

## State Environmental Quality Review Act

### POSITIVE DECLARATION

#### Notice of Intent to Prepare a Draft Environmental Impact Statement and Lead Agency Determination of Significance

This notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act) and its implementing regulations, 6 NYCRR Part 617 (collectively "SEQRA"). The Town of Montgomery Planning Board (the "Planning Board") has determined that the proposed action described below may have the potential for a significant adverse impact on the environment and that a Draft Environmental Impact Statement ("DEIS") will be prepared. The Planning Board hereby adopts this Positive Declaration in order to investigate and evaluate the potential environmental impacts of this proposed action. As discussed, below, scoping will be conducted.

<b>Applicant:</b>	MILR, LLC
<b>Name of Project:</b>	Sheffield Gardens Site Plan, Special Use Permit and Subdivision application for a 261-unit apartment complex, a 3,375 square foot bank, 24,000 square feet of retail space, sewage treatment plant to serve all uses, and associated accessory uses.
<b>Lead Agency:</b>	Town of Montgomery Planning Board
<b>Date:</b>	November 14, 2022
<b>SEQRA Classification:</b>	Type I Action Undergoing Coordinated Review
<b>Project Location:</b>	1127 New York State Route 17K, Town of Montgomery, County of Orange; Section 29, Block 1, Lots 5.1, 5.2, 5.3, 5.4 and 5.5
<b>Description of Action:</b>	<p>The Applicant, MILR, LLC, proposes to construct a mix of residential and commercial uses on property located along NYS Route 17K just west of its intersection with NYS Route 208. The subject property is located in the Community Commercial (B-2), the Multifamily (RM-1), and the Residential Agriculture – One and Two Family Residences (RA-1) zoning districts. In addition, portions of the property are located in the Floodplain and Planned Development overlay zoning districts. The project would be located on five (5) parcels with frontage on either NYS Route 17K and/or Montgomery Heights Road: 29-1-5.1 (2.1 acres); 29-1-5.2 (0.35 acres); 29-1-5.3 (1.1 acres); 29-1-5.4 (0.41 acres); and 29-1-5.5 (49 acres). In total, the subject property is approximately 52.96 gross acres in size.</p> <p>The tax lots will be combined to create three (3) lots and additional road right-of-way. A 261-unit multifamily residential apartment complex will be constructed on one of the lots. Other uses include a 3,375 square foot bank</p>

and 24,000 square feet of retail uses. The site would be developed with 528 vehicle parking spaces. Utilities do not presently serve the property and the applicant has proposed the construction of a wastewater treatment plant on Lot 2; the site is also within Town of Montgomery Sewer District No. 3. New water supply wells would be drilled to serve the site, and a 100-foot tall water storage tank would be installed at the southerly end of the property. Access to the overall site will be from NYS Route 17K and internal drives will be constructed to access the uses.

North of the site and on the other side of NYS Route 17K are a mix of residential and commercial uses. The easterly side of the project site is located within the 100-year floodplain. In addition, the site contains both New York State and US Army Corps of Engineer (USACOE) regulated wetlands, including an approximately 90-acre DEC wetland. The site is currently vacant and consists mostly of forested and wetland areas.

The Valley Central High School complex is located west of the site. The site also abuts several single-family dwellings to the west, including three residential parcels which the project site surrounds. South of the project site are commercial businesses, including several warehouses, a church, and daycare facility. Southwest of the project site are lands in agricultural use.

**DEIS Scoping:**

Pursuant to Part 617.8, the Lead Agency is conducting scoping, the primary goals of which are to focus the DEIS on potentially significant adverse impacts, and to eliminate consideration of those impacts that are not significant or irrelevant. A public scoping session will be held in the Town of Montgomery Town Hall, on November 28, 2022, at 7:30 p.m. The purpose of the scoping session is to consider public and agency comments on the draft Scoping Document for the Sheffield Gardens Project. The document is being made available on the Town website at <https://townofmontgomery.com/>. Written public comments on the Draft Scope will be accepted by the Planning Board until the close of business on December 2, 2022.

**Reasons Supporting this Determination:**

Potential environmental impacts associated with the Proposed Action are identified in the Full Environmental Assessment Form ("EAF") Part 2. These impacts, which may be reasonably expected to result from the Project, have been compared to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The Planning Board finds that the Proposed Action may result in one or more potentially significant adverse impacts on the environment, and an Environmental Impact Statement ("EIS") must be prepared. The potentially significant adverse environmental impacts associated with the Proposed Action include but are not limited to the following:

- Extensive land disturbance activities
- Stormwater runoff and changes to existing drainage patterns
- Ecological habitat and wetland disturbances

- Traffic generation and impacts to levels of service
- Community services and facilities, including schools, recreation and emergency services
- Change in existing community character
- Potential effects on historic and archaeological resources
- Fiscal impact to municipal and community service providers
- Water supply demand and construction of new wells, and potential effect on any adjoining wells
- Sewer design and demand; construction of new wastewater treatment plant and potential for pollutants, odors and noise
- Stormwater runoff and impacts to wetlands and surface waters
- Ambient noise level changes
- Increase in ambient light levels

For Further Information:

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 Town Hall - 110 Bracken Road  
 Montgomery, New York 12549  
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 Fax: (845) 457-2760  
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**A copy of this notice is being sent to the following Involved and Interested Agencies:**

**Attachment: Draft Scoping Document**

**Involved and Interested Agencies:**

Town of Montgomery Planning Board  
 110 Bracken Road  
 Montgomery, New York 12549

Town of Montgomery Town Board  
 110 Bracken Road  
 Montgomery, New York 12549

Town of Montgomery Building Department  
 110 Bracken Road  
 Montgomery, New York 12549

Town of Montgomery Highway Department  
 110 Bracken Road  
 Montgomery, New York 12549

Montgomery Fire Department  
136 Ward Street  
Montgomery, NY 12549

Town of Montgomery Police Department  
110 Bracken Road  
Montgomery, NY 12549

Town of Montgomery Ambulance Corps  
2 South Montgomery Street  
Walden, NY 12586

Valley Central School District  
944 State Route 17K  
Montgomery, NY 12549

Village of Montgomery Board of Trustees  
Village Hall  
133 Clinton Street  
Montgomery NY 12549

Patricia Henighan, Chairperson  
Town of Montgomery Conservation Advisory Council  
110 Bracken Road  
Montgomery, New York 12549

Mary Ellen Matise, Chairperson  
Town of Montgomery Historic Preservation Commission  
110 Bracken Road  
Montgomery, New York 12549

Orange County Health Department  
124 Main Street  
Goshen, New York 10924

Orange County Planning Department  
124 Main Street  
Goshen, New York 10924

New York State Department of Environmental Conservation  
Region 3 Permit Administrator  
21 South Putt Corners Road  
New Paltz, New York 12561

OPRHP, Field Services Bureau – Peebles Island  
PO Box 189  
Waterford, NY 12188-0189

New York State Department of Transportation  
SEQR Unit, Traffic Engineering and Safety Division  
4 Burnett Boulevard  
Poughkeepsie, New York 12603

New York State Department of Health  
Corning Tower  
Empire State Plaza,  
Albany, NY 12237

United States Army Corps of Engineers (USACE)  
Wetlands and Section 404 Clean Water Act  
USACE Operations/Regulatory 16-406  
c/o PSC Mail Center  
26 Federal Plaza  
New York, NY 10278

Richard Hoyt, Esq. (for the Planning Board)  
P.O. Box 402  
Walden, New York 12586

Ross Winglovitz, PE  
Engineering & Surveying Properties (for the Applicant)  
71 Clinton Street  
Montgomery, NY 12549