams and waterways.

Response 2.46 & 29.12:

The stream and the surrounding area on both sides of the stream are within the FEMA 100-year floodplain. The Project's Stormwater Pollution Prevention Plan (SWPPP), found in FEIS Appendix E, provides stormwater runoff quantity retention that will limit the flow of discharge from the Site to existing discharge rates or less. The anticipated amount of runoff from each storm event is calculated and tabulated in the SWPPP.

Comment 2.52 – Lisa Joyce, Verbal Comment from the March 10, 2025 Public Hearing:

Just with the normal rainfall we have, when we have it, it floods sections of the golf course. How is that also impacting some of my neighbors that are near that?

Response 2.52:

The stream and the surrounding area on both sides of the stream, including a large portion of the golf course parcel, are within the FEMA 100-year floodplain. Today the Town has

codified standards in Chapter 116 Flood Damage Prevention that must be adhered to when building homes and structures within a floodplain. Unfortunately, many of the houses in this area were constructed prior to the adoption of these standards which are in place to prevent damage due to flooding.

Comment 3.2 – Don Berger, Verbal Comment from the April 15, 2025 Public Hearing:

I was at the culvert by Richard's. The water was up to the top of that culvert. Where does that water go? To the golf course. What is being done to mitigate the problems that those wetlands will pose to that golf course?

Response 3.2:

Once the water passes through the culvert it continues in a northern path, generally following NYS Route 208 until it reaches the Wallkill River about 9,200 feet to the north. See also **Response 2.52**.

Comment 3.8 – Brenda Duff, Verbal Comment from the April 15, 2025 Public Hearing:

That rain is not going to soak into the ground any more because it's all developed. Most places have to have a retention pond. I don't remember seeing any plan for any retention ponds or anything like that. It's just all going into the swamp that's already at peak levels.

Response 3.8:

The Project's Stormwater Pollution Prevention Plan (SWPPP) proposes six stormwater facilities that will control the quantity of stormwater runoff from the Site. See also **Response 2.46**.

Comment 3.21 – Karina Tipton, Verbal Comment from the April 15, 2025 Public Hearing:

A culvert should never be flowing at one hundred percent. It will ruin the road. It ruins the culvert. Culverts are designed to flow at a certain capacity and it's never one hundred percent. I know it's a culvert under a State road, but the State doesn't care about how far downstream the impacts are going to be from the road. The State cares about their roads.

Comment 3.28 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:

Culverts are not only 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.

Comment 3.33 – Salen Diep, Verbal Comment from the April 15, 2025 Public Hearing:

I'm just concerned about the water. Because my building sits so low and it's literally like kissing the water. So I just want to make sure it's not going to rise. So like ten years from now what would happen if the water was like backing up into my property?

Comment 8.9 – MHE Engineering memo dated 5/8/2025:

Under Section 3.2.2, the applicant should evaluate the existing culvert east of the project site that conveys water from the large wetland south of Route 17K under 17K to the north towards the Scott's Corners Golf Course. Our office notes that additional volume of run-off will be generated by the project as well as the proposed wastewater treatment plant discharge. The applicant should evaluate the effects on this culvert with the increased volume of surface water.

Comment 21.4 – Karina Tipton email/letter dated 5/9/2025:

The adjoining wetlands are already impacted by the poor drainage at the outlet of the wetland (culvert under RT 17K). The proposed discharge of treated sanitary waters, AND the additional stormwater flow to the wetlands, will increase the volume of water entering these wetlands. There has been no evaluation of the volume of the water to be discharged, and the receiving capacity of the wetlands receiving the water. In order to fully evaluate the impact to the already

stressed drainage system, a computational watershed carrying capacity model should be utilized that includes the area of the project as well as other drainage into the basin. The watershed carrying capacity model should then be used to determine if the culvert under Rt 17K is adequate to manage the flow of water out of the wetlands, and if there will be adverse impacts to downstream properties or other properties on the edge of the wetlands.

Response 3.21, 3.28, 3.33, 8.9 & 21.4:

The drainage design and stormwater management plan complies with NYSDEC standards for stormwater runoff. The difference between the volume of stormwater discharged from the Site during the 100-year storm in the existing condition and the proposed condition will be 1.179 acre-feet. The existing wetland water surface area is approximately 1,063,508 square feet. Based on this area, discharging 1.179 acre-feet of stormwater would result in a water level increase of approximately 0.579 inches and discharging 56,360 gallons per day (gpd) of treated wastewater would result in a water level increase of approximately 0.085 inches per day. Assuming the 100-year storm lasted 24 hours and no additional outflow from the culvert, the surface area of the 24 acre water surface area would be increased by 0.664 inches a day, which remains well within the wetland's capacity. Additionally, the existing rectangular culvert—measuring 54 inches wide by 32 inches high—has a calculated flow capacity of approximately ~~80,156,160~~73,804,262 gallons per day (or ~~80.16~~73.8 MGD), under ideal full-flow conditions with a ~~standard~~ 0.5% slope and constructed of concrete material. Both the wetland and the receiving stream are adequately sized and hydraulically capable of accommodating the proposed stormwater and WWTP discharge without causing any adverse impacts.

Comment 3.27 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:

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 mobile water tank with some dye and discharge some water and see where it flows? How is it going to flow on the 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 so we can actually see? 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.

Response 3.27:

Discharge from the wastewater treatment plant and stormwater from the eastern portion of the Site will flow east from the Site into the existing NYSDEC wetland. The discharge from this wetland will continue to flow to the north where it crosses NYS 17K. The discharge from the wastewater treatment plant will comply with the effluent limitation standards specifically established for the on-site discharge location.

Comment 8.10 – MHE Engineering memo dated 5/8/2025:

Section 3.2.2 – Surface Water Bodies, Floodplains & Wetlands analyzes the construction of the wastewater treatment plant outfalls impacts to the existing 100-foot adjacent area associated with the NYSDEC wetland to the east of the project site. The applicant should evaluate impacts to the buffer and wetland should the wastewater treatment plant be moved further south on the site.

Comment 8.11 – MHE Engineering memo dated 5/8/2025:

Under Section 3.2.3 – Mitigation Measures, the applicant should evaluate moving mitigation measures such as relocating the proposed wastewater treatment plant farther interior to the site away from NYS Route 17K as a potential mitigation measure.

Response 8.10 & 8.11:

Any proposed alternative WWTP location would still require a discharge line to the wetlands and would have similar impacts to the wetlands buffer. In addition any alternative to the current WWTP location would require the plant to be moved up hill and would no longer allow for gravity waste water flow from the future retail commercial buildings and would preclude the opportunity to service other adjacent properties via gravity sewer should the Town decide to take over the WWTP and form a larger sewer district, which would amount to poor planning. The proposed WWTP will be screened from NYS Route 17K and the neighbors by existing vegetation and proposed landscaping and has been designed as an aesthetically pleasing building.

Comment 8.25 – MHE Engineering memo dated 5/8/2025:

The 31,000 sq. ft. of retail space and parking must be included in the SWPPP report.

Response 8.25:

Currently, there is no formal Site Plan application for the proposed commercial use on Lots 1 & 2. Areas on both Lots 1 & 2 are shown on the Site Plan that are reserved for future stormwater management facilities. A SWPPP will be provided for Lots 1 & 2 with each respective lot's Site Plan application, if and when there is an actual plan proposed.

Comment 8.26 – MHE Engineering memo dated 5/8/2025:

The impervious area of PR-A2 appears to be double the 0.102 acres of impervious shown in the CN calculations. Please verify the amount of impervious area.

Response 8.26:

The proposed drainage areas have been revised to reflect the revised site plan and pond designs. Impervious areas have been updated to reflect the current site plan and they are documented within the SWPPP narrative and CN worksheets.

Comment 8.27 – MHE Engineering memo dated 5/8/2025:

It appears that the start of the TC path for PR-A1 and PR-B1 is at an impervious area. If this is correct, revise the TC path calculation accordingly.

Response 8.27:

The Time of concentration (Tc) path for areas A1-A, A1-B, B1-A & B1-B begin in the lawn areas between the buildings, specifically within the grassed dog park area.

Comment 8.28 – MHE Engineering memo dated 5/8/2025:

A TC path of 23 and 25 minutes as shown for areas PR-A1 and PR-B1 appears to be too long for an area that has approximately 60% impervious.

Response 8.28:

Time of concentration for PR-A1-A, PR-A1-B, PR-B1-A & PR-B1-B all start at the hydraulically most distant point of their individual watershed. Percentage of impervious of a watershed area does not factor into the calculation of time of concentration.

Comment 8.29 – MHE Engineering memo dated 5/8/2025:

The plans show NYSDEC buffer disturbance. Provide a wetland disturbance permit for the proposed disturbance.

Response 8.29:

A NYSDEC wetlands disturbance permit for the buffer disturbance will be provided prior to final site plan approval. A pre-application meeting was held with the NYSDEC on November 6, 2025 to review the Project plans. The NYSDEC will review the proposed buffer

disturbance as part of its formal technical review once SEQR is complete. If the NYSDEC requires mitigation, it will be provided to their satisfaction.

Comment 8.30 – MHE Engineering memo dated 5/8/2025:

The plan shows ACOE wetlands on top of NYSDEC wetlands. Verify if the wetlands are ACOE or NYSDEC wetlands.

Response 8.30:

The ACOE wetlands on the west side of the Site are shown as NYSDEC wetlands on the current NYSDEC Freshwater Wetlands Delineation Map in FEIS Appendix D1 and on the Site Plan in FEIS Appendix L.

Comment 8.31 – MHE Engineering memo dated 5/8/2025:

Show the required grading for the swale located in the northwest of the site by the emergency access drive.

Response 8.31:

Grading for the swale located on the Site near the northwest emergency access drive is shown on the Grading and Drainage Plans in FEIS Appendix L.

Comment 8.32 – MHE Engineering memo dated 5/8/2025:

Provide access for infiltration Basin A1 and the associated forebay.

Response 8.32:

Access to ponds A1-A, A1-B & A1 are provided via the gravel access drive associated with the well to the berm of the larger pond. Access to ponds B1-A, B1-B, & B1 are provided via the emergency access drive to the berm of the larger ponds. The access routes are shown on the Site Plans in FEIS Appendix L.

Comment 8.33 – MHE Engineering memo dated 5/8/2025:

The increase in impervious for the road widening must be taken into account in the proposed SWPPP report.

Response 8.33:

The increase in impervious surface for the road widening is taken into account in the proposed condition in the SWPPP found in FEIS Appendix E.

Comment 8.34 – MHE Engineering memo dated 5/8/2025:

Revise the TC path for PR-A2, as the one shown does not accurately reflect the proposed development.

Response 8.34:

PR-A2 no longer exists in the revised SWPPP found in FEIS Appendix E.

Comment 8.35 – MHE Engineering memo dated 5/8/2025:

The plans show that additional water could be directed towards the dwelling on Montgomery Heights Road. Provide swales or other measures to ensure runoff isn't directed towards neighboring properties.

Response 8.35:

Swales have been provided to divert runoff from the Site away from adjacent properties on Montgomery Heights Road.

Comment 8.36 – MHE Engineering memo dated 5/8/2025:
Show how the project will not increase runoff to NYS Route 17K.

Response 8.36:
Runoff will be directed onto the Site and adjacent wetlands. Runoff will not be directed to NYS Route 17K. Drainage analyses will be provided to the NYSDOT prior to the issuance of a highway work permit.

Comment 8.37 – MHE Engineering memo dated 5/8/2025:
For Pond BB1 to be considered a bioretention basin, the lowest orifice must be 0.5 ft. above the bottom of the basin. The HydroCAD currently shows the pond's first orifice at an elevation of 0.75 ft. above the bottom of the basin.

Response 8.37:
Bio Retention basins allow for up to 12 inches of ponding for the WQv and 18 inches for the (Extreme flood) volume.

Comment 8.38 – MHE Engineering memo dated 5/8/2025:
The detain Basin B-1 must have a starting elevation at the lowest orifice elevation, which based on the HydroCAD model is elevation 398. No storage is allowed to be calculated below the lowest orifice elevation.

Response 8.38:
All basins have been modified and have a starting elevation at the lowest outlet.

Comment 8.39 – MHE Engineering memo dated 5/8/2025:
The detain Basin B-1 must have a starting elevation at the lowest orifice elevation which based on the HydroCAD model is elevation 405. No storage is allowed to be calculated below the lowest outlet elevation.

Response 8.39:
All basins have been modified and have a starting elevation at the lowest outlet.

Comment 8.40 – MHE Engineering memo dated 5/8/2025:
The forebay A-1 must have a starting elevation at the elevation of the lowest outlet which based on the HydroCAD model is 408. No storage is allowed to be calculated below the lowest outlet elevation.

Response 8.40:
All basins have been modified and have a starting elevation at the lowest outlet

Comment 8.41 – MHE Engineering memo dated 5/8/2025:
The forebay A-2 must have a starting elevation at the elevation of the lowest outlet which based on the HydroCAD model is 398. No storage is allowed to be calculated below the lowest outlet elevation.

Response 8.41:
All basins have been modified and have a starting elevation at the lowest outlet

Comment 8.42 – MHE Engineering memo dated 5/8/2025:

The forebay B-1 must have a starting elevation at the elevation of the lowest outlet which based on the HydroCAD model is 407.5. No storage is allowed to be calculated below the lowest outlet elevation.

Response 8.42:

All basins have been modified and have a starting elevation at the lowest outlet

Comment 8.43 – MHE Engineering memo dated 5/8/2025:

The infiltration basin must have testing meeting the NYSDEC Stormwater Design Manual requirements and these tests must be witnessed by a representative of the Town.

Response 8.43:

Infiltration practices have been removed from the SWPPP design.

Comment 8.44 – MHE Engineering memo dated 5/8/2025:

Based on the test pit information, it appears that the infiltration basin will not meet the NYSDEC required separation from ground water, applicant's engineer to discuss.

Response 8.44:

Infiltration practices have been removed from the SWPPP design.

Comment 8.45 – MHE Engineering memo dated 5/8/2025:

Provide at least one foot of free board for all the proposed basins for the 100-year storm event. Bioretention/basin BB1.

Response 8.45:

One foot of freeboard is provided for all basins for the 100-year storm.

Comment 8.46 – MHE Engineering memo dated 5/8/2025:

The water quality calculation sheet shows an impervious area of 5.322 acres, while the HydroCAD model shows an impervious area totaling 13.225 acres. Revise the WQv calculation to include all proposed impervious areas.

Response 8.46:

PR-A and PR-B are separated into two individual drainage areas.

Comment 8.47 – MHE Engineering memo dated 5/8/2025:

The water quality calculation sheet only shows a bioretention basin providing 0.588 acre feet of water quality which is less than the required. Applicant's engineer to discuss how the WQv is being met. Also, the sheet shows a bioretention basin providing 0.588 acre feet of WQv and RRv. This does not appear to be correct. Applicant's engineer to discuss.

Response 8.47: (zach)

The SWPPP has been revised. Four bio-retention facilities provide a total of 0.488 acre-feet of RRv while required totals 0.361 acre-feet. As described within the SWPPP in FEIS Appendix E, PR-A & PR-B require a total of 1.535 acre-feet of WQv and provided on-site between forebays and bioretention basins is 5.196 acre-feet of WQv.

Comment 8.48 – MHE Engineering memo dated 5/8/2025:

Provide a phasing plan to show how not more than 5 acres will be disturbed at any one time.

Response 8.48:

A waiver will be requested from the Town of Montgomery as the MS4 Administrator ~~the NYSDEC for minimum of~~ so that more than 5 acres of disturbance can occur at any one time.

Comment 10.28 – NPV Letter dated 4/15/2025:

As mentioned previously, NYSDEC has to review the proposed onsite impacts and determine whether all wetlands will be jurisdictional.

Response 10.28:

NYSDEC has reviewed the onsite wetlands and determined that the wetlands on the west side of the Site are NYSDEC jurisdictional wetlands and they are shown as such on the current NYSDEC Freshwater Wetlands Delineation Map in FEIS Appendix D1 and on the Site Plan in FEIS Appendix L.

Comment 10.29 – NPV Letter dated 4/15/2025:

As per Planning Board comments, the FEIS should consider use of deicing agents specified by the Town. Stormwater quality impacts can occur from the use of deicing agents to clear parking areas and driveways from snow and ice events. Best Management Practices identified in the report by the Dutchess County EMC and Carey Institute of Ecosystem Studies entitled "Road Salt, The Problem, The Solution and How to Get There" (2010) should be incorporated.

Comment 12.7 – Planning Board comments dated 5/9/2025:

High potential to pollute wetlands with salt from snow removal processes – consider alternatives to salt.

Response 10.29 & 12.7:

The Proposed Action acknowledges the risk of salt migration to wetlands and surface waters and will incorporate Best Management Practices (BMPs) for winter maintenance recommended by NYSDEC and regional guidance, including those outlined in the Dutchess County EMC/Cary Institute report[10]. The Property Owner will:

- Limit salt application to essential areas only (roads and sidewalks, ~16% of site).
- Use calibrated spreaders to control application rates.
- Consider liquid brine pre-treatment to reduce overall salt use.
- Store deicing materials off-site to prevent contamination.
- Route all runoff through stormwater management facilities designed to capture and treat pollutants, including chlorides, before discharge.

These measures will minimize potential impacts on water quality and sensitive habitats.

Comment 10.30 – NPV Letter dated 4/15/2025:

Regarding wetland mitigation, this will be updated in the FEIS based on consultations with the NYSDEC. Note that impacts to wetlands are avoidable.

Response 10.30:

There is 0.03 acres of ACOE wetland disturbance proposed, which is less than the 0.1-acre threshold that requires mitigation.

Comment 18.1 – Charolette Palumbo email dated 03/10/2025:

I have many questions and concerns regarding this project. As a previous owner of Richard's Dairy Shed I have seen many changes to the surrounding area over the decades. Some of those changes have significantly affected our property and surrounding area, which is one of my concerns about Sheffield Gardens. The amount of water behind Richard's has been growing exponentially over the years as anyone can see, which this project's approximately 261 units, where will all of that new water be displaced? Also as the Wetlands have grown the Culvert that is on the edge of our property has never had any sort of functioning water drainage. There is a tremendous amount of standing water which sits near the Culverts opening undrained for years.

[10] https://www.caryinstitute.org/sites/default/files/downloads/report_road_salt.pdf

I have also never seen anyone do any maintenance or upkeep or even be concerned that the Culvert does not work properly. So it's safe to assume, without being told otherwise, that if this project plans on using this Culvert to divert or discharge water it will only make matters worse, more water will continue to build up and eventually cause major issues for not only our business but other businesses and local residents. Therefore leaving those property owners to deal with the repercussions.

Comment 31.5 – Richard Dairy Shed email dated 5/9/2025:

The Culvert that is adjacent to our property is where they are proposing the water will drain. This will not happen the way they are proposing. The wetlands are already impacted by the poor drainage at the outlet of the wetland (culvert under rte 17k). The current plans do not show how the overall discharge of the wetlands will be updated or "fixed". This culvert has been an ongoing problem since its inception. It has never worked properly or been cleaned or maintained regularly.

Comment 30.2 – Richard Dairy Shed email dated 3/10/2025:

The Culvert that was already mentioned to not be working properly would also need to be maintained indefinitely.

Response 18.1, 31.5 & 30.2:

See **Response 2.12** and **Response 2.46 & 29.12**.

Comment 31.2– Richard Dairy Shed email dated 5/9/2025:

There are quite a few Wetland Areas that exist in the landscape of this project all of which will never be the same after construction begins. Each of these areas are labeled in appendix C4 in the DEIS. One of these areas is also shared with Valley Central High School.

Response 31.2:

The Project avoids impacts to existing wetlands to the greatest extent possible. There is only 0.03 acres of ACOE wetland disturbance proposed,.

Comment 34.1 – Roswind Farm Land Corp letter dated 4/4/2025:

There is a small stream which runs along the southeastern edge of our property which comes from the Sheffield Gardens property and will be the stream that the Sheffield Gardens Project outs stormwater into. Historically, this area of our property has experienced problems with flooding which has impacted the operation of the golf course. Attached is a letter from Patrick Brandenfein, the golf course operator detailing his experience with this. We understand that the Sheffield Gardens Project will be providing some stormwater storage facilities, but we question whether these will include the increased flow from the sewage treatment plant. Also, while the sudden stormwater increase in flow rate may be reduced, there still will be an increase in the amount of runoff volume coming onto our property, prolonging the time that our property might be flooded and impacting the golf course operation. Additionally, will downstream culverts such as those under Route 17K or our access driveway from Route 208 be evaluated as part of the drainage study?

Response 34.1:

See **Response 2.12, Response 2.46 & 29.12**, and **Response 3.21, 3.28, 3.33, 8.9 & 21.4**.

3.8 GROUNDWATER RESOURCES

Comment 1.1 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

The constant re-pumping test for these wells were performed after the wettest and warmest winter we've had in decades and cannot be an accurate report of the groundwater volume and how it may affect adjoining properties' wells. We feel that new tests should be performed after a period of dry weather, similar to what we had this summer, because that would be a real indicator of the usage of the groundwater. I did attach precipitation data from NOAA in the report from the period from September 1st to May 1st – September 1, 2024 to May – 2023 to 2024.

Comment 1.20 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:

When the 72-hour pump test was done on my well, we had one of the wettest springs in history. What happens when we have a drought as we did last summer? Are we going to have the same results or is it because that was a very wet spring and everything happened to be favorable for them?

Comment 24.1 – Louis Doro letter dated 2/10/2025:

The constant rate pumping tests for these wells were performed after the wettest and warmest winter in decades and cannot be an accurate report of the ground water volume and how it may affect adjoining properties' wells. New tests should be performed after a period of dry weather (similar to the 2024 late Spring and Summer conditions) to get an accurate survey of the worst case scenario. See attached precipitation data from NOAA.

Response 1.1, 1.20 & 24.1:

NYSDEC has restrictions on constant rate pumping tests being performed during the spring months in unconfined sand and/or gravel aquifer wells. The project wells have been completed in a confined/semi-confined bedrock aquifer. A camera inspection was performed on each of the wells to identify fractures in the boreholes. The camera logs indicate that most of the large water-bearing fractures are greater than a depth of approximately 175-200 feet below ground surface in all wells. The concentration of larger deep fractures indicates that the majority of the well water is derived from deep in the fractured bedrock aquifer and not from shallow sources.

The shallow depth to groundwater (~10 feet bgs) indicates an artesian condition in the confined/semiconfined aquifer. Hydrographs displaying precipitation data and drawdown data are available in Appendix H of the Hydrogeologic Report (DEIS Appendix D2). Minor increases in static groundwater levels due to precipitation events were identified. Water levels equilibrated within a few hours of the precipitation events, indicating the wells are not significantly influenced by precipitation events.

Total precipitation events for December 2023 and January 2024 were elevated above the 30-year average (NOAA US Climate Normals). Total precipitation for February 2023 (1.53 inches) was below the 30-year average (2.44 inches) and March 2024 (3.80 inches) were similar to the 30-year average (3.25 inches). No precipitation occurred during the periods when the pumping tests were conducted, and static water levels remained stable throughout the 29-day monitoring period. Based on the empirical monitoring data before, during, and after the March 2024 pumping tests, it is Sterling Environmental Engineering, P.C.'s (STERLING's) opinion that conditions during the pumping test were representative of average groundwater availability, despite the above-average precipitation for December 2023 and January 2024, and the pumping test results are accurate and valid for purposes of evaluating aquifer performance.

Review of the 180-day drawdown hydrographs produced from the drawdown data indicates that extended pumping of the wells, assuming a worst-case scenario with no recharge, results in over 110 feet of water column above the pump intakes in all three wells. Additionally, the 180-day projections indicate the wells could be safely pumped at rates higher than performed during the constant rate pumping tests.

The results of the constant rate pumping tests and 180-day projected drawdown analysis indicate that the wells and bedrock aquifer are capable of producing yields greater than they were tested. The drawdown and precipitation hydrographs in Appendix H of the Hydrogeologic Report (DEIS Appendix D2) indicate the wells are not significantly affected by precipitation events. The 180-day drawdown data represent a worst-case scenario with no additional recharge to the aquifer.

Comment 1.2 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
Who will be responsible for providing water service to the adjoining properties of Sheffield Gardens when the wells run dry or water quality changes? If water issues do arise, who is responsible for that?

Comment 1.21 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:
Will there be a guaranty that my well will not go dry? If this does happen, who will be responsible for it? I've lived here for 38 years and never had a problem with my well. I want to have something in writing from the Town that my well will be protected when and if this project goes forward.

Comment 2.4 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:
Water quality and quantity should be guaranteed to be provided by the Sheffield Gardens property owner to all properties within a minimum of 600 feet from all the property boundaries for a minimum of twenty years. If any wells within this area are diminished in quantity and/or quality, then the Sheffield Gardens property owner shall pay for water service during this guaranty period at their expense. Water is an extremely valuable resource that has been adequate for us in this area. If we lose it, then we have no recourse to restore it if there is no guaranty in place. If the Sheffield Gardens property owner feels there's more than enough water supply, then they should have no problem honoring this guaranty.

Comment 24.2 – Louis Doro letter dated 2/10/2025:
Who will be responsible for providing water service to the adjoining properties when the wells run dry or the water quality changes? We have lived in our home for over 25 years, raised 6 children during that time and have never had any water issues regarding quality and volume.

Comment 24.3 – Louis Doro letter dated 2/10/2025:
The Sheffield Gardens (SG) property owner should be responsible for a minimum of 20 years after the project completion to guarantee water supply for the existing developed, adjoining properties within 600 feet of all SG property lines. The SG owner, at their expense, shall provide domestic water service to the affected properties if the wells degrade in volume and/or quality.

Comment 26.1 – Norma Manning, letter dated 3/4/2025:
The Town of Montgomery has no municipal water or sewer to service this project. We had a drought this summer. What happens in future drought or wells dry up? Who will be responsible for or will it just be our problem?

Comment 2.5 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:
The water storage capacity of the onsite water supply system should be redesigned to provide water to the surrounding properties as a commitment to this guaranty. Because they have stated that there's only enough water supply in their design to provide water to the new residences, the

water storage capacity should be increased by a minimum of 25 percent to ensure excess water supply if it is needed to supplement the adjoining properties.

Response 1.2, 1.21, 2.4, 24.2, 24.3, 26.1 & 2.5:

The taking of a potable water supply for the project requires compliance with Environmental Conservation Law Article 15. The NYSDEC will review all of the tests, reports and plans to make the necessary determinations that satisfy the standards for a safe, reliable and necessary water supply systems. The capacity and adequacy of the sources of the water supply are part of its decision process. Assuming the Applicant complies with all rules and regulations related to the taking of a potable water supply for the project, there is no reason to believe the surrounding wells will be adversely affected. Therefore, there is no justification for a commitment to provide water service to the surrounding homes.

Comment 1.3 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

Missing from the report is the fact that the well at 6 Montgomery Heights was contaminated during the pump testing period by the testing agency.

Comment 24.4 – Louis Doro letter dated 2/10/2025:

Missing from the report is the fact that the well at 6 Montgomery Heights was contaminated during the pump test period.

Response 1.3 & 24.4:

The untreated well water (outdoor spigot) at 6 Montgomery Heights was sampled and analyzed for total coliforms and e. coli prior to and after installation of a submersible pressure transducer for water level monitoring. The sample collected prior to installation of the transducer resulted in a negative result for total coliform and e.coli. The concentration of e. coli was positive in the sample collected after the removal of the transducer. Following the positive result, a NYSDEC registered water well contractor (Roarke Well Drilling) performed a chlorination of the well. The test result for e. coli was negative approximately 1 week later.

E. coli is a known contaminant within the shallow groundwater aquifer in which the homeowner wells are completed. Analysis of a sample of well water tested within 500 feet of 6 Montgomery Heights resulted in a positive concentration of e. coli prior to installation of the pressure transducer and the constant rate pumping tests. Verbal communication with the homeowner indicated that e. coli has been an ongoing issue since they purchased the home. The homeowner stated that she had an ultraviolet water treatment system installed several years ago in her water system following multiple positive e. coli test results. The ultraviolet system was in working order during the time of the pumping tests. It is possible or likely that e. coli was introduced into the well during installation of the submersible pressure transducer in the well at 6 Montgomery Heights and was not due to pumping the project wells.

Comment 1.4 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

The Sheffield Gardens' property owner should pursue the Town of Montgomery water connection alternative as submitted in lieu of utilizing the wells on the property, then there wouldn't be any issues with the wells running dry.

Comment 2.6 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:

As an optional water source, the Sheffield Gardens developer should be required to pursue the Town of Montgomery water connection alternative as submitted as part of the DEIS and abandon the use of onsite wells.

Comment 24.5 – Louis Doro letter dated 2/10/2025:

The SG property owner should pursue the Town of Montgomery (TOM) Water Connection Alternative as submitted in lieu of utilizing the wells on the property.

Comment 32.2 – Ron Trent email dated 3/19/2025:

The projects proposed source for potable water are on site water wells and a 110' tall storage tank. Once again, the project should seek to form a water district and connect to existing Town or Village of Montgomery water services and investing in expansions of those existing municipal systems.

Response 1.4, 2.6, 24.5 & 32.2:

The "Town of Montgomery Water Connection Alternative" has been pursued with the result of multiple decisions by the Montgomery Town Board not to extend water service from existing or proposed services. In addition, an extension from the Village of Montgomery was also refused. The property owner cannot alter the government's decisions. Also see Response 14.3 under Project Description and Response 1.2, 1.21, 2.4, 24.2, 24.3, 26.1 & 2.5 above.

Comment 1.28 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

The sewer, the Village of Montgomery and the Town of Montgomery were considered, but he never stated why they decided to go with the onsite. Who is going to – when the water treatment plant upgrades, wouldn't it be simpler to have a larger municipality handle the upgrades? Then everyone benefits from it. If you hook up to the Village and the Village goes to a better hookup, better quality water treatment, then you're going to benefit from that, whereas what's going to happen here?

Response 1.28:

The Applicant considered connections to Village and Town facilities, but neither will allow a connection. An Alternative that contemplated municipal sewer service has been pursued with the result of multiple decisions by the Montgomery Town Board not to extend sewer service from existing or proposed services. In addition, an extension from the Village of Montgomery was also refused. The property owner cannot alter the government's decisions. Therefore, connection to an existing treatment facility is not feasible. The onsite system has been designed to meet current and projected flow requirements, and it can be maintained and upgraded as needed. The on-site WWTP will allow the project to proceed independently without relying on external infrastructure upgrades, and it ensures compliance with regulatory and environmental requirements.

Comment 2.16 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

There is no test from our wells. So my mother's property is next to the ice cream stand. Neither well was able to be tested, so we have no findings. We did give permission, but they weren't able to do it. We just don't have any idea. We use a lot of water in our business.

Comment 29.9 – Richard Dairy Shed letter dated 3/10/2025:

No data was included from our property, I was notified after inquiring about the results that even though we granted permission and observed them setting up flags in preparation for the test that our wells were inaccessible. This was not communicated to us. I learned of this after a recent inquiry after not having received any notification. So they have No data on either of our wells. This is a major Concern, at Richards Dairy Shed we serve the public through a soda fountain that uses the water, our ice cream machines are water cooled, we use water for sanitization, washing dishes,etc. Our Well is located less than 1,000 feet from Well #1 which is the primary Well for the development. My mothers house and Our business wells are closer to Well #1 than Wells #2 and #3. I'm worried about being impacted. The test is not valid unless you can demonstrate we are not going to be affected.

Comment 2.28 – Lisa Melville, Verbal Comment from the March 10, 2025 Public Hearing:

The wells for this proposal are close to both Richard's, the business well and, you know, the residence well that was right there. How will that impact their water supply?

Comment 23.5 – Lisa Melville letter received 3/10/2025:

The wells for this proposal are also close to both Richards well and the residence well. How will this impact their water supply?

Response 2.16, 29.9, 2.28 & 23.5:

Permission was granted for monitoring of the Richards Dairy Shed well (shop well) and residential well (home well) located at 1103 NY-17K. An inspection of the aboveground portion of the well casings was performed by a NYSDEC registered contractor (Roarke Well Drilling). Both onsite wells exist below grade in shallow pits and well casings are terminated below the ground surface. The condition of the exposed well casing for both wells is very poor and does not meet the requirements identified in the New York State Sanitary Code (Part 5, Subpart 5-1 Standards for Water Wells - Appendix 5B). The well driller indicated that the bolt on single hole well seals were in too poor condition and tampering with them would likely result in damage to the wells. Photo documentation of the well conditions is available upon request.

~~Given that the Richard Dairy Shed is a public water supply, we suggest a NYSDEC registered water well contractor inspect the shop well and the proper improvements be made so the well is in conformance with the New York State Sanitary Code.~~

Distance-drawdown plots were completed and are available in Appendix F of the Hydrogeologic Report (DEIS Appendix D2). A distance-drawdown plot is a standard method of analysis to calculate the drawdown at specific distances from a pumping well, particularly where no well is present or available for direct measurements. The home well and shop well are located 1,000 and 1,060 feet, respectively, to the northeast of Well-1. The distance drawdown plot for Well-1 indicates that less than 6 feet of drawdown would occur at the home and shop wells during continuous pumping of Well-1. Since both wells were inaccessible at the time of the well inspection, and the depth of the wells are unknown. Less than six (6) feet of drawdown is considered a minor impact on a typical water supply well and should not affect the normal use of the well. A Freedom of Information Law (FOIL) request was submitted to the Town, NYSDOH, and NYSDEC for well construction details for the Richard's Dairy Shed. Well depth will be provided if the information is obtained.

Comment 2.42 – Jim McIver, Verbal Comment from the March 10, 2025 Public Hearing:

I think that's a question that you should definitely ask, because well 1 was impacted by coliform. It is the primary well that you're planning on using. You're dumping sewage effluent into the pond, basically, which is located adjacent to it. Well 1 is definitely a GUTO well, groundwater under the influence, right. There's either going to have to be supplemental treatment or something, but the water quality is going to definitely be an issue. It already is. You're providing a lot of water to a lot of people and you're going to create a very significant cone of depression from pumping that well. I looked at what you had listed on the 180-day projection for the pumping test and it's quite a bit of drawdown. That has to affect the surrounding homes and so on. There's going to be a long-term water quality and quantity impact to those residents.

Response 2.42:

All water quality and effluent discharges will be treated to meet NYSDOH and NYSDEC standards. The NYSDOH will determine if the well is GWUDI (Groundwater Under the Direct Influence (of surface water)) via quarterly water sampling for microparticulate analysis for

one year. Filter treatment and additional monitoring will be included if the well is determined to be GWUDI. The 180-day drawdown projection represents the maximum drawdown with no additional recharge to the aquifer after pumping the well continuously at the target rates. The projection for Well-1 is only 10.02 feet of additional drawdown. The 180-day projection for Well-2 and Well-3 displayed 30.35 feet and 28.27 feet, respectively. The 180-day projection is a worst-case analysis used for planning and permitting purposes and does not likely represent actual conditions after 180 days of pumping.

Comment 29.10 – Richard Dairy Shed letter dated 3/10/2025:

The 180-day drawdown prediction shows significant prediction drawdown in Well #1. We would be interested in seeing the radius of influence of drawdown over time and how it impacts us.

Response 29.10:

The total drawdown produced after 72 hours of continuous pumping of Well-1 at 80 gpm was 158.15 feet and the distance drawdown at 1,000 feet from the pumping well (distance between Well-1 and 1103 NY-17K is 1,000 feet) was less than 6 feet. The additional projected drawdown after 180 days was 10.02 feet, resulting in a total drawdown of 168.85 feet or 107% of the initial drawdown ([168.85/158.15] * 100 = 107%). If 107% additional drawdown is applied to the calculated drawdown value at the Richards Dairy Shed well (6.04 feet) 1,000 feet from the pumping well, the resulting drawdown after 180 days is a maximum of 6.45 feet (6.04 * 1.07 = 6.45 feet total drawdown at 1103 NY-17K).

Comment 29.11 – Richard Dairy Shed letter dated 3/10/2025:

Well #1 is more than likely under the influence of the surface water. Coliform bacteria was encountered in the well during testing. Excessive drawdown could cause similar impacts to our well. We Have been testing twice a year annually and have met acceptable standards.

Response 29.11:

Total coliform bacteria exist naturally within surficial soils and groundwater, typically from shallow sources, and is one of the reasons the New York State Department of Health requires sanitary seals on groundwater wells (New York State Sanitary Code (Part 5, Subpart 5-1 Standards for Water Wells - Appendix 5B). The NYSDOH will determine if the well is GWUDI via quarterly water sampling for microparticulate analysis. Filter treatment will be included if the well is determined to be GWUDI and the treated water will meet all standards presented in the New York State Sanitary Code. As explained above, STERLING recommends improvements be made to any well that does not comply with the New York State Sanitary Code to protect well water from being impacted by E.coli and other surface-related contaminant sources, to the extent possible.

Comment 2.43 – Jim McIver, Verbal Comment from the March 10, 2025 Public Hearing:

The testing, as far as I could see, was done appropriately. The pumping test was okay. The results are presented well. They did a good job of it, except that there's nothing on the east side of the site. There's no pumping wells – no test wells that I can see drawdown. I noticed that they did experience drawdown in wells 2 and 3 which is a longer distance than to Tracey's well. So it wasn't' evaluated. I know they asked permission to do it, but apparently it was not accessible, which I understand. The pumping test wasn't done when they were actually operating.

Response 2.43:

Distance-drawdown plots are available for all project wells tested in Appendix F of the Hydrogeologic Report (DEIS Appendix D2). A distance-drawdown plot is a standard method of analysis to calculate the drawdown at specific distances from a pumping well, particularly

where no well is present or available for direct measurements. The distance-drawdown method of analysis was used to calculate drawdown in the area of 1103 NY-17K (the Richards Dairy Shed). The results of the distance-drawdown plots indicate less than 6 feet of drawdown at a distance at and near 1103 NY-17K (i.e., 1,000 feet from Well-1).

Comment 2.44 – Jim McIver, Verbal Comment from the March 10, 2025 Public Hearing:

I didn't see a prediction as to how much water is available regionally. This is something hydrogeologists always look at when they look at available capacity.

Response 2.44:

The 72-hour constant rate pumping test is the scientific standard adopted by the NYSDOH and NYSDEC to evaluate the impact of pumping of a well or wells and the availability of water for a given purpose. All wells pumped reached the NYSDEC defined stabilization criteria following continuous pumping of the wells, indicating equilibrium was reached (i.e., sufficient availability of water to maintain the selected pumping rate). Drawdown projections for a 180 day period were completed to determine the maximum drawdown in the wells after 180 days of continuous pumping (e.g., 24/7) without recharge to the aquifer (i.e., worst-case scenario). Completion of a regional water budget is sometimes useful if a 72-hour pumping test is not conclusive or if there are other reasons to question the capacity of and aquifer to provide sufficient water; however, a regional water budget is not required in the NYSDEC's Recommended 72-Hour Pumping Test Procedures and was not completed because the results of the pumping test were conclusive in confirming sufficient water availability.

Comment 2.45 – Jim McIver, Verbal Comment from the March 10, 2025 Public Hearing:

There's going to be a boundary condition somewhere because there's a pond right beside there. If you start pulling water from this well, you're eventually going to start sucking water out of that pond. It's just inevitable. This is the Normanskill Formation which is a shale aquifer. It's a fractured rock aquifer system. It doesn't have a lot of capacity, as most people who live in that area already know. I think they got capacity by drilling a really deep well and pumping from that well, but the drawdown was pretty substantial. They did obtain stability so that's good. But it is questionable.

Response 2.45:

A constant rate pumping test conducted for 72 hours is the scientific standard adopted by state and federal agencies for determining the safe yield of a well. It is recognized as the period of time in which boundary conditions would likely be encountered during continuous pumping of a well at a constant rate. Groundwater is derived from deep fractures and a connection to the pond, as alleged, is unlikely.

Comment 2.56 – Jennifer DeLeonard, Verbal Comment from the March 10, 2025 Public Hearing:

My mother's backyard is already full of water. Is the water going to be by our house? And there, cautions for that? It was dry when we were kids. We've lived there a long time and the water grew rapidly.

Response 2.56:

Although the commentor did not indicate where her mother's house is located, it is assumed that it is near the NYSDEC Wetland east of the Project. This area of Montgomery was developed prior to the adoption of current stormwater regulations that require treatment and retention of stormwater. As a result, stormwater runoff from all of the constructed impervious surfaces eventually flows into the wetland, which naturally provides stormwater treatment

and retention. Stormwater runoff from the Project will be provided on-site in stormwater management facilities that meet current design requirements.

Comment 3.18 – Bernie Hillman, Verbal Comment from the April 15, 2025 Public Hearing:

We have a moratorium over in the Village of Montgomery and our water levels have been down thirty years. They keep going down, down. The aquifer where we're getting our water from, we're – we've been drilling a well. In 2021 we started drilling another well down there.

Comment 12.8 – Planning Board comments dated 5/9/2025:

Will the project stress/place too much demand upon the aquifer? Drilling wells for water to supply a project of this size will impact surrounding wells that also tap that aquifer.

Response 3.18 & 12.8:

The results of the 72-hour constant rate pumping tests and analysis presented in the Hydrogeologic Report (DEIS Appendix D2) indicate that there is sufficient water availability to supply the project wells at the design pumping rates. Drawdown caused by the anticipated pumping will not adversely affect the availability of groundwater to other wells in the area as indicated by the distance-drawdown calculations and the worst-case 180-day projections.

Comment 6.1 – Coldenham Fire Company Memo dated 3/26/2025:

Municipal Water- A complex of this size has the potential for a tremendous fire load between building construction materials and building contents. Ideally a municipal water supply is the best answer to being able to establish and more importantly maintain a sufficient fire flow rate.

Response 6.1:

All water infrastructure will be designed to municipal standards and the Town Engineer, and/or the Town's Consulting Engineer will review and approve of all components of the water system. In addition, the water infrastructure will be offered for irrevocable dedication to the Town. Connection to existing sources was refused by the Town and Village.

Comment 6.2 – Coldenham Fire Company Memo dated 3/26/2025:

Has the developer figured out what the required fire flow rate for the complex would be? (Fire flow is calculated based on the fire flow area of the building. The flow area is the total floor area of all floor levels of a building, except for Type I (443), Type I (332), and Type II (222), in which case the fire flow area is the largest three successive floors. The fire flow area should be determined based on the area between the surrounding exterior walls of each floor and the fire separation walls used to create separate buildings) Now keep in mind this is just the building and doesn't even take into consideration the content load of the building. When the building is occupied and every apartment is full of furniture and god knows what else the needed flow is going to increase.

Response 6.2:

The Insurance Service Office (ISO) does not have recommendations for Needed Fire Flow (NFF) for hydrants for buildings rated and coded as protected by an automatic sprinkler system meeting applicable NFPA standards. Therefore, a fire flow of 500 GPM was assumed for pressure calculations for the proposed hydrants.

Comment 6.3 – Coldenham Fire Company Memo dated 3/26/2025:

Hydrants- What are the flow rates of the hydrants? How drastic is the flow rate change when more than one hydrant is utilized? Will the hydrants come with Storz connections?

Response 6.3:

The proposed rates of flow at the fire hydrants are tabulated in Appendix 4 of the Engineering Report & Technical Specification for a Water System to serve Sheffield Gardens found in

DEIS Appendix D3. The rates vary from 4,000 gpm to 1,973 gpm. The system is designed to meet the required fire flow at all hydrants in the system. The hydrants will have Storz connections.

Comment 6.4 – Coldenham Fire Company Memo dated 3/26/2025:

Fire Hydrants must be installed to meet the requirements of NFPA 1, waterworks standards, and any local requirements of the jurisdiction (AHJ), the hydrant needs to be provided with a reflector and proximity flag. In some jurisdictions, the hydrants are also color-coded to indicate the available flow rate. Fire hydrants need to be located within 600 feet (183m) from the closest point of the building in detached one- and two-family dwellings, with a maximum spacing of 800 feet (244 m). For buildings other than one- and two-family dwelling, hydrants need to be within 400 feet (122m) of the building with a maximum spacing of 500 feet (152m). Additionally, hydrants must also be located within 12 feet (3.7 m) of the fire department access road.

Response 6.4:

The proposed hydrants meet all of the stated spacing requirements.

Comment 6.5 – Coldenham Fire Company Memo dated 3/26/2025:

If the Hydrant System is supplied by a storage tank what is the capacity of the tank and what is the GPM rating on the fire pump for the tank? Does the tank have an emergency generator to ensure the fire pump never loses power? Is there an FDC on the tank itself in the event the generator fails and the fire department needs to put a high capacity (2000 GPM) pumper at the tank to act as the fire pump?

Response 6.5:

The proposed water tank has a storage volume of 591,000-gallons. Since the tank is elevated, the entire volume is useable. During the well pump test for the wells that would refill the tank, it was demonstrated that the wells could be pumped at 80 gpm. There is no need for a fire pump because the tank is elevated and gravity fed. There is an emergency generator to power the well pumps in case of an electrical outage. There will not be an FDC on the tank, however there is a hydrant for fire dept use 153 feet away from the tank.

Comment 6.6 – Coldenham Fire Company Memo dated 3/26/2025:

The overall potential demand on the system needs to [be looked] at and addressed. Putting just one Tower Ladder into operation (based off the Pump on TL205) is a 2000 GPM flow.

Response 6.6:

The rates of flow at the fire hydrants are tabulated in Appendix 4 of the Engineering Report & Technical Specification for a Water System to serve Sheffield Gardens found in DEIS Appendix D3. The rates vary from 4,000 gpm to 1,973 gpm.

Comment 6.7 – Coldenham Fire Company Memo dated 3/26/2025:

How is the hydrant flow rate impacted by activation of the sprinkler system? A multi unit fire is going to result in numerous sprinkler activations.

Response 6.7:

The sprinkler system engineer will provide calculations demonstrating compliance with Building and Fire Code for the hydrant flow rate while the sprinkler system is activated.

Comment 6.8 – Coldenham Fire Company Memo dated 3/26/2025:

Sprinklers- Is this facility being sprinklered based off the residential sprinkler code or a commercial occupancy code? Again due to fire load and building construction the larger capacity commercial systems should be looked into.

Response 6.8:
The residential buildings will have a commercial sprinkler (NFPA13).

Comment 8.12 – MHE Engineering memo dated 5/8/2025:
Section 3.3.2 notes that figure 3.3A includes all locations of proposed monitoring wells. The figure should identify all monitored wells as it is unclear where the Valley Central High School wells, 408 Bailey Road Well, and 6 Montgomery Heights Well are shown.

Response 8.12:
The figure has been updated and is included as FEIS Figure 3.3A.

Comment 8.13 – MHE Engineering memo dated 5/8/2025:
Section 3.3.2 – Potential Impacts should be updated to discuss the draw down resulting from pumping wells 2 and 3 on the 6 Montgomery Heights Well.

Response 8.13:
The Hydrogeologic Report for Sheffield Gardens (DEIS Appendix D2) states the following: "Drawdown resulting from regular pumping of the 6 Montgomery Heights well is evident throughout the monitoring period. Periodic increases in water levels corresponding to precipitation events indicates the well is recharged during periods of precipitation. The well is located approximately 1,400 feet north of Well-2 & Well-3, and 1,400 feet northwest of Well-1. A decrease of approximately 0.25 feet in the static water level was observed during the Well-1 constant rate test. The hydrograph for the 6 Montgomery Heights well indicates no more than 0.25 feet attributable to the constant rate pumping tests at the Sheffield Gardens wells. Long-term pumping of the Sheffield Gardens wells will not adversely affect water availability at the 6 Montgomery Heights well based on this data."

Comment 8.24 – MHE Engineering memo dated 5/8/2025:
The Board should consider requiring a post construction groundwater monitoring study as a mitigation measure for the proposed on-site wells. This study would be performed by the applicant and escrow established by the applicant to have their hydro-geologist review the study. The study would evaluate the impacts of the proposed well/ water usage on the existing wells near the site. The timing and length of this study should be discussed by the Board; however the timing of the start of the study being 3-12 months after the final Certificate of Occupancy would seem appropriate.

Response 8.24:
It is the opinion of the Applicant's hydrogeologist that the Hydrogeologic Report for Sheffield Gardens (DEIS Appendix D2) demonstrates that the existing on-site wells will supply the water demand for the Project without adversely impacting the neighboring wells, and as such, a post construction groundwater monitoring study is unwarranted. The taking of a potable water supply for the project requires compliance with Environmental Conservation Law Article 15. The NYSDEC will review all of the tests, reports and plans to make the necessary determinations that satisfy the standards for a safe, reliable and necessary water supply systems. The capacity and adequacy of the sources of the water supply are part of its decision process. Assuming the Applicant complies with all rules and regulations related to the taking of a potable water supply for the project, there is no reason to believe the surrounding wells will be adversely affected. Therefore, there is no justification for a commitment to provide water service to the surrounding homes.

Comment 9.1 – Montgomery Fire Department letter received 4/2/2025:

Can't stress enough that we need to make sure we have adequate water at every hydrant and for an extended operation if needed. We would unequivocally advocate for a municipal water supply. This is not only for this project but all on 17K, there have been multiple commercial buildings constructed or renovated in the last few years that we are not equipped for in an emergency with regards to water supply operations.

Response 9.1:

All water infrastructure will be designed to municipal standards and the Town Engineer, and/or the Town's Consulting Engineer will review and approve of all components of the water system. In addition, the water infrastructure will be offered for irrevocable dedication to the Town.

Comment 9.2 – Montgomery Fire Department letter received 4/2/2025:

What are the flow rates at hydrants?

Response 9.2:

The rates of flow at the fire hydrants are tabulated in Appendix 4 of the Engineering Report & Technical Specification for a Water System to serve Sheffield Gardens found in Appendix I2. The rates vary from 4,000 gpm to 1,973 gpm.

Comment 9.3 – Montgomery Fire Department letter received 4/2/2025:

Do hydrants have Storz connections? (This should be a Town code for all hydrants if it isn't already. We believe think this was done in 2007).

Response 9.3:

The hydrants will have Storz connections.

Comment 9.4 – Montgomery Fire Department letter received 4/2/2025:

Is it a looped system or dead-end system?

Response 9.4:

The water main is looped around the apartment buildings as shown in FEIS Figure 3.3A.

Comment 9.5 – Montgomery Fire Department letter received 4/2/2025:

If we utilized a hydrant near the water tower, is the rest of the system affected? If so, how much?

Response 9.5:

The system is designed to meet the required fire flow at all hydrants within the system.

Comment 9.6 – Montgomery Fire Department letter received 4/2/2025:

If our ladder pipe operation is used and it flows 1000 gallons per minute will your system be able to meet that demand and for how long? Our mutual aid departments flow 2000 gpm from their tower ladders.

Response 9.6:

Assuming the water tank is full, the system will be able to supply 1,000 gallons per minute for 591 minutes, or almost 10 hours, without being refilled.

Comment 9.7 – Montgomery Fire Department letter received 4/2/2025:

How big is the water tank? Believed to be around 600,000 gallons. What is usable? What is the refill rate? We need exact firefighting usable capacity?

Response 9.7:

The proposed water tank has a storage volume of 591,000-gallons. As the tank is elevated, the entire volume is useable. During the well pump test for the wells that would refill the tank, it was demonstrated that the wells could be pumped at 80 gpm.

Comment 9.8 – Montgomery Fire Department letter received 4/2/2025:

There was a fire in Spring Valley in 2021 in a building with around 112 residents in which a firefighter and resident died. This was the Evergreen Court fire. The NIOSH report cited the municipality and the water utility noting the lack of enforcement of fire and building safety codes and lack of available water supply for the sprinkler system and fire suppression were contributing factors in the fire. "At this incident, the fire department encountered a minimal water supply due to both dead end water mains and a community water storage tank (Capacity of 750,000 gallons) being out of water" the report said. Note: This was a building with limited sprinklers.

Response 9.8:

~~Comment is noted.~~Sprinkler systems will be provided throughout the proposed residential buildings. In addition the Water System Report (FEIS Appendix I2) indicates that the proposed water supply system provides adequate flow and pressure rates for fire suppression purposes.

Comment 9.9 – Montgomery Fire Department letter received 4/2/2025:

Sprinklers- Obviously the building will be sprinklered by code but if code doesn't require attic space to be sprinklered would you advocate for the life and safety of the occupants and the protection of the structure to put even a dry system in place?

Response 9.9:

The residential buildings will have a commercial sprinkler (NFPA13). There will be fire blocking in the attic above every second dwelling unit and above one wall of the corridors. Areas in attic will not exceed 3,000 SF without fire blocking. A dry system is not proposed.

Comment 9.10 – Montgomery Fire Department letter received 4/2/2025:

Are the sprinklers supplied off an independent water supply separate from the fire hydrant system?

Response 9.10:

The sprinkler system and the fire hydrants will be supplied by the same wells and water mains.

Comment 10.31 – NPV Letter dated 4/15/2025:

Does the school complex have any bulk storage facilities?

Response 10.31:

According to the NYSDEC DECinfo Locator[11] mapping, the adjacent school complex does not have any bulk storage facilities.

Comment 10.32 – NPV Letter dated 4/15/2025:

The FEIS should explain what happens if the well is determined to be under direct influence – what is required and can it be achieved onsite?

Response 10.32:

The NYSDOH makes the determination of whether the wells are GWUDI via quarterly sampling for microparticulate analysis. The appropriate treatment for GWUDI will be included if the well is determined to be GWUDI and the treated water will meet all standards presented in the New York State Sanitary Code.

Comment 10.33 – NPV Letter dated 4/15/2025:

[11] https://gisservices.dec.ny.gov/gis/dil/

FEIS should indicate if irrigation will be used.

Response 10.33:

Landscaping irrigation will be used. FEIS Table 3.3.2 provides provisions for landscaping irrigation in the estimated water demand calculation.

Table 3.3.2 – Estimated Water Demand					
Type of Use	**# of Units**	**Demand Rate (gpd)**	**Average Daily Demand (gpd)**	**Average Daily Demand (gpm)**	**Maximum Daily Demand (gpm)**
Apartments					
1-bedroom	36 units	110	3,960	2.75	5.50
2-bedroom	225 units	220	49,500	34.38	68.76
Commercial Use					
Retail	31,000 SF	0.1	3,100	2.15	2.15
Retail	35 Employees	15	525	0.36	0.36
20% Reduction for Commercial Use water saving fixtures			-725	-0.50	-0.50
Landscaping Irrigation	1 Lump Sum	5,000	5,000	3.47	3.47
		Total Demand:	**61,360**	**42.61**	**79.74**
Demand Rate Source: NYS Design Standards for Intermediate Sized Wastewater Treatment Systems, dated March 5, 2014, NYSDEC					

Comment 22.2 – Kirk Phillips email dated 3/11/2025:

Will the water table sustain 260 rentals?

Response 22.2:

The Hydrogeologic Report for Sheffield Gardens (DEIS Appendix D2) indicates that the onsite wells can adequately provide water for the Project without adversely impacting the neighboring wells.

Comment 24.6 – Louis Doro letter dated 2/10/2025:

Tie-ins for water and sewer for properties along Montgomery Heights are addressed in the 12-12-2022 SEQRA scoping document under 10-F; however, these tie-ins are not mentioned in the latest DEIS. The SG applicant should be responsible for the tie-ins to these two systems at their cost.

Response 24.6:

The water and sewer systems are designed specifically for the Project's use~~, and do not have capacity for additional users or tie-ins without further expansion~~. The Montgomery Heights properties will not be connected to the water and sewer systems as part of the Proposed Action. The WWTP will be designed and constructed in a manner that allows for it to be expanded in the future should the Town determine additional capacity is warranted.

Comment 34.3 – Roswind Farm Land Corp letter dated 4/4/2025:

Will a groundwater analysis be done in regards to Sheffield Gardens proposal to drill on-site wells and if so, will our property wells be included as part of that study?

Response 34.3:

A Hydrogeologic Report for Sheffield Gardens (DEIS Appendix D2) indicates that the existing onsite wells can adequately provide water for the Project without adversely impacting the neighboring wells. A certified letter was sent to the address of record for Roswind Farmland Corp. in September 2023 requesting permission to monitor the on-site well, however no response was received before the pump study commenced.

3.9 PLANTS & ANIMALS

Comment 1.24 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

It would be nice if they incorporated a buffer zone around the – between the forest and the grass for pollinators. Put a pollinator garden in there, milkweed. We're losing pollinators. The monarch populations are fluctuating drastically. You have plenty of land there. You could put a nice pollinator garden or incorporate it into the landscaping.

Response 1.24:

The landscape plan proposes three areas of the Site that will be reseeded with a Northeastern Native Wildflower & Grass Mix. (See landscape plans in FEIS Appendix L). The areas of the Site that will receive this seed mix consists of approximately 45,496 sf or 1.04 acres. The wildflower pollinator mix is a blend of native seeds designed to attract and to support various pollinators, including bees and butterflies, by providing them with nectar and pollen throughout the growing season.

Comment 1.25 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

I noticed that they're asking to use pesticides. I would hope they would avoid using neonicotinoids because they will affect the pollinators. They also stay in the environment for up to four years. They are systemic pesticides, so they'll be in the plants, and they wreak havoc – they potentially wreak havoc on the people and children.

Response 1.25:

The Project will not use neonicotinoid pesticides or any systemic pesticides known to persist in the environment for extended periods. Landscaping and vegetation management will prioritize Integrated Pest Management (IPM) practices, which include:

- Use of native, disease-resistant plants to minimize pesticide needs.
- Mechanical and biological controls as the primary means of pest management.
- If chemical treatment becomes necessary, only NYSDEC-approved, pollinator-safe products will be applied in strict accordance with manufacturer guidelines and state regulations.
- No pesticide application will occur within 100 feet of wetlands or water bodies.

These measures ensure protection of pollinators, minimize environmental persistence, and safeguard public health.

Comment 1.26 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

They're going to remove 361 trees and install 288. It would be nice if they have an explanation on how that's equivalent.

Comment 2.39 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

In the DEIS it says you're going to reduce the quantity of trees from 369 to 288 and it's going to be equivalent. Again, my point is, I'm going to say that again, how is that equivalent? Are you replacing sticks with huge trees?

Comment 5.4 – Conservation Advisory Council Memo dated 5/8/2025:

The reduction of the number of number of trees over 12 inches in diameter from 369 to 288. The applicant does not believe that the number of trees to be removed and replaced is significant, but doesn't offer any explanation. We feel an explanation is warranted.

Response 1.26, 2.39 & 5.4:

The proposed landscape plan includes a variety of deciduous and evergreen trees consisting of 11 different species. The trees were selected to provide a diversity in habitat and support for songbirds and pollinators. The revised landscape plan proposes 324 deciduous trees and 134 evergreen trees for a total of 458 trees. In addition, the plan will establish understory layer of deciduous and evergreen shrubs. Proposed are 348 deciduous flowering shrubs and 639 evergreen shrubs for a total of 987 shrubs that will provide support to songbirds and pollinators. The landscape plan also proposes to establish a diverse groundcover in the area of development that will include lawn areas, wildflower areas, and will introduce 1,364 ornamental grasses and 482 flowering perennials. The diversity in groundcovers will also provide support for small mammals, songbirds, and pollinators.

Comment 2.17 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

We also have concerns of the wildlife in the area since there's such a healthy population of the deer, there's blue herring, hawks, eagles, ducks, geese, swans. They already have limited space in that area on the road. Where do they plan on going?

Comment 2.25 – Brenda Duff, Verbal Comment from the March 10, 2025 Public Hearing:

The turtles, the wildlife does need to be protected. Where are they going to go? The deer that are in the backyard that have never been there because of developments on Bailey Road and stuff that's happened. I never saw deer in my backyard growing up. Now they're there because where do they go? You know, they end up crossing 17K and getting demolished.

Comment 18.2 – Charolette Palumbo email dated 03/10/2025:

This project also means that it will be a huge disruption to the healthy population of wildlife that is in that area and has been for decades. Deer, Geese, Ducks, Foxes, Blue Herons, Hawks etc. Many of our customers and residents enjoy sitting at Richard's bird watching and enjoying that same wildlife.

Response 2.17, 2.25 & 18.2:

The Proposed Action will result in the disturbance of approximately 29.21 acres, primarily upland forest, but 23.31 acres (44%) of the Site will remain undisturbed, including significant wetland areas that provide habitat for many species. Approximately 11.99 acres will be "useable" open space that is not covered by wetlands. A conservation easement over the preserved open space would ensure long-term habitat protection. A formal commitment for a conservation easement will be made as part of the approval conditions. All NYSDEC-regulated wetlands and adjacent areas will remain largely intact. Native vegetation will be retained where possible, and supplemental plantings will include native species that provide food and cover for wildlife. The Site design avoids fencing along natural corridors except where required for safety, reducing barriers to wildlife movement. An Integrated Pest Management plan will be used. Finally, clearing limits will be clearly marked, and construction will follow best management practices to minimize habitat disruption and prevent disturbance of wetlands. While some displacement of wildlife is unavoidable, the remaining open space and wetland areas will continue to provide habitat.

Comment 2.18 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

If the water is discharged into the wetlands, how much treated water is going to it? Have there been any studies it's going to affect the wildlife in that area?

Response 2.18:

The proposed wastewater treatment plant (WWTP) will discharge treated effluent that meets NYSDEC SPDES permit standards for water quality. The average daily discharge is estimated at 56,360 gallons per day, which will be directed to the on-site NYSDEC-regulated wetland on the eastern side of the Site. This discharge will comply with all applicable state and federal water quality requirements, including limits for nutrients, suspended solids, and pathogens. The effluent will undergo tertiary treatment and disinfection prior to discharge, ensuring compliance with NYSDEC water quality standards. The stormwater management facilities described in the SWPPP ensure that stormwater runoff is captured and treated prior to discharging from the Site to prevent adverse impacts on wetland hydrology and water quality. The wetlands receiving the discharge are existing aquatic habitats. The treated effluent will not introduce pollutants at levels harmful to aquatic organisms or wildlife. Therefore, the discharge will not significantly alter wetland function or adversely affect wildlife species utilizing these habitats.

Comment 2.24 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:

Have there been studies about the species of turtles that are in this area? I know there's a protected species in the area, specifically the Blanding's Turtle. Were these study looked into? The birds, the prey, all the animals, where are they going? This is going to take away from that. There's going to be more animals killed, more car accidents, and it's not going to stop.

Comment 2.30 – Neil Moscato, Verbal Comment from the March 10, 2025 Public Hearing:

We voiced our concerns about the turtles. Was there a study done with the turtles or the other species?

Response 2.24 & 2.30:

There were no species-specific studies conducted for wildlife species. All observations of wildlife were made incidental to the development of a wildlife habitat assessment of the property. The Natural Heritage Program of the NYSDEC does not include any reports of the presence of Blanding's turtle in Orange County or its surroundings. The site was not walked for the purpose of conducting a species-specific survey for bog turtles. The site was walked for the purpose of identifying habitats that might be exploitable by species of wildlife that might be expected to be present on, or in the vicinity of, the property. Mr. Tesauro, acting as the Town's ecological consultant, conducted a habitat review of the property on 19 June, 2025, to document ecological conditions and to evaluate the potential for the occurrence of protected species of wildlife in relation to those observed conditions.~~The NYSDEC does not report the presence of Blanding's turtle in Orange County or its surroundings~~.

Comment 3.13 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:

They mentioned the bog turtles and they looked at the bats, but there was no mention of blue herons or swans. We also have seen, from living right next to it, an eagle's nest in that area. They reference one on Bailey Road, but there is right here in this treeline.

Response 3.13:

Great blue herons and mute swans (an exotic, invasive species of waterfowl) may be seasonally present in the areas of open water and shoreline habitats of the large NYSDEC wetland that borders the site. The closest of the records that the NYSDEC has for a nesting pair of bald eagles is in a location greater than 0.5 miles from the project site.

Comment 3.22 – Karina Tipton, Verbal Comment from the April 15, 2025 Public Hearing:

I am concerned about the impact on the migrating amphibians. We know that turtles cross the road there. We know that there's migratory amphibians in that area right now. That's something that hasn't been considered in this report either.

Response 3.22:

It is acknowledged that the addition of roadways and greater vehicular traffic could result in the potential for an increase in roadway mortality of terrestrial wildlife species.

Comment 5.6 – Conservation Advisory Council Memo dated 5/8/2025:

The CAC recommends incorporating area of dedicated plantings of wildflowers and native plants to reduce maintenance and increase food sources for native wildlife and plant pollinators.

Response 5.6:

See **Response 1.24** above regarding wildflowers and pollinators and the landscape plan in FEIS Appendix L for the location. In addition, the landscape plan also will provide a variety of native, woody, and herbaceous species to maximize diversity to support wildlife.

Comment 10.34 – NPV Letter dated 4/15/2025:

On what days in March were amphibians checked. They are breeding at the end of March into April.

Response 10.34:

Searches for amphibian egg masses within the vernal pool area of the site were conducted on April 2, 2023 and March 12, 21, and 30 of 2024.

Comment 10.35 – NPV Letter dated 4/15/2025:

It is unclear why Natural Heritage Program was not consulted and a request made for data. This needs to be done as part of the FEIS. The Environmental Resource Mapper only provides generic information on whether a species may be present but does not name the species.

Response 10.35:

The Natural Heritage Program (NHP) currently directs inquiries regarding the reported presence/absence of protected species to the NYSDEC's online Environmental Resource Mapper (ERM). The NYSDEC Environmental Assessment Form website provides specific species identification for both plants and animals cited by ERM reporting of NHP data.

Comment 10.36 – NPV Letter dated 4/15/2025:

The FEIS should specifically address whether trees are present and potential habitat for bat species. The tree inventory does not specifically address this as trees are provided with their generic name. Are the hickories located on the site "shagbark hickories"? What species are present and potentially used by regulated bat species?

Response 10.36:

Bats are opportunistic in their use of roosting sites during their active seasons from the spring into the fall. Any of the larger of the site's trees may provide daytime roosting sites for bats if those trees have loose bark or crevices. There are approximately 9 hickories identified in the tree inventory, 4 of which will be preserved in the southwest corner of the site. Many of the other remaining trees (sugar maple, black locust, hickory, and red maples) have loose or exfoliating bark that may provide summer roosting habitat.

Comment 10.37 – NPV Letter dated 4/15/2025:

All species, especially the regulated species, should be specifically noted by their scientific name and status, including all species of special concern. This was not done. The narrative

for each regulated species should specify when observances were made, to determine whether they were done when the species would be present/active.

Response 10.37:

The scientific names for regulated species that are discussed in the DEIS are provided in Wildlife Habitat Assessment Report in DEIS Appendix E1. Dates upon which site observations were made are also provided in the Wildlife Habitat Assessment Report in DEIS Appendix E1.

Comment 10.38 – NPV Letter dated 4/15/2025:

It is unclear whether the ecologist physically visited the location on the site where Jason Tesauro indicated habitat was present which could be beneficial for bog turtles. What protocol was used to make any assessment of their presence and how does it match any NYSDEC protocol?

Response 10.38:

The full site was physically walked and observed during multiple days over multiple years by the ecologist, including the areas of the property cited by Mr. Tesauro. The assessment made for bog turtles was compliant with Phase 1 protocols developed by the USFWS and adopted by the NYSDEC for assessing the quality of wetland habitats for this species. The areas of habitat in and around the possible areas of core habitat that were suggested by the Town's ecological consultant on an adjoining parcel were not visited by the project's ecologist.

Comment 10.39 – NPV Letter dated 4/15/2025:

As per the NYSDEC communications, sufficient time has lapsed and DEC should be consulted regarding to the location of any breeding bald eagles in the vicinity.

Response 10.39:

The NYSDEC Region 3 wildlife biologist (Lisa Masi) has been re-contacted (October 8, 2025) to disclose the NYSDEC's current knowledge of bald eagle nest(s) in the vicinity of the Project site. A response was received on October 10, 2025 stating that "The location you provided does not fall within the Bald Eagle screening buffer and the project is not likely to result in incidental take of the species".

Comment 12.9 – Planning Board comments dated 5/9/2025:

Additional runoff from impervious surfaces mitigation - impacts downstream / impact on wildlife need to be detailed and discussed in the FEIS.

Response 12.9:

See **Response 2.18.**

Comment 12.10 – Planning Board comments dated 5/9/2025:

Indiana and Long ear bat habitat disturbance/ removal – what is status of the evaluation. Are any additional studies required by the NYSDEC?

Response 12.10:

The NYSDEC has not requested any additional study in regard to the impact of the project's developments on either of these two species.

Comment 12.11 – Planning Board comments dated 5/9/2025:

Confirmation of Eagle/ Blue Heron nesting in proximity. Additional field study is needed at this time of year to properly document.

Response 12.11:

The shoreline of the flooded section of the large NYSDEC wetland allows for nesting opportunities for avian species which might exploit the fish populations that would have resulted from the flooding of this wetland. As these nests would be constructed in proximity to the current commercial and residential developments around this waterbody, the proposed project would not be expected to disrupt such future nesting activity as the project does not propose to make any alteration to the existing shoreline.

Comment 12.12 – Planning Board comments dated 5/9/2025:

Additional review of the potential for regulated turtle species to be present on the site or use it for habitat needs to be performed during the season when they will be present.

Response 12.12:

The DEIS allows that the site has areas of habitat that are supportive of the several turtle species that, in the NYSDEC NHP database, have known populations in Orange County generally, none of which are regulated species with the exception of the red-eared slider which is a prohibited, non-native turtle. The Town's Natural Resources Inventory (NRI) produced in December of 2020, did not include any known locales for regulated species of turtle within the Town. That NRI report included updated information obtained by the Town from the NYSDEC, Hudsonia, and the Hudson River Estuary Program.

Comment 21.5 – Karina Tipton email/letter dated 5/9/2025:

There is no discussion of mitigation measures to be taken to protect the NYSDEC wetlands. As indicated above, this should include the evaluation of the nature of treated water to be discharged and a point-source discharge model should be used to evaluate the impact of the WWTP discharge to the biota in the wetlands. Potentially, an ecological risk evaluation may be merited to confirm that this important habitat is not adversely impacted.

Response 21.5:

Effluent discharged to the wetlands will be fully treated within the proposed wastewater treatment plant prior to release and will be required to meet all applicable NYSDEC SPDES permit limits and water quality–based effluent limitations established for the receiving waterbody. The WWTP design and operation will be subject to NYSDEC review and approval, and effluent monitoring will be conducted in accordance with permit requirements to ensure compliance with applicable State water quality standards and protection of wetland resources.~~Effluent discharged into the wetlands will be treated within the WWTP prior to release and will comply with NYSDEC water quality discharge parameters set for the facility. The parameters are set specific to the discharge waterbody. It is likely, based on the specified treatment process, that the discharge will contain less pollutants than currently exist in wetland.~~

Comment 27.1 – Patricia Henighan letter dated 4/15/2025:

It doesn't appear that the Town of Montgomery Natural Resource Inventory (NRI) of 2020 which is also part of the Town Comprehensive Plan has been consulted; In the NRI the Areas of Known Importance starting on page 14 with a chart on p.65 lists the three categories; Special Concern, Threatened and Endangered species located in this area.

Spotted turtles and snapping turtles are of special concern, Indiana bat is endangered. Marbled salamander is of special concern.

Not being observed on a site on a particular visit (pg. 90,91) does not mean they are absent.

On page 91, it is concluded that none of the wildlife would be adversely affected because the adjoining areas have not been disturbed. Having corridors for wildlife are important as stated, but if the habitat that is connecting them is damaged or removed this does not provide a safe place for wildlife to exist.

Why should we care about bats, turtles and salamanders? They are part of the web of life we all depend on.

It would be beneficial if the Planning Board had their own biologist examine some of these claims and visit the project area.

Response 27.1:

The Town of Montgomery Planning Board has had an independent review of the site completed by its environmental consultant, Jason Tesauro Consulting, LLC. Lists of wildlife species that may be present on the property are provided in the DEIS, no species were excluded from those lists simply based upon the observation that they were not seen on site by project ecologists.

Comment 31.4 – Richard Dairy Shed email dated 5/9/2025:

The Ecological evaluation for this project was only done only on the property, not considering the adjoining or adjacent property/properties, which include ours. We have beautiful wildlife that depend on the balance and stability of the ecology of those wetlands. Canadian geese, herons, swans and many other species and insects return year after year to live off our property and the wetlands. They are dependent on this for survival and food source.

Response 31.4:

Most of the wildlife species that may be present on the Project site have home ranges that are greater than the acreage of this project location, the functional connection of those species with nearby properties, whether developed properties or undeveloped, is acknowledged in the DEIS.

3.10 AIR QUALITY

Comment 10.40 – NPV Letter dated 4/15/2025:

Is PM10 a NAAQS standard? It does not appear to be included in the discussion of air quality analysis?

Response 10.40:

Although PM10 is a National Ambient Air Quality Standards (NAAQS) as per the Clean Air Act (40 CFR part 50), it was not discussed in the air quality analysis since it is not measured at any of the NYSDEC Region 3 monitoring stations.

Comment 10.41 – NPV Letter dated 4/15/2025:

The FEIS will need to consider the air quality impacts of the new intersection if it is signalized.

Response 10.41:

According to the Collier letter dated June 10, 2025, revised December 3, 2025 to the NYSDOT included as FEIS Appendix H1, the Site Driveway/Bailey Road/NYS Route 17K intersection will operate at an overall LOS A or B in the 2026 Build condition during peak hours. A review of the screening guidelines in Transportation Environmental Manual (TEM) indicates that no further air quality analysis is required for the Project as the new signalized intersection is not expected to have any impacts on air quality.

Comment 10.42 – NPV Letter dated 4/15/2025:

The discussion of why additional modeling is needed is not specific. A more enhanced explanation of TEM-1 and what is required as part of the intersection screening should be provided in the FEIS.

Response 10.42:

TEM refers to the Transportation Environmental Manual (formerly known as the Environmental Manual) which contains guidance, references and links for NYSDOT staff to use when considering NYSDOT projects. While primarily focused on the environmental aspects of a state or locally administered project development process, many of the sections can also be useful for operational purposes. TEM 4.4.16 is the Chapter that addresses Air Quality and Section 9 of that Chapter specifies which projects require an Air Quality Analysis. Level of Service (LOS) Screening is first examined to determine if further data is needed. Intersections impacted by the Project are screened for overall Level of Service (LOS). For a new intersection, if the overall LOS is A, B, or C, no further analyses are required. If a new signalized intersections have a predicted overall LOS of D, E, or F, significant vehicle queuing may occur, and further air quality analysis may be required. Table No. 2A in FEIS Appendix H1 is summarized in Table 3.10 below.

Table 3.10 – 2026 No-Build & Build Overall Level of Service						
APPROACH	**LEVEL OF SERVICE**					
	Weekday AM Peak Hour		Weekday PM Peak Hour		Saturday Peak Hour	
	No-Build	Build	No-Build	Build	No-Build	Build
1. NYS Route 17K & NYS Route 208	D	D	D	D	C	C
2. NYS Route 17K & Bailey Road/Site Access	**-**	**A**	**-**	**B**	**-**	**A**
3. NYS Route 17K & VC School Exit/Dollar General Driveway	B	B	C	B	A	A
4. NYS Route 17K & VC School Entry Driveway	B	B	A	A	A	A
5. NYS Route 17K & NYS Route 211	C	C	D	D	B	B

Note: Overall LOS is not calculated for unsignalized intersections.
NYS Route 17K & Bailey Road/Site Access intersection is signalized in the Build condition.
Source: Colliers Engineering & Design

According to Table 3.10, an air quality analysis is not necessary since the newly signalized NYS Route 17K & Bailey Road/Site Access intersection will operate at a LOS “B” or better, and the LOS for the No-Build and Build conditions at all of the other studied intersections will remain unchanged, with the exception of the improved LOS for the NYS Route 17K & VC School Exit/Dollar General Driveway intersection in the Weekday PM Peak hour (from LOS “C” to “B”). Additionally, source-receptor distances will not be reduced, nor will any other existing conditions be changed to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards.

3.11 AESTHETIC RESOURCES

Comment 1.8 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
In the renderings, the vantage points showing neighboring properties, there are no buffers shown along Montgomery Heights to shield the existing residents from the commercial development. A 50-foot wide by 25 high minimum dense vegetation buffer should be provided at the Sheffield Gardens' property line along all portions of Montgomery Heights.

Comment 1.22 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:
Viewpoint 2 and viewpoint 2-A clearly show my house from the intersection of 17K and Sheffield Gardens' entrance. There is no buffer between the retail space building and our road. As per your blueprints, there should be a buffer. Please explain this. How many feet of a buffer will you provide? A 50-foot buffer – wooded buffer should be considered.

Comment 3.29 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:
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 the residents there. I don't think that's been mitigated enough. It should be either some kind of wall or some kind of shrubbery or something so that they're not looking at this massive project all the time.

Comment 12.20 – Planning Board comments dated 5/9/2025:
Sufficient visual screening is needed between the development and homes on Montgomery Heights Road. The FEIS needs to detail how screening will be accomplished, e.g., vegetation, stockade fence, changes in layout, etc.

Comment 19.2 – Gina Zwart letter dated 3/10/2025:
Addressing the buffer for those homes along Montgomery Heights Road, it should be large and dense. Don't let what happen to the old Hawkins house on Goodwill happen to them. That is clearly a prime example of the planning board not addressing buffers to protect the homes around projects.

Comment 24.9 – Louis Doro letter dated 2/10/2025:
In the renderings of the vantage points showing neighboring properties there are no buffers shown along Montgomery Heights to shield the existing residences from the commercial development. A 50-foot wide by 20 foot high (minimum) dense vegetation buffer should be provided at the SG property line along all portions of Montgomery Heights.

Comment 26.3 – Norma Manning, letter dated 3/4/2025:
Will the homes on Montgomery Heights road have buffers to shield us from traffic, noise, lighting etc. from the apartments and commercial buildings?

Response 1.8, 1.22, 3.29 12.20, 19.2, 24.9 & 26.3:
Screening for the future retail parcel adjacent to the Montgomery Heights neighborhood will be addressed as part of site plan approval for the commercial area. Buffering around the parking lot will be provided in accordance with §235-11.9 of the Town of Montgomery Zoning Code entitled "Performance buffering". The retail use is listed as Intensity Classification V since a drive-through is not proposed. The retail use does not require a buffer between the State Highway but does require a buffer grade "A" between the existing single-family dwellings. According to Section 235 Attachment 9, Grade "A" buffers are required to be 10 feet in width, do not require an additional yard setback, require 2 canopy plantings (trees) per 100 feet and 4 understory plantings (tree or shrub) per 100 feet. A screening structure is not suggested nor required, but permissible structures consist of a 6-foot-high or greater chain-link fence with privacy slats, a 6-foot-high or greater 100% opaque (PVC or wood) privacy fence, or a 8-foot-high or greater decorative masonry wall." The buffer area is shown on the site plans provided in FEIS Appendix L. The proposed site plans show the Performance Buffer which includes preservation of all existing vegetation within the buffer.

In addition to that, the landscape plan provides a multi-layered planting along the existing residences on Montgomery Heights Road to include a mix of deciduous trees, evergreen trees, medium height shrubs, and lower-level shrubs to provide understory to the deciduous trees. These additional plantings will provide an aesthetic variety through the seasons.

Comment 1.17 – Brenda Duff, Verbal Comment from the February 10, 2025 Public Hearing:

The wastewater treatment plant right across from my driveway, there's no woods there. It's trees that you're going to have to, like, make look better. It's not anything that's forest.

Response 1.17:

The landscaping plans included in FEIS Appendix L show the proposed planting that will screen the wastewater treatment plant from public views. Additionally, the photo-simulation of viewpoint 2A in DEIS Appendix G2 shows the proposed view of the wastewater treatment plant.

Comment 2.40 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

You're putting the apartment on the highest point of the property. How are you going to not have this – how are you not going to see it from any angle? Maybe three or four weeks ago I drove around and you can see that point of land from Hoeffner's. From any point. Goodwill. You can see it from everywhere.

Comment 5.3 – Conservation Advisory Council Memo dated 5/8/2025:

The size and height of the apartment complex located on the highest point on the property with the loss of trees would lead to the conclusion that the building site lines will be visible from many locations and may not fit in with the aesthetics of the area, especially the historical village of Montgomery.

Response 2.40 & 5.3:

The photo-simulations in DEIS Appendix G2 show the proposed view of the Proposed Action from public viewpoints at seven different locations surrounding the Project Site. The Project will be seen from these viewpoints. In the Town, the Hawkins Apartments building is of a relatively similar size to what is proposed. The 26,716 square-foot, 3-story, L-shaped building is very visible from Hawkins Drive and Goodwill Road. The building contains 80 apartment units and measures approximately 516 feet ~~long~~ along the parking lot side of the building (295 ft + 34 ft + 187 ft) and is 59 feet wide. The recently constructed Hawkins Apartments on Hawkins Drive in the Town of Montgomery obtained a building height variance to permit an overall height of 42.5 feet.

Comment 2.55 – Tracy Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

I didn't see that there was a buffer between my mom's property of trees or anything to separate.

Response 2.55:

The landscaping plans included in FEIS Appendix L show approximately 285 feet of existing vegetation to be preserved on the Project Site between the shared property line with Palumbo and the wastewater treatment plant.

Comment 2.67 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:

The water tank, 106 feet tall. Do we have visuals of that? If you don't have view shed simulations, we probably should.

Comment 8.14 – MHE Engineering memo dated 5/8/2025:

The photo renderings prepared in Appendices G2 and G3 do not appear to include the proposed 106-foot-tall water storage tank.

Response 2.67 & 8.14:

The water tank will be visible from Viewpoint 11 and is depicted in the photo-simulation for that viewpoint in DEIS Appendix G2.

Comment 2.72 – Cheri Zahakos – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

I thought there was flags put to a certain height. Am I correct on that? We never put a balloon because you can't without a helium balloon of some size to go to 110 feet for those view sheds. I don't think we did. Is it possible to do?

Response 2.72:

The Final Scoping Document for Sheffield Gardens adopted on December 12, 2022 did not specify the use of flags or balloons for the visual study. ~~The height of the proposed water tank is proposed to be 106 feet, making it difficult to fly a flag or balloon at that height.~~The water tank is depicted in Viewpoint 11 in the photo-simulation in DEIS Appendix G2. See Response 10.44 below, which describes the method used to prepare the photo-simulation.

Comment 10.43 – NPV Letter dated 4/15/2025:

A detailed discussion of lighting, including ranges of proposed footcandles and fixture mounting heights, is needed. The site plan does not provide the average, maximum or minimum footcandles on the sheet. Reference should be made to the lighting plans in Appendix M. The FEIS should detail whether lights will be elevated and light sources be visible from homes on Montgomery Heights Road.

Response 10.43:

The lighting plan has been revised to include proposed footcandles out to the 0.0 range and mounting heights are provided on the plan.

Comment 10.44 – NPV Letter dated 4/15/2025:

The Planning Board has discussed the need for balloon tests to verify building heights and the water tank. If this is desired as part of the FEIS, we note trees are leafing and it may be more difficult to assess visibility as time passes. How were the building heights verified in the simulation? It is customary to use a pole, balloon, existing feature with a known height to verify building heights that are shown on photosimulations.

Response 10.44:

The photo simulations were prepared using 3ds Max, a professional 3D modeling and rendering program for design visualization, games, and animation. This computer graphics program uses geometric data to create objects, called 3D models. The models are created using a collection of points and the polygon modeling method, which gives users specific control over individual objects through X, Y and Z coordinates. The proposed grading plan was used to create a 3D ground model of the Site upon which the proposed and future structures were rendered in the 3ds Max program. The program allows the user to create photo simulations from specific views from user defined "camera" locations within the model.

Comment 10.45 – NPV Letter dated 4/15/2025:

Per the Scope, discussion regarding night-time visibility using the proposed lighting plan for the project is needed. In addition, which lighting consultant was consulted?

Response 10.45:

The proposed plan has been revised to utilize dark sky compliant lighting and reduce spill onto adjoining parcels. The lighting consultant is Ken Sadowski of Acuity Brands.

Comment 10.46 – NPV Letter dated 4/15/2025:

As a general comment, the buildings do not reflect the local vernacular architecture. It is difficult to do so with the large scale of the buildings. The buildings will appear to have flat roofs because of the parapet facades on the buildings.

Response 10.46:

Comment is noted.

Comment 12.19 – Planning Board comments dated 5/9/2025:

Location of sewage treatment plant – is visible from Route 17K. The FEIS needs to consider specific mitigations and/or an alternative location for the plant. Can the development be connected to an existing plant.

Response 12.19:

Any proposed alternative WWTP location would still require a discharge line to the wetlands and would have similar impacts to the wetlands buffer. In addition any alternative to the current WWTP location would require the plant to be moved up hill and would no longer allow for gravity waste water flow from the future retail commercial buildings and would preclude the opportunity to service other adjacent properties via gravity sewer should the Town decide to take over the WWTP and form a larger sewer district, which would amount to poor planning. The proposed WWTP will be screened from NYS Route 17K and the neighbors by existing vegetation and proposed landscaping and has been designed as an aesthetically pleasing building. An Alternative that contemplated municipal sewer service has been pursued with the result of multiple decisions by the Montgomery Town Board not to extend sewer service from existing or proposed services. In addition, an extension from the Village of Montgomery was also refused. The property owner cannot alter the government's decisions.

Comment 12.21 – Planning Board comments dated 5/9/2025:

A balloon test may be needed to determine the impact of the project's visibility from its surrounds. Applicant needs to be provide a current survey map and show limits of disturbance with proposed topography relative to adjoining property topography.

Response 12.21:

See **Response 2.72** regarding a balloon test. A current survey map and grading plan that shows the topography and the limit of disturbance is provided in FEIS Appendix L. Topography of the wider Montgomery area is available on the Orange County GIS website https://gis.orangecountygov.com/orange/ or the US Geological Survey website https://ngmdb.usgs.gov/ht-bin/tv_browse.pl?id=5853b5b0bdf1561f1dc0aca53aa11bdd

Comment 29.13 – Richard Dairy Shed letter dated 3/10/2025:

We believe this development will be visible, we would like to see a visible buffer included in the plan. Currently the photo suggests that it is not going to be and that it is our ultimate hope. The view from our family area is one of the pleasures of coming to Richards. Please keep us informed regarding this project as it moves forward…In conclusion, we would like to ask the Planning Board to take a look at the cumulative impacts of the 17K/Scotts Corners corridor and how Sheffield Gardens plays into this… In addition, would like some more study about how Sheffield Gardens would impact our residence and livelihood.

Comment 30.5 – Richard Dairy Shed email dated 3/10/2025:

We feel that a buffer of trees (mostly mature not replanted trees) is a required necessity for any adjacent properties. Not limited to 1103 ST Rt 17k (Charlottes House). This will greatly help with aesthetic purposes of our patrons, surrounding neighbors and all future residents, as well as helping with water absorption and privacy.

Response 29.13 & 30.5:

See **Response 1.8, 1.22, 3.29 12.20, 19.2, 24.9 & 26.3** regarding the Town's required performance buffering. See **Response 2.55** relating to the preservation of the existing vegetation buffer.

3.12 HISTORIC & ARCHEOLOGICAL RESOURCES

No Comments Received

3.13 TRANSPORTATION

Based on comments received from the Planning Board, NYSDOT and the public as part of the review of the DEIS, and the associated September 9, 2025 Traffic Impact Study (TIS), the proposed access scenario for the Project has been modified. The original Project proposal provided for an unsignalized access driveway connection to NYS Route 17K to be located approximately 400± feet east of Bailey Road. The Project assumed the provision of a westbound left turn lane on NYS Route 17K for vehicles entering the site.

Upon further discussion and comment from the Planning Board, as well as discussions with NYSDOT, the possibility of installing a traffic signal at the driveway was also explored. As identified in Colliers Engineering & Design June 10, 2025 letter, last revised December 3, 20205, to the NYSDOT, found in FEIS Appendix H1 Attachment 1, a traffic signal at the driveway location was determined to be warranted. Upon NYSDOT's review of this information, a further analysis assessing the potential of aligning the Project access driveway opposite Bailey Road and installing a traffic signal at that location was requested by NYSDOT in their email to the Town on May 6, 2025, included in FEIS Appendix H1 Attachment 1.

The possibility of aligning the access opposite Bailey Road is assessed in Colliers Engineering & Design June 10, 2025 letter (revised December 3, 2025) to the NYSDOT found in FEIS Appendix H1 Attachment 1. As identified in that letter, aligning the access opposite Bailey Road was determined to be feasible and would include the installation of a traffic signal at the intersection as well as the provision of left turn lanes along NYS Route 17K in both the eastbound and westbound directions for vehicles turning onto Bailey Road and into the Project driveway. Under this proposed access scenario, a 75-foot left turn lane is proposed to be provided on NYS Route 17K in the eastbound direction for vehicles turning onto Bailey Road. In the westbound direction, a 100-foot left turn lane is proposed to accommodate vehicles turning into the site. The site access will be provided by one entry lane and two exiting lanes comprised of a shared left turn/through lane and a separate right turn lane. The Bailey Road approach will remain unchanged. A preliminary concept plan identifying the potential layout of the proposed improvements is provided on Sheet No. CP-01 contained in found in FEIS Appendix H1 Attachment 2.

In addition, modifications to Montgomery Heights Road are also proposed, which includes an internal site connection to Montgomery Heights Road and closure of Montgomery Heights Road at NYS Route 17K, which will be gated for emergency access only. Under this condition, Montgomery Heights residents would utilize the new signalized intersection to access their homes. NYSDOT indicated in correspondence received July 29, 2025, found in FEIS Appendix H1 Attachment 1, that this scenario with access opposite Bailey Road is the preferred scenario. The responses to comments below reflect this access scenario, which is now proposed as part of the Proposed Action.

The signalization of the Bailey Road/Site Access intersection will also allow for the modification of the traffic signal timings at the Valley Central High School/Middle School entry and exit driveway intersections. These existing signals currently operate as uncoordinated traffic signals, but with the introduction of the new traffic signal at the Bailey Road/Site Access intersection, it is proposed to coordinate all three traffic signals as discussed in the June 10, 2025 letter (revised December 3, 2025) to NYSDOT included in FEIS Appendix H1 Attachment 1. The coordination of these three traffic signals will result in improved traffic flow along NYS Route 17K through this area.

Comment 1.10 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

The proposed turn lane has a D grade during the am rush hour, an E grade during the p.m rush hour and a D grade on Saturdays. The turn lane dimensions is 100 feet long which allows room for approximately four to five standard size vehicles while waiting to turn into the property. With 251 vehicles proposed to enter the site, this will create a dangerous situation with traffic backing up beyond the 17K/208 intersection. These numbers do not include delivery vehicles such as Amazon, FedEx, UPS, nor do they include meal delivery services like Door Dash and Uber.

Response 1.10:

The traffic generation estimates identified in the Traffic Impact Study are based on the Institute of Transportation Engineers (ITE) data for similar type developments. This data accounts for all vehicle trips to and from the site including delivery vehicles, meal delivery, service vehicles, etc. It is also noted that based on the ITE estimates, the highest number of entering trips entering the site during any one-hour peak period is 154 vehicles as identified on Traffic Impact Study Table No.1. Furthermore, the traffic analysis contained in the DEIS takes into account heavy vehicle percentages, which accounts for delivery vehicles, etc. The capacity analysis conducted at the site access intersection opposite Bailey Road with the turn lanes and a traffic signal, indicate a peak queue of less than 50 feet for vehicles entering the site where a 100 foot left turn lane is proposed to be provided (see Table No. 3A contained in the June 10, 2025 letter to NYSDOT, revised December 3, 2025, contained in FEIS Appendix H1 Attachment 1). Based on the analysis, the turning vehicles will be accommodated with the proposed improvements. Also, note that the final lane dimensions are being reviewed by NYSDOT as part of the Highway Work Permit process and will be incorporated in the final construction plans.

Comment 1.11 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

The table on page 13 of the DEIS shows an increase in traffic volume during the p.m. rush hour of 251 vehicles. The traffic now backs up from the Valley Central Middle School/High School area to approximately the Walnut Street area regularly during most of the school season. The road just cannot support the increase in traffic volume.

Response 1.11:

The existing traffic signal system at the school driveway operates as an uncoordinated traffic signal system. Based on discussion with NYSDOT and analysis contained in our June 10, 2025 (revised December 3, 2025) letter (FEIS Appendix H1 Attachment 1), coordination of the three traffic signals between the School Entry Driveway and Bailey Road will improve traffic flow along the corridor. Note that during peak school entry and exit periods, there will continue to be backups on the NYS Route 17K corridor. However, the traffic signal improvements should help control the flow along this section of NYS Route 17K without creating any significant impacts as a result of the Sheffield Gardens project.

Comment 1.12 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

How will the properties on the north side of 17K within the turning lane zone be affected when those entering their respective driveways are traveling east on 17K? They will not be able to easily navigate into their driveways and will run an extreme risk of being hit by cars traveling west on 17K utilizing the shoulder to bypass cars stopped and waiting to get into Sheffield Gardens. If anybody drives on 17K, they know that the shoulder is a passing lane in both directions. It's a full speed passing lane.

Response 1.12:

As part of the access improvements on NYS Route 17K, a separate left turn lane will be provided on NYS Route 17K at the access to the Project driveway aligning opposite Bailey

Road so that vehicles will not use the shoulder for by-passing turning vehicles. They will be in their own separate turning lane and this will accommodate the through traffic volumes on NYS Route 17K. This design is standard for intersections on a state highway and will include all final details as part of the NYSDOT Highway Work Permit process. This will improve movements for traffic turning onto Bailey Road and other driveways along this stretch of NYS Route 17K will operate similar to how they do today.

Comment 1.13 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
The applicant and/or the Town of Montgomery should petition the New York State DOT to reduce the speed limit to 45 mile-an-hour between the Valley Central High School and the 208/17K intersection before any permission is granted to build the Sheffield Gardens site.

Comment 2.3 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:
The New York State Department of Transportation should be petitioned to reduce the speed limit on State Route 17K to a 40 miles-per-hour from Valley Central High School to the intersection of State Route 208 before any additional development is approved within this corridor.

Response 1.13 & 2.3:
The request for a reduced speed limit on a NYS roadway would have to come directly from the Town of Montgomery. The Applicant alone cannot request this speed limit reduction but would support such request.

Comment 1.14 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
The level of service tables and the associated details paint a very grim picture of the quality of the roadways in the area of the Sheffield Gardens development. It is so bad that it appears any level of build, whether it be one new residence or 261 new residences, will have a major negative impact on the roadways regarding safety.

Comment 24.11 – Louis Doro letter dated 2/10/2025:
The Level of Service (LOS) tables and the associated details paint a very grim picture of the quality of the roadways in the area of the SGS development. It is so bad that it appears any level of build whether it be one new residence or 261 new residences will have a major negative impact on the roadways regarding safety. I would personally be embarrassed if I developed this report to present to the TOM and think it would get approved.

Response 1.14 & 24.11:
The design of the access connection to the Project aligning opposite Bailey Road will include the provision of turning lanes, including a left turn lane, for traffic entering the site as well as left turns onto Bailey Road. This intersection will be signalized and the traffic signal will be coordinated with other traffic signals at the school driveways. This has been reviewed on a conceptual basis with NYSDOT and the final details will be included as part of the NYSDOT Highway Work Permit process. The analysis contained in the June 10, 2025 (revised December 3, 2025) letter (FEIS Appendix H1 Attachment 1) indicates that the corridor will experience improved traffic flow with these improvements.

Comment 1.15 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
The 17K corridor is a popular route for people traveling west on 84 heading to Sullivan County. With tourism and development increasing in Sullivan County, this route will become more popular and may account for the 2 percent increase in volume which states without any new major development in Montgomery over the last eight years.

Comment 24.12 – Louis Doro letter dated 2/10/2025:
The 17K corridor is a popular route for people travelling west on interstate 84 heading to Sullivan County. With tourism and development increasing in Sullivan County, this route will become

more popular and may account for the 2% increase in volume (without any major new development in Montgomery) over the last 8 years since the Resorts World casino was built and the Monticello Motor Club has gained popularity. This route will only get busier as Sullivan County attracts more people.

Response 1.15 & 24.12:

It is not clear where the commenters' reference to 2.0% increase in traffic volume (without major new development in Montgomery) is coming from. Regardless, NYSDOT traffic volume data for the NYS Route 17K corridor as available on the NYSDOT Traffic Data Viewer for site location 830677, indicates generally consistent traffic volumes have been experienced over the last 7-8 year period between 2016 and 2023/2024 (see NYSDOT data report included as FEIS Appendix H1 Attachment 3). Regardless of the NYSDOT data, the Traffic Impact Study accounts for a 1.0% per year increase in the base traffic volumes to project the traffic volumes to the Design Year. In addition, traffic for 17 other planned or potential developments located in the Town and Village of Montgomery, as well as the Village of Maybrook, was identified and this accounts for the increased traffic growth that could occur regardless of the Project. Furthermore, the growth factor of 1.0% per year has been reviewed and accepted by NYSDOT. It should also be noted that some of the identified proposed developments identified in the Traffic Impact Study may not be completed within the Project time frame and/or may not be constructed at all.

Comment 1.16 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:

The Montgomery Heights intersection with 17K is not represented in any of the data. This is important in any of the data. This is important. It cannot be listed due to the fact that most accidents occur between the high school and Montgomery Heights. Leaving this information out of the report allows the applicant to avoid having to disclose the major problems with this intersection. There have been numerous accidents at this intersection due to driver distraction, sun glare, and heavy traffic volumes. This sheds light on a serious problem with 17K in that when there is a major accident or incident, emergency vehicles cannot easily get through and the traffic gets stalled very quickly with no alternate routes.

Response 1.16:

Accident data along the NYS Route 17K corridor from NYS Route 211 to the NYS Route 208 intersection was included in the Traffic Impact Study and summarized accordingly. It includes intersections in that stretch of the corridor and would include the Montgomery Heights Road intersection and roadway segment between the schools and Bailey Road. This data is summarized in Tables A-1, A-2, and A-3 of the Traffic Impact Study and specifically lists the crashes at the Montgomery Heights Road intersection. The crash data indicates that between the school exit driveway intersection and Bailey Road, there were a total of 16 crashes over the 6-year study period between January 1, 2027 and December 31, 2022. Two (2) of these crashes occurred at the NYS Route 17K/Montgomery Heights Road intersection and were classified as rear-end type crashes. Of the other 14 crashes along the segment, 10 were classified as rear-end type crashed due to sun glare, vehicles following too closely, and driver inattention. These crashes are likely partially the result of queuing along the corridor experienced at the school driveway intersections. The coordination of these traffic signals with the proposed traffic signal at the Bailey Road/Site Access intersection will improve traffic flow through this area and potentially reduce crashes.

Comment 1.18 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:

The traffic study that was done and submitted in September of 2024 did not include the intersection of 17K and Montgomery Heights Road, which is where I live. At this point in time,

trying to pull out of my road heading west, I'm going to say is difficult at best. I've lived here for 38 years and I've watched this section of 17K become increasingly difficult to navigate, let alone dangerous, the amount of accidents that we're seeing. And keeping in mind, there's a high school there with many young, new drivers driving that corridor of 17K.

Response 1.18:

As noted above, modifications to Montgomery Heights Road are now proposed to allow residents of this roadway to utilize the new signalized site access intersection to enter and exit from NYS Route 17K. The existing Montgomery Heights Road intersection at NYS Route 17K is proposed to be closed as part of the Project, however it will be maintained as an emergency access. See also **Response 1.16** above regarding crashes in this area.

Comment 1.19 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:

The traffic report said that there was proposed only going to be a 2 percent increase in traffic in the – between now and 2026, which that traffic report goes to. Was this traffic study taking into account the three potential large commercial projects in the area, the ropes course, the dinosaur park and the QuickChek which are all going to be in that same vicinity? You don't think that those three major projects are going to make it more than a 2 percent increase in traffic in this area, plus 261 apartments? How is 17K going to handle this? Do we have an impact study to address this concern? How is a turning lane which can only handle four to five cars going to be enough to accommodate the amount of cars pulling into this development. Especially during rush hours?

Response 1.19:

See the introduction to Section 3.13 and **Response 1.10** regarding the operation of the site access. See also **Responses 1.15 and 24.12** regarding the growth percentage and analysis of other area projects. Specifically, it should be noted that the Traffic Impact Study accounts for traffic from a total of 17 potential/proposed area developments including Quick Check, the Forest Fun Aerial Park, and the Dino Park projects.

Comment 1.29 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

The intersections in this Town are overwhelmed. 17K and 211 is a disaster, and there's no way around it. What they should have done 20, 25 years ago is build a bypass from Coldenham to Goshen Turnpike and 17, like 747. That would alleviate all the through traffic and then you have local.

Comment 2.37 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

I mentioned the bypass before. I think that's something that the Town should really look into, a bypass that goes from Bloomingburg to I-84 by Pilot, because 17K is only going to get worse.

Response 1.29 & 2.37:

Comment noted. The County is in the process of evaluating other potential improvements to alleviate traffic congestion through the Town and Village area as part of an area wide traffic study to be conducted under the County's Unified Planning Work Program.

Comment 1.30 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing:

You're going to have hundreds of dump trucks moving fill back and forth, so they're going to be using – I'm assuming you're not going to have the left-hand lane built before the first part of the construction when they're going to start leveling it. These trucks are going to have to make a

left-hand turn. Seventy percent of the traffic is coming from the west – I mean from the east to the west.

Response 1.30:

As part of the NYSDOT Highway Work Permit, detailed maintenance and protection of traffic plans to accommodate construction vehicles will be prepared to accommodate the vehicle traffic. This will include t~~he provision of flaggers at the construction access driveway to direct vehicles entering and exiting the site~~a temporary traffic signal at the proposed entrance to the Site opposite Bailey Road until the permanent light is installed.

Comment 1.31 – Mark Palczewski, Verbal Comment from the February 10, 2025 Public Hearing

Is the DOT here? This is a long-term planning that we have to talk about, because this is just one project, but this is the beginning of a huge problem.

Response 1.31:

See the introduction to Section 3.13 regarding NYSDOT involvement in the review of this Project, which is still ongoing. NYSDOT is also aware of the various developments and has provided multiple rounds of input on the Sheffield Gardens Project. The Planning Board and Town representatives have also conducted meetings with NYSDOT and Orange County regarding the need for an area wide traffic study, which is planned to be undertaken by the County as discussed in **Response 1.29 & 2.37**. This study will assess longer term area wide improvements. The proposed access related improvements and other signal improvements would accommodate this project and some of the other background project traffic. Other projects that are located along state highways will have to also make similar types of improvements. The proposed off-site improvements will remedy some of the corridor concerns along NYS Route 17K.

Comment 2.1 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:

I made notes of pulling into and out of Montgomery Heights as follows: Twenty-three times I was passed on the shoulder by cars traveling at least 55-miles-an-hour while attempting to turn into Montgomery Heights while traveling west on 17K. Eleven times I waited more than five minutes to turn onto 17K eastbound. Twelve times I waited five minutes or longer to turn onto 17K westbound. The longest wait was eight minutes. Three times I was almost hit while waiting to turn onto 17K because cars were already driving on the shoulder to pass cars waiting to turn onto Bailey Road while traveling east on 17K.

Comment 2.2 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:

I've heard from many residents of the Bailey Road area who are afraid to turn left from 17K east onto Bailey Road due to poor visibility, high volume of traffic and high speed of traffic on 17K.

Response 2.1 & 2.2:

See the introduction to Section 3.13 and **Response 1.10** regarding the proposed modifications to the Bailey Road/Site Access intersection. See also **Response 1.18** regarding changes to Montgomery Heights Road. Furthermore, vehicles utilizing the shoulder to pass stopped vehicles is illegal and additional enforcement would be beneficial to help control this.

Comment 2.11 – Ron Trent, Verbal Comment from the March 10, 2025 Public Hearing:

A turn lane is not going to handle the traffic coming out of a project of this size. The project needs a controlled – a traffic light or some type of controlled intersection for Bailey Road and the entrance to this road – this project.

Comment 32.3 – Ron Trent email dated 3/19/2025:

The traffic along that SR 17K corridor, from its intersection with SR 208 to the Valley Central School District Middle/High School complex, is horrendous now. The projects proposed solution, simply adding a single turning lane at the entrance to this project, with its proposed 270 apartment units, commercial retail mall and 900 parking spaces, is a ridiculous solution. Before that solution and this project goes forward, this project and all the other proposed projects in the area needs to be addressed by the NY DOT for a comprehensive plan.

Response 2.11 & 32.3:

See the introduction to Section 3.13 and **Response 1.10** regarding the proposed access modifications for the Bailey Road/Site Access intersection. In addition, see **Response 1.29 & 2.37** and **Response 1.31** regarding area wide study to be undertaken by Orange County.

Comment 2.14 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

The turning lane that is proposed, is there a length? Do they have – decided where it will start, where it will end? Has the DOT even approved this turning lane?

Comment 29.1 – Richard Dairy Shed letter dated 3/10/2025:

The DEIS indicates that a left turn lane will be installed for entry into the proposed development. We can see no drawing that shows the left turn lane other than photo simulation. What will be the length of the left turn? Where does the lane start? Has the DOT approved the plan? Will construction of the lane involve taking of land? (17K is a narrow two-lane highway at this location.)? We are concerned that it will make entry into our store challenging. We can be quite busy on a typical Summer night and the additional turning and increase in traffic does not seem to be accounted for. We are lay persons; however, the traffic study did not seem to factor in the increase in the traffic associated with our business. We are very concerned that the safety of our patrons may be at risk.

Response 2.14 & 29.1:

See introduction to Section 3.13 and **Response 1.10** regarding access modifications. The Project access will now align opposite Bailey Road. The Site Access is proposed to provide a 100-foot left turn lane in the westbound direction and a 75-foot left turn lane in the eastbound direction for vehicles turning onto Bailey Road. NYSDOT has approved in concept the access plan, which is provided in FEIS Appendix H1 Attachment 1. The final length of the lanes and other design details will be finalized under the NYSDOT Highway Work Permit process but it is not anticipated that the widening of NYS Route 17K proposed by the Project will extend to the Dairy Shed frontage area. In fact, as currently proposed, the widening would terminate some 600 feet west of the Dairy Shed property. Also, no property takings will be required to accommodate the proposed improvements.

Comment 2.15 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

Caution of our patrons getting in and out of our business is already terrible, and our traffic study wasn't even done during the hours that we were open. So to take into account on a busy summer night, on a Friday night with a football game or a sporting event or something going on at the school, you're going to have that much added traffic in and out of that route, let alone with all the other projects that are proposed on this road.

Response 2.15:

The comment makes reference to traffic operations during events at the adjacent Valley Central schools (football game or other sporting event). The traffic conditions that may result

from these events will not significantly change with the Project. However, the installation of the traffic signal at the Bailey Road/Site Access intersection as well as the coordination of traffic signals along the corridor, as discussed in the introduction to Section 3.13 and **Response 1.10**, will improve traffic flow conditions along Route 17K throughout the day. Furthermore, traffic associated with these sports events typically occur outside the commuter peak hours that were analyzed as part of the Traffic Impact Study and the Project is not responsible for mitigation of traffic impacts that may be created by other existing uses in the area.

Comment 2.20 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:

In regards to the traffic studies, like when were these traffic studies conducted? Who were they conducted by? Was it in the Town that conducted them or was it somebody that was paid by ownership? My experience is it would probably behoove the Town to conduct their own traffic studies at the expense of the ownership. I deal with properties and planning boards often in my position and I think it's something that is definitely warranted.

Response 2.20:

The Traffic Impact Study was prepared by the Applicant's traffic engineer, Colliers Engineering & Design, in accordance with standard criteria as required by the Town and NYSDOT. The Traffic Impact Study has been reviewed in depth by the Town Planning Board's consultant (Nelson Pope Voorhis) and NYSDOT, and was revised as part of the DEIS. This is standard practice under SEQRA.

Comment 2.21 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:

Where is this left-hand turn going to go? That road is not wide enough to accommodate that. Not to mention, to accommodate that, you would have to take away from what I would consider to be a bike lane or a walking lane.

Comment 2.54: Brenda Duff, Verbal Comment from the March 10, 2025 Public Hearing:

The addition of the turning lane, I just wanted to know where that extra road frontage was coming from, because there's huge ditches on each side, how that was going to be handled.

Response 2.21 &2.54:

A widening of NYS Route 17K is proposed to provide the left turn lanes on NYS Route 17K at the Bailey Road/Site Access intersection as discussed in the introduction to Section 3.13. As part of the road widening on NYS Route 17K to accommodate the proposed turn lanes and signalization, all work is anticipated to be completed within the existing NYSDOT right-of-way. This widening will include shoulder reconstruction and all drainage will be addressed as part of the final design/NYSDOT Highway Work Permit review.

Comment 2.22 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:

This is a tremendous amount of vehicular traffic for such a small road entering and exiting. What if there's an accident within there?

Response 2.22:

The proposed roadway access to the Project is a typical intersection design and meets Town standards. The exit approach of the access will include two lanes, a separate right turn lane and through/left turn lane. In addition, emergency access is proposed to be provided via a separate gated emergency only access connection to NYS Route 17K located approximately 500 feet east of the Bailey Road/Site Access intersection. The existing Montgomery Heights

Road entrance will be maintained as an additional emergency access to Montgomery Heights Road and the Project Site.

Comment 2.31 – Neil Moscato, Verbal Comment from the March 10, 2025 Public Hearing:

When was the study done, the traffic study? Was it done during school hours? Was it done on a weekend? Was it done in the middle of the night? When was it done?

Response 2.31:

The Traffic Impact Study was conducted to account for traffic conditions associated with the schools, including peak school hours. Weekend (Saturday) traffic conditions were also analyzed in accordance with the Town's adopted Scoping Document for the DEIS. The traffic data collection was conducted during January 2023 on a Weekday (Thursday, January 7, 2023) from 6:00 AM – 9:00 AM, 2:00 PM – 7:00 PM and on a Saturday (January 9, 2023) from 11:00 AM – 2:00 PM and included seasonal adjustments based on NYSDOT data.

Comment 2.34 – Darlene Provino, Verbal Comment from the March 10, 2025 Public Hearing:

One of my biggest concerns is the traffic, because from where I am on Farm Meadow Lane, I don't even bother to go out and go east onto 17K. You can't pretty much any time of day. Forget about when it's during the school times or people are going to work.

Response 2.34:

See introduction to Section 3.13 and **Response 1.10** regarding the modifications to the NYS Route 17L/Bailey Road/Site Access intersection including installation of a traffic signal, which will control movement to and from Bailey Road which is used to access Farm Meadow Lane.

Comment 2.36 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

I talked about this before, but I think it needs to be discussed again because some of these points are pretty important. The degradation of the level of service. Every intersection within a mile is going to be affected. Some of these [levels] of service, the 17K and 211 intersection is already an F. It's going to get worse. It affects the quality of life when you have to wait ten minutes to get into the Village. It's going to affect the people who live there, besides the ones on Montgomery Heights. Who takes priority, the group of people here whose quality of life is going to be degraded or the builder who is going to benefit from that?

Response 2.36:

See introduction to Section 3.13 and **Response 1.11** regarding corridor improvements and coordination of traffic signals between the school driveways and Bailey Road. The Traffic Impact Study identified potential improvements at other intersections in the corridor and some of these would be completed in association with other developments that would have a more significant impact at such locations. Also see **Response 3.14.**

Comment 2.47 – Michael Young, Verbal Comment from the March 10, 2025 Public Hearing:

Even if you put a light at Bailey Road, the whole area, as it's been pointed out, is a business district. You're going to have an additional lane. You're going to have people making left turns, crossing over into a third lane. It's not just people coming out of Bailey Road and having the difficulty. It's dangerous as it is, but now with all this additional 800 cars, it's going to be very dangerous in that respect for the business owners, their proprietors to actually cross safely.

Response 2.47:

The access improvements, including turning lanes and signalization, are being designed in accordance with NYSDOT criteria and will accommodate the vehicle movements into and

out of the project as well into and out of Bailey Road. There is not expected to be 800 vehicles during any one time period. The maximum added traffic from the Project is 251 vehicles (143 entering/108 exiting) during the Weekday PM Peak Hour. See also **Response 1.29 & 2.37** regarding Orange County's area wide traffic study.

Comment 2.50 – Lisa Joyce, Verbal Comment from the March 10, 2025 Public Hearing:

No matter how much we tell them put on a helmet, no matter how much we tell them be safe, they are going to walk down 17K. My kids have walked to Richard's so many times. They ride their bikes to the Village. We don't have a safe spot for them to even ride their bikes. There's no room.

Response 2.50:

Comment noted. The improvements proposed along this section of NYS Route 17K are being designed in accordance with current NYSDOT criteria, including accommodations for vehicles as well as shoulders of sufficient width to accommodate bicycles and pedestrians.

Comment 2.51 – Lisa Joyce, Verbal Comment from the March 10, 2025 Public Hearing:

How many of us right now are doing a slalom down 208, down 17K and down 211 to avoid the massive potholes that exist? It's so hard to keep up with repairing the streets. We know that. But now if we have these added numbers of vehicles that are sure to come, are we going to be able to keep up with the repairing of the current roads we have when right now our roads, I'm sorry, they're a bit of a mess?

Response 2.51:

NYS Route 17K, NYS Route 208, and NYS Route 211 are State highways and resurfacing improvements are based on standard NYSDOT maintenance plans.

Comment 2.57 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

There are going to be, over 500 trucks moving dirt in and out, if I'm not mistaken. Most of those trucks are going to be coming from the west heading east, because they predicted 70 percent of those trucks are going to be coming from 208. They're going to have to make a left-hand turn into the development. So are you going to have a left-hand turn lane before that starts, because if you don't, you're going to have trucks trying to make a left-hand turn and nobody is going to be able to get around them or they're going to get impatient, you're going to have accidents.

Response 2.57:

Construction vehicle movement in and out of the Site will be controlled as part of a detailed Work Zone Traffic Control Plan (WZTC) including ~~flaggers~~ a temporary traffic signal and other measures necessary to comply with NYSDOT criteria. The WZTC plans will be finalized during the NYSDOT Highway Work Permit process.

Comment 2.58 – Stacy Hillman, Verbal Comment from the March 10, 2025 Public Hearing:

Was there a traffic study done for Quickchek at one point? It wasn't favorable I don't think. Did they take that into consideration? That's just right up the road.

Response 2.58:

The Traffic Impact Study accounts for traffic from a total of 17 proposed or potential developments including the traffic generated by the proposed Quick Check.

Comment 2.69 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:

Is the lack of a turnaround for your snowplows and fire department people acceptable, because there is no turnaround. I don't believe one is proposed. I'd like to get Shawn Arnott to weigh in on that particular issue.

Response 2.69:

Section 1.3.2 states "Improvements proposed to Montgomery Heights Road include a vehicle turnaround near the proposed termination adjacent to NYS Route 17K and emergency access gates at both ends of the north/south leg." The turnaround will accommodate vehicle turning movements for fire emergency vehicles and highway maintenance vehicles. The site plan ~~is being coordinated~~was reviewed with the fire department on February 20, 2026. ~~and highway department to accommodate vehicle turning movements for the fire emergency vehicles and highway maintenance vehicles~~.

Comment 3.1 – Don Berger, Verbal Comment from the April 15, 2025 Public Hearing:

This Board assured me that you were going to have that meaningful meeting with the New York State DOT. I'm wondering if you ever did that.

Response 3.1:

NYSDOT has been involved with the review of this project and other projects in the area and has had discussions with the Town and Orange County regarding this Project as well as the need for an area wide traffic study. See also **Response 1.29 & 2.37** and **Response 1.31** regarding Orange County's area wide traffic study.

Comment 3.4 – Kim Fragale, Verbal Comment from the April 15, 2025 Public Hearing:

Whenever there's traffic on 17K, guess what, they use Bailey Road. It's 30 miles-an-hour. People walk their dogs, kids are playing. They don't do 30. They do more. It's a constant line of cars. It's residential. So I'm very concerned about that.

Response 3.4:

Comment noted. The project is not expected to significantly change conditions on Bailey Road and the Property Owner is willing to work with the Town on any additional signing or other traffic calming measures that can help current conditions.

Comment 3.5 – Karen Tocci, Verbal Comment from the April 15, 2025 Public Hearing:

You talked about Montgomery – Town of Montgomery is doing a comprehensive traffic study. How long has the study been going on for? Is there going to be decisions made regarding Sheffield before this comprehensive traffic study is completed? What's the point then if the decisions are going to be made before the traffic study is complete? The comprehensive traffic study isn't going to incorporate what's going on for this proposed Sheffield Gardens?

Comment 3.7 – Karen Tocci, Verbal Comment from the April 15, 2025 Public Hearing:

Any idea when that traffic study might be complete?

Response 3.5 & 3.7:

The Sheffield Gardens Traffic Study included a total of 17 other potential developments in the area and this has been coordinated with the Town and NYSDOT as part of the SEQRA review. In addition, the Town has completed a separate evaluation of the NYS Route 208 corridor between NYS Route 17K and I-84, which included traffic from all of the known area developments, which makes several recommendations for the NYS Route 208 corridor. See also **Response 1.29 & 2.37** and **Response 1.31** regarding the Orange County area wide traffic study.

Comment 3.10 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:

The traffic study that they completed was done on January 5th and January 7th. So only a couple days after everyone was coming back from Christmas break. The school was in operation, but there's no outside sports. There's no little league or lacrosse. There's no soccer. There's no one going to Berea for practice. The traffic is tenfold when the weather gets warmer and more people are going to Richard's. I mean, Quality auto wasn't even in operation. We weren't in operation. There's not generally many people on the road in January. It's cold, it's dark by 4:00. We just felt that that was a very clear underestimation of the traffic on that road.

Comment 21.7 – Karina Tipton email/letter dated 5/9/2025:

The traffic analysis collected traffic counts in early January immediately after winter break, at a time that sports and after school programs were not fully in effect. Based on this, these are undercounts for the weekday peak. Also, no counts were taken at Rt 208 and Bailey Rd to estimate the traffic that is already bypassing this section of Rt 17K and to measure the impact of traffic on the residents along Bailey Rd.

Response 3.10 & 21.7:

The Traffic Study includes seasonal information as published by NYSDOT and this was incorporated into the traffic projections and analysis. Analysis of NYS Route 208 at Bailey Road was not required based on the Scoping Document adopted by the Planning Board for the DEIS.

Comment 3.14 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:

In their traffic study they reference the Bailey Road intersection and 17K and 208. What about all those private residents that have to pull out to the road, people that are getting a hair cut, or going to physical therapy, or coming to Richard's, or going to Quality. Are those even going to be looked at or reviewed or is it just going to be the street intersection?

Response 3.14:

The Traffic Impact Study was prepared in accordance with the Scoping Document adopted by the Town Planning Board, which specified the intersection locations to be studied. The coordination of the three traffic signals between the school driveways and the Bailey Road/Site Access intersection, as discussed in the introduction to Section 3.13 and **Response 1.10**, is anticipated to provide better platooning of vehicles along the corridor, which will result in greater gaps for vehicles entering and exiting private driveways in this area.

Comment 3.15 – Tracy Palumbo-Cortez, Verbal Comment from the April 15, 2025 Public Hearing:

Also the sidewalks to keep it safe for people to walk up and down, coming to Richard's, up even to possibly the intersection by Scott's Corners and then down into the Village.

Comment 30.1 – Richard Dairy Shed email dated 3/10/2025:

I just wanted to voice a few more concerns. Along with the other traffic concerns we were wondering if any there were any plans to have a sidewalk on 17k? This would not only help students and residents in the area but also for patrons of Richards and other local businesses. For everyone's safety we feel the need to have a sidewalk.

Response 3.15 & 30.1:

Sidewalks along NYS Route 17K are not proposed as part of the Project. The Project proposes to provide an internal connection to the adjacent school property such that students walking to the High School or Middle School would not need to go out to NYS Route 17K.

Comment 3.16 – Bernie Hillman, Verbal Comment from the April 15, 2025 Public Hearing:

Prior to these lights here having been put on 17K and the left and right lane, center lane for the school, that was manageable. We had a police officer directing everybody to the left, to the right and traffic was only bad just a certain amount of time in the day. DOT had a study and they came in and put that light over there. The only thing that that light benefits, once you make that left off of 17K into that school or into that Dollar General, you come out on that light, the light is a trigger and that allows that person not to sit like the other people up and down, north and south on Route 17K like they're sitting.

Response 3.16:

See **Response 1.11** regarding coordination of the existing school traffic signals with the proposed Bailey Road/Site Access traffic signal and the resulting anticipated improvements to corridor traffic flow.

Comment 3.19 – Karina Tipton, Verbal Comment from the April 15, 2025 Public Hearing:

Traffic circles will calm traffic. Traffic circles slow down trucks. Traffic circles slow down other cars so people can pull out in front of them because they're not going 75 miles-an-hour as they scream down 17K. This Planning Board does have an opportunity to request the DOT evaluate a traffic circle also. Ask them for what we need. Ask them for the traffic mitigation measure, for the traffic calming measure that we need to protect the people that already live around this development and who are going to continue to be going to work or coming home from work or going to school or coming home from school. A traffic light is probably not it. I understand that a traffic 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 home rule. You can ask for more.

Comment 21.8 – Karina Tipton email/letter dated 5/9/2025:

The traffic study reported that "The NYS Route 17K/NYS Route 208 intersection currently experiences an accident rate approximately three times the statewide average for similar intersections. The prevailing accident type at the NYS Route 17K/NYS Route 208 intersection is rear end type accidents due to driver inattention and following too closely." Based on this, traffic calming tools such as a roundabout should be implemented at the entrance of this project. A traffic light will only exacerbate the danger of the Rt 17K / 208 intersection because it will cause drivers to speed up to avoid the light. Based on the many concerns of residents for pedestrian safety on Rt 17K, and the exhibited high-accident rates, traffic calming measures must be included in the construction of this project. This may include protected bicycle lanes, shift in traffic lanes slightly to create "chicanes," and the use of a roundabout to promote slower but consistent traffic flow.

Response 3.19 & 21.8:

See the introduction to Section 3.13 and **Response 1.10** regarding the modifications proposed at the Bailey Road/Site Access intersection. A traffic signal is proposed at this location over a roundabout because of the ability to coordinate the traffic signals and the corridor traffic progression improvements that will be provided as discussed in **Response 1.11**. The improvements at the access are subject to NYSDOT Highway Work Permits and will be finalized during that process. The improvements will be completed at the access at the Property Owner's expense and will incorporate appropriate traffic control measures.

Comment 3.30 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:

Goodwill Road should be included in the traffic comment, because the secondary roads are becoming primary roads. Goodwill has become the go to back way between 84 and anyone

heading west out of the Village of Montgomery. They don't go down 17K. They don't go down 208 and make a left onto 17K. They cut through the Shop Rite, Hawkins and come up Goodwill.

Response 3.30:

Comment is noted. This Traffic Impact Study was prepared in accordance with the Scoping Document adopted by the Planning Board.

Comment 4.2 – Conservation Advisory Council Memo dated 3/9/2025:

Since it is near the high school where students would be walking, it would present dangerous situations.

Response 4.2:

See **Response 3.15 & 30.1** regarding the Project's proposed pedestrian connection to the adjacent school property.

Comment 5.1 – Conservation Advisory Council Memo dated 5/8/2025:

a. Page 129 states that accident rate is currently 3 times the rate for similar intersections in the state. Their solution is an increase in the light interval, increasing the yellow light time by one second(from 5 to 6 seconds) to reduce rear end collisions. Perhaps an alternate solution would be a rotary (traffic circle). It should be considered in the upcoming NY DOT study.
b. The traffic Level of Service(LOS) for the intersection of traffic exiting the Sheffield Gardens is predicted to be rated at an F, the lowest rating. How is it possible to build a project that will have the lowest grading to start.
c. In addition, 9 intersection approaches are predicted to have downgraded LOS due to this project.
d. The traffic volume in this part of Rte. 17K is already overburdened. Without a massive upgrade to the highway, traffic delays and accidents will increase and cause a degradation in the town's quality of life.
e. The DEIS states that anywhere from 1,136 to 2,406 trucks will be needed to move excavated materials out and bring imported materials to the site. This will be done through one entrance/exit, with an expected 75% of the trips coming from the Rte 17K/208 intersection to the east. This necessitates a left turn into the sight. If the dedicated left turn lane is not completed before this occurs, traffic issues could be acute. Even with a dedicated left turn lane in place prior to this massive movement of materials in and out of the site, the traffic will be severely impacted. There is no mention in the document how this will be handled and the impact it may cause on the community.

Response 5.1:

a. A roundabout would have the potential to reduce specific crashes at the intersection, however the reduction of rear end crashes at this location is not necessarily mitigated by the installation of a roundabout. The potential for a roundabout can be further analyzed as part of the Orange County area wide traffic study. See **Response 1.29 & 2.37** and **Response 1.31**.
b. As discussed in the introduction to Section 3.13 and **Response 1.10**, the Project access has been relocated to be opposite Bailey Road and the intersection will be signalized along with other geometric improvements. With these modifications, the intersection is expected to operate at a LOS A during all time periods.
c. Some degradation of LOS on individual movement is possible, but where practical improvements have been identified including traffic signal timing and coordination improvements.

d. Significant improvements are proposed at the Bailey Road/Site Access intersection as discussed in the introduction to Section 3.13. In addition, coordination of the traffic signals between the school driveways and Bailey Road is also proposed as discussed in **Response 1.10**. Further corridor modifications should be assessed as part of the Orange County area wide traffic study. See **Responses 1.29 & 2.37** and **Response 1.31**.
e. During construction, appropriate measures will be incorporated into the permits to accommodate construction vehicles which will include the use of a temporary traffic signal~~flagmen~~ or other measures to facilitate the movement of trucks into and out of the site. These truck movements will also be coordinated with the State and Town relative to the hours of operation to avoid impacts on school traffic, etc. It should also be noted that construction is planned over an three year time period, which will spread the truck trips over this time period.

Comment 6.19 – Coldenham Fire Company Memo dated 3/26/2025:

Access Concerns- Traffic on 17K is already a nightmare. Depending on time of day traffic in this area significantly backs up. This is going to significantly delay response times.

Response 6.19:

See **Response 1.11** regarding coordination of traffic signals along the corridor and the anticipated corridor traffic flow improvements.

Comment 7.1 – Jay Beaumont letter dated 1/13/2025:

I tracked down a guidance for Traffic Control Signal Needs Studies – MUTCD 11th Edition. There are nine possible warrants. See the attachment. The only warrant that seems to apply to this situation is Warrant 3, Peak Hour. I have attached the description for Warrant 3, Peak Hour.

"The Peak Hour signal warrant is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street."

Since the speed limit on 17K exceeds 40 mph, Figure 4C-4 may be used to evaluate the criteria for the warrant.

Also, note: "If this warrant is the only warrant met and a traffic control signal is justified by an engineering study, the traffic signal may be operated in the flashing mode during the hours that the volume criteria of this warrant are not met."

"Guidance: If this warrant is the only met and a traffic control signal is justified by an engineering study, the traffic control signal should be traffic-actuated." This Guidance seems to be perfect fit for the Sheffield situation.

The attachment sheet present my analysis of the Warrant. Please note that the AM peak hour, PM peak hour, and Saturday peak hour fall above the application curve (75 vehicles per hour) on Figure 4C-4. In fact, the Major Street vehicles per hour are "off the chart".

Response 7.1:

As discussed in the introduction to Section 3.13 and **Response 1.10**, a traffic signal is now proposed to be installed at the Bailey Road/Site Access intersection.

Comment 8.15 – MHE Engineering memo dated 5/8/2025:

Within Section 3.8, the applicant should evaluate aligning the site driveway with Bailey Road pursuant to requests by NYSDOT in an email dated 6 May 2025 from Zakaia Alam of NYSDOT. Coordination for alignment should be directed to NYSDOT.

Response 8.15:

The access to the site is now aligned with Bailey Road and will include turning lanes and signalization as discussed in the introduction to Section 3.13 and **Response 1.10**.

Comment 8.16 – MHE Engineering memo dated 5/8/2025:

Section 3.8 should be updated to consider connecting the end of Montgomery Heights Road with a proposed site driveway and providing an emergency access gate at the existing intersection of Montgomery Heights Road with NYS Route 17K.

Comment 12.14 – Planning Board comments dated 5/9/2025:

The connection between the project and Montgomery Heights neighborhood must be reviewed to alleviate traffic and future safety issues. Communication with the neighbors is needed as part of the evaluation.

Response 8.16 & 12.14:

The plan has been modified to allow access to the Montgomery Heights neighborhood through the site entrance roadway from the new intersection and traffic signal at the Bailey Road/Site Access intersection. The existing NYS Route 17K/Montgomery Heights Road intersection is proposed to be eliminated. Communication with the Montgomery Heights neighbors took place at a public information meeting held on August 25, 2025 at Town Hall.

Comment 8.17 – MHE Engineering memo dated 5/8/2025:

Section 3.8 should consider required improvements to dedicate the proposed site access road to the Town of Montgomery to the proposed intersection with Montgomery Heights Road.

Response 8.17:

The site access roadway is proposed to be dedicated to the Town from NYS Route 17K up to and including the east/west leg of Montgomery Heights Road as identified on the site plans in FEIS Appendix L.

Comment 9.16 – Montgomery Fire Department letter received 4/2/2025:

Will there be a traffic signal on 17K by the entrance?

Comment 12.15 – Planning Board comments dated 5/9/2025:

From the Planning Board's perspective, the project needs a traffic actuated light, a westbound left turn in, and left and right turn lanes going out to 17K.

Response 9.16 & 12.15:

A traffic signal and turn lanes will be provided at the Bailey Road/Site Access intersection. See introduction to Section 3.13 and **Response 1.10** for further details.

Comment 11.1 – NYSDOT email dated 5/6/2025:

I wanted to follow up and ask if the Town has had a chance to contact the applicant regarding the relocation of the Sheffield gardens main site driveway to across the Bailey Road?

We have just received the signal warrant analysis for the proposed driveway and the warrants are met. If the driveway is relocated across the Bailey Road, we may need to analyze warrant #6 to see if coordinated signal will be required. Please let us know if there is any update on requesting the applicant an FEIS response.

Response 11.1:

The access to Sheffield Gardens is now proposed opposite Bailey Road and will include the left turn lanes and signalization as requested. See introduction to Section 3.13 and **Response 1.10** for further details.

Comment 11.2 – NYSDOT email dated 5/6/2025:

Ideally it would be beneficial to have Sheffield gardens main site driveway connect across from Bailey Road. Is the town willing to ask the applicant to relocate the proposed retail space to a different location if possible. I think, at a minimum, this should be studied by the applicant in an FEIS response. If we did move the main driveway to across from Bailey than how would you want to treat Montgomery Heights Road? Since it would be near a new signalized intersection I would prefer to remove any movement from that roadway. This makes sense and is consistent with our discussion to make this a gated emergency access road only.

Regarding the construction of the signal. I will need to talk it over with others, but since there will be roadway expansion with left turn lanes, I would assume the signal be installed during construction. Understood, but I think there is merit to exploring the possibility of requiring this prior to the first building permit.

Response 11.2:

The timing of the traffic signal installation will be coordinated as part of the final NYSDOT Highway Work Permit process. See introduction to Section 3.13 and **Response 1.10** for further details.

Comment 12.13 – Planning Board comments dated 5/9/2025:

Traffic impact on an already congested highway (even with existing controls) – how does project add capacity?

Response 12.13:

Comment noted. The traffic signal and turning lanes will accommodate the movements to and from the site and the signal will be interconnected with other traffic signals along the NYS Route 17K corridor to enhance the traffic flow along the corridor. See **Response 1.10** and **Response 1.11**.

Comment 12.16 – Planning Board comments dated 5/9/2025:

The FEIS is to describe the installation specifications and long-term maintenance obligations for the bicycle/pedestrian access to the school complex. What entity will be responsible for the above? What happens if that entity no longer exists?

Response 12.16:

The property owner of Lot 3, on which the bicycle/pedestrian path is located, will be fully responsible for long-term maintenance obligations of the path. A detail for the 5-foot-wide stone dust path is provided on Sheet C-304 in FEIS Appendix L. The path will be constructed of a minimum of 4-inches of stone dust or other materials providing a firm and stable surface over a firm unyielding compacted subgrade.

Comment 12.17 – Planning Board comments dated 5/9/2025:

The FEIS needs to recite all DOT interaction/comments to the date of submittal of the document.

Response 12.17:

See introduction to Section 3.13 regarding correspondence with NYSDOT and resulting changes to the Project access scenarios.

Comment 12.18 – Planning Board comments dated 5/9/2025:

The ownership and future use and improvements for Montgomery Heights Road has to be clarified. At least one map, Sheet 3.3A of Section 10 seems to have the public v. private sections reversed (the north/south leg is labeled “private” with the east/west leg “public).

Response 12.18:

DEIS Figure 3.3A has been revised and is included as FEIS Figure 3.3A.

Comment 14.9 – Town Board letter dated 5/9/2025:

The developer shall complete all NYSDOT required traffic improvements, inclusive of any signal lights, prior to any Certificate or Temporary Certificate of Occupancy being issued for the project or any phase of the project.

Response 14.9:

Comment is noted.

Comment 14.10 – Town Board letter dated 5/9/2025:

The applicant should construct sidewalks from the project site to the Valley Central School complex on NYS Rt 17K for safe pedestrian access from the apartments to the school complex. If an alternative means of access from the project site to the school complex is acceptable to the Planning Board, such as a direct path from Sheffield Gardens to the school property, it will be necessary to ensure that student safety and security must be given priority. Towards that end, school security officials and the Town Police Department should be consulted regarding such path.

Response 14.10:

Sidewalks along NYS Route 17K are not proposed as part of the Project. The Project proposes to provide an internal connection to the adjacent school property such that students walking to the High School or Middle School would not need to go out to NYS Route 17K. The proposed pedestrian/bike path was shown on the Site Plan circulated to VCSD as part of the DEIS process.

Comment 14.11 – Town Board letter dated 5/9/2025:

A traffic study is being undertaken by the Orange County Department of Planning which will include several portions of the Town of Montgomery, including the area in which the project is contemplated. It is anticipated that the study will not be completed until late 2025 or 2026. The Town Board requests that the Planning Board consider making reference to the traffic study in its SEQRA findings statement and adding a condition to any approvals issued in connection with this project that any recommendations contained in the traffic study that are adopted by Orange County be incorporated into the project approvals as binding conditions to the extent practicable.

Response 14.11:

The Applicant’s traffic consultant has performed a an in-depth study of the traffic conditions along NYS Route 17K between NYS Route 208 and NYS Route 211 in the Village of Montgomery with input from NYSDOT resulting in recommendation of substantial improvements at Bailey intersection, including a traffic signal and left turning lanes on NYS Route 17K in both directions that will be constructed by the Project.

Comment 17.1 – Blaise Castaldo email dated 3/11/2025:

I am very concerned about the traffic that may impact Bailey Road before and after this project is completed. As you know, Bally Road runs between route 208 and Route 17 K. It has long been used as a.” shortcut.” for people who like to avoid the light at the corner of Route 17 K and route 208.(Scott’s corners). Whenever there is a problem on route 208 or 17 K (Scott’s corners)

there is always a certain amount of traffic that decides to. Use Bailey Road as a cut off or cut through to avoid that traffic light and the congestion that is already out of control at that intersection.

An already congested area I feel that construction of this project will further stress and have a negative impact not only on the 17 K/208 corridor, but in our residential neighborhood and Bailey Road. There is a lot of pedestrian traffic in our neighborhood. Adults and children-regularly walk, ride their bikes and jog on Bailey Road and the side streets along its corridor. Any added traffic to that road would certainly become huge safety hazard. The speed limit is 30 mph on Bailey Road, that is seldom obeyed by most drivers, this new traffic will certainly exasperate this situation.

Farm Meadow Lane is a loop and is the main access for the town of Montgomery Park along the Wallkill River. After this project is completed, there will definitely be a significant increase in traffic to access this park. Bailey Road is narrow and windy, it has two railroad crossings. Most of the road has absolutely no shoulders.

Will there be safeguards against construction vehicles using Bailey Road as" a way around" to access or exit the new construction entrances on 17K?

The developer of this project should be made responsible to provide funds to improve the roads and infrastructure that this project will have a direct impact on in our area. And to guarantee our residents safety during construction. A project of this magnitude should've been thought out better and maybe placed in an area where the roads and
infrastructure are better suited for it.

Response 17.1:

Bailey Road is not anticipated to be utilized by any significant traffic generated by the Project. Any traffic utilizing Bailey Road is anticipated to be local traffic from Bailey Road to the commercial portion of the development. It should also be noted that Bailey Road has an 8 Ton Weight Limit restriction and therefore trucks travelling to and from the project during construction will not be permitted to utilize this roadway.

Comment 18.4 – Charolette Palumbo email dated 03/10/2025:

Another Major problem that has been brewing is the traffic. The traffic has grown and grown over the years. This project along with other proposed housing and businesses is only going to make it worse. Also if the road has to be extended due to all these projects once again it's the local residents and businesses will have to pay the price. By having their properties altered for further development. A turning lane was mentioned for the project but no reference on where they will extend, how far they will extend or if it's even been approved. A turning lane place without consideration of neighboring business and residents could be a serious safety concern. There are a lot of new drivers going in and out of the school and with these proposed changes it will surely create unfortunate traffic hazards for our towns children.

These apartments and its amenities can have a positive influence on our town and its residents, but in order for that to happen our current residents and businesses have to work together with developers to ensure projects are thoroughly inspected. Reports are completed with no bias. And the safety of neighbors, residents and the future of our Town are properly considered.

Response 18.4:

Comment noted. See the introduction to Section 3.13 regarding the proposed modifications to the Bailey Road/Site Access intersection. The traffic improvements will be coordinated with the other properties along this section of NYS Route 17K.

Comment 19.1 – Gina Zwart letter dated 3/10/2025:

I'm a town resident and reside on Goodwill Rd, after reading material and listening to the presentation at the 2/10 meeting regarding this project, I'm happy to hear this board is concerned about the traffic and have taken steps to address it OR at least start. It's taken years and I appreciate the efforts made to get a comprehensive traffic study done. All building should be placed on a stop until its completed. A 6-month moratorium with two 6-month renewals if needed until the study is completed and a plan in place and started. Not only do we need a study, but we need action before anything else is allowed to be constructed in our town. This project brings a great deal of traffic concern along with the size.

Comment 20.1 – Gina Zwart letter dated 5/8/2025:

Traffic is a major concern within this town and this project. Not just with this project but with every project coming to the town and in the 17K and 208 area. It's great a traffic study has been whispered to the county planners and state DOT. We need more then a whisper. The town of Montgomery has been squeezed to a breaking point and the Town Board and Planning Board need to put the brakes on. It's a matter of public safety for this community. Proactive planning needs to start happing before the damage is done to no return. Let's see the town put down a moratorium and get this worked out better for everyone. This town can not handle anymore and needs to be corrected.

Response 19.1 & 20.1:

Improvements commensurate with the development are being implemented by the Property Owner at their cost to accommodate vehicular traffic generated by the Project and to mitigate impacts to existing traffic in the area. See also **Response 1.29 & 2.37** and **Response 1.31** regarding Orange County's planned area wide traffic study.

Comment 21.6 – Karina Tipton email/letter dated 5/9/2025:

The traffic study included in the DEIS is inadequate and does not adequately measure the compounded traffic impacts to nearby businesses. Overall, at this stage, the Planning Board does not have adequate information to fully evaluate the impact of this project to the neighboring residents and businesses, and to the entire town. Based on the proximity of this project to the school a more detailed traffic study should be required that takes into consideration the flow of traffic along the 17K corridor and also Rt 211 and Rt 208. The Orange County Planning Department has stated that they will complete a traffic analysis for the Town of Montgomery that includes this breadth of data, and if the developer does not wish to undertake a robust traffic study on their own, the Planning Board should pause on approval of this project until that County-lead analysis has been finalized.

Response 21.6:

The Traffic Impact Study was prepared in accordance with the Scoping Document adopted by the Town of Montgomery Planning Board and accounts for traffic from 17 other proposed/planned area developments to assess the cumulative traffic along the NYS Route 17K corridor. The Town of Montgomery also recently completed a corridor traffic study for the NYS Route 208 corridor dated December 16, 2024. As discussed in **Response 1.29 & 2.37** and **Response 1.31**, Orange County plans to conduct an area wide traffic study as well.

Comment 21.9 – Karina Tipton email/letter dated 5/9/2025:

Finally, leaving the determination of the final use of the project to the requirement of NYSDOT for a traffic light speaks to a basic lack of investment in Montgomery and the neighboring community. Regardless of the size of commercial property included in this development, the apartments will have a real impact on traffic and there should be a proactive commitment to not only mitigate, but improve the traffic patterns resulting from construction.

Response 21.9:

NYSDOT has agreed in concept with the turning lane and signalization of the access aligned with Bailey Road and it will be installed at the responsibility and expense of the Property Owner. See introduction to Section 3.13 and **Response 1.10** for additional information.

Comment 23.2 – Lisa Melville letter received 3/10/2025:

I have a senior at Valley Central High School, anyone attempting to drop off or pick up their student in the morning knows how much traffic there is two times a day for the Middle and High School. All these projects will dramatically increase the traffic congestion and problems in this area, especially at the school. The volume of traffic has increased over the years and all the new proposed development will increase the number of people using 17K. There are multiple driveways and access points that result in long waits to turn into a property or to exit one. This project adds to the number of entrances and exits on to 17K.

Response 23.2:

Traffic during peak school hours will continue to be similar to what exists today. The Project cannot change the existing condition. However, as identified in the introduction to Section 3.13 and **Response 1.10**, the Project proposes coordination improvements to the existing school traffic signals, which are not currently coordinated, that will improve traffic flow along this area of NYS Route 17K.

Comment 24.10 – Louis Doro letter dated 2/10/2025:

The proposed turning lane into the SG property from 17K has many flaws. The note on page 228 of the DEIS under the Traffic heading states that the new turn lane will cause significant adverse impacts to the surrounding road network. Adverse means ‘causing harm’ so it seems that this is a failed design and the engineer of record understands it. The proposed turn lane has a D grade during the AM rush hour, an E grade during the PM rush hour and a D grade on Saturdays. The turn lane dimension is 100 feet long which allows room for approximately 4-5 standard sized vehicles while waiting to turn into the property. With 251 vehicles proposed to enter the site, this will create a dangerous situation with traffic backing up beyond the 17K/208 intersection, and these numbers do not include delivery vehicles such as Amazon, UPS or FedEx nor do they include meal delivery services such as Door Dash and Uber. The distance between the proposed entrance and intersection of NYS route 17K and 208 is roughly 2,700 feet. That distance can support 108 vehicles if traffic is stopped, which happens just about every day in the afternoon hours. See attached photos of traffic congestion. The table on page 13 of the DEIS shows an increase in traffic volume during the PM rush hour of 251 vehicles. The traffic backs up from the Valley Central MS/HS area to approximately the Walnut Street area during most of the school season and the roads cannot support the increase in traffic volume.

How will the properties on the north side of 17K within the turning lane zone be affected when those entering the respective driveways are travelling east on 17K? They will not be able to easily navigate into their driveways and will run an extreme risk of being hit by cars travelling west on 17K utilizing the shoulder to bypass cars stopped and waiting to get into SG. Many times pulling out of Montgomery Heights onto 17K we have to be wary of the cars passing on the shoulder to bypass cars stopped and turning onto Bailey Road. Cars are travelling at 55+ mph

by the time they reach Montgomery Heights in the eastbound direction and utilize the shoulder as a full speed passing lane.
The applicant and/or TOM should petition the NYSDOT to reduce the speed limit to 45 mph between the VCHS and 208/17K intersection before any permission is granted to build the SG site.

Response 24.10:

See the introduction to Section 3.13 and **Response 1.10**, which addresses the changes to the site access and the anticipated operation of the Bailey Road/Site Access intersection. This response also addresses the comment about delivery vehicles and meal delivery services. See also **Response 1.12**, which addresses vehicles passing on the shoulder. See Response 1.18 which addresses the planned modifications to Montgomery Heights Road as part of the Project. See **Response 1.13 & 2.3** which addresses the potential of a reduced speed limit along Route 17K.

Comment 24.13 – Louis Doro letter dated 2/10/2025:

The Montgomery Heights intersection with 17K is not represented in any of the data and this is important, it cannot be listed due to the fact that most accidents occur between the high school and Montgomery Heights. Leaving this information out of the report allows the applicant to avoid having to disclose the major problems with this intersection. There have been numerous accidents at this intersection due to driver distraction, sun glare, and heavy traffic volumes. My wife was hit from behind in 2001 and had three of our young children in the car. While she was waiting to turn onto Montgomery Heights heading west on 17K, a driver travelling at 55mph west to pass her on the right shoulder, however, he saw a student walking on the shoulder heading home to her Bailey Road residence from the middle school and to avoid hitting her, he veered back onto the road and rear ended my wife's vehicle. This girl would have been killed had he not done that. Thankfully, there were no serious injuries and both vehicles were totaled.
A more recent incident (see pictures at the end of the report) involved a head-on collision on February 17, 2024. At 9:23pm we were home and heard a loud crash on 17K. We ran out and discovered one vehicle rolled over on its passenger side near Montgomery Heights and another vehicle further west on the shoulder. The chief of the Montgomery Fire Department arrived at 9:28pm and the fire trucks and rescue vehicles arrived at roughly 9:35pm. The problem was that the rescue vehicles could not get through the wreckage to assist the two people in the overturned vehicle nearest Montgomery Heights. As an ambulance has to be dispatched from Walden to assist the occupant of that vehicle. The Coldenham Fire Department was dispatched to assist the overturned vehicle and the occupants were finally extracted from the vehicle at 10:06pm. Both fire departments worked amazingly well together to save the occupants of both vehicles and they are to be commended. This sheds light on a serious problem with 17K in that when there is a major accident or incident, emergency vehicles cannot easily get through and the traffic gets snarled very quickly with no alternate routes. This must be addressed prior to any development.

Response 24.13:

See **Response 1.16** regarding crashes at or in the vicinity of Montgomery Heights Road. See also **Response 1.18** which addresses the planned modifications to Montgomery Heights Road as part of the Project.

Comment 26.5 – Norma Manning, letter dated 3/4/2025:

Traffic backs up on 17K when buses are transporting students and commuters are going to work. It is dangerous trying to get in and out of Montgomery Heights. I was side swiped while trying to make the left hand turn onto Montgomery Heights. What happens with all this extra traffic from

the apartments? There are homes ($799,999 or $800,000) being built across from the middle school not to mention Quick Chek, Ropes Course and Dino Park. I don't know where the people in charge of this development live but I'm sure they would not like to be surrounded by all this. I would ask you and the planning board to seriously reconsider this whole development.

Response 26.5:

See **Response 1.16** regarding crashes at or in the vicinity of Montgomery Heights Road and **Response 1.18** which addresses the planned modifications to Montgomery Heights Road as part of the Project. Furthermore, the TIS accounts for traffic from 17 other proposed/planned area developments, including Quick Check, the Forest Fun Aerial Adventure Park and the Orange County Dinosaur Park, to assess the cumulative traffic along the NYS Route 17K corridor.

Comment 29.2 – Richard Dairy Shed letter dated 3/10/2025:

We think the traffic study underrepresents the actual volume of traffic. Anyone who drops children off at the high school or middle school probably feels the same. As do residents coming home during the hours of rush hour. During these times traffic has backed up well beyond the 17K/208 and 17K/211 intersections. The traffic count seems unrealistically low just from our physical observations of living in this area. Also the addition of a turning lane may impact our business and the safety of our patrons. New customers would be nice, but new traffic would not be.

Response 29.2:

The traffic data was collected in accordance with standard practice and in accordance with the Scoping Document adopted by the Town of Montgomery Planning Board. As indicated in the Traffic Impact Study, the existing conditions traffic data was also compared to traffic volume data from previous traffic studies conducted for other projects in the vicinity of the Project site and to traffic volume data available from the New York State Department of Transportation (NYSDOT) for the NYS Route 17K corridor to confirm the data was representative of current conditions. The Traffic Impact Study has been reviewed by both Town's consultants and the NYSDOT who have concluded that the existing traffic data is appropriate.

Comment 30.4 – Richard Dairy Shed email dated 3/10/2025:

If the residents of Montgomery Heights are connected to Sheffield Gardens who is responsible for that extra maintenance, how that affects school traffic and emergency services as well. Do those residents have their taxes raised for this proposed connection.

Response 30.4:

The Town of Montgomery will be responsible for maintenance of the public portion of the roadway. The property owner will be responsible for the maintenance of the private driveway.

Comment 31.6 – Richard Dairy Shed email dated 5/9/2025:

We feel that the traffic study that was completed for this project is not a true representation of this area. The traffic impacts to nearby businesses have not been properly considered. This study was conducted when our business was closed for the season. How will our customers be able to safely turn in and out of our parking lot. The traffic impacts from other developments (Quick check, dinosaur park, etc) have not been included. The traffic light is not designed to manage traffic on the 17K corridor, but instead just to manage traffic safely in/out of apartment building. What about the rest of Rte 17K? The time and season in which the study was conducted (January), was at a time when our business is not open. Also, it was not conducted during a time when the school is at a lull as far as activities, sports, dances, fairs, etc. It was not

conducted at a peak time to depict the true reality of the traffic during these high volume times. The county is undertaking a town-wide study that will provide a comprehensive view of the impacts. The Town board should implement a moratorium on the development that will have an impact on the traffic on the roads included in the county-wide traffic study so the outcomes of the study can be included in the design. For example, the dollar General construction was allowed to go forward without a light. When the school district determined that a light WAS needed at that driveway, it was paid for by us, the taxpayers, instead of the developer that constructed the Dollar General.

Response 31.6:

As previously noted, the signalization of the site access and Bailey Road on NYS Route 17K will incorporate a coordinated traffic signal system with the other adjacent traffic signals along the NYS Route 17K corridor to improve traffic flow in this area. See the introduction to Section 3.13 and **Response1.10**. The turning lanes and traffic signal upgrades will be paid for by the Sheffield Gardens Property Owner and not the Town. The Traffic Impact Study also does account for traffic associated with 17 other planned or potential developments located within the Town and Village of Montgomery, as well as the Village of Maybrook, that will potentially add traffic to the corridor. This provides a cumulative analysis of traffic conditions along the Route 17K corridor.

Comment 34.4 – Roswind Farm Land Corp letter dated 4/4/2025:

As we all know, traffic in the Scott's Corner area is a major concern, has been steadily increasing over time with speeding and congestion and this project will add to it. Our property has an access point onto the north side of Route 17K, approximately 1,000 feet east of the proposed Sheffield Gardens access. We would ask that the traffic study done for the project take this into account and evaluate the project's impact on it.

Response 34.4:

The Traffic Impact Study was prepared in accordance with the Scoping Document adopted by the Town of Montgomery Planning Board. Furthermore, as discussed in the introduction to Section 3.13, access to the Project is now proposed to align opposite Bailey Road as a signalized intersection. This will now be over 1,500 feet from the noted driveway and the Project is not be expected to change the current traffic operating conditions at that driveway. It is also noted that the access point referred to on NYS Route 17K is undeveloped and unused, and it is questionable whether NYSDOT would issue a Highway Entrance Permit at that location.

3.14 ENERGY RESOURCES

Comment 4.4 – Conservation Advisory Council Memo dated 3/9/2025:

We agree that affordable housing is needed, but green energy should be part of any new construction.

Response 4.4:

The project will comply with all applicable energy and building codes, and best industry practices.

3.15 WASTEWATER TREATMENT

Comment 2.9 – Ron Trent, Verbal Comment from the March 10, 2025 Public Hearing:

My concerns are the discharge of an onsite sewage treatment plan into the swamp behind Richards's which flows actually down past my property and my neighbor's property off of Knapp Lane. That stream does not have enough – to me, it does not have enough water flow to support discharge from a sewage treatment plant. There's times of the year, in the fall and the winter, where it's dry, and then there's spring floods, but it just doesn't seem like an onsite sewage treatment plant is the right way for this project to go.

Comment 29.7 – Richard Dairy Shed letter dated 3/10/2025:

Another major concern is where the discharge point will be? It is not shown on any of the maps that we looked at. This truly concerns us because as everyone can see the Wetlands behind Richards continues to grow each year, which impacts our way of life and our way of business. The culvert directly located next to Richards has never properly drained the water in this area. The amount of standing water near its entrance is evident.

Comment 31.3 – Richard Dairy Shed email dated 5/9/2025:

We would like to request that the discharge from the Wastewater Treatment Plant be discharged to another location. The discharge point is going to be flowing immediately to the adjacent property(ours) and will change our land and have an immediate impact on our property. There are capacity issues for the drainage basin and receiving water. The waste water cannot accumulate in the wetlands, there will be a detrimental effect on the animals and the adjoining properties, including but not limited to stagnant water (smell) due to the water not moving, changes in the Hydrology. We have operated a food service business for the last 64 years. The smell from the sewage discharge alone will have a negative impact on our business and the community. The neighbors in close proximity that have lived here for years especially. What considerations have been taken in regard to that? How would we be compensated for loss of business?

Response 2.9, 29.7 & 31.3:

The existing wetland water surface area is approximately 1,063,508 square feet. Based on this area, discharging 56,360 gallons per day (gpd) of treated wastewater would result in a water level increase of approximately 0.085 inches per day, which remains well within the wetland's capacity. Additionally, the existing rectangular culvert—measuring 54 inches wide by 32 inches high—has a calculated flow capacity of approximately ~~80,156,160~~73,804,262 gallons per day (or ~~80.16~~73.8 MGD), under ideal full-flow conditions with a ~~standard~~ 0.5% slope and constructed of concrete material. Both the wetland and the receiving stream are adequately sized and hydraulically capable of accommodating the proposed 50,000 gpd discharge from the WWTP without causing adverse impacts.

The location of the discharge point is shown on the Utility Plans in Appendix L, where the discharge pipe exiting the WWTP ends, which is 175 feet from the nearest property line. Effluent discharged into the wetlands will be treated within the WWTP prior to release and will comply with NYSDEC water quality discharge parameters set for the facility. The parameters are set specific to the discharge waterbody. The Engineer's Report provides detailed information on the constituents considered and the treatment processes employed. Potential odors are expected to have minimal impact on adjacent properties, as treatment processes will occur within the enclosed WWTP building.

Comment 2.19 – Tracey Palumbo-Cortez, Verbal Comment from the March 10, 2025 Public Hearing:

The location of the sewage plant – is also a concern. It's right next to my mom's property. Also, it will also smell, like give off an odor. I don't think the residents in that area should have to suffer looking at that or smelling it if it's used for this residence. They should find an area that's – toward the back maybe, or – not going to affect the people that have been in this area for sixty plus years.

Comment 2.27 – Lisa Melville, Verbal Comment from the March 10, 2025 Public Hearing:

A sewage treatment plant where it's placed on this plan, you know, I think it's going to greatly impact – you know, there's possible smells that are coming when you're eating your ice cream, and nobody is going to want to do that. It's also just a visual thing.

Comment 2.38 – Mark Palczewski, Verbal Comment from the March 10, 2025 Public Hearing:

I have no idea why you want to build a sewer treatment plant next to an ice cream stand. That makes no sense. I understand it's the lowest spot on the development site so it's going to be – you know, it's going to flow down there. It's going to discharge into a wetland. It does have a backup generator, but things fail. Things fail two times or three times. Electricity fails, the backup generator fails, now you've got raw sewage pumping in there. I've never been by a sewage treatment plant that doesn't have an odor. I don't know why you can't hook up to the Town or the Village.

Comment 2.61 – Ryan McGuire – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

On Amazon, I know we spent quite a bit of time on the private sewage treatment plant. We put it back to the road and it looked pretty nice. If we could protect this or make it off the road a little bit further, make it look a little nicer.

Comment 10.47 – NPV Letter dated 4/15/2025:

The Planning Board has requested consideration of alternatives to siting the wastewater treatment plant along the frontage of Route 17K in a highly visible location of the Town.

Comment 18.3 – Charolette Palumbo email dated 03/10/2025:

I also don't know why the water treatment plant is proposed for where it is. The plant is for Sheffield Gardens and its residents. So why is the treatment plant positioned away from them and right on the road for our local residents, business, visitors and myself to endure the smell and visual impact it will have on our area. I assume it's a cheaper or easier option to have it there. I don't believe someone should propose a project and then to save money or time the rest of the area has to "pay for it" over the years. This plant should be positioned towards the back end of the project somewhere. Therefore new visitors or potentially new residents don't see a treatment plant as one of the first building as they head towards the Village.

Comment 19.3 – Gina Zwart letter dated 3/10/2025:

The location of the wastewater treatment location on the site really is not business friendly to Richards Ice Cream stand. I travel past one daily in Maybrook and some days that smells. I

surely wouldn't want to eat ice cream smelling that on a warm summer night. Not very business friendly.

Comment 23.4 – Lisa Melville letter received 3/10/2025:

Richards has been a much beloved business in Montgomery for 63 years. Most people have gone on a hot summer day to enjoy and ice cream and connect with friends and community. The sewage treatment plant for this project is currently proposed on the parcel next to Richards and their residence. Are there any other options on the site to locate this plant?

Comment 26.2 – Norma Manning, letter dated 3/4/2025:

The project's wastewater treatment plant/ sewer plant is right across the road from peoples houses and next door to Richard's Dairy Shed, a family business for over 60 years. No amount of camouflaging can hide this eyesore. The runoff will be diverted beneath Rt 17K to Scotts Corner Golf Course. What quality of life will these neighbors have?

Comment 29.4 – Richard Dairy Shed letter dated 3/10/2025:

We do not think the placement of this plant is appropriate. It could have a significant negative impact on our business. The location was selected for one purpose only, so that the proposed commercial building can use gravity to drain septage to the plant. The plant is also located far away from the proposed development. Why, I ask myself, would that be required? I suspect that it is done for aesthetic purposes, because sewage treatment plants often smell. Which would leave other residents and our patrons to deal with those consequences. Why does the plant show no odor control?

Response 2.19, 2.27, 2.38, 2.61, 10.47, 18.3, 19.3, 23.4, 26.2 & 29.4:

The proposed treatment plant is a type and design that has been utilized in many locations, including the Town of Montgomery, approved by the Town's engineers and Planning Board. The exterior of the Wastewater Treatment Plant (WWTP) will appear similar to other commercial buildings constructed on the Site. The proposed location of the WWTP represents the most suitable option, providing adequate separation distance from both the proposed water supply wells and the wetlands. There is no cost savings by having the WWTP in the current location. Potential odors are expected to have minimal impact on adjacent properties, as the major biological treatment processes will occur within the enclosed WWTP building. This type of plant is very compact, and it produces a high-quality effluent and results in little odor. The outfall is into a wetlands system that is over 100 acres in size. The closest contact between the treated effluent discharge area and the neighboring residence to the east is 175 feet and the ice cream business is 235 feet. Landscaping measures will be incorporated to effectively screen the facility. The WWTP structure will be screened from 17K view and will not be visible from the neighboring residence to the east.

Any alternative WWTP location would still require a discharge line into the same wetland system and would have similar impacts to the wetlands buffer. In addition, any alternative to the current WWTP location would require the plant to be moved up hill and would no longer allow for gravity waste water flow from the future retail commercial buildings and would preclude the opportunity to service other adjacent properties via gravity sewer should the Town decide to take over the WWTP and form a larger sewer district, which would amount to poor planning.

Comment 2.41 – Jim McIver, Verbal Comment from the March 10, 2025 Public Hearing:

The sewage treatment. Where is the effluent? Where are you discharging it to? So you're going to dump the sewer water right near well number 1? How far away – what's the separation distance?

Comment 22.3 – Kirk Phillips email dated 3/11/2025:

Where will the waste end up?

Response 2.41 & 22.3:

The treated effluent from the WWTP will discharge approximately 175 feet southeast of the proposed WWTP, approximately 180 feet from the eastern property line, 230 feet from the northern property line, and approximately 800 feet from Well #1.

Comment 2.70 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:

I think we, as a Planning Board, should get the Town Board a memo and ask them what is your opinion on the sewer. It's proposed to be completely private. Let's get the Town Board to weigh in on that since ultimately they should have more than an advisory say on that. Get their opinion on sewer district number 3 which we know from a prior meeting is actually across Bailey Road on to those properties that are now single-family homes. I think there's some clean up that can be done here. I think it involves the Town Board.

Response 2.70:

The Applicant considered connections to Village and Town facilities but neither will allow a connection. Therefore, connection to an existing treatment facility is not feasible. The onsite system has been designed to meet current and projected flow requirements, and it can be maintained and upgraded as needed. The on-site WWTP will allow the Project to proceed independently without relying on external infrastructure upgrades, and it ensures compliance with regulatory and environmental requirements.

The approvals will include various agreements that provide the legal basis and operational controls to deal with any contingencies. The Town Board will be petitioned to approve a water district and sewer district for the project property. The Town Board will be petitioned to consent to the formation of a water transportation corporation and sewer transportation corporation. They are public utilities regulated by statute and developer's agreements to provide the Town with the authority and control of the utility systems. Any costs or expenses are charges to the project property.

The project application includes the means and methods for public utility regulation and for municipal sewer and water at the Town's control. There will be an offer of dedication, operational requirements and various security provisions to allow control and operations under the Town decisions as to schedule, timing and other aspects of turnover of completed systems and operation until the Town exercises its options.

The comments by the Town Board as to the DEIS set forth conditions that when finalized will establish the legal structure that protects the public. The Applicant will submit the necessary petitions, resolutions, notices and orders as to which the Town Board can take actions to address this comment.

Comment 3.3 – Kim Fragale, Verbal Comment from the April 15, 2025 Public Hearing:

I live on Bailey Road, and our property is one of the lowest properties on Bailey Road. My backyard backs up to the wetlands that are between us and Messco. When that stream overflows, it overflows the ponds that are there that backup into my backyard. So I'm very concerned about the extra water that's going to be running through those streams from the runoff from the water-sewage plant and how much more water I'm going to expect in my backyard.

Response 3.3:
See ***Response 2.9, 29.7 & 31.3.***

Comment 3.9 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:
A new major concern for us is obviously the wastewater treatment plant, and the sewer. I wanted the residents who live here that are going to be affected that don't know, they're going to be dealing with the smell of this waste that's going into this small area right here. As you can see on their own map, there's no – this is water. This is grass. There's no way this waste is not just going to pile up and create it's own issue right here. It's not just going to magically flow into these wetlands. The water is another issue that obviously is going to contribute to this, the culvert and flooding of Scott's Corners and residents.

Comment 3.11 – Tracy Palumbo-Cortez, Verbal Comment from the April 15, 2025 Public Hearing:
The culvert, it doesn't work properly. To have the water drain, from the side where my mother's house is, where the wastewater would be going. There's no water there now, so it's going to flow.

Response 3.9 &3.11:
Discharge from the treatment plant will be conveyed to the discharge point by pipe flow. The discharge point is not at the treatment plant but approximately 175 feet to the southeast. See also ***Response 2.9, 29.7 & 31.3*** regarding the discharge flow.

Comment 3.12 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:
They referenced odor control for the treatment plant, and we understand that, but what is going to be the odor control for waste that is essentially going to be dumped onto dry, flat ground? It's not going to flow. That ground is dry eight, nine months out of the year. Even in their wetland analysis report, you can see the pictures that they took for spring and fall, they look identical. I don't know if they went on the last day of fall and the first day of spring to be official, but it's only wet during the winter when the snow is melting, and then once spring rolls around it's dry. There's not going to be a flow of that waste into the wetland.

Comment 12.23 – Planning Board comments dated 5/9/2025:
Need to specifically identify odor control measures which will be effective and will work long-term. Discuss specific odor control measures to be used by the wastewater treatment plant building and for the effluent being discharged into the wetland.

Comment 14.4 – Town Board letter dated 5/9/2025:
Odor control facilities shall be incorporated into the wastewater treatment plant design.

Response 3.12, 12.23 & 14.4:
See ***Response 2.9, 29.7 & 31.3*** and ***Response 2.19, 2.27, 2.38, 2.61, 10.47, 18.3, 19.3, 23.4, 26.2 & 29.4.*** The following narrative has been added to Section 1.3.3 "The MBR (Membrane Bioreactor) wastewater treatment plant is designed to minimize odor. Continuous aeration and fully aerobic operation prevent the formation of hydrogen sulfide and other odor-causing compounds. High MLSS concentrations (10,000–15,000 mg/L) and extended sludge retention times (20–30 days) promote complete biological stabilization of organic matter, further reducing odor potential. The MBR is housed within a building to limit the dispersion of any minor odors. To enhance air circulation, the building will be equipped with two air intake louvers and two exhaust fans, providing controlled airflow and preventing odor accumulation. Based on experience with similar MBR systems, the facility is not expected to generate noticeable odors outside the building. This technology has a proven record of successful installations, and a site visit to an operational MBR plant can be arranged to demonstrate minimal odor."

Comment 3.17 – Bernie Hillman, Verbal Comment from the April 15, 2025 Public Hearing:
As far as the wastewater treatment plant, that's a private plant now. What's going to happen in ten years? Who's going to take care of that? The Town? The Village? Maybrook? Who's going to be taking care of that wastewater treatment plant?
Comment 12.22 – Planning Board comments dated 5/9/2025:
Operation and maintenance of sewer plant and water storage – Who will be responsible?

Response 3.17 & 12.22:
The wastewater treatment plant will be as the Town Board decides as and when they choose. Everything necessary will have been provided as part of the project approvals. It will not be the "Village," or "Maybrook". Operation and maintenance of the sewer plant and water storage will be in the control of the Town Sewer District and Town Water District respectively as and when the Town elects to do so.

Comment 3.20 – Karina Tipton, Verbal Comment from the April 15, 2025 Public Hearing:
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 this 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. Is New York State going to be okay with this wastewater treatment plant? Will New York State issue the permit, the discharge permit? The Planning Board has the opportunity to request more, to request the full wetlands evaluation, to request a capacity analysis.

Response 3.20:
See ***Response 2.9, 29.7 & 31.3.*** The application for a SPDES permit has been submitted to the DEC. The flow and discharge effluent limits will be specified in the SPDES permit.

Comment 3.23 – Karina Tipton, Verbal Comment from the April 15, 2025 Public Hearing:
In the 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.
Comment 3.24 – Carlos Cortez, Verbal Comment from the April 15, 2025 Public Hearing:
We have not heard or talked to anyone from the developer about any of those mitigations since we are adjacent property.

Response 3.23 & 3.24:
The mitigations refer to the WWTP being designed so that the discharge point and discharge do not flow onto neighboring properties. During construction proper Erosion & Sediment Control measures will be taken as well.

Comment 3.26 – Mark Palczewski, Verbal Comment from the April 15, 2025 Public Hearing:
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 we're not polluting that water? Also, even with the treatment, there's going to be stress on the ecosystem, right. We're going to be introducing nutrients into that ecosystem, phosphorus and nitrates from the human waste. We've had – in the past on the Wallkill River we've had very mild algae blooms.

I don't think you want algae blooms in that wetlands. Does this plant have capacity for stormwater? And what happens in the case where it goes over capacity? Are we going to have raw sewage into the wetlands? My suggestion would be, 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 business and residents as possible?

Comment 21.3 – Karina Tipton email/letter dated 5/9/2025:

The impact of discharging treated water to the NYSDEC wetlands has not been addressed in this DEIS. Treated water will have a different make-up than the receiving waters (i.e., pH, clarity, TSS, temperature, etc) and will change the ecology of the receiving waters. The impact of these physical and chemical differences should be clearly identified and mitigated. For example, discharge of treated water that is colder than receiving waters can have an immediate impact on certain fish habitats and reproduction.

Response 3.26 & 21.3:

Landscaping is proposed around the WWTP. The NYSDEC will review daily monitoring of the effluent discharge quality and quantity going into the wetlands. The Engineer's Report found in FEIS Appendix I contains more information on the constituents being monitored and the limits imposed by the NYSDEC. The application for a SPDES permit has been submitted to the DEC. The flow and discharge effluent limits will be specified in the SPDES permit.

Comment 4.3 – Conservation Advisory Council Memo dated 3/9/2025:

It also requires a wastewater treatment plant close to the road, where the odor would be noticeable and could possibly result in run-off into the wetland.

Response 4.3:

The proposed location of the WWTP represents the most suitable option, providing adequate separation distance from both the proposed water supply wells and the wetlands. Potential odors are expected to have minimal impact on adjacent properties, as the major biological treatment processes will occur within the enclosed WWTP building. This type of plant is very compact, and it produces a high-quality effluent and results in little odor.

Comment 5.2 – Conservation Advisory Council Memo dated 5/8/2025:

a. On-site WWTP will be located next to a 64 year old business (Richard's ice cream stand). Odor issues that arise could affect business detrimentally.
b. Amount of discharge of WWTP into the neighboring wetlands could overwhelm the maximum capacity of the drainage, overwhelming the neighboring businesses and culvert just east of Richard's.
c. Nutrients (nitrogen and phosphorus) in the effluent if not removed under the right conditions (high temperatures, stagnant water flow) could help to contribute to an algal bloom on the adjoining wetlands.
d. The applicant mentioned hooking into the VOM or TOM WWTP but never gave an explanation as to why both were rejected.

Response 5.2:

a. See ***Response 4.3.***
b. See ***Response 2.9, 29.7 & 31.3.***
c. See ***Response 3.26 & 21.3.***
d. The Applicant considered connections to Village and Town facilities, but neither will allow a connection. An Alternative that contemplated municipal sewer service has been pursued with the result of multiple decisions by the Montgomery Town Board not to extend sewer service from existing or proposed services. In addition, an extension

from the Village of Montgomery was also refused. The property owner cannot alter the government's decisions. Therefore, connection to an existing treatment facility is not feasible. The onsite system has been designed to meet current and projected flow requirements, and it can be maintained and upgraded as needed. The on-site WWTP will allow the project to proceed independently without relying on external infrastructure upgrades, and it ensures compliance with regulatory and environmental requirements.

Comment 12.24 – Planning Board comments dated 5/9/2025:

Discuss how sludge will be collected and disposed. What odor control measures will be implemented.

Response 12.24:

See the Engineer's Report in FEIS Appendix I on the process of sludge collection and disposal. Potential odors are expected to have minimal impact on adjacent properties, as the major biological treatment processes will occur within the enclosed WWTP building. This type of plant is very compact, and it produces a high-quality effluent and results in little odor. Sludge will be collected in the 10,000-gallon tank at WWTP. The system is designed to be pumped out every four weeks, and the details are included in Section 4.7 of the WWTP Engineer's Report (FEIS Appendix I1).

Comment 12.25 – Planning Board comments dated 5/9/2025:

Address the Order creating Sewer #3 together with a description of the boundaries.

Comment 29.3 – Richard Dairy Shed letter dated 3/10/2025:

Why is a sewer district created in 1991 part of this project? It looks though it was arbitrarily created specifically for this property, but it looks as though Richards may be included in this District, please clarify?

Response 12.25 & 29.3:

Sewer District #3 was formed upon the petition of the project property on 17K and the Lounsbury property on west side of Bailey Road. The Bailey Road property was developed with detached single-family residences, each with a well and septic. That property no longer has a need for central sewer service. The district should be dissolved by action of the Town Board. A new Sewer District #3 should be formed consisting of the project property. Richard's Dairy Shed is not part of Sewer District #3.

Comment 14.5 – Town Board letter dated 5/9/2025:

All wastewater treatment plant components, excluding underground sewer lines and manholes, shall be located in the wastewater treatment plant building.

Response 14.5:

All WWTP components will be located in the WWTP building and associated tanks.

Comment 21.2 – Karina Tipton email/letter dated 5/9/2025:

The proposed development requires discharge from the package wastewater treatment plant to a set of coordinates that then, based on topography, will flow through an adjoining property before discharging to the wetlands behind the site. Because of the volume of water proposed for discharge to this property, it should not be permitted to flow across neighboring property. Instead, the discharge point should be directly to the water body at a location on the project property, and at a location that will not cause a flooding condition on neighboring properties.

Response 21.2:

See ***Response 2.9, 29.7 & 31.3***, which evaluates the size and flow capacity of the existing wetland and outlet culvert**.** The treated effluent will be discharged into the onsite wetland and then travel over the adjoining property through the same wetland.

Comment 29.5 – Richard Dairy Shed letter dated 3/10/2025:

The village of Montgomery plant is permitted to treat up to 750,000 gpd. The plant has currently maxed out 260,000 gpd, leaving an excess capacity of 490,000 gpd. It looks like the option was ruled out because of costs, not capacity. Max daily estimates for the proposed development is 56,5000 gpd so it should be evaluated more thoroughly.

Response 29.5:

The Applicant considered connections to Village and Town facilities, but neither will allow a connection. An Alternative that contemplated municipal sewer service has been pursued with the result of multiple decisions by the Montgomery Town Board not to extend sewer service from existing or proposed services. In addition, an extension from the Village of Montgomery was also refused. The Property Owner cannot alter the government's decisions. Therefore, connection to an existing treatment facility is not feasible. The onsite system has been designed to meet current and projected flow requirements, and it can be maintained and upgraded as needed. The on-site WWTP will allow the project to proceed independently without relying on external infrastructure upgrades, and it ensures compliance with regulatory and environmental requirements.

Comment 29.6 – Richard Dairy Shed letter dated 3/10/2025:

The plant will be designed for -58,000 gpd capacity. Why is the plant designed with such a limited amount of surplus capacity (approximately 2,000 gallons)? There is no room for expansion of Sewer District #3.

Response 29.6:

The WWTP capacity was sized to accommodate the flow of the proposed development. The remaining area of Sewer District #3 is already developed and will not be connected to ~~this facility~~the WWTP as part of the Proposed Action. The WWTP will be designed and constructed in a manner that allows for it to be expanded in the future should the Town determine additional capacity is warranted.

Comment 29.8 – Richard Dairy Shed letter dated 3/10/2025:

What level will the effluent water be treated to? Inadequate treatment of water could be a problem if It is discharged into the wetlands. Therefore creating a suboptimal living for what wildlife that may be left. The proposed area already is home to a healthy deer population along with thriving wildlife, ducks, geese, swans, etc. Where will they go?

Response 29.8:

The effluent is monitored and the property owner will follow water quality limitations set forth by the NYSDEC. ~~Please refer to t~~The Engineer's Report in FEIS Appendix I ~~for~~ lists BOD_5 (five-day Biochemical Oxygen Demand), TSS (Total Suspended Solids), TP (Total Phosphorus) and TN (Total Nitrogen) as the constituents being monitored.

Comment 31.1 – Richard Dairy Shed email dated 5/9/2025:

The placement of the proposed WasteWater Treatment Plant and the discharge of its WasteWater will have a detrimental impact on our property as proposed. Directly pumping the WasteWater onto a section of shared Wetlands will dramatically impact not only the value of our property but will also affect our way of life for years to come. Richards Dairy Shed has been

operation in this Town since 1961 and this project could seriously affect its business if certain issues are not resolved. There are 3 separate Wetlands areas that are shared with the property at 1103 State Route 17k, labeled Area C (pin Oak stand) Area C (cattail marsh) and Area D. All of these areas should be reassessed due to the new Wetland Laws that are in place. Area C (pin Oak stand) is the site in which Sheffield plans to discharge its WasteWater. There is no evidence that the amount of waste proposed to be dumped will properly drain in this area or even flow to the larger Wetlands. This entire area also will be a lower elevation to the project's stormwater basins, this along with erosion and stormwater runoff there is no way to determine where the waste will sit. The mitigations made for odor are for the actual WWTP but the discharge spot for the wasted will be that area an entire Waste Pool with no drainage. The smell will affect everyone along 17k in that area, which included quite a few local businesses. I don't see why Richard's Dairy Shed and others will have their business affected on a daily basis, along with many residents, to help a developer and their bottom line.

Comment 32.1 – Ron Trent email dated 3/19/2025:

The proposed sewage waste discharge into the swamp land East of the project property, and behind the adjacent property of Richards Dairy Shed, is ridiculous. That swampy area drains across SR 17K East of Richards Dairy Shed, then flows slowly North through various swampy, low lying lands along the West side of SR 208 eventually forming a small stream that flows behind my neighbors homes on Knapp Lane and under Bailey Road near that roads Northern end intersection with SR 208. I've very familiar with that stream having lived next to it for 45 years. This stream is often dry in the Fall and early winter months. It sometimes has good water flow in the spring after a heavy snowfall winter and/or extreme rainfall events. But never enough water flow to carry the discharge effluent of a sewer waste water treatment plant. This proposed plan is ridiculous! The project should seek to form a sewer district and connect to existing Town or Village of Montgomery Sewer services that discharge treated waste into the Wallkill River, a water body that has a much better water flow to handle treated sewer waste water. They should be investing in municipal system expansions instead of creating new, private systems.

Response 31.1 & 32.1:

See ***Response 2.9, 29.7 & 31.3*** , which evaluates the size and flow capacity of the existing wetland and outlet culvert, ***Response 3.26 & 21.3***, which indicates landscaping is proposed around the WWTP and the NYSDEC will review daily monitoring of the effluent discharge quality and quantity going into the wetlands. and ***Response 29.5***, which explains why a connection to an existing treatment facility is not feasible and how the WWTP will allow the project to proceed independently without relying on external infrastructure upgrades.

Comment 34.2 – Roswind Farm Land Corp letter dated 4/4/2025:

The Sheffield Gardens Project proposes to construct an on-site sewage treatment plant to handle the project's sewage disposal. This is proposed to discharge to a wetland which drains into the same small stream that flows onto our property. Who will operate the sewage treatment plant and make sure that it is working properly and what will happen if the plant isn't and what impacts can we expect to our property and golf course? Is there no other way that sewage treatment could be dealt with? Maybe on a larger municipal scale? The Scott's Corner area already has existing commercial and residential uses with the potential to grow and a larger facility might be considered at this time.

Response 34.2:

The plant will be operated by licensed WWTP operators retained by the project entity. Please refer to the Engineer's Report in FEIS Appendix I for the operations and maintenance of the plant. A larger service area for the Scott's Corners area has not been supported by numerous

Town Boards over the years. Also see **Response 2.9, 29.7 & 31.3, Response 2.19, 2.27, 2.61, 10.47, 18.3, 19.3, 23.4, 26.2 & 29.4, Response 2.70,** and **Response 3.17 & 12.22**.

Comment 35.1 – Scott Corners Golf Course letter dated 3/27/2025:

We are communicating our concerns about the impact the Sheffield Project planned water treatment would have on Scotts Corner Golf Course. The proposed use of the wetlands along 17k for discharge from the water treatment plant will spill onto a third of the golf course denying access and use. Currently when the wetlands receive large amounts of rainfall the connecting stream that runs adjacent to multiple points of the golf course quickly flood. The entrance to the golf course requires crossing the stream that has seen water levels rise to the bridge in the last three years numerous times with natural rainfall even while experiencing long periods of drought.

Response 35.1:

See **Response 2.9, 29.7 & 31.3.**

Comment 35.2 – Scott Corners Golf Course letter dated 3/27/2025:

We are aware that use of the wetlands for the discharge of the water treatment is the initial plan for the Sheffield Garden Project, and alternative solutions are available as stated by a representative of Sheffield Gardens during a previous town council meeting. The alternatives, however, were not discussed to make us aware of the logistics and how they would be implemented. What has been done to support the wetland and stream are able to handle an increased volume that would be received from the water plant?

Response 35.2:

See **Response 2.9, 29.7 & 31.3,** ***Response 3.26 & 21.3*** and ***Response 29.5*****.**

3.16 HUMAN HEALTH & HAZARDOUS MATERIALS

No Comments Received

3.17 GREENHOUSE GASES AND CLIMATE CHANGE

Comment 10.48 – NPV Letter dated 4/15/2025:

A description of the Kyoto Protocol and its significance is needed. What is status under new administration (state and federal)?

Response 10.48:

The Kyoto Protocol was an international treaty adopted in 1997 that aimed to reduce greenhouse gas emissions by setting binding targets for industrialized nations. It established a system of "flexibility mechanisms" such as emissions trading, the Clean Development Mechanism, and Joint Implementation to help countries meet their goals. The protocol recognized that developing countries did not have the financial resources to meet the same targets, and it was succeeded by the Paris Agreement, which requires all countries to set emissions reduction targets. The United States is currently not a party to the Kyoto Protocol because it never ratified the agreement. While President Clinton signed the protocol in 1998, it was never submitted to the Senate for approval, and President Bush withdrew the US from it in 2001, citing economic concerns and the lack of binding emissions targets for major developing nations, which was seen as a disadvantage to the US economy.

However, New York has taken action on its own, most notably through the Climate Leadership and Community Protection Act, which mandates significant reductions in greenhouse gas emissions. The NYSDEC has issued a series of regulations – both

proposed and final – to implement the 2019 New York Climate Leadership and Community Protection Act, which sets ambitious goals to work towards economy-wide carbon neutrality for New York. The Act requires a reduction in greenhouse gas emissions statewide by 40% by 2030 and 85% by 2050 from 1990 levels.

3.18 LAND USE & ZONING

Comment 1.6 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
All building heights should be restricted to thirty-five foot elevations maximum.

Comment 24.7 – Louis Doro letter dated 2/10/2025:
All building heights should be restricted to 35-foot elevations maximum.

Response 1.6 & 24.7:
All building heights are proposed to be 35-feet or less. The Applicant is not seeking any variances from the Town's Zoning Law.

Comment 2.12 – Ron Trent, Verbal Comment from the March 10, 2025 Public Hearing:
I don't know if there's any variances that this project requires.

Response 2.12:
The Applicant is not seeking any variances from the Town's Zoning Law.

Comment 2.23 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:
I'm not against development, but is it really the right location for this size of a property?

Response 2.23:
The Town of Montgomery Zoning Code allows for all of the proposed uses. The Multiple Dwelling use is permitted in the RM-1 Zoning district with Special Use Permit and Site Plan approvals from the Planning Board. Retail businesses in the B-2 zone require Site Plan approval while the wastewater treatment plant use requires a Special Use Permit and Site Plan approval.

Comment 2.65 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:
24 acres to be preserved of the 52-acre site, but when we asked about the conservation easement, the answer I read was no, it would just be preserved because zoning won't allow more development. I think we should get more on that. If 24 acres are to be preserved – we have good history in this Town of how we preserve open space. It's not done by a guess on what future zoning might allow. It's done with perpetual conservation easement.

Response 2.65:
The status of the wetlands, access and preservation will be addressed in the terms of the approval conditions as determined by the Town, which can include a conservation easement. A formal commitment will be made as part of the approval conditions.

Comment 2.68 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:
Your document says DOT made a full submittal 10/1/24. Have you gotten any substantive comments back from DOT?

Response 2.68:
Additional comments were received from NYSDOT on 7/29/2025, which are included in FEIS Appendix H2.

Comment 10.49 – NPV Letter dated 4/15/2025:
Please confirm lot coverage has been calculated on net lot area.

Response 10.49:
The lot coverage has been verified to be calculated on net lot area and is shown on Sheet O-1 in FEIS Appendix L.

Comment 10.50 – NPV Letter dated 4/15/2025:

Need to address the transfer of density from the RA-1 to the RM-1 zoning district and the need for cluster approval.

Response 10.50:

The Applicant is proposing a cluster development in order to "shift" density from the RA-1 zoned portion of the Site to the RM-1 zone. According to Town Code §235-8.2A, a cluster development for subdivisions can be approved by the Planning Board simultaneously with the approval of a subdivision plat. DEIS Figure 3.13C depicts a potential conventional subdivision plan on the portion of the Project located in the RA-1 zone to establish a yield of eight dwelling units. Table 3.3 summarizes the permitted density calculation for each zoning district of Lot 3 and the number of units proposed.

Table 3.~~3~~ 18 – Permitted Density Calculation for Lot 3

Lot Area Deductions	Lot 3 (RA-1 Zone)		Lot 3 (RM-1 Zone)		Lot 3 (B-2 Zone)	
	SF	Acre	SF	Acre	SF	Acre
Utility rights-of-way and designated streets	0.00	0.00	0.00	0.00	0.00	0.00
Land Under Water	0.00	0.00	430,242	9.88	484,277	11.11
Floodplains	0.00	0.00	2,432	0.06	2,432	0.06
Steep Slopes – 50% for slopes 25-50%	0.00	0.00	27,443	0.63	27,443	0.63
Steep Slopes – 100% for slopes >50%	0.00	0.00	706	0.02	706	0.02
Rock Outcrops	0.00	0.00	0.00	0.00	0.00	0.00
Total Area Deductions	**0.00**	**0.00**	**460,823**	**10.58**	**514,858**	**11.83**
Total Lot Area	136,999	3.15	1,728,906	39.69	156,389	3.59
Buildable Area	**136,999**	**3.15**	**1,268,083**	**29.11**	**102,354**	**2.35**
Permitted Density	1 dwelling unit per 16,335 SF		1 dwelling unit per 5,000 SF		-	
Total Permitted	**8.4 Units**		**253.6 Units**		**-**	
Total Proposed	**261 Units**					

Source: Engineering & Surveying Properties, P.C.

§235-8.3D states "the Planning Board, as a condition of plat approval, may establish such conditions on the ownership, use and ongoing maintenance of such open lands shown on the plat as it deems necessary to assure the preservation of the natural and scenic qualities of such open lands. Any such conditions shall be approved by the Town Board by resolution before the final plat may be approved for filing. Prior to the determination of the Town Board as required by §235-8.3D, the Town Board must be in receipt of the resolution of the Planning Board declaring that the cluster development will be a benefit to the Town and also must be in receipt of the negative declaration or findings statement pursuant to the SEQRA as prepared by the lead agency. The subdivider shall appear before the Town Board to present the proposed cluster plan concept to the Town Board after the proposed cluster plan has received an informal concept or sketch approval from the Planning Board. The purpose of this appearance before the Town Board is to ascertain if the Town Board is to exercise its authority to reject or modify the proposed cluster plan concept. If the Town Board is to reject or modify the proposed cluster plan concept, it must do so by resolution within 45 days of the first appearance before the Town Board. If the Town Board fails to reject or modify the cluster plan concept within such forty-five-day period, the clustered subdivision plan may proceed to

the preliminary public hearing stage before the Planning Board generally as presented. If the Town Board finds it to be in the public interest to authorize the continued review of the cluster plan by the Planning Board, with or without modification, it may do so by resolution prior to the expiration of such forty-five-day period, which resolution shall not be deemed to be an action pursuant to the SEQRA and/or an approval of said plan, as that approval shall remain within the sole discretion of the Planning Board as provided in § 235-8 and in Article 16 of the NYS Town Law and in accordance with the obligations of the lead agency pursuant to the SEQRA and the regulations thereunder".

Comment 10.51 – NPV Letter dated 4/15/2025:

The proposed design is not consistent with TND principles. There is no neighborhood center, mixed uses, gridded layout of streets with parking masked behind buildings, and the building scale, length and architecture is not consistent with TND design. This site would be a good candidate for a properly designed TND development.

Response 10.51:

The plan provides a few components of a Traditional Neighborhood Design (TND), such as concentrated density, commercial establishments within walking distance, and will provide different housing types (apartments) to what is currently available in the Town of Montgomery once the Project is constructed. The revised access roadway to the Site also provides a gridded street layout with Montgomery Heights Road. However due to the Site's existing topography, environmental constraints (wetlands, steep slopes, flood plains) and existing surrounding land uses a conventional TND configuration has not been pursued by the Applicant.

Comment 10.52 – NPV Letter dated 4/15/2025:

With regard to recreation, the undeveloped land that is represented as being "passive recreation" is not designed for that purpose. The Planning Board needs to assess whether the recreation meets the intent of the zoning and addresses demand.

Response 10.52:

Passive recreation refers to low-energy, non-competitive leisure activities, often enjoyed in a relaxed and natural setting. Examples include walking, hiking, picnicking, fishing, bird watching, and relaxing in a park. These activities typically require minimal development and are focused on enjoying the outdoors without intense physical exertion or specialized equipment. The Applicant believes that the proposed walking path and access to the pond on the east side of the property, and undeveloped land serves this purpose.

Comment 12.6 – Planning Board comments dated 5/9/2025:

The retaining wall will be holding an embankment that is supporting a parking lot. In close proximity to a residence. This is a potential significant safety issue. Particular attention must be paid to the foundation of the retaining wall because a swale is being located at its base. The FEIS needs to specifically address the design details for the wall.

Response 12.6:

The retaining wall in question has been removed from the site plans. A detailed structural design for all other proposed retaining walls will be provided prior to final site plan approval.

3.19 SOCIO-ECONOMICS

Comment 2.8 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:

As an act of good faith to the community, the Sheffield Gardens property owner should be required to make an allowance of 20 percent of the proposed units to be affordable to people making 80 percent of the area median income for renters to allow for more housing in the Town to be available for seniors, young adults, and service providers such as nurses, teachers, EMS personnel, firefighters, police officers, to be able to afford to live in the area they work in.

Response 2.8:

The Project Sponsor will market the apartments to service providers first. Service providers will be given a preference to the extent allowed by law with respect to tenancy opportunities.

Comment 2.32 – Neil Moscato, Verbal Comment from the March 10, 2025 Public Hearing:

This housing development, what's going to be the approximate cost to buy into one of these apartments? Is it going to be one bedroom, two bedroom, three bedroom? Are they going to be condos? Are they going to be rentals? Are there going to be homeowner association fees?

Response 2.32:

The housing development will consist of three buildings with a mix of one- and two-bedroom apartments. The rent for the one-bedroom apartments will be approximately $1,900 per month and the two-bedroom apartments will be approximately $2,~~000~~ 100 per month. The units will not be condominiums and will not have homeowners association fees.

Comment 2.48 – Michael Young, Verbal Comment from the March 10, 2025 Public Hearing:

There's an average of 2.5 children per family in the United States. Now you get 200 – let's just say 200 apartments. Let's just say only half of them have children, 2.5 average. That's 250 children that are now going to be in our school districts. Let's just say a third of them go to the high school or middle school, 75, 80. How many of those children are going to wind up walking on 17K, as I know my children do quite frequently? There will be casualties. My question is, how are we going to compensate parent's for lost children?

Response 2.48:

Industry standard residential demographic multipliers are used by community planners to project school-age child generation. The expected number of school children generated in any residential development is affected by two principal variables: 1) housing type; and 2) housing price range. Detached single-family homes, which are geared towards families, thus accordingly generate an expected higher number of school-age children. Smaller rental housing units are primarily targeted towards empty nesters and young professionals and, as such, attract fewer school-age children. Using the residential demographic multipliers set forth in the Residential Demographic Multipliers - Estimate of the Occupants of New Housing, the breakdown of projected school age children from the proposed development is shown below.

Table 3.19.1 - Unit Type, Bedroom Count, Population Projections

	Number of Units	Population Multiplier	Population Estimate	School-age Multiplier	School-age Children Estimate
Apartment Rental Units					
1 -bedroom units	36	1.66	60	0.08	3
2-bedroom units	225	2.51	565	0.23	52
Total	**261**		**625**		**55**

Source: Rutgers University, Center for Urban Policy Research, Residential Demographic Multipliers (June 2006)

The site plan shows a proposed walking path directly linking the proposed residential apartments to the VCSD HS/MS complex, so that there is no need for school children to walk along NYS Route 17K.

Comment 2.49 – Lisa Joyce, Verbal Comment from the March 10, 2025 Public Hearing:

How is it going to impact our schools, because we know there will be children living in the community?

Response 2.49:

It is estimated that the project will result in an estimated population increase of 625 persons. Of this total, it is projected that 55 school age children (grades K-12) would live in development based on an average of 0.08 children per one-bedroom apartment and 0.23 children per two-bedroom apartments. The estimate of 55 students is a conservative number as some students may attend private schools or be homeschooled.

Comment 10.53 – NPV Letter dated 4/15/2025:

As mentioned previously, Environmental Justice Community considerations need to be addressed in the FEIS.

Response 10.53:

According to available mapping[12] on the NYSDEC website, neither the Montgomery Heights neighborhood nor the Project Site is located within a Potential Environmental Justice Area (PEJA). PEJAs are U.S. Census block groups of 250 to 500 households each that, in the Census, had populations that met or exceeded at least one of the following statistical thresholds:

1. At least 52.42% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 26.28% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 22.82% of the population in an urban or rural area had household incomes below the federal poverty level.

There is PEJA located approximately 1,000 feet to the southeast of the Project, which is bounded by NYS Route 17K to the north and NYS Route 208 to the west.

The Site is located in a disadvantaged community (DAC) area according to the NYS Climate Act map[13]. The Climate Leadership and Community Protection Act (Climate Act) requires that state agencies, authorities, and entities direct a minimum of 35% with a goal of 40% of the overall benefits on clean energy and energy efficiency programs, projects, or investments in the areas of housing, workforce development, pollution reduction, low-income energy assistance, energy, transportation, and economic development to disadvantaged communities (DACs).

Although the Project is located in a DAC, it does not require a major permit application from the DEC pursuant to the following sections of the ECL:

- Article 15, Title 15, and Article 17 for facilities withdrawing and using over 20 MGD of water for cooling purposes
- Article 19, Air Pollution Control

12 https://www.arcgis.com/apps/mapviewer/index.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area__PEJA__Communities/FeatureServer

13 https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria

- Article 23, Title 17, Liquefied Natural Gas and Petroleum Gas
- Article 27, Title 7, Solid Waste Management
- Article 27, Title 9, Industrial Hazardous Waste Management

In addition, the Project does not require any permits administered under the Uniform Procedures Act (UPA) for the construction of energy production, generation, transmission, or storage facilities, nor does it include sources and activities that may result in GHG emissions or copollutants, directly or indirectly, including those from mobile emissions related to and essential to the proposed action. Therefore, the preparation of a disproportionate burden analysis to meet the requirements of 6 NYCRR 621.3(a)(13) for the Project it not required.

Furthermore, due to its location in the DAC area, the project could be favored to receive investments in clean energy or energy efficiency from NYS.

Comment 10.54 – NPV Letter dated 4/15/2025:

Please indicate whether 485-b exemptions are applied to multifamily properties, and if this benefit will be used. Is the Applicant proposing anticipating other potential tax benefits that would reduce taxable value?

Response 10.54:

So called 485-b exemptions will not be applied. The project is at market rental. The right to have a fair market valuation for real property taxes is reserved.

Comment 10.55 – NPV Letter dated 4/15/2025:

As mentioned previously, the assumptions in student generation should be vetted with the school district. The multipliers are very old.

Response 10.55:

The VCSD was contacted to provide the source of the multipliers utilized by Western Suffolk BOCES in the LRPS, to which they stated they use “Rutgers”. Correspondence with VCSD is included in Appendix J. Although the multipliers are somewhat dated, they are the most widely available and used numbers by community planners. With the recent historical decline of school age children population in Orange County and the Town of Montgomery, these generation rates are likely conservative. Valley Central School District periodically commissions Western Suffolk BOCES Office of School Planning and Research to conduct a long-range planning study to assess demographic factors and enrollment trends to determine the future 10-year facility capacity projections. The last comprehensive study was conducted for the 2021-22 school year, and an update was prepared for the 2024-25 school year. The VCSD Long Range Planning Study Update 2024-25 (page 1) states “Changes in school enrollment occur due to fluctuations in the number of children being born, the number of families moving into a community and/or the number of children attending non-public or charter schools. The Valley Central School District is expected to experience an increase in district K - 12 enrollment during the projection period 2025 - 2034. This enrollment increase is accounted for by changing resident characteristics.” According to the LRPS Update (page 23) the “…the elementary (K - 5) and middle (6 - 8) grade configurations are expected to be at their projection period peak enrollments in 2027 and 2032, respectively, while the high school (9 - 12) grades are expected to enroll the greatest numbers of students in 2034. Total district enrollment is also expected to peak in 2034, when 4,457 students are anticipated; this is 302 more students than are currently enrolled”. These assumptions assume that all of the proposed developments studied in the LRPS 2024-25 Update are constructed within the studied timeframe, of which the Sheffield Garden development of 261 units is included in the

enrollment numbers. The table from the LRPS 2024-25 Update below lists the projected enrollment numbers.

Table 6 - Projected Valley CSD Enrollment

Year		K - 5	6 - 8	9 - 12	K - 12
Actual	2024	1,823	946	1,386	4,155
Projected	2025	1,853	948	1,361	4,162
	2026	1,901	952	1,387	4,240
	2027	1,923*	973	1,343	4,239
	2028	1,911	1,010	1,356	4,277
	2029	1,911	1,032	1,366	4,309
	2030	1,903	1,067	1,362	4,332
	2031	1,891	1,061	1,428	4,380
	2032	1,860	1,092*	1,455	4,407
	2033	1,867	1,079	1,484	4,430
	2034	1,863	1,071	1,523*	4,457*

* = Denotes peak enrollment during 2025 - 2034

The table below, from the VCSD Comprehensive Long Range Planning Study 2021-2022, shows the Operational Capacity of each school building within the VCSD. Comparing the projected enrollment in the table above to the operational capacity in the table below indicates that the Middle School capacity of 1,226 students exceeds the peak enrollment of grades 6-8 of 1,092 students in 2032, and the High School capacity of 1,473 students is 50 students less than the peak enrollment of grades 9-12 of 1,523 students in 2034. The CLRPS 2021-22 also provides historical enrollment that shows a peak enrollment at the High School of 1,552 in 2012, which was over the operational capacity by 79 students. The LRPS Update (Page 23) discusses Berea Elementary School (where students from Sheffield Gardens will attend) and states the “forecasted 2034 enrollment of 543 students represents a gain of 45 students, or 9.0 percent, when compared to the current enrollment”, which is less than the Berea ES operational capacity of 637 students.

Table 15 - Valley Central SD Facility Utilization - 2021-22

Facility	Grades	Operational* Capacity	2021-22 Operational Capacity Utilization
Berea ES	K - 5	637	72 %
East Coldenham ES	K - 5	418	69 %
Montgomery ES	K - 5	699	74 %
Walden ES	K - 5	583	72%
Valley Central MS	6 - 8	1,226	77 %
Valley Central HS	9 - 12	1,473	93 %

*Operational capacities derived from maximum class sizes: G. K - 1 = 22 students, G. 2 - 3 = 25 students, G. 4 - 5 = 27 students, G. 6 - 12 = 25 students

Comment 10.56 – NPV Letter dated 4/15/2025:

Assumptions and sources for the monthly rental values, capitalization rate, etc., are not provided. The assumptions should be provided in the FEIS to determine whether they reasonable predict tax revenues. The rental values seem low, and the capitalization rates appear high.

Response 10.56:

Assumptions and sources for the monthly rental values, capitalization rate, etc., are provided in the Fiscal Analysis Worksheet that is provided as FEIS Appendix K.

Comment 12.26 – Planning Board comments dated 5/9/2025:

The fiscal analysis at 3.14.4 uses stale data regarding tax rates/budgets etc. The FEIS should use the most current data available. In connection with this, we expect that the FEIS will address the issues raised in detail by the Valley Central School District.

Response 12.26:

The fiscal analysis used the data available at the time the analysis was undertaken. See **Response 15.1** in Section 3.20, which addresses the issues raised by the Valley Central School District.

Comment 12.27 – Planning Board comments dated 5/9/2025:

Provide analysis of the fiscal impacts if the project were to become a condominium some day as assessments on condominiums, by law, have to be lower than a standard dwelling unit. Alternatively, what guarantees can be offered that a condominium never would occur?

Response 12.27:

NY Real Property Tax Law Section 581 requires that condominiums be taxed as though it was an apartment use. Hence a conversion would not alter the taxes that the project pays whether rental apartments or condominiums. The limitation on the nature of title would be a restriction on the alienability of the property against public policy and a restriction on capital requirements for the necessary maintenance and improvements to protect the value and condition of the property.

3.20 COMMUNITY SERVICES & FACILITIES

Comment 2.7 – Louis Doro, Verbal Comment from the March 10, 2025 Public Hearing:

In the appendices section of the DEIS, under appendix A4, responses and correspondence, there appears to be no response from the Montgomery Fire Department regarding their review of the documents for Sheffield Gardens. In addition, it does not appear that the adjoining fire districts, nor the Board of Commissioners, were contacted for their input as the project will certainly influence their mutual aid response.

Comment 2.71 – Rich Hoyt – Planning Board Attorney, Verbal Comment from the March 10, 2025 Public Hearing:

The applicant and the Planning Board should press Montgomery Fire Department to please review the plan. They're the jurisdiction in charge here. This is a pretty unique layout and I don't know that this Board wants to move forward without knowing what the firemen think.

Comment 10.57 – NPV Letter dated 4/15/2025:

As mentioned previously, the impacts to the fire department need to be assessed based on conversations with the Montgomery fire department

Response 2.7, 2.71 & 10.57:

Comment letters from both the Montgomery Fire District and Coldenham Fire Company were received on April 2, 2025 and have been responded to in this FEIS.

Comment 2.29 – Lisa Melville, Verbal Comment from the March 10, 2025 Public Hearing:

I want to ask the Planning Board as lead agency to consider more study on the mitigation on Sheffield Gardens, specifically the impact on Valley Central School District, because all these families – you know, there's going to be children added to the school district.

Response 2.29:

See **Response 15.1**.

Comment 2.59 – Charlie Thompson, Verbal Comment from the March 10, 2025 Public Hearing:

Can the schools accommodate what they are expecting to have in this short term to fill up? Will the buses be going into the development, because I don't think that's allowable by the school? I was curious to know what the school has to say about it from the capacity and the busing of children itself.

Response 2.59:

See Response 10.55 in Section 3.19. The school buses will not enter the development as it will not be a public roadway. A school bus shelter and parking area is proposed adjacent to NYS Route 17K to accommodate school children drop-off/pick-up at the bus stop.

Comment 10.58 – NPV Letter dated 4/15/2025:

The size of these apartment buildings should be compared with other multifamily developments in the Village, in terms of scale and form. The length of the buildings are significantly greater than other multifamily buildings in Orange County and the Town.

Response 10.58:

~~The Project, as designed, complies with the Town Zoning Code. The DEIS states "The US Census Housing data indicates that, of the 8,341 occupied housing units, 70% or 5,839 units were owner occupied and 30% or 2,502 were renter occupied." As such, the Town of Montgomery currently lacks rental housing, which speaks to the need and demand for the Project.~~ In the Town, the Hawkins Apartments building is of a relatively similar size to what is proposed. The 3-story, L-shaped building is very visible from Hawkins Drive and Goodwill Road. The building contains 80 apartment units and measures approximately 516 feet long

along the parking lot side of the building and 59 feet wide. Hawkins Apartments obtained a building height variance to permit an overall height of 42.5 feet. The largest apartment building in Montgomery Manor located in the Village of Montgomery measures approximately 450 feet along the longest exterior edge and 65 feet wide.

Comment 10.59 – NPV Letter dated 4/15/2025:

As a general comment, smaller massed buildings can have separate community buildings rather than placing community space in each building. It is not entirely accurate that using smaller buildings would eliminate community spaces – it would be in a different format.

Response 10.59:

Comment is noted. Placing community meeting and assembly rooms in one separate community building goes contrary to fostering community among building residents. A different format with smaller spaces will limit diversity and additional opportunities for activities. The Proposed Action provides public gathering spaces in an efficient manner within each building.

Comment 10.60 – NPV Letter dated 4/15/2025:

The Planning Board needs to evaluate whether or not the alternative with smaller buildings would be in keeping with the Town's community character and result in less overall impacts.

Response 10.60:

The community character along Routes 17K and 208 are a diverse mix of uses, architecture, parcel sizes, building sizes and heights. The Project is adjacent to the Valley Central High School and Middle School's with substantial building and facilities with large areas of blacktop that are clearly visible from public viewpoints. In the Bracken Road and Hawkins Drive area there are multiple large commercial structures as well as a residential apartment building. The preserved vegetation and landscaping plans for the Project will maintain an aesthetically attractive site.

Comment 10.61 – NPV Letter dated 4/15/2025:

The FEIS should address the potential use of rooftop solar facilities.

Response 10.61:

The nature of the roofs does not accept solar units and can interfere with roof maintenance.

Comment 12.28 – Planning Board comments dated 5/9/2025:

What is the availability of emergency vehicles to effectively access the site

Comment 19.6 – Gina Zwart letter dated 3/10/2025:

I'd also make sure fire trucks can really enter and get around the complex in an emergency. Look at Lakeview in the Village of Montgomery by the post office. I'd be very surprised if you can get a fire truck around that complex.

Response 12.28 & 19.6:

The roadway access to the project is a typical intersection design and meets Town standards. The exit approach will include two lanes, a separate right turn lane and through/left turn lane. In addition, emergency access is proposed via a separate gated emergency-only access connection to NYS Route 17K located approximately 500 feet east of the Bailey Road/Site Access intersection. In addition, truck turning diagrams have been provided in FEIS Appendix H3 to assure fire trucks can easily access the entire roadway network.

Comment 12.29 – Planning Board comments dated 5/9/2025:

There is inadequate secondary water sources for fire protection.

Response 12.29:

The design of the water system and storage tank meets all relevant standards. The water tank is sized and designed to hold the required amount of water for domestic and fire protection purposes.

Comment 12.30 – Planning Board comments dated 5/9/2025:

Public Safety- A large amount of pedestrian / bicycle traffic inserted into a busy highway.

Response 12.30:

Sidewalks along NYS Route 17K are not proposed as part of the Project. The Project proposes to provide an internal connection to the adjacent school property such that students walking to the High School or Middle School would not need to go out to NYS Route 17K.

Comment 12.31 – Planning Board comments dated 5/9/2025:

Open space requirements/ recreation areas insufficient.

Response 12.31:

See **Response 13.1, 14.8, 16.1, 33.1 & 28.1** below.

Comment 12.32 – Planning Board comments dated 5/9/2025:

Planning Board will assess as part of the FEIS whether the onsite facilities are sufficient for the proposed 261 dwelling units or whether a fee in lieu of parkland is required.

Response 12.32:

See **Response 13.1, 14.8, 16.1, 33.1 & 28.1** below..

Comment 12.33 – Planning Board comments dated 5/9/2025:

Per the DEIS, at page 216, on site security is listed as emergency phones outside all residential buildings and “limited entry to residents and employees” but how entry will be limited is not described. It would appear that the number of occupants for this project would command some level of private security be it personnel, cameras, etc. Please detail in the FEIS the various security measures to be utilized.

Response 12.33:

There will be ~~an~~ a permanent resident onsite manager, business office and onsite custodial-maintenance employee or contractor. A security system will be installed following recommendations from a credible and competent security service provider. If cameras are a component, they will be monitored as is provided for in the system operations. Keypads will be installed at all doorways for residents and employees to limit entry into the buildings.

Comment 13.1 – Theron Adkins letter dated 5/7/2025:

On behalf of the Town of Montgomery Recreation Department, I write to **strongly oppose any waiver or reduction of the required recreation fee in lieu of parkland** associated with the proposed Sheffield Gardens development. We strongly urge the Planning Board to **uphold the recreation fee in lieu of parkland** for the Sheffield Gardens development. This is not merely a financial issue—it is a matter of equity, responsibility, and future-readiness. Ensuring that all residents, both current and future, have access to safe, inclusive, and well-maintained recreational resources must remain a top priority of the Town.

Comment 14.8 – Town Board letter dated 5/9/2025:

The Town Board expects the developer to pay 100% of the recreation fee for the project per unit. Although we understand that the developer is proposing on-site recreation amenities, it is highly unlikely that these facilities will be used by the general population. However, it is highly likely

that the residents of the apartment complex will use municipal recreation facilities throughout the Town.

Comment 16.1 – Anna Mercurio Romero email dated 5/8/2025:

We are writing to express deep concern over the Sheffield Gardens project's apparent request to be relieved of the mandatory parkland fee—currently $2,000 per unit—as required by the Town of Montgomery for impacts not mitigated on-site. With 261 residential units planned, this amounts to a potential loss of $522,000 in critical funding for our Town's Park and Recreational Department.

It is unrealistic to suggest that a development of this size—with a projected 55 school-age children—will rely exclusively on a privately maintained "small park." These children and their families will undoubtedly utilize and benefit from the Town's public recreational programs, including Little League, soccer, and lacrosse, all of which are open to every child within our township.

Relinquishing this fee not only sets a damaging precedent but also undermines the quality and availability of recreational services for all current and future residents. The notion that the community surrounding Sheffield Gardens would not bear any additional burden on town resources is simply not credible.

The Town of Montgomery has always taken pride in providing robust recreational opportunities that contribute to the well-being and development of our youth and families. Waiving this parkland fee would be a disservice to that mission and to the residents who rely on these shared spaces and services.

I urge the Planning Board to uphold the parkland fee requirement in full. Doing so is essential to maintaining the integrity of our recreational infrastructure and ensuring equitable access for all members of the community.

Comment 33.1 – Ron Trent email dated 5/8/2025:

I am writing to express deep concern over the Sheffield Gardens project's apparent request to be relieved of the mandatory parkland fee—currently $2,000 per unit—as required by the Town of Montgomery for impacts not mitigated on-site. With 261 residential units planned, this amounts to a potential loss of $522,000 in critical funding for our Town's Park and Recreational Department.

It is unrealistic to suggest that a development of this size—with a projected 55 school-age children—will rely exclusively on a privately maintained "small park." These children and their families will undoubtedly utilize and benefit from the Town's public recreational programs, including Little League, soccer, and lacrosse, all of which are open to every child within our township.

Relinquishing this fee not only sets a damaging precedent but also undermines the quality and availability of recreational services for all current and future residents. The notion that the community surrounding Sheffield Gardens would not bear any additional burden on town resources is simply not credible.

The Town of Montgomery has always taken pride in providing robust recreational opportunities that contribute to the well-being and development of our youth and families. Waiving this parkland fee would be a disservice to that mission and to the residents who rely on these shared spaces and services.

I urge the Planning Board to uphold the parkland fee requirement in full. Doing so is essential to maintaining the integrity of our recreational infrastructure and ensuring equitable access for all members of the community.

Comment 28.1 – Residents Protecting Montgomery letter dated 5/7/2025:

"The 625 new residents will increase the need for recreational areas, which may be met by the

proposed project. The Project Site includes areas of undisturbed lands that will serve as passive recreation areas. The Project Site has space to include additional outdoor recreational facilities. The Town of Montgomery requires a payment in lieu of parkland for impacts not remediated on-site, which is currently $2,000 per unit. Since the Proposed Project will provide outdoor amenities consisting of a children's playground, fit pit area, bocce courts, pickleball courts, a community garden, fenced-in dog park and a covered picnic pavilion with a movie wall and grills within a 3-acre green space located between the residential buildings, a payment in lieu of parkland is not required."

We strongly disagree with this interpretation of the Town of Montgomery Zoning Fee Schedule, alleging that this development is exempt from the payment in lieu of parkland because of recreational amenities within the private community. Although we appreciate the inclusion of green space and recreational space within new developments, it does not constitute *parkland*, which is public space, and therefore should not supersede the town's payment in lieu of parkland requirements.

It would be a disservice to the current and future residents of the Town of Montgomery to support the mis-aligned interpretation of the Town of Montgomery code and not require the payment in lieu of parkland. All of our residents bear the impacts of growth, and this existing fee ensures that we create and maintain a standard of living that supports the health and well-being of our community.

Response 13.1, 14.8, 16.1, 33.1 & 28.1:

The parkland need is first determined by reference to acceptable reasonable measures that look to the overall parkland and open space of the Town, how that need is met, and if the project creates need that is not met by the existing designated areas. Once that need is identified, the inquiry becomes what demand does the Project create. Next is whether that need can be satisfied by the project facilities. If it can, there is no basis for a parkland fee (ie. capital purchase and improvement of parkland). If the need cannot be entirely met, then the inquiry becomes what fee is required to meet the unmet need the project generates. It is the Applicant's opinion that the project addresses the project parkland nee
s on site and off site. The required analysis is set forth below:

The Town of Montgomery has more than five parks to serve the recreational needs of its residents totaling approximately 140 acres. Planning standards set forth by the National Parks and Recreation Association recommend that 5 to 8 acres of parkland be provided per 1,000 people. The U.S. Census estimates the Town's 2020 population, excluding the Villages of Maybrook, Montgomery and Walden at 9,530 persons (23,322 minus the Villages 3,150 + 3,834 + 6,818 respectively); thus, the Town requires 48 to 76 acres of parkland to meet the recommendation. A population increase of 625 people would increase the need for parkland between 3 and 5 acres. Adding this to the recommended range of 48 to 76 acres for the existing population, would require 51 to 81 acres of parkland. Based on the existing 140 acres of parkland in the Town, there is ample parkland to support the additional residents from the Project.

In addition, outdoor on-site recreational and social amenities are proposed onsite and consist of a children's playground, fit pit area, bocce courts, pickleball courts, a community garden, walking path and access to the pond on the east side of the property, fenced-in dog park and a covered picnic pavilion with a movie wall and grills. Proposed indoor recreation amenities include a fitness and yoga room, lounge area with a kitchenette and fireplace, and game room on the ground floor of each residential b

ilding. All three residential buildings also have a multi-purpose room with a kitchenette on the second floor. On the third floor Building 1 will have an 18-seat theater, Building 2 will have a painting room and Building 3 will have an activities room.

Furthermore, approximately 29.21 acres of the Site will be disturbed, leaving 23.21 acres, or 44% of the Site as undisturbed open space, of which 11.99 acres are considered usable open space that is not covered by wetlands. All of the on-site facilities will be for the use of residents and their guests.

Comment 15.1 – Valley Central School District letter dated 2/10/2025:

The School District believes that the applicant has not fairly portrayed what those impacts are, nor has it accurately explained how those impacts will be mitigated.

Initially, despite our previous request (copies attached for your reference), the applicant has not conducted a more in depth school impact study addressing in detail the impact this proposed development would have on School District resources. While the DEIS states the proposed development will generate 55 generic school-age students, it doesn't focus on the individual needs of these additional students.

For instance, an impact study that factors in the cohorts of students who are classified with disabilities or are English Language Learners might show how the proposed development impacts the staffing needs in relationship to the services such individual students might require; or the tuition and transportation costs for students with disabilities places in State-approved out-of-district programs. In addition, a school impact study could address how the number of students expected to be generated might be distributed among grade levels, and how that may affect facility needs of the elementary vs. secondary schools. Moreover, the DEIS fails to take into consideration the School District's most recent enrollment projections; instead, it relied on enrollment projections from more than three years ago.

Finally, the DEIS does not accurately describe the tax revenue implications of the proposed development. While it is true the assessed valuation of a fully built out development will generate additional taxes produced by the parcels, such additional taxes do not equate to new revenues realized by the School District.

It is our belief that with a more in depth school impact study, the Planning Board might make a more informed decision regarding the applicant's proposed development.

Response 15.1:

An in-depth study of past, present and future student enrollment is provided in the Comprehensive Long Range Planning Study Demographic, Enrollment & Facilities Analysis 2021-22 and the VCSD Long Range Planning Study 2024-25 Update. Both studies were prepared by Western Suffolk BOCES. According to the LRPS 2024-25 Update the district's enrollment in 2024 was approximately 4,155 students. Furthermore, the number of ELLs, while relatively low, increased in the VCSD during the historical period (2013 - 2022), from 42 students (1.0 percent) in 2013-14 to 66 students (1.6 percent) in 2022-23, with a distribution of 0.96 percent in grades K-5, 0.22 percent in grades 6-8, 0.42 percent in grades 9-12 and 0.02 percent ungraded. The proportion of Students with Disabilities increased slightly in the VCSD during the historical period (2013 - 2022), from 17.6 percent (768 students) in the 2013-14 school year to 19.5 percent (790 students) in 2022-23. The proportion of enrolled students in VCSD that are Economically Disadvantaged increased over

the historical period (2013 - 2022) from 36.3 percent (1,587 students) in 2013-14 to 43.6 percent (1,768 students) in 2022-23. Based on these rates it is estimated that the anticipated 55 school aged students generated by the Project will result in 1 English Language Learner most likely in grade K-5, 11 Students with Disabilities, and 24 Economically Disadvantaged students. The table below shows the number of students expected for each grade group. It is expected that 30 students will attend Berea Elementary (6 or 7 students in each grade K-2 and 2 or 3 students in each grade 3-5), 12 students (4 students in each grade 6-8) will attend Middle School and 13 students (3 or 4 students in each grade 9-12) will attend High School.

Estimated Number of School Aged Children Generated by the Project

Type of Housing Unit	Unit Count	K-2		3-6		7-9		10-12		School Aged Children Multiplier	Generated Public School Aged Children
1-bedroom	36	0.03	1.08	0.02	0.72	0.02	0.72	0.01	0.36	0.08	2.88
2-bedroom	225	0.08	18	0.06	13.5	0.05	11.25	0.04	9.00	0.23	51.75
Totals:	**261**		**19.08**		**14.22**		**11.97**		**9.36**		**54.63**

Source: Rutgers University, Residential Demographic Multipliers, June 2006

Note: The total school aged children generated by the project is rounded up to the nearest integer

The enrollment projections for 2025 through 2034 from the VCSD LRPS 2024-25 Update are listed below.

Table 6 - Projected Valley CSD Enrollment

Year		K - 5	6 - 8	9 - 12	K - 12
Actual	2024	1,823	946	1,386	4,155
Projected	2025	1,853	948	1,361	4,162
	2026	1,901	952	1,387	4,240
	2027	1,923*	973	1,343	4,239
	2028	1,911	1,010	1,356	4,277
	2029	1,911	1,032	1,366	4,309
	2030	1,903	1,067	1,362	4,332
	2031	1,891	1,061	1,428	4,380
	2032	1,860	1,092*	1,455	4,407
	2033	1,867	1,079	1,484	4,430
	2034	1,863	1,071	1,523*	4,457*

* = Denotes peak enrollment during 2025 - 2034

FEIS Appendix K indicates that the Project will pay a total of $932,116 (a net increase of $925,948) in taxes to the Valley Central School district. According to the most recent data

from NYSED[14] VCSD expends an average of $29,470 per pupil, which equates to $1,620,850 for 55 additional students. VCSD receives NY State Aid to fund a portion of the per pupil expenditure, which will likely cover the shortfall. If NY State Aid does not fund the difference, VCSD will either need to reduce the average expenditure per student, increase the assessed value property tax rate, or a combination of both, to achieve a balanced budget in the coming fiscal years.

Comment 26.4 – Norma Manning, letter dated 3/4/2025:

What impact will this development have on Valley Central Schools? There is a proposed sidewalk for middle school and high school students. In inclement weather, parents will be driving them back and forth, adding to traffic on 17K, then parents will request the school to provide more transportation to and from school for another added expense.

Response 26.4:

See **Response 15.1** regarding the impact on VCSD. The Property Owner cannot control parents' desire to drive their children to and from school but, the Project does propose to provide an internal connection to the adjacent school property such that students walking to the High School or Middle School would not need to go out to NYS Route 17K.

Comment 31.7 – Richard Dairy Shed email dated 5/9/2025:

The DEIS states the average class size is 11. This is not an accurate depiction of the actual class size. It is underestimated. In reality the class size is 20-25 students on average.

Response 31.7:

As reported in the Long Range Planning Study VCSD 2024-25 Update, the district's enrollment in 2024 was approximately 4,155 students. The table below provides the average, minimum and maximum class size for each elementary school, where the maximum class size is 22 students in grades K-1, 25 students in grades 2-3, and 27 students in grades 4-5.

School	Avg. Section Size	Smallest Section	Largest Section
Berea	22.6	18.8 - 1st Grade	24.0 – 5th Grade
East Coldenham	20.4	16.7 – 1st Grade	24.5 – 5th Grade
Montgomery	21.7	19.2 – 2nd Grade	24.3 – 4th Grade
Walden	21.6	17.3 – 1st Grade	24.7 – 4th Grade

[14] https://data.nysed.gov/profile.php?instid=800000040264

3.21 COMMUNITY & NEIGHBORHOOD CHARACTER

Comment 1.9 – Louis Doro, Verbal Comment from the February 10, 2025 Public Hearing:
The note on page 228 of the DEIS under the traffic heading states that the new turn lane will not cause significant adverse impacts to the surrounding road network.

Response 1.9:
The revised access layout proposes aligning the Site access opposite Bailey Road and includes the installation of a traffic signal at the intersection as well as the provision of left turn lanes along NYS Route 17K in both the eastbound and westbound directions for vehicles turning onto Bailey Road and into the Project driveway. FEIS Appendix H1 shows that the NYS Route 17K & Bailey Road/Site Access intersection operates at an overall LOS "A" during the AM, PM and Saturday peak hour.

Comment 1.23 – Karen Tocci, Verbal Comment from the February 10, 2025 Public Hearing:
I feel that the infrastructure of the Town of Montgomery does not support a project of this size. As stated, once before at a Planning Board meeting from February of 2024, there's no vision for this corridor of 17K.

Response 1.23:
The Town of Montgomery Comprehensive Plan, adopted July 1, 2021, provides a vision for the town. Section K. Community Services, Facilities and Infrastructure identified all of the concerns from community service providers, of which only one related to development along 17K, and stated "The increasing need for providing fire suppression supply at development sites rather than relying on water shuttles, expressed with special emphasis on future development along Route 17K." The Project proposes a water storage tank that will provide the required fire suppression water supply for the development which will eliminate the reliance on water shuttles to provide water for firefighting at the Site.

Comment 2.26 – Lisa Melville, Verbal Comment from the March 10, 2025 Public Hearing:
Change is inevitable, but there is an expectation that a (inaudible) should keep semblance of the character and community. No one is trying to stop the development of this project. They would just like it to not impact the community in a way that is detrimental to them or the community.

Comment 4.1 – Conservation Advisory Council Memo dated 3/9/2025:
The size, scope, and location would be a disaster and definitely decrease the quality of life for anyone in the village or town.

Comment 23.3 – Lisa Melville letter received 3/10/2025:
While change is inevitable there is an expectation that a place should keep a semblance of character and community. No one is trying to stop the development of this project, they would just like it to not impact the community in a way that is detrimental to them and that community. While it is true that parcels in this area have not changed their zoning since 1965, the review process has changed. For instance, we now know the importance of wetlands and their role in water quality, flood mitigation, special habitat and quality of life.

Response 2.26, 4.1 & 23.3:
The Town of Montgomery has both a Comprehensive Plan and Zoning Code, with which the Project complies. The Project will also undergo review and approval by all relevant agencies, including the NYSDEC and ACOE for proposed wetland disturbances before it is constructed.

Comment 2.51 – Lisa Joyce, Verbal Comment from the March 10, 2025 Public Hearing:
Please think about the children, because how will it impact their education? How are we going to accommodate new children coming in? We can't have class sizes too large, children will not

learn. Children have enough distractions as it is. We have more and more students and children that are diagnosed with ADD, ADHD. You put more kids in the mix, they're going to be all over the place, not being able to concentrate and learn and be productive citizens in society.

Response 2.51:

See **Response 15.1** in Section 3.20.

Comment 2.60 – Ryan McGuire – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

The road for Montgomery Heights is in very close proximity to both the parking lot and the access drive for this project. There may be impacts on, you know, emergency services, people passing through Montgomery Heights to walk to the Dollar General, debris coming from the parking lot of a commercial development.

Response 2.60:

A landscaped buffer, as per the Town Code §235-11.9 - Performance buffering, will be provided between the future retail parcels and the existing residences on Montgomery Heights Road. The retail use is listed as Intensity Classification V since a drive-through is not proposed. The retail use does not require a buffer between the State Highway but does require a buffer grade "A" between the existing single-family dwellings. According to Section 235 Attachment 9, Grade "A" buffers are required to be 10 feet in width, do not require an additional yard setback, require 2 canopy plantings (trees) per 100 feet and 4 understory plantings (tree or shrub) per 100 feet. A screening structure is not suggested nor required, but permissible structures consist of a 6-foot-high or greater chain-link fence with privacy slats, a 6-foot-high or greater 100% opaque (PVC or wood) privacy fence, or a 8-foot-high or greater decorative masonry wall.

Comment 12.34 – Planning Board comments dated 5/9/2025:

Failure for allowances of "Working class" / low-income units/ Veteran.

Response 12.34:

The present law makes no provision for segregated or special class tenancy. The recent new zoning for "veterans" housing was adopted to serve that population. In the opinion of the Project Sponsor, ~~T~~this is a market rate project to meet the need ~~for affordable housing~~ for middle income residents. Recognizing the importance of having first responders, emergency workers, service providers, they will be given preference to the extent allowed by law.

Comment 12.35 – Planning Board comments dated 5/9/2025:

Project is too large (density) to fit community character. Apartment complexes in Walden and Maybrook and a small one being built on Hawkins Drive are not this large. There are many apartment complexes in the Town of Wallkill and in Middletown that are not this large. There does not appear to be precedent for the scale of buildings being proposed.

Response 12.35:

In the Town, the only other rental apartment structure of a similar size is the recently constructed 3-story, L-shaped building on Hawkins Drive that contains 80 apartment units and measures approximately 516 feet along the parking lot side of the building and 59 feet wide. The Hawkins Apartments obtained a building height variance to permit an overall height of 42.5 feet. The largest apartment building in Montgomery Manor located in the Village of Montgomery on NYS Route 17K measures approximately 450 feet along the longest exterior side and 65 feet wide. In the Village of Maybrook the largest building in Bluestone Commons on NYS Route 208 measures approximately 270 feet end-to-end and

is 73 feet wide. In the Village of Walden, the largest building in Walden View on Oak Street measures approximately 192 feet long and is 43 feet wide. There are no building footprint size restrictions in the Town's Zoning Code.

Comment 12.36 – Planning Board comments dated 5/9/2025:

Lighting impacts need to be examined so as not to impact the Montgomery Heights neighborhood, particularly from the north parking lot of Building 1.

Response 12.36:

Outdoor lighting fixtures selected for the Site meet International Dark-Sky Association (www.darksky.org) requirements, which reduce negative impacts on the nighttime environment. Dark Sky Approved products minimize glare while reducing light trespass and skyglow. All products approved in the program are required to be fully shielded, meaning that the light source is not visible, and minimize the amount of blue light in the nighttime environment. The Lighting Plan shows the light distribution across the Site and the proposed foot-candle illumination at the boundary line shared with the Montgomery Heights neighborhood.

Comment 31.8 – Richard Dairy Shed email dated 5/9/2025:

We would like to request that a significant buffer be placed between our property and immediate bordering properties. We are also asking for consideration in reducing the amount of units in the development. This project seems too large for this location. Our Concern is that if the statements made in the DEIS as presented are not accurate to the community and if that is a consistent theme throughout, then how do we know if any of it is accurately considered?

Response 31.8:

A minimum 70-foot-wide area of undisturbed natural vegetation will be preserved between disturbance for the Proposed Action and the closest adjacent property line to the east. The number of units proposed is permitted by the Zoning Code as determined by the Density Calculations on the Overall Subdivision Plan in FEIS Appendix L. Also see **Response 12.35**.

3.22 SHORT-TERM CONSTRUCTION-RELATED IMPACTS

Comment 2.63 – Cheri Zahakos – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

What I had asked was for consideration in how it could be handled within an eight of a mile of the school to prevent jake braking.

Response 2.63:

The Property Owner only has control over the parcel that they own. The Town Police would need to enforce any noise restrictions found within the Town Code in their jurisdiction.

Comment 2.64 – Rose Pennings – Planning Board Member, Verbal Comment from the March 10, 2025 Public Hearing:

There will be significant truck transportation during construction in different types of weathers. How will 17K be kept clean during construction? How often will the road be swept or watered down? When you go to stop in mud, you slide, you don't stop instantly.

Response 2.64:

The SWPPP states "Permanent traffic corridors shall be established, and "routes of convenience" shall be avoided. Off-site sediment tracking shall be minimized through regularly scheduled sweeping and good housekeeping of construction vehicles." A note of the same is provided under "Erosion and Sedimentation Control Notes" on sheet C-305 in FEIS Appendix L.

Comment 8.18 – MHE Engineering memo dated 5/8/2025:

Section 3.17.2 should be updated to consider an updated construction timeline as the DEIS notes that construction is anticipated to commence in Spring of 2025.

Response 8.18:

An updated construction timeline is included in Section 1.4 that commences in Spring of 2026.

Comment 8.19 – MHE Engineering memo dated 5/8/2025:

Section 3.17.2 should be updated to evaluate all required NYSDOT improvements prior to Phase I of construction on the site.

Response 8.19:

FEIS Section 1.4 states "Off-site improvements include the installation of a traffic signal and construction of left turn lanes in both directions on NYS Route 17K at the Bailey Road/Site Access intersection. In addition, some pruning of vegetation to improve sight distances at the entrance drive may be required".

Comment 8.20 – MHE Engineering memo dated 5/8/2025:

Section 3.17.2 should be reviewed where it states "the majority of the truck trips will come from and leave from the east via NYS Route 17K, limiting the use of Town roadways and use the project entrance drive". Will the import of select materials realistically be delivered from the east? The two nearest quarries are located to the west of the site.

Response 8.20:

It was assumed that truck trip would follow the same arrival distribution that was presented in the Traffic Impact Study (TIS) included as DEIS Appendix I, which was 70% from the east and 30% from the west.

Comment 8.21 – MHE Engineering memo dated 5/8/2025:

The applicant should include a blasting plan within Section 3.17.3.

Response 8.21:

The blasting protocol is provided in Response 8.8 & 10.27 and has been added to FEIS Section 1.4 under the heading Bedrock Removal Procedures.~~The following statement was included in DEIS Section 3.1.3 and has been added to FEIS Section 2.4. *"Rock removal by blasting is not anticipated. However, if rock is encountered during construction, the contractor will first attempt to remove exposed bedrock by mechanical means. If blasting is unavoidable, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements. Since blasting impacts and protocols are specific to each location, they will be addressed by the construction contractor through a pre-blasting analysis and development of a blasting protocol."*~~

Comment 30.3 – Richard Dairy Shed email dated 3/10/2025:

Also, the construction of the actual site and its number of trucks should also be further examined.

Response 30.3:

Section 1.4 states "The majority of earthmoving operations will take place on site. The proposed improvements will result in approximately 19,937~~16,222~~ cubic yards of excess cut. During construction of the project, approximately ~~649~~ 797 semi-trailer dump truck trips at 25 cubic yards per truck or ~~1081~~ 1,329 tri-axle dump trucks at 15 cubic yards per truck will be required to haul away the excess cut material from the site. Cut soil generated by the Proposed Action will be reused on-site as fill material to the greatest extent possible. Construction of the Project will require approximately 13,928 cubic yards of material to be hauled into the Site which will result in 557 semi-trailer dump truck trips or 1,393 tri-axle dump trucks at 10 cubic yards per truck. All trucks importing and exporting material will enter the site from the proposed emergency entrance and will exit the Site via NYS Route 17K over a construction period of three years."

3.23 ALTERNATIVES

Comment 8.22 – MHE Engineering memo dated 5/8/2025:

Section 4.3 should be updated within the sewer service discussion to evaluate moving the wastewater treatment plant further interior to the site, away from the neighbors to the north of the site.

Response 8.22:

Any proposed alternative WWTP location would still require a discharge line to the wetlands and would have similar impacts to the wetlands buffer. In addition any alternative to the current WWTP location would require the plant to be moved up hill and would no longer allow for gravity waste water flow from the future retail commercial buildings and would preclude the opportunity to service other adjacent properties via gravity sewer should the Town decide to take over the WWTP and form a larger sewer district, which would amount to poor planning. The proposed WWTP will be screened from NYS Route 17K and the neighbors by existing vegetation and proposed landscaping and has been designed as an aesthetically pleasing building.

3.24 ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

Comment 8.23 – MHE Engineering memo dated 5/8/2025:

The applicant should review Chapter 5 – Long Term Impacts within the increase in local traffic discussion as NYS Route 207 and Wisner Avenue intersection is discussed; however, was this intersection studied as part of the project?

Response 8.23:

The paragraph in the DEIS Chapter 5 under the heading Long Term Impacts that addressed traffic ~~has been revised to remove the~~ erroneously referenced ~~to~~ the NYS Route 207 and Wisner Avenue intersection~~ and reflect the current access configuration~~. It should have stated the following:

"Increase in local traffic - The project is expected to generate approximately 167 vehicular trips in the weekday AM peak hour, 255 vehicular trips in the weekday PM peak hour, and 253 vehicular trips in the Saturday peak hour. This represents the net increase in existing peak hour traffic on the local area network since the site is presently unoccupied. All studied intersections are projected to operate at the same or improved overall levels of service as the No Build Conditions, with the exception of the NYS Route 17K & NYS Route 208 intersection in the Saturday Peak Hour condition. Recommendations for mitigating off-site traffic conditions are presented in the Traffic section of this document."

3.25 EFFECTS ON THE USE AND CONSERVATION OF ENERGY RESOURCES

No Comments Received

4 FIGURES & APPENDICES

FIGURES

APPENDICES