KSH ROUTE 211 DEVELOPMENT
UNION STREET

EXPANDED PART 3
ENVIRONMENTAL ASSESSMENT FORM (EAF)

Union Street
Village of Montgomery, Orange County
New York

Village of Montgomery Tax Lot:
Section 211 Block 1 Lot 29.22

Lead Agency:
VILLAGE OF MONTGOMERY VILLAGE BOARD
133 Clinton Street
Montgomery, NY 12549
Attention: Planning Board Chairman, Kevin Conero
(845) 457-9661

Prepared By:
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Submitted: September 13, 2019
Previously Revised: November 8, 2019, December 10, 2021, September 16, 2022
Revised: December 6, 2024

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1.0 INTRODUCTION

KSH Route 211 Development, LLC. submitted Subdivision, Site Plan & Special Exception Use Applications, a Sketch Plan, and a Full Environmental Assessment Form (FEAF) for the Proposed Action to the Village of Montgomery Planning Board ("Planning Board") in September 2018. The Planning Board subsequently declared its intent to be Lead Agency for the SEQRA (State Environmental Quality Review Act) review of the Project and issued a Notice of Intent for Designation of Lead Agency and a Notice of Intent, dated October 29, 2018, was circulated to all Involved and Interested Agencies. No objections from any Involved or Interested Agencies were received in response to the Notice of Intent. The Orange County Planning Department responded to the Notice with two letters dated November 5 and 6, 2018, the NYSDOT responded with a letter dated November 29, 2018, and the NYSDEC responded with a letter dated December 6, 2018. The Planning Board Applications, FEAF, Lead Agency Notice of Intent, and Expanded Part 3 FEAF outline are attached as Appendix A. The correspondences from Orange County Department of Planning, NYSDEC and NYSDOT are included in Appendix B.

The original plan proposed subdividing the parcel into 3 commercial lots and one roadway lot containing a private entrance drive that provided access to Lots 1 and 2. Lot 1 contained a 200,000 square foot warehouse, Lot 2 contained a 100,000 square foot warehouse, and Lot 3 contained two, 4,920 square foot, 2-story office buildings. The Project layout was revised in 2021 to comply with zoning revisions adopted as Local Law No. 3 of 2021.

Ownership of the Project Site changed in August 2022, when Route 211 Owner LLC, (the "Applicant"), purchased the parcel from KSH Route 211 Development, LLC. The current Proposed Action contains four warehouses. Two of the buildings are 60,000 square feet in

size and two are 80,000 square feet in size. A lot line change with the neighboring parcel to the south added 0.30 acres to the parcel to accommodate an entrance drive to the site directly across from Chandler Lane. The project no longer includes a proposed commercial subdivision.

This Expanded Part 3 Environmental Assessment Form provides a description of the Proposed Action, a commercial development in the Village of Montgomery, and examines the potential environmental impacts that may result. Potential impacts are identified, and mitigation measures are proposed as needed. This document, including the Appendices referenced herein, is intended to provide the Planning Board, as lead agency, with enough information to assist the Board in evaluating the potential impacts of the Proposed Action.

1.1 Site Location

The proposed KSH Route 211 Development (the "Proposed Action", "Project Site", "Project", or "Site") is located on the northwest side of New York State Route 211, also known as Union Street, in the Village of Montgomery, Orange County, New York. The Site is bounded by private farmland and the Orange County Airport to the south and west and residential homes to the north and east. The subject parcel is identified on Village of Montgomery Tax Maps as Section 211 Block 1 Lot 29.22. The entire property is located within the Village of Montgomery Industrial Park Zoning District (I-1), with the exception of a 50-foot-wide access strip of land just north of the car wash that is zoned Village Industry (I-2). The Project Site location is shown on Figure 1.1A, and the zoning districts in the vicinity of the Project Site are depicted in Figure 1.1B.

1.2 Site Description

The Project Site is a 33.87-acre, undeveloped parcel consisting mostly of wooded and wetland areas. The Site is currently covered with vegetation and consists of approximately

26.20 acres of woods, 2.58 acres of meadows, 4.14 acres of wetlands, and 0.95 acres of gravel roads and trails. Figure 1.2A shows the existing conditions of the Site.

The topography on the Site generally slopes towards the low-lying area of the Site where the wetlands are located on the northern and eastern sides, which slope gradually from the southeast to northwest corners of the parcel toward the Wallkill River. There is elevation difference of approximately 43 feet across the Site. The highest elevation on the Site, which is approximately 404 feet above Mean Sea Level (MSL), is located in the along NYS Route 211 on the eastern edge of the parcel. The lowest elevation, which is 361 feet above MSL, is located on the near the northern corner of the Project Site.

The Site contains a range of soil types, from well drained soils to poorly drained soils. There are no visible bedrock outcroppings on the Site. Based on the soils survey, the average depth to bedrock is greater than five feet. According to Orange County GIS website, there is a stratified sand and gravel aquifer under the entire the Site.

The Site is privately owned and is not currently authorized for use by the community as open space or as a recreation area. According to the NYSDEC website, the Project Site is not listed as a Critical Environmental Area under Article 8 of the Environmental Conservation Law (ECL), or Chapter 6, Part 617 of the New York Codes, Rules, and Regulations (6NYCRR Part 617).

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SITE LOCATION MAP	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/22/2019 REV 12/05/2024 SCALE: 1" = 2000'	JOB # 1281.0101 SHEET # F-1.1A	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs

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SITE

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LEGEND

- PDD, Planned Development District
- R-2, 1-Family Residence
- RA-3, Residence
- R-4, 1-Family Residence
- R-4A, 1-Family Residence
- R-5, 1-Family Residence
- R-6, 1 & 2 Family Residence
- RM-1, Multiple Residence
- B-1, Neighborhood Business
- B-2, Village Business
- I-1, Industrial Park
- I-2, Village Industry

ZONING MAP	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 REV 12/05/2024 SCALE: 1" = 1000'	JOB # 1281.0101 SHEET # F-1.1B	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs

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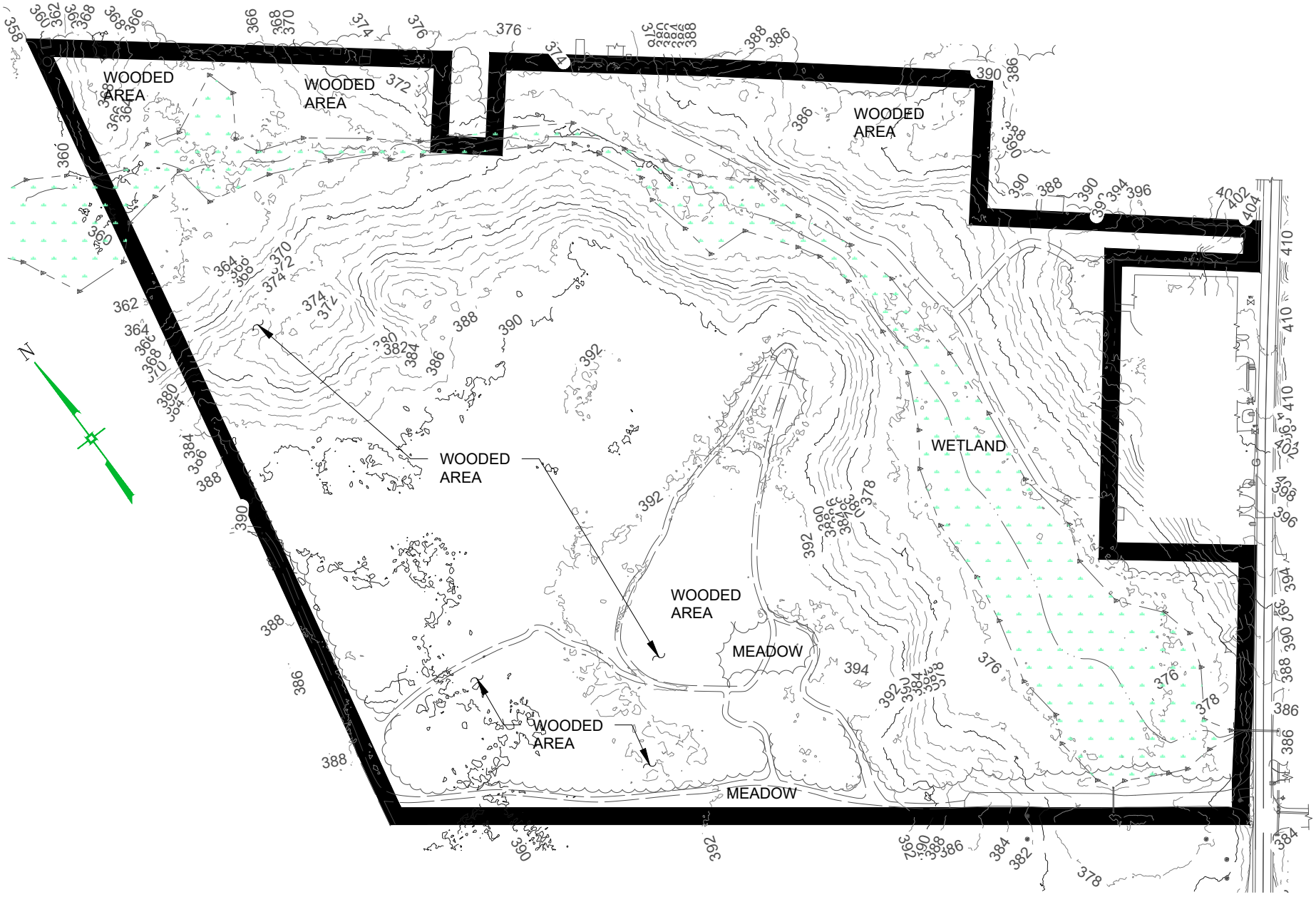

EXISTING CONDITIONS MAP	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/23/2019 REV 12/05/2024 SCALE: 1" = 200'	JOB # 1281.0101 SHEET # F-1.2A	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 Fx: (845) 457-1899

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2.0 PROJECT DESCRIPTION

The Project Site is 33.87 acres in size. It is currently owned by Route 211 Owner LLC, who is also the Applicant and Project Sponsor of the Proposed Action. The Proposed Action is to construct four warehouses and associated infrastructure. Two of the warehouses will be 60,000 square foot in size and the other two warehouses will be 80,000 square foot in size, for a total building footprint of 280,000 square feet. The proposed layout of the Project is depicted on Figure 2.0A and in the full-sized set of plans included as Appendix J1.

The proposed development will disturb approximately 20.89 acres of land. Of the total land disturbance, there will be 14.20 acres of proposed impervious area, which includes the proposed buildings, driveways, and parking area. Access for all employees, visitors and deliveries to the buildings will be on a 30-foot-wide, paved, private driveway from Union Street (NYS Route 211) located at the southern end of the Site directly across from Chandler Lane. A separate entrance at the northern end of the Site will provide emergency access to the proposed buildings on a 20-foot-wide gravel drive also from Union Street.

The parking lot for Building 1 will contain 71 parking spaces, Building 2 will have 63 parking spaces, Building 3 will have 64 parking spaces and Building 4 will have 68 spaces. All parking spaces will be paved and be 9 feet wide by 18 feet deep. The 60,000 Square foot buildings will each have six loading bays located on the south side of the building, over 530 feet from the residential lots on Weaver Street. The 80,000 square foot buildings will each have eight loading bays located on the north side of the buildings.

The proposed improvements will not encroach into the Wallkill River tributary that flows through the Site, with the exception of the temporary disturbance to install the sewer service connections and the construction of the emergency access driveway. However, neither encroachment will require a NYSDEC protection of waters permit since the tributary

is not a protected waterway. The proposed improvements will require an ACOE wetlands disturbance permit for both the main driveway entrance and the emergency access drive.

Water service is currently located in NYS Route 211 adjacent to the Site and is provided by the Village of Montgomery. A new private, eight-inch ductile iron water service main will be installed to serve the Project, connecting to the existing Village water main in two locations and looping around the Site. Each building will be served by a one-and-one-half-inch domestic service connection and a six-inch fire flow service.

Sewage generated by the Project will gravity flow through new six-inch service connections from each proposed building to a new private eight-inch sewer main that runs between the buildings an connects to the existing eight-inch sewer main that crosses the Site. Sewage is collected and treated in the Village of Montgomery Wastewater Treatment Plant located on Bachelor Street, roughly 3,300 feet from the Site. All proposed utility improvements are shown on the full-sized Site Plans included as Appendix J1.

Table 2.0B tabulates the land cover areas in both the existing and proposed conditions and calculates the change that will occur as a result of the Proposed Action. A total change of land use of 18.90 acres is expected, which includes the new impervious surfaces (structures, walkways, driveways, and parking lots) and lawn/landscaping areas.

Table 2.0A – Proposed Disturbance by Land Cover (Acres)

LAND COVER	EXISTING	PROPOSED	CHANGE*
Woods	26.20	7.30	-18.90
Wetlands	4.14	4.53	+0.39
Impervious Surfaces	0.95	14.20	+13.25
Meadow/Lawn/Landscaping	2.58	7.84	+5.26
Total	**33.87**	**33.87**	**-**

* Negative numbers indicate a decrease in area; positive numbers indicate an increase in area.

The Project will be divided into four construction phases. The proposed phasing plan is depicted on Sheet C-105 in Appendix J1. The first phase is 7.04 acres in size and includes the main entry driveway, Building 4, Infiltration Basins A2 and A4, and the parking, loading,

and utility infrastructure to support Building 4. The second phase is 5.81 acres in size and includes the emergency entrance drive, wetland mitigation area, Building 2, and the parking, loading, and utility infrastructure to support Building 2. The third phase is 4.91 acres in size and includes Building 1, Infiltration Basin A1, and the parking, loading, and utility infrastructure to support Building 1. The fourth and final phase is 4.42 acres in size and includes Building 3, Infiltration Basin A3, and the parking, loading, and utility infrastructure to support Building 3.

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

1. Installation of erosion control measures beginning at the lowest elevation and working upgradient
2. Clearing and grubbing to the limit of disturbance
3. Stripping and stockpiling of topsoil for later use
4. Excavation and grading for driveway, parking/loading areas, utilities, and storm water management facilities
5. Installation of utilities and storm water management facilities
6. Fine grading of driveways, base and first course of asphalt pavement, installation of sidewalks and curbs
7. Building construction and connection to utilities
8. Spreading of stockpiled topsoil, landscaping and lawn installation & final course of asphalt pavement
9. Removal of temporary erosion control measure after vegetation has been established.

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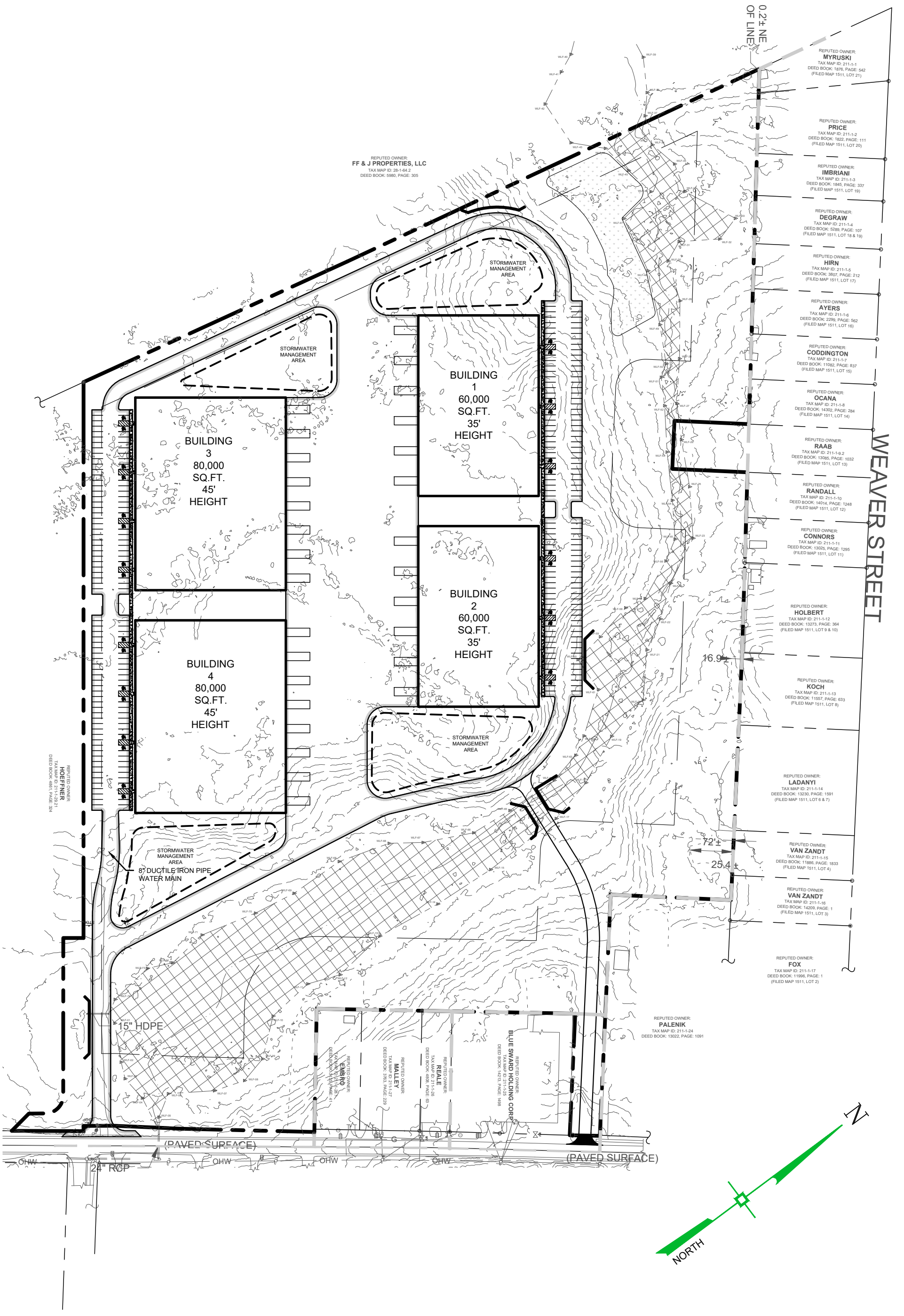

PROPOSED SITE LAYOUT	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 SCALE: 1" = 150'	JOB # 1281.0101 SHEET # F-2.0A	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs MONTGOMERY OFFICE 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 WWW.EP-PC.COM

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3.0 PERMITS AND APPROVALS REQUIRED

The Proposed Action will require permits or approvals from the following agencies:

LOCAL:

VILLAGE OF MONTGOMERY

- Village of Montgomery Planning Board –Site Plan and Special Exception Use Approval
- Village of Montgomery Zoning Board of Appeals – Height Variance

COUNTY:

- Orange County Health Department - Water Main Extension

STATE:

- New York State Department of Environmental Conservation – Stormwater Pollution Discharge Elimination System (SPDES) Permit & Water Quality Certification
- New York State Department of Transportation – Highway Entrance Permit & Utilities Work Permit

FEDERAL:

- U.S. Army Corps of Engineers – Wetlands Nationwide Permit for Wetland Disturbance

4.0 EVALUATION OF ENVIRONMENTAL IMPACTS

Part 2 of the Environmental Assessment Form (EAF) lists a series of environmental concerns that may result from a Proposed Action. An evaluation of Part 2 of the EAF for this Project was undertaken in order to identify any potentially significant adverse environmental impacts. A completed Part 2 FEAF for the Proposed Action is attached in Appendix A. The following areas of potential environmental concern are anticipated:

1. Impact on Land
2. Impact on Surface Water
3. Impact on Ground Water
4. Impact on Plants and Animals
5. Impact on Cultural Resources
6. Impact on Transportation
7. Impact on Noise & Light
8. Consistency with Community Plans
9. Impact on Aesthetic Resources

The main purpose of this Part 3 Expanded EAF is to provide adequate information to examine all potential environmental impacts identified in Part 2 of the EAF in terms of potential adverse and/or beneficial impacts that may result from the construction and operation of the proposed Project. Each of the identified areas of environmental concern are addressed in the subsections below. For each area of expected concern, existing conditions are described, potential environmental impacts are identified, and as necessary, mitigation measures are proposed to mitigate to the greatest extent practical, the expected adverse environmental impacts resulting from the Proposed Action.

4.1 Impact on Land Resources

4.1.1 Existing Conditions

The total parcel area of the Proposed Action is 33.87 acres and consists primarily of wooded and wetland areas. The parcel is currently undeveloped. Table 4.1A depicts the existing land coverage conditions found on the Project Site.

Table 4.1A – Existing Site Coverage

LAND COVER TYPE	AREA (ACRES)
Woods	26.20
Wetlands	4.14
Meadows	2.58
Gravel Road/Trails	0.95
Total	**33.87**

SOILS

The Project Site contains six different soil groups according to the *Soil Survey of Orange County, New York*, a publication of the National Cooperative Soil Survey compiled by the U.S. Department of Agriculture, Soil Conservation Service and Cornell University Agricultural Experiment Station. The on-site soil groups include various series complexes including Allard silt loam (AdB), Bath-Nassau channery silt loams (BnB), Canandaigua silt loam (Ca), Chenango gravelly silt loam (CnB), Fredon loam (Fd) and Hoosic gravelly sandy loam (HoB).

Table 4.1B lists the various soil types present on the Project Site, their on-site acreages and associated characteristics. Figure 4.1A depicts the location of each soil type found on the Site.

Table 4.1B – On-Site Soil Types						
SOIL	**SYMBOL**	**ACRES**	**SLOPE RANGE**	**HYDROLOGIC GROUP**	**DEPTH TO ROCK**	**HIGH WATER TABLE**
Allard	AdB	12.6	3-8%	B	>60”	>72”
Bath-Nassau	BnB	0.2	3-8%	C/D	10-60”	24-72”
Canandaigua	Ca	5.1	0-3%	B/D	>60”	0-6”
Chenango	CnB	10.9	3-8%	A	>60”	>72”
Fredon	Fd	4.2	0-3%	B/D	>60”	0-18”
Hoosic	HoB	0.9	3-8%	A	>60”	>72”

TOPOGRAPHY

The topography on the Site generally slopes towards the low-lying area of the Site where the wetlands are located on the eastern and northern sides of the Site, which slope gradually from the southeast to northwest corners of the parcel toward the Wallkill River. The highest elevation on the Site, which is approximately 404 feet above Mean Sea Level (MSL), is located in the along NYS Route 211 on the eastern edge of the parcel. The lowest elevation, which is 361 feet above MSL, is located on the near the northern corner of the Project Site. Topography of the Site is depicted in the full-sized set of plans attached in Appendix J1.

Slopes on the Project vary from gentle on the western side of the Site and within the wetland area, to steeper in the eastern portion and on each side of the wetlands. Approximately 6.0 acres, or 17.7% of the Project Site’s slopes exceed 15% in grade. Approximately 27.87 acres, or 82.3% of the Site contains slopes of less than 15%. Table 4.1C lists the existing slope range areas and Figure 4.1B depicts the slopes ranges found on the Project Site.

Table 4.1C – Existing Slopes		
SLOPE CATEGORY (%)	**AREA (ACRES)**	**PERCENTAGE OF SITE (%)**
0-10	21.87	64.6
10-15	6.0	17.7
> 15	6.0	17.7
TOTAL:	**33.87**	**100**

AGRICULTURAL LANDS

Based on the most recent Orange County Agricultural District 2020 Map[1] provided by the Orange County Planning Department, the adjacent parcels to the south and west of the Project Site are included in Orange County Agricultural District #1. However, the Site itself is not included in District #1. The Agricultural District designation is based on the presence of agriculturally viable soils surveyed by the USDA and utilized to encourage farming in these areas.

4.1.2 Potential Impacts on Land Resources

DISTURBANCE OF SOILS

The greatest potential adverse impact to land resources is the disturbance of soils due to the physical alteration of soils and topography resulting from the construction of driveways, parking lots, buildings, and installation of utilities. Grading of the Site is required to construct the Proposed Action. Each building location will be leveled to an elevation of 392, with a garage floor elevation of 388. The area around the buildings will slope away from the building towards stormwater collection and treatment facilities. It is estimated that the volume of earthwork between the existing and finished grades consists of 72,000 cubic yards of cut material, and 70,000 cubic yards of fill material, resulting in a net cut of 2,000 cubic yards. The largest earthwork cuts are located within the stormwater facilities and the largest fill area is located on the northern end of the Building 1. Based on the soil survey, bedrock is estimated to be located at a depth greater than 5 feet in the proposed limit of disturbance and it is not expected to be encountered during the majority of excavation. Figure 4.1C shows the location and ranges of the proposed cut and fill volumes.

[1] https://www.orangecountygov.com/DocumentCenter/View/18774/Untitled?bidId=

The disturbance of existing soils has the potential to increase soil erosion and sedimentation when soils are excavated during construction. It is estimated that development of the Project will take approximately 5 years to complete and the total area of disturbance resulting from the Project will be 20.89 acres, approximately 61.7% of the total parcel area. The potential for erosion can be exacerbated by large areas of disturbance, disturbance of steep slopes, disturbance of highly erodible soils, poor on-site management of soils, and erosion control techniques. Disturbance by slope range category on the Project Site is listed in Table 4.1D.

Table 4.1D – Proposed Disturbance by Slope Range

SLOPE RANGE (%)	AREA OF DISTURBANCE (ACRES)
0-10	14.20
10-15	3.45
> 15	3.24
TOTAL:	**20.89**

While some disturbance of soils is unavoidable, the grading plan has been designed to minimize impacts due to the anticipated earthwork. A detailed grading plan for the proposed site improvements is included in Appendix J1. Due to the relatively large area of contiguous driveways, parking areas, and structures, more than five acres of the Site will be disturbed at one time. Accordingly, the Applicant will seek a waiver from the five-acre disturbance limitation from the New York State Department of Conservation. The waiver will allow the contractor to more efficiently construct the Site, and balance the earthwork to the greatest extent practical, thereby limiting the amount of time disturbed soils are susceptible to erosion. The five-acre waiver will require coordination with and approval by the NYSDEC.

EROSION & SEDIMENTATION

It is anticipated that erosion and sedimentation will also be a potential impact due to the on-site soil disturbance during construction. Erosion is defined by the New York State

Department of Environmental Conservation (NYSDEC) as the "wearing away of the land surface by running water, wind, ice or other geological agents", and sediment is defined as "solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level".[1] While both erosion and sedimentation are intrinsic natural processes, in many places they are increased by human land use. A certain amount of erosion and sedimentation is natural and, in fact, healthy for the ecosystem. Excessive erosion, however, can cause problems, such as degradation of surface waters, ecosystem damage, and the outright loss of soil. Poor land use practices such as deforestation and unmanaged construction activity are the largest causes of excessive erosion. Construction of the Project will result in some amount of soil erosion and sedimentation when soils are disturbed and relocated on-site. This potential erosion can be in the form of sediment laden stormwater, or airborne dust from construction activities on exposed soil areas during dry weather.

4.1.3 Land Resource Mitigation Measures

DISTURBANCE OF SOILS

Although the total ground disturbance is estimated to be 20.89 acres, a construction phasing plan will be developed for the Project before final approval that will limit the amount of disturbance at any one time. All topsoil within the disturbed area will be stockpiled for later use on-site. Cut soils generated by the project will be reused on-site as fill material to the greatest extent feasible. Any unusable material will be disposed of in accordance with all applicable Village of Montgomery and the New York State Department of Environmental Conservation regulations.

[1] New York Standards and Specifications for Erosion and Sediment Controls, Appendix H: Glossary, www.dec.ny.gov/chemical/29066.html

Since the Applicant is seeking a waiver from the five-acre disturbance limitation from the New York State Department of Conservation, the Applicant is proposing to implement the following mitigation measures:

- All disturbed areas to remain idle for more than 14 days shall be stabilized within 48 hours and before any forecasted rainfall. Stabilization measures could include straw, mulch, or geosynthetic material.
- Temporary erosion control measures such as silt fencing, hydroseeding, berms and diversion swales will be used extensively to prevent erosion.
- Catch basin inlet protection and sediment basins will be used to remove any sediment that is conveyed by runoff from the Site.
- To minimize stockpiling of soils, earthwork cuts and fills shall be balanced, to the greatest extent practicable, within each phase.

With these measures in place, there will be no greater environmental impact resulting from the increase of disturbance area beyond five acres.

EROSION AND SEDIMENT CONTROL PLAN

Erosion due to soil disturbance is unavoidable and will also be mitigated by project design. To reduce the potential for soil erosion, preventative measures will be implemented in conformance with NYSDEC standards. Detailed Erosion and Sediment Control Plans for the Project are designed and included in Appendix J1.

All construction activities will proceed in a manner that is designed to prevent sediment from entering any wetland, watercourse, water body, and/or conduit carrying water. Proposed measures to be employed during construction include the following:

- Stormwater runoff from the Site will be captured, stored and treated in stormwater facilities to remove sediment prior to being discharged from the Site. Stormwater mitigation is discussed further in Section 4.2.
- Existing vegetation will be retained when possible. Following construction, permanent vegetation will be established on all exposed soils.

- Site preparation activities will be designed to minimize the area and duration of soil disturbance.
- Permanent traffic corridors will be established and routes of convenience through the Site ("shortcuts") shall be avoided.
- Stabilized construction entrances will be installed at all points of entry into the Project Site and to each independent phase to minimize dust and tracking of soil material from construction areas.
- Storm drain sediment inlet filters will be constructed at storm drains as required. These measures will be maintained in good condition until the final vegetative cover is well established on all disturbed areas upstream of the inlet.
- No erodible materials will be stockpiled within 25 feet of any ditch, stream or other surface water body.
- Removal of healthy trees along the limits of disturbance will be avoided, where possible. No construction materials will be stored, and no machinery operated outside the limits of disturbance, as shown on the Site Plans.
- All slopes of 2:1 or steeper will be stabilized with jute netting and hydro-seed.
- Any washouts will be immediately repaired, reseeded and protected from further erosion.
- All accumulated sediments will be removed and contained in appropriate spoil areas.
- Water will be applied to newly seeded areas as needed until grass cover is established.
- To effectively control wind erosion, water will be applied to all exposed soils as necessary.

All erosion control measures will be inspected in accordance with NYSDEC standards by a qualified professional for the duration of the construction process. Specifically, the Site will be inspected twice every seven (7) days by a qualified inspector and proper logs and reports will be maintained. Proper maintenance of all erosion control items will ensure the optimum operation of the proposed erosion and sedimentation controls.

With the aforementioned mitigation measures in place, the potential for soil erosion and sedimentation to occur will be significantly reduced.

CONSTRUCTION BEST MANAGEMENT PRACTICES

To minimize the effect of undesirable soil compaction during construction, several best management practices will be employed during the construction of the Project. The limits of disturbance will be clearly delineated in the field prior to any earthwork. In critical areas, such as near water bodies and wetlands, fencing is effective to prevent construction vehicles from erroneously entering areas that are not to be disturbed.

Furthermore, construction traffic will travel on designated construction routes throughout the Site. "Routes of convenience" through the Site will be avoided. By restricting construction traffic to designated areas, overly compacted soils in landscaped areas will be minimized. All areas to be re-vegetated upon completion of construction will be "de-compacted" through soil restoration, including tilling and scarifying the underlying soil layer to mature root depths, and prepared to receive new plantings.

4.1.4 Land Resource Conclusion

With conformance to the engineered grading plan, construction phasing plan, implementation of the erosion and sediment control plan, and construction best management practices, any adverse environmental impacts to land resources resulting from the

construction of the Proposed Action will be mitigated so that such impacts will not be significant.

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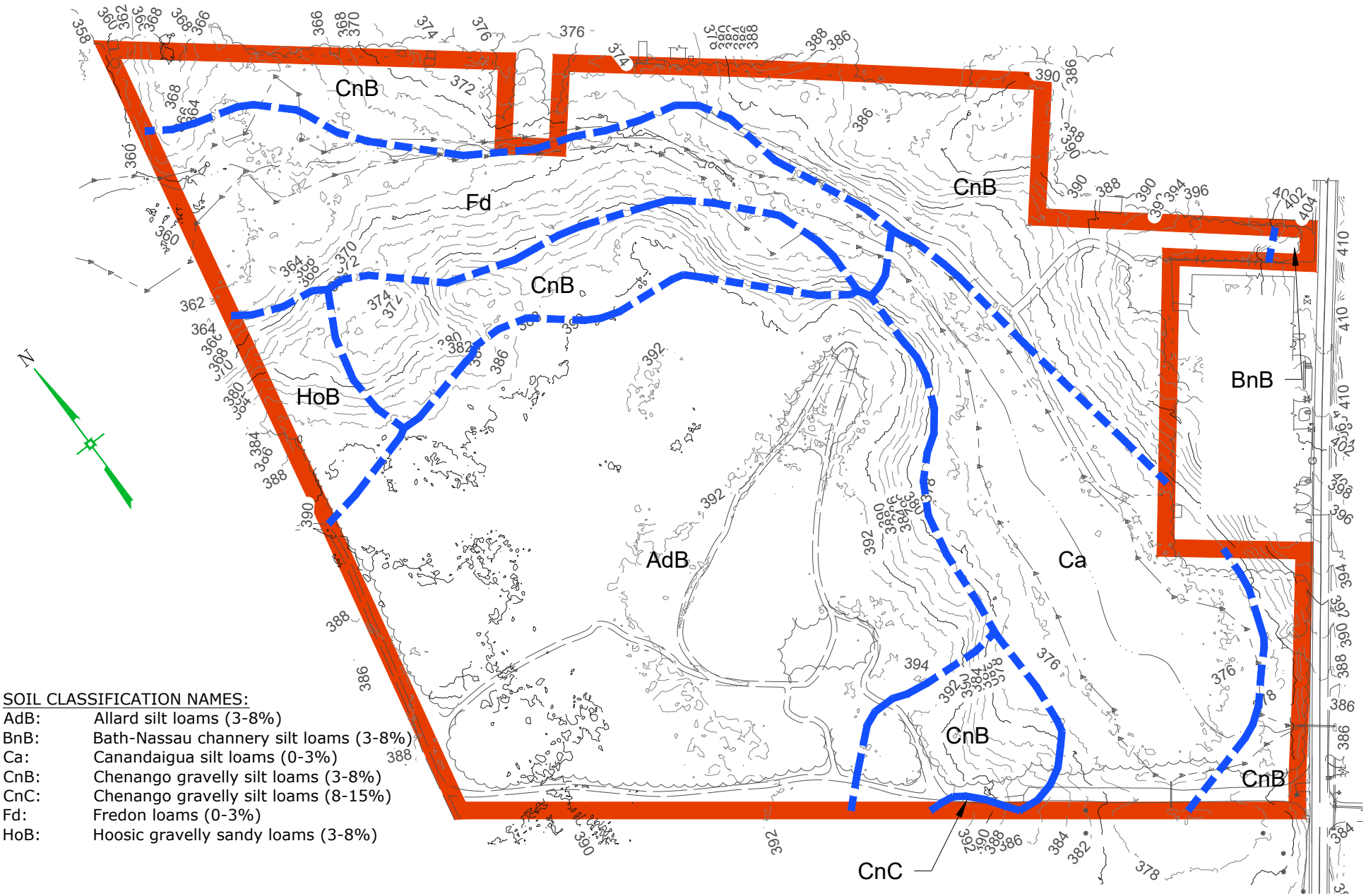

SOIL CLASSIFICATION NAMES:

AdB:	Allard silt loams (3-8%)
BnB:	Bath-Nassau channery silt loams (3-8%)
Ca:	Canandaigua silt loams (0-3%)
CnB:	Chenango gravelly silt loams (3-8%)
CnC:	Chenango gravelly silt loams (8-15%)
Fd:	Fredon loams (0-3%)
HoB:	Hoosic gravelly sandy loams (3-8%)

SOILS MAP	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/23/19 REV 12/05/2024	JOB # 1281.0101	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs
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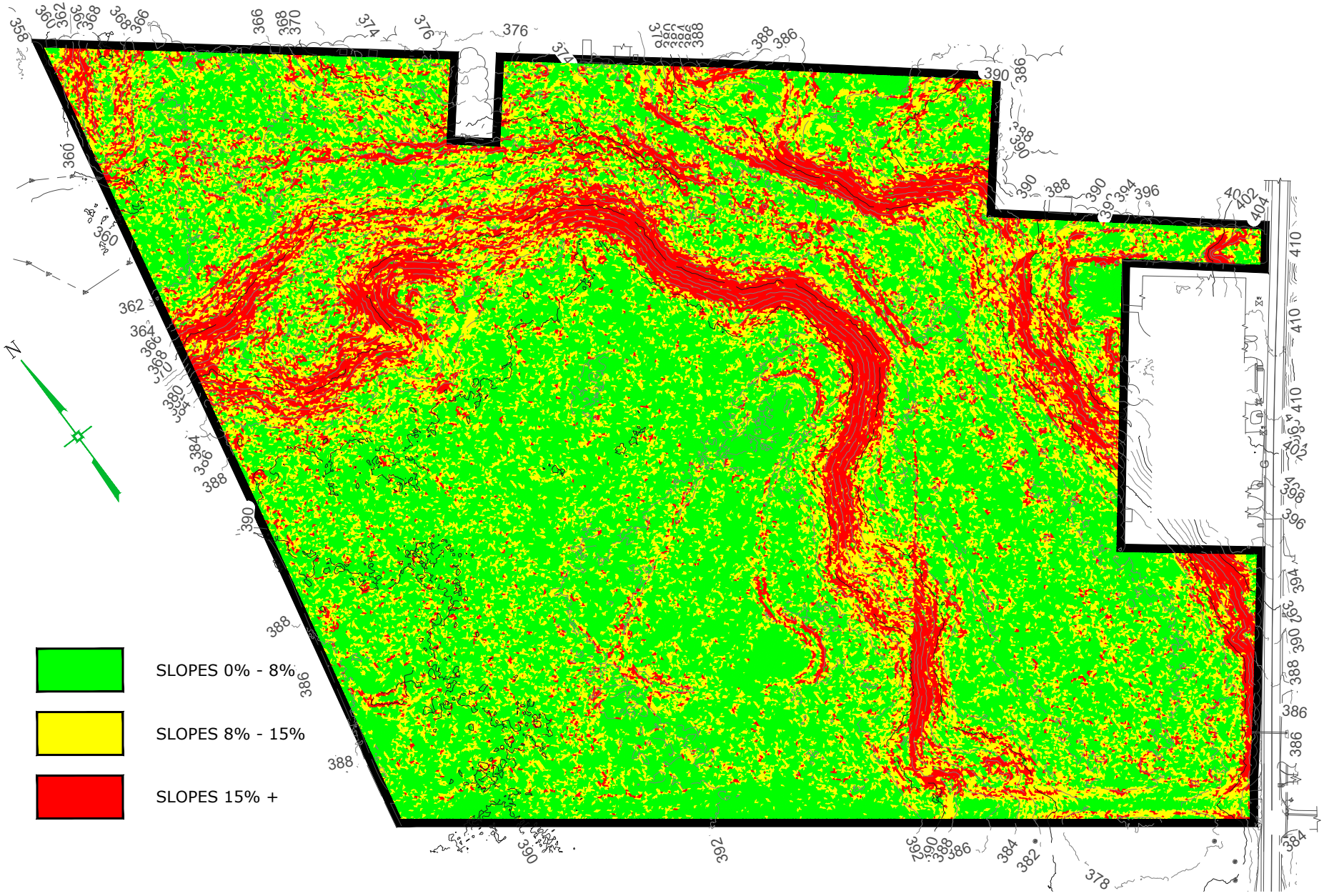

EXISTING SLOPE RANGES	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/23/2019 REV 12/05/2024 SCALE: 1" = 200'	JOB # 1281.0101 SHEET # F-4.1B	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs

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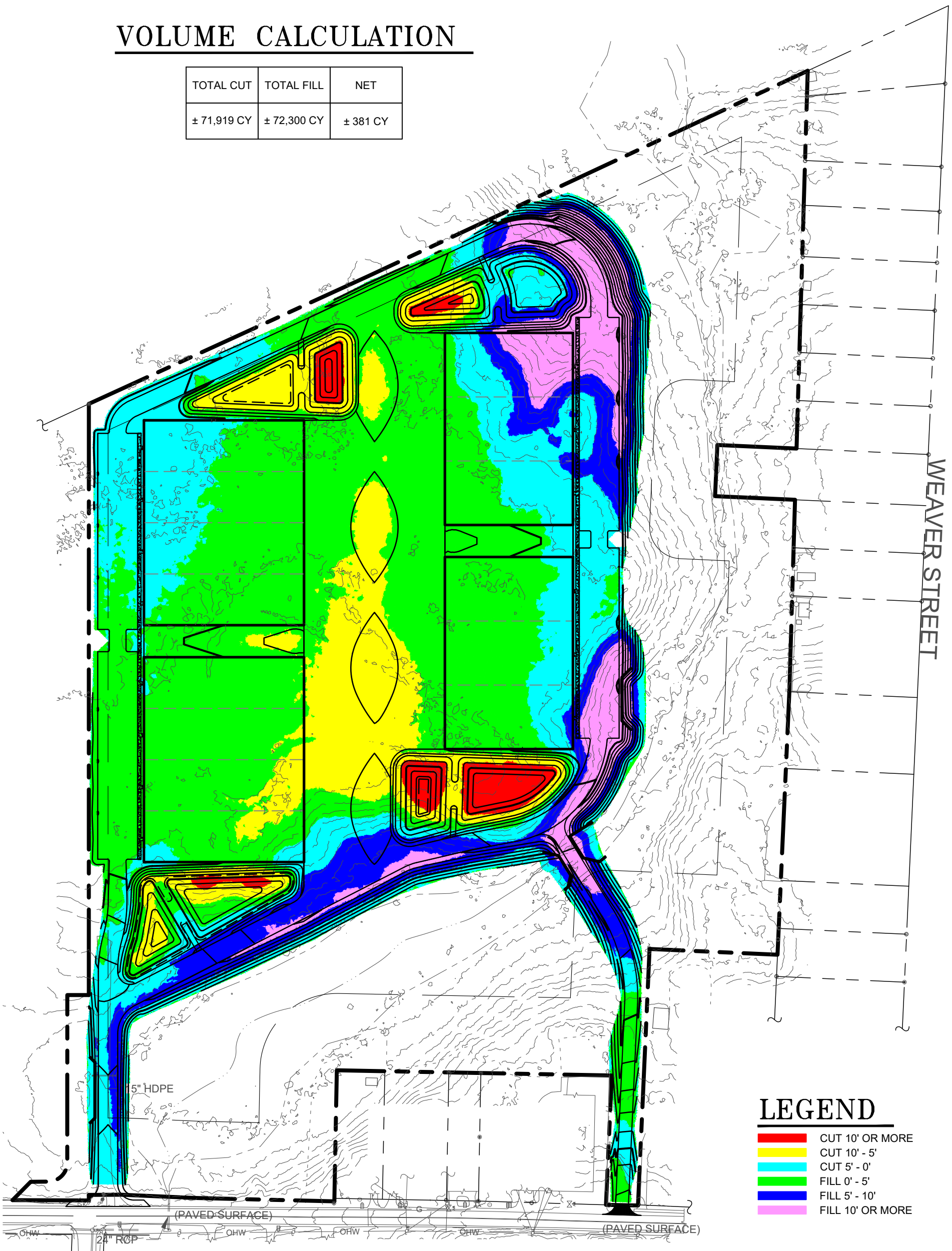
VOLUME CALCULATION

TOTAL CUT	TOTAL FILL	NET
± 71,919 CY	± 72,300 CY	± 381 CY



LEGEND

- CUT 10' OR MORE
- CUT 10' - 5'
- CUT 5' - 0'
- FILL 0' - 5'
- FILL 5' - 10'
- FILL 10' OR MORE

CUT & FILL ANALYSIS	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 REV 12/05/2024	JOB # 1281.0101	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs
		SCALE: 1" = 150'	SHEET # F-4.1C	MONTGOMERY OFFICE 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 WWW.EP-PC.COM

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4.2 Impact on Surface Water Resources

4.2.1 Existing Conditions

Surface water resources located on the Project Site include both natural and manmade drainageways, a United States Army Corps of Engineers (USACOE) designated wetland, and watershed collection areas. The on-site surface water resources are depicted on Figure 4.2A

SURFACE WATERBODIES

There is natural drainageway that bisects the northern and eastern sides of Project Site that flows generally from south to north through the on-site wetlands, described below, towards the Wallkill River. The drainageway is not a designated stream, nor is it considered protected by the NYSDEC. The majority of watershed that flows through the wetland corridor comes from existing residential development located on the east side of Route 211.

The Wallkill River is located approximately 1,000 feet from the Project Site and is a Class B waterbody whose status is protected and navigable. The Wallkill River ultimately discharges into Rondout Creek northeast of the Project Site, and eventually flows into the Hudson River. The Site is not located within a FEMA designated floodplain or floodway.

WETLANDS

A freshwater wetland encompasses the lowest lying areas of the eastern portion of the Site. The wetland is federally regulated under the jurisdiction of the United States Army Corps of Engineers (USACOE). The wetlands were delineated in the field by Peter D. Torgersen of Environmental Sciences on October 15, 2018, and the wetland flags were located by Engineering & Surveying Properties, P.C. on a map entitled ACOE Wetland Delineation Plan dated July 25, 2019, last revised November 15, 2019, which is attached in Appendix C1. The wetlands are also shown on Figure 4.2A.

The wetlands were delineated in compliance with criteria set forth in the 1987 United States Army Corps of Engineers *Corps of Engineers Wetlands Delineation Manual* (Technical Report Y-87-1). The on-site area of Wetland "A" is 4.279 acres. An Army Corps jurisdictional determination was requested by Mr. Torgersen on August 11, 2019. A representative from the USACOE visited the Site to confirm the boundaries of the wetland on October 9, 2019, at which time changes were requested to be made to the map. The map was revised to show a previously disturbed wetland area totaling 0.086 acres located at the southeast corner of the site for the existing gravel entrance drive. A jurisdictional determination for the Site was issued on December 16, 2019 and is included in Appendix C1.

STORMWATER

A Stormwater Pollution Prevention Plan (SWPPP) has been prepared by Engineering & Surveying Properties, P.C to analyze existing stormwater discharges from the Site. The SWPPP is attached as Appendix C2. The SWPPP identifies one existing watershed drainage area that discharges from the Site at a distinct discharge point. Discharge Point "A" is located where the natural drainageway that bisects the Site exits the parcel. The existing boundary of the drainage area is shown in the SWPPP.

The existing on-site drainage patterns follow the natural topographic features, which collect and convey stormwater runoff. Stormwater eventually discharges into the Wallkill River. The Project Site is not located within a NYSDEC Division of Water's regulated Municipal Separate Storm Sewer System (MS4) area.

4.2.2 Potential Impacts on Surface Water Resources

Areas of environmental concern with respect to surface waters include wetland disturbance, soil erosion, stormwater runoff and water quality.

WETLANDS

Construction of the proposed Project will result in the permanent disturbance of 0.120 acres of USACOE jurisdictional Wetland "A". Approximately 0.063 acres will result from construction of the proposed emergency access drive and an additional 0.057 acres will result from construction of the parking lot for Building 2. An additional 0.032 acres of wetland disturbance will be temporary disturbance to install the proposed sewer service connection.

Adding the permanent and temporary disturbance amount to the previously disturbed wetland area, totaling 0.086 acres, brings to cumulative wetland disturbance to 0.238 acres. Since the cumulative disturbance is under 0.5 acres, a Nationwide wetlands permit will be required.

EROSION & SEDIMENTATION

Due to disturbance of on-site soils during construction, it is anticipated that erosion and sedimentation are potential impacts to surface water resources. Potential impacts produced by erosion and sedimentation are discussed in detail in Section 4.1.2.

STORMWATER

The increased area of impervious surface proposed as part of the Project has the potential to degrade water quality both on-site and downstream from the Site. The Project will create approximately 14.20 acres of impervious surface area, primarily consisting of buildings, driveways, and parking lots. To analyze the post-development stormwater condition, watershed area "A" was divided into five subareas, as depicted in the SWPPP.

The SWPPP also describes the four stormwater facilities incorporated into the Site's design - four infiltration basins that will be constructed on-site. The facilities are designed to detain stormwater from developed areas to treat sediment and pollutants from proposed buildings, driveways and parking areas by allowing sufficient time for pollutant settlement before the stormwater discharges from the facility. The stormwater facilities will be owned

and maintained by the parcel landowner. Regular inspection and maintenance of the proposed stormwater management practices (SMP's) is required to ensure their long-term function and effectiveness.

To ensure proper treatment of post-development sedimentation and pollutant loading resulting from the newly constructed impervious areas, the stormwater management practices have been designed to handle the required Water Quality Volume ("WQv") as defined by the NYSDEC. Each of the proposed practices provide adequate storage of the required WQv, ensuring that NYSDEC post-development pollutant removal goals are meet.

Green infrastructure will be utilized on the Project Site. Green Technologies are incorporated to effectively treat water quality and infiltrate runoff into the ground to the maximum extent possible. The types of green technologies incorporated into the SWPPP include disconnection of rooftop runoff and soil restoration, in addition to the infiltration basins. As the Project Site is not located within a NYSDEC Division of Water regulated MS4 area, a Municipal Separate Storm Sewer System (MS4) permit is not required from the New York State Department of Environmental Conservation (NYSDEC) or Village of Montgomery on behalf of the NYSDEC.

4.2.3 Surface Water Resource Mitigation Measures

To reduce the potential impacts that the Proposed Action may have on existing surface water resources, several mitigation measures are proposed. These measures include a properly planned and implemented Erosion and Sediment Control Plan to address the construction phase impacts of the project, and a Stormwater Pollution Prevention Plan (SWPPP) to address long-term project impacts, which is designed to mitigate peak stormwater runoff flows and water quality and includes green infrastructure and low impact development design.

EROSION AND SEDIMENT CONTROL PLAN

To control the impacts that construction may have on the on-site surface waters, wetlands, and downstream receiving waters, a detailed Erosion and Sediment Control Plan has been prepared for the Site, which is fully discussed in Section 4.1.3, and is included as a full-sized plan in Appendix J1. All erosion control measures will be in place for the duration of the construction phase, subject to regular inspection and field adjustment as necessary

STORMWATER POLLUTION PREVENTION PLAN

NYSDEC regulations require that all construction activities involving one acre or more of land disturbance obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for stormwater discharge from construction activities. The current General Permit issued to provide coverage for these activities is NYSDEC GP-0-15-002. To obtain coverage under the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) has been prepared and is included as Appendix C2. A Notice of Intent (NOI) will be filed with the NYSDEC before construction begins. The General Permit requires the incorporation of green infrastructure to reduce the volume of stormwater runoff and to treat a portion of the Water Quality Volume (WQ_v).

The SWPPP was prepared using the January 2015 *New York State Stormwater Management Design Manual* to assess existing and proposed drainage patterns, to design the stormwater facilities for the Site, and to mitigate potential stormwater impacts. The proposed stormwater facilities are designed to mitigate water quality impacts from proposed impervious surfaces and will be installed during the project's construction.

Maintenance of the on-site stormwater facilities is required to assure their long-term function and viability. The on-going maintenance of the facilities will be the responsibility of the owner. Maintenance shall include:

- Routine inspections of all stormwater facilities at least twice a year and after every storm event that exceeds 7 inches of precipitation in a 24-hour period.
- Mowing of stormwater basins at least once every other week during the growing season
- Maintaining all landscaping lawns, plants, shrubs and trees in good living condition. All dead landscaping shall be replaced during the next planting season with a plant of similar species and size.
- Removing accumulated sediment from stormwater facilities including basins, catch basins and swales. Sediment shall not be allowed to accumulate more than 50% of the facility's capacity.
- Pavement sweeping and removal of catch basin sump debris to prevent collected sediment from reaching and deteriorating the downstream surface waters.

WETLANDS

Despite efforts to locate all proposed improvements outside the designated wetland boundaries, some minimal wetland disturbance is unavoidable. The proposed project will result in the disturbance 0.201 acres of federally designated wetlands. In order to mitigate potential adverse impacts to the wetland on the Project Site, an Erosion and Sediment Control Plan, as described in Section 4.1.3, will be implemented.

In addition, compensatory wetlands will be constructed at a ratio of at least 2 to 1 to replace the 0.201 acres of wetlands disturbed onsite. A wetlands mitigation area 0.50 acres in size is proposed to be constructed north of Building 1, as shown on the Site Plan in Appendix J1.

4.2.4 Surface Water Resources Conclusion

Although the Proposed Action involves land grading, increased amounts of impervious surfaces, modification of on-site stormwater runoff patterns, and minor disturbances to federal wetland areas, the implementation of erosion and sediment control measures, a Stormwater Pollution Prevention Plan, and wetland protection and compensation, as outlined above, will reduce or eliminate any significant adverse environmental impacts to surface waters that may result from the construction and operation of the Project.

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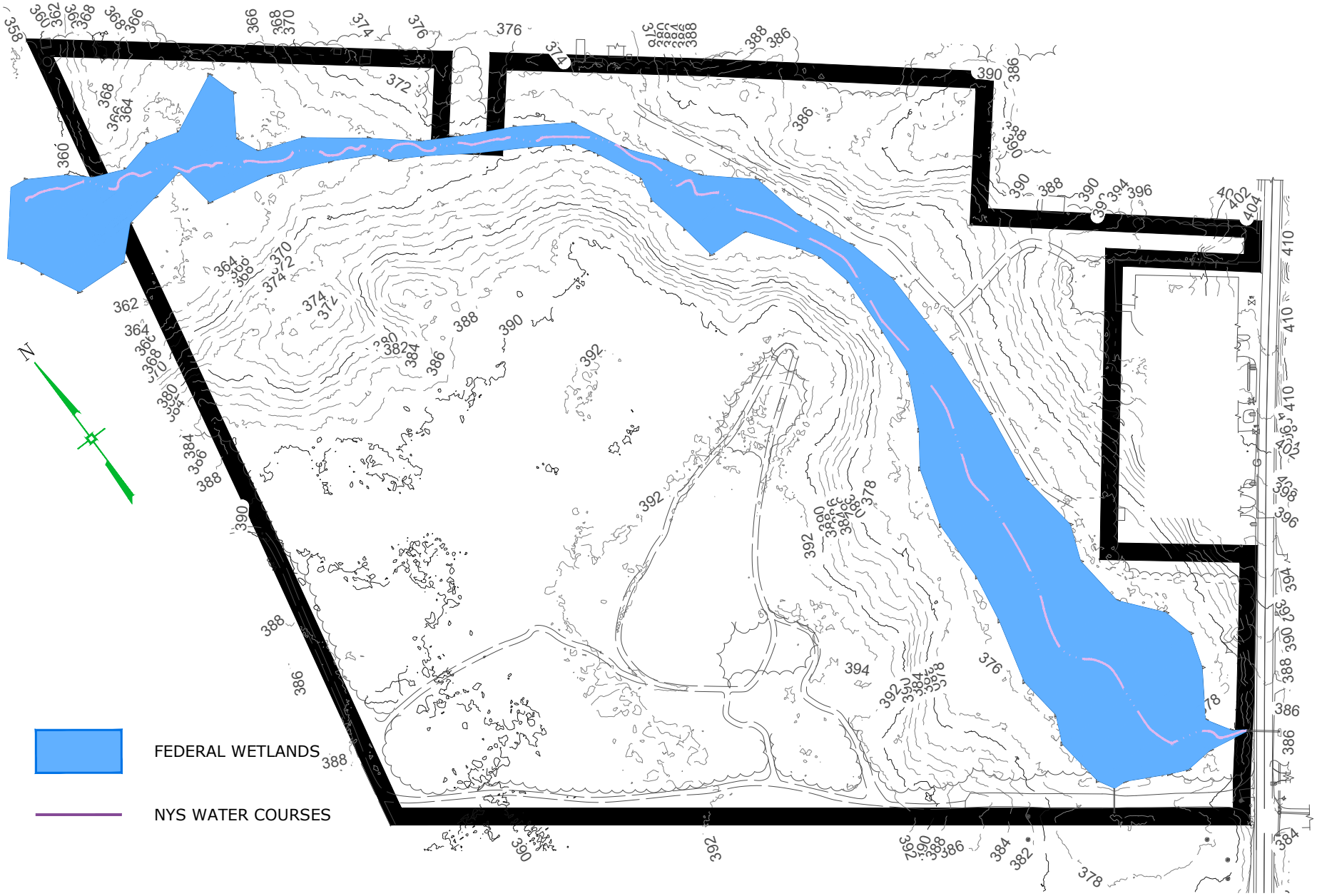

WATER RESOURCES MAP	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/23/2019 REV 12/05/2024 SCALE: 1" = 200'	JOB # 1281.0101 SHEET # F-4.2A	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs

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4.3 Impact on Ground Water Resources

4.3.1 Existing Conditions

Since the Project Site is currently vacant, uninhabited land, there are no existing uses that utilize groundwater resources.

VILLAGE OF MONTGOMERY WATER SUPPLY

According to an Aquifer Review Report prepared by Sterling Environmental Engineering, P.C. dated June 16, 2023, included as Appendix XX, the entire Village, inclusive of the proposed project Site, is served by the Village municipal water system. The Village water supply is subject to routine water quality monitoring as specified in the NYS state sanitary code and reported in the publicly accessible Annual Drinking Water Quality Report[1]. The Village is served by seven (7) water supply wells as indicated in the 2022 Annual Drinking Water Quality Report. These wells include three (3) wells within the Holt well cluster (Holt #3, 4, and 5), two wells within the Jacobson well cluster (Jacobson #3 and 4) and two wells within the Park well cluster (Park Well #1 and 2). The gravel wells (Holt Well #3 and 4) and bedrock well (Holt Well #5) are located approximately 800 feet to the north of the Site along the Wallkill River. The Jacobson wells cluster consists of one gravel well (Jacobson #3) and one bedrock well (Jacobson #4) located approximately 800 feet northeast of the Site. Two (2) bedrock wells (Park Well #1 and 2) make up the Park well cluster and are located approximately 3,500 feet northeast of the Site.

PRINCIPAL AQUIFER

A portion of the Site is situated within the identified limits of a principal aquifer (Aquifer) as mapped in the 1988 USGS published map titled “Potential yields of wells in unconsolidated aquifers in upstate New York — Hudson-Mohawk sheet”. The aquifer is

[1] https://www.villageofmontgomery.org/department-of-public-works/annual-drinking-water-quality-report-2022.html

listed in the NYSDEC GIS database as an unconfined, mid-yield aquifer capable of producing 10-100 gallons per minute (gpm). The location of the Aquifer in reference to the Site and Village water supply wells (Holt wells and Jacobson wells) is displayed in Figure 4.3A. Groundwater flow at the site is interpreted to be to the north toward the Wallkill River.

The NYSDEC Division of Water Technical & Operational Guidance Series (TOGS) 2.1.3 defines a principal aquifer as “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time." This definition appears to be consistent with the aquifer underlying the Site, as the municipal water supply wells are not directly within the mapped portion of the aquifer.

The New York State Water Well database[1] lists four (4) private use water wells sited within the mapped Aquifer, though others may exist. The depth of the wells range from 180 to 250 feet in depth with an average depth of 212.5 feet. The average well yields range from 5 to 40 gpm, averaging 18.5 gpm. The database specifies that none of the four (4) wells were screened, indicating they extract water directly from the bedrock rather than the unconsolidated aquifer. Given this information, and the average casing length of 53.25 feet, the Aquifer likely is approximately 50 feet thick on average. Locally, the depth to groundwater ranges from 10 to 30 feet below ground surface.

WELL PROTECTION REGULATIONS

Currently, the Village municipal code does not include any specific provision related to well head protection or aquifer protection. Regulations related to protection of public

[1] http://www.dec.ny.gov/maps/waterwells.kmz

water supplies are available from the New York State Department of Health (NYSDOH) and New York State Department of Environmental Conservation (NYSDEC). A list of potential and existing contamination sources to the local groundwater supply is available in the Regional Groundwater Study Town of Montgomery Orange County, New York report by Eustance & Horowitz, P.C., dated June 1994. Most of these locations consist of sanitary landfills, petroleum bulk storage facilities, sewage treatment plants and salt storage facilities. Warehousing similar to proposed usage of the Site was not identified as a land use of concern.

The NYSDEC has special protection regulations restricting the siting of landfills, oil and gas wells, and tire stockpiles within the mapped portion of principal and primary aquifers. Minimum separation distances for public water supply wells from contamination sources have been compiled by the NYSDOH in Table 1 of Part 5, Subpart 5-1, Public Water Systems - Appendix 5D of the state sanitary code (Part 5-1). Table 1 of Part 5-1 Appendix 5D includes a 200’ minimum setback distance for surface water recharge absorption systems for stormwater from parking lots, roadways or driveways. The distance from the northernmost stormwater management area to the Holt well cluster and Jacobson well clusters is approximately 1,200 feet and 1,100, respectively.

Water well location and protection distances are recommended in Appendix 5D. The section specifically includes required buffer distance for control of the land within 100 feet of a drinking water well by legal title and control by ownership, lease, easement or other legally enforceable arrangement of the land use activities within 200' of the well. The distance from Holt well cluster and Jacobson well cluster boundary of the Site are both approximately 800 feet.

4.3.2 Potential Impacts to Ground Water Resources

Sterling reviewed published geologic, hydrogeologic, and topographic conditions to determine the likelihood of potential impacts to the underlying unconsolidated aquifer by the Proposed Action.

The NYSDEC and NYSDOH have established regulations and standards for potable water supplies in order to protect them from potential and existing sources of contamination. Part 5-1 specifies minimum separation distances for well siting for the protection of drinking water wells supplying potable water for public use. Though the Part 5-1 regulations are specific to the siting of public water supply wells, the minimum separation distances can serve as a proxy for limiting future development within proximity to an existing public water supply well.

The Proposed Action includes stormwater management facilities in four designated areas that are designed in accordance with the New York State Stormwater Management Design Manual and consistent with NYSDEC's Stormwater Permit Program. Part 5-1 requires a 200-foot minimum separation distance for surface wastewater recharge absorption systems for stormwater from parking lots. The northernmost proposed stormwater pond is approximately 1,200 feet from Holt wells and 1,100 feet from the Jacobson wells. Additionally, the proposed action meets all other Part 5-1 required minimum setbacks and separation requirements for all Village water supply wells.

The proposed action includes the construction of four (4) warehouse buildings. The site plan drawings indicate that no open storage is allowed, and all items and materials shall be stored completely within the confines of the warehouse buildings. This greatly limits the exposure of possible contaminants from entering the stormwater at the Site.

4.3.3 Ground Water Resource Mitigation Measures

It is STERLING's opinion that implementation of the proposed stormwater management practices and adherence to the Part 5-1 minimum separation distances, will adequately protect groundwater quality and the Village of Montgomery public water supply wells. Similarly, the Proposed Action will not adversely affect the water quality of the private wells withdrawing water from the Aquifer. Since no impacts to ground water resources are anticipated, no mitigation is necessary. In recognition of the importance of aquifer protection, the planning board has directed its hydrogeologist to perform an independent analysis. Any recommendations for additional mitigation measures, to further protect the well field, will be incorporated into the project as conditions on any special permit and site plan approval granted for this project.

4.3.4 Ground Water Resources Conclusion

The Proposed Action will use ground water supplied by the Village and is located over a principal aquifer. An Aquifer Review Report prepared by the Applicant's hydrogeologist confirmed that the development is in compliance with NYSDEC, NYSDOH and Village regulations pertaining to aquifer protection. Therefore, no mitigation measures are proposed.

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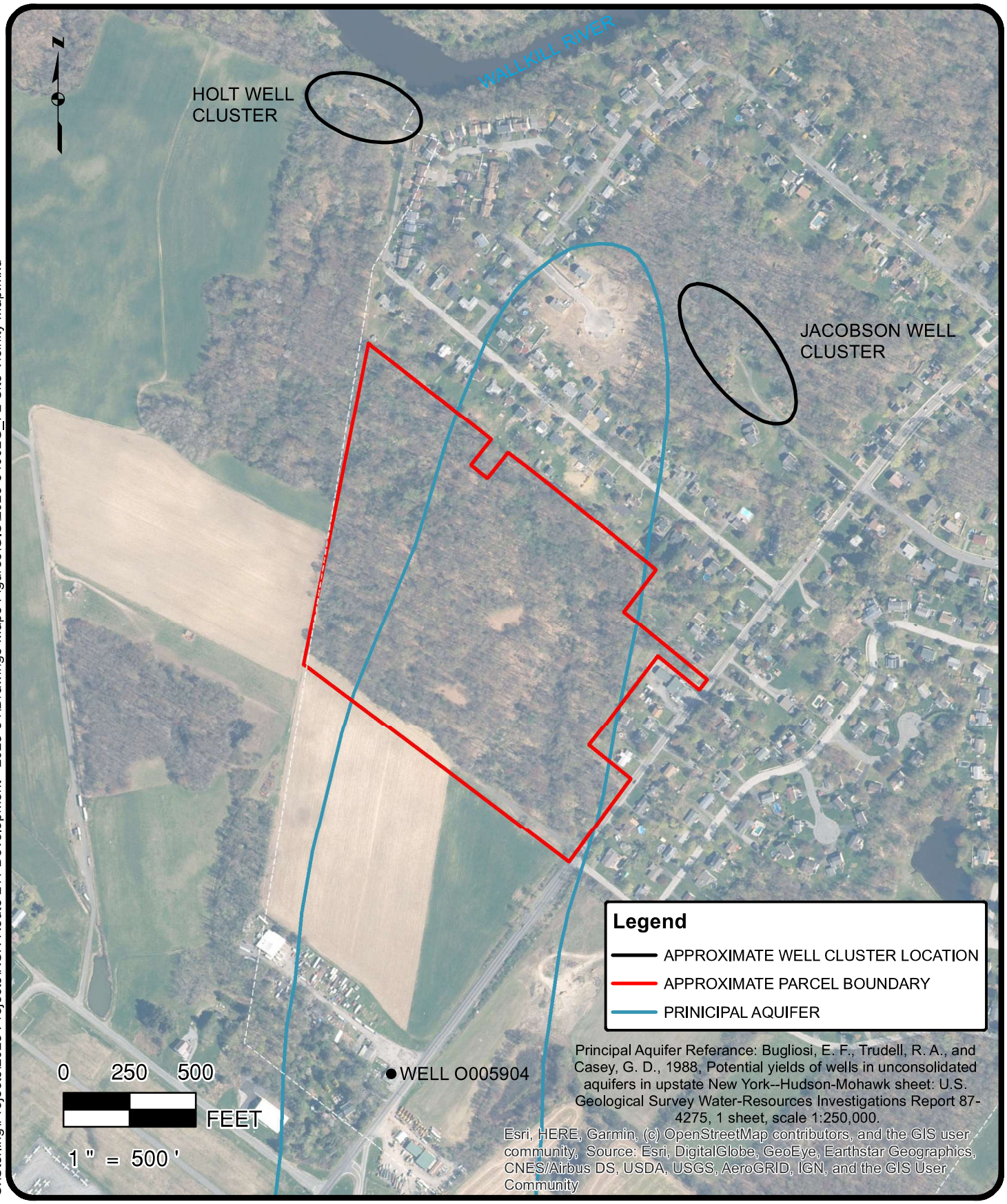

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STERLING

Sterling Environmental Engineering, P.C.

24 Wade Road • Latham, New York 12110

SITE VICINITY MAP

KSH ROUTE 211 DEVELOPMENT

UNION STREET

VILLAGE OF MONTGOMERY ORANGE CO., N.Y.

PROJ.NO. 2023-34	DATE: 06/13/2023	SCALE: 1 " = 500 '	DWG.NO. 2023-34001G	FIGURE 4.3A

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4.4 Impact on Plants and Animals

4.4.1 Existing Conditions

The property is located in an area noted for potentially having certain threatened or endangered species. The site is currently undeveloped and is almost entirely mature forest habitat having dominant upland tree species such as Red & White Oak, Red Maple, Tulip and Ash. Forested wetland habitat exists in the wetland corridor on the eastern portion of the Site. Offsite, the parcel is bordered by residential homes, agriculture fields and forest. Existing impacts to plant and animal habitats near the Site are limited to noises and activities related to farming activities, continued residential activities of the nearby neighborhoods and commercial traffic on nearby State and Village roadways.

The United States Fish and Wildlife Service (USFWS) lists the Indiana Bat, Northern Long Eared Bat, Bog Turtle, Dwarf Wedge Mussel and the Small Whorled Pogonia as being potentially present in the area of the Site. While the FEAF form lists both the Indiana Bat and Sedge Wren as being potentially present on or near the Site, the New York State Department of Conservation (NYSDEC) indicated in their letter dated December 6, 2018 that according to the State's Natural Heritage records, only the Indiana Bat is state-listed endangered or threatened species.

4.4.2 Potential Impacts to Plants and Animals

It is expected that some temporary displacement of on-site wildlife will occur during the construction of the Proposed Action. The development plan shows that corridors for wildlife movement will remain connected to adjected off-site tracts of land allowing for free movement of species through the site as well as onto adjacent lands.

To specifically identify potential impacts to species of concern, Peter D. Torgersen performed a site investigation of the plant and animal habitat found on the Site on October

15, 2018. A letter dated August 8, 2019 detailing Torgersen's findings is included Appendix D.

Mr. Torgersen found that there are a few on-site trees that fit the description of potential bat roost trees; however, most are located outside the limit of disturbance and will remain after construction of the Proposed Action. The preferred feeding ground for the Indiana Bat is open areas, which are abundantly provided by the nearby Wallkill River. The Northern Long Eared Bat prefers upland hillsides and ridges feeding areas, which are not found on-site. Although the existing stream corridor and wetland area are considered potential feeding grounds for the Indiana Bat, since the area will remain undisturbed by the project there are no potential impacts expected to the on-site bat habitat.

Additionally, it was determined that there is no onsite or directly adjacent habitat suitable for Bog Turtles, Dwarf Wedge Mussel or Sedge Wrens. The Site was visited twice to search for evidence of the Small Whorled Pogonia, none were found on either visit. Therefore, the Proposed Project is not expected to cause any adverse impacts to threatened or endangered species.

4.4.3 Plants and Animals Mitigation Measures

Since no adverse impacts to plant and animal resources are expected from the Proposed Action, no mitigation measures proposed.

4.4.4 Plants and Animals Conclusion

Since the NYSDEC has no records of rare or state-listed animals, plants or significant communities specifically located on the Project Site, and current wildlife species inhabiting the Site are expected to only face temporary displacement, it was determined that no significant adverse impacts to plants and animals will result from the Proposed Action.

4.5 Impact on Historical and Archaeological Resources

4.5.1 Existing Conditions

Between May 1 and 31, 2019, TRACKER Archaeology, Inc. conducted a Phase IA documentary study and a Phase IB archaeological survey for the Proposed Action. The purpose of the Phase IA documentary study was to determine the prehistoric and historic potential of the project area for the recovery of archaeological remains. The Phase IA was implemented by a review of the original and current environmental data, archaeological site files, other archival literature, maps, interviews, and documents.

In TRACKER's opinion, the Site has an above average potential for the recovery of prehistoric sites based on its proximity to the Wallkill River, adjacent wetlands, and sites nearby. The type of site encountered could be a procurement/processing site from any of the prehistoric periods. Additionally, the Site has a higher-than-average potential for the recovery of historic sites near Union Street along the northern side of the property since the southern side of the property had historic structures adjacent to the wetlands.

Based on the New York State's Cultural Resource Information System (CRIS), there are two National Register Listed buildings located within one-half mile of the Site. The Johannes Miller Farmhouse is located 0.25 miles southwest of the Project on NYS Route 211 and the Chandler House is located 0.50 miles northeast of the Project on Union Street. The Project Site is also located approximately 0.46 miles from the southern edge of the Village's Union Street - Academy Hill Historic District, which was designated as a National Register Historic District in 1980. According to the Village of Montgomery Comprehensive Plan, "the District encompasses 300 acres and includes 83 buildings dating from 1750 to 1899. The predominant architectural styles within the district include Greek Revival, Federal and Queen Anne. Most of the structures within the historic district are single-family dwellings

but the district also includes institutional buildings such as the Grange, churches and Village Hall".

4.5.2 Potential Impacts to Archaeological Resources

The Project Site is not visible from the Johannes Miller Farmhouse due to the existing vegetation surrounding the home. The distance, topography, existing vegetation and structures located between the Site and the Chandler House and Academy Hill Historic District make the Project impossible to see from these two historic features. Therefore, the Project is not expected to have any impact on the two identified historic structures or historic district.

Based on the finding of the Phase IA study, a Phase IB archaeological survey was commenced. The Phase IB survey provided actual ground surface and subsurface field testing to provide evidence for the presence or absence of any archaeological sites within the Site. During the field survey, 326 shovel tests were excavated within the Proposed Action limits of disturbance, in which no prehistoric sites or historic artifacts sites were encountered. Based on the lack of findings, no cultural resources impacts are expected to be found on the Site and no further archaeological work is recommended. The Phase I Archaeological Investigation is included as Appendix E.

4.5.3 Archaeological Resources Mitigation Measures

No mitigation measures are proposed based on the lack of prehistoric sites or historic artifacts found on the Site.

4.5.4 Cultural Resources Conclusion

Although a documentary study of the area revealed an above average potential for the recovery of prehistoric and historic sites on the Site, a field investigation of the parcel did

not find any evidence of cultural resources. Therefore, it was determined that the Proposed Action will result in no adverse impacts to Cultural Resources.

4.6 Impact on Transportation

The engineering and consulting firm Creighton Manning prepared a Traffic Impact Study (TIS) for the Proposed Action. The purpose of the study was to evaluate the existing road network and intersections in the immediate vicinity of the Project Site. The study considered the potential impacts the Proposed Action may have on the current transportation system. The complete Traffic Impact Study, dated May 13, 2022, is included as Appendix F.

4.6.1 Existing Conditions

ROADWAYS

The current operating conditions of the surrounding road network were determined by analyzing the existing roadways in the vicinity of the Project Site. The studied road network surrounding the Project Site includes NYS Route 211 (Union Street), NYS Route 17K (Ward Street) and NYS Route 416.

NYS Route 211 (Union Street) – NYS Route 211 is an urban minor arterial and is under the jurisdiction of the NYSDOT. The roadway generally runs east and west connecting US Route 209 to NYS Route 17K passing through the city of Middletown but runs north and south in the vicinity of the project site in the Village of Montgomery. The roadway provides one travel lane and a paved shoulder in each direction in the vicinity or the project site. The posted speed limit is 30 miles per hour. Land uses along NYS Route 211 are a mix of commercial, residential, and institutional. Montgomery Elementary School is located approximately 1,750 feet north of project site across from River Street and Saint Mary's Catholic Church is located approximately 3,200 feet north of the project site just south of Boyd Street. Sidewalk on the west side of the roadway begins immediately north of the site.

NYS Route 17K (Ward Street) – NYS Route 17K is an urban minor arterial and is under the jurisdiction of the NYSDOT. The roadway generally runs east and west connecting

Bloomingburg in Sullivan County with Newburgh in Orange County. In the vicinity of NYS Route 211, NYS Route 17K provides one travel lane and a paved shoulder in each direction. The posted speed limit is 30 miles per hour. Land uses along NYS Route 17K are a mix of commercial and residential. Sidewalks are provided.

NYS Route 416 – Route 416 is an urban major collector and is under the jurisdiction of the NYSDOT. The roadway runs north and south from NYS Route 207 to NYS Route 211. NYS Route 416 provides one travel land and a variable-width paved shoulder in each direction. The posted speed limit is 55 miles per hour. Land uses along NYS Route 416 are residential, commercial, and agricultural. Sidewalks are not provided along this roadway.

STUDIED INTERSECTIONS

There are four intersections studied in the traffic report, which are listed and described below and depicted in Figure 4.5A.

Traffic counts were performed at the following studied intersections:

NYS Route 17K and NY Route 211 - This is a four-leg intersection operating under traffic signal control on three legs (eastbound, westbound, northbound) and stop control on the southbound (private driveway) approach. All approaches provide one shared movement lane. There are crosswalks on the westbound and southbound approaches, but no pedestrian signals or push buttons.

NYS Route 211, River Street, and School Access Driveway - This is an offset four-leg unsignalized intersection operating with stop control on the eastbound River Street approach. All approaches provide one shared movement lane. There are crosswalks on the eastbound, northbound, and southbound approaches.

NYS Route 211 and Chandler Lane - This is a three-leg unsignalized intersection operating with stop control on the westbound Chandler Lane approach. All approaches are accommodated by one shared movement lane.

NYS Route 211 and NYS Route 416 - This is a three-leg unsignalized intersection operating with control on the northbound NYS Route 416 approach. Northbound traffic on NYS Route 416 turning right onto NYS Route 211 is accommodated by a one-way channelized roadway under yield control, while traffic making a left turn is stop controlled. The northeast-bound and southwest-bound approaches of NYS Route 211 provide one shared lane for through movements and turns.

Turning movement counts at the intersections were conducted on June 05, 2019, during the weekday morning peak period from 7:00 to 9:00 a.m. and weekday evening peak period from 4:00 to 6:00 p.m. while schools were in normal session. These periods coincide with peak operating conditions of the proposed development, as well as adjacent street traffic. The traffic volumes for the AM and PM peak hours provide base year 2019 conditions and form the basis for all traffic forecasts.

In addition, Automatic Traffic Recorders (ATRs) were installed on NYS Route 211 just south of Chandler Lane and on Chandler Lane just east of NYS Route 211 to evaluate two-way traffic continuously from Tuesday, June 04, 2019, to Monday, June 10, 2019. The data obtained from the ATRs provided a basis for calibration as well as the traffic signal and left-turn lane warrant analyses.

2019 EXISTING TRAFFIC VOLUMES

Traffic operating conditions and level-of-service (LOS) were calculated for the studied intersections based on the Highway Capacity Manual (HCM) methodologies. LOS is reported on an “A” through “F” scale, where Levels “A” through “E” are generally acceptable conditions, and Level “F” describes an unacceptable condition. The LOS is based on the amount of control delay, or increased time of travel, a vehicle experiences approaching and passing through an intersection.

A LOS was calculated for each intersection approach, which were found to be a "D" or better under existing traffic volume conditions. Table 4.5A lists each existing intersection approach LOS determined by the Traffic Impact Study.

Table 4.5A – Studied Intersections – 2019 Existing Level of Service (LOS)		
INTERSECTION	**LEVEL OF SERVICE**	
	AM PEAK	**PM PEAK**
NYS Route 211/NYS Route 17K (Signalized)		
NYS Route 17K - East Bound	A	B
NYS Route 17K - West Bound	A	C
NYS Route 211 - North Bound	C	D
NYS Route 211 -South Bound	B	B
Overall	B	C
NYS Route 211/River Street/School Access (Unsignalized)		
River Street - East Bound	B	C
School Access - West Bound	B	B
NYS Route 211 - North Bound	A	A
NYS Route 211 - South Bound	A	A
NYS Route 211/Chandler Lane (Unsignalized)		
Chandler Lane - West Bound	B	C
NYS Route 211 - South Bound	A	A
NYS Route 211/NYS Route 416 (Unsignalized)		
NYS Route 416 - West Bound, left-turn	C	C
NYS Route 416 - West Bound, right-turn	A	B
NYS Route 211 - North Bound	A	A

TRANSIT, PEDESTRIANS & BICYCLISTS

Coach USA/Shortline provides commuter bus service within the Montgomery area. The nearest commuter railroad station to the subject site is Campbell Hall on the Port Jervis Line of the Metro-North Railroad, approximately 6 miles away. There are crosswalks at the NYS Route 211/NY Route 17K and NYS Route 211/River Street/School Access Driveway intersection, but no pedestrian signals. Pedestrian and bicyclist activity on NYS Route 211 was tallied during the traffic count and found to be minimal.

4.6.2 Potential Impact on Transportation Resources

Access to the Site will be provided by an unsignalized, full movement driveway on NYS Route 211. The driveway will be located approximately 30 feet north of Chandler Lane and will provide access to the four proposed buildings using a shared private driveway. This driveway will accommodate both passenger vehicles, delivery vans and tractor trailer trucks. An emergency access driveway is proposed on NYS Route 211 approximately 450 feet south of Weaver Street.

Available intersection and stopping sight distances were measured for the proposed driveway and compared to recommended NYSDOT design guidance and guidelines found in *A Policy on Geometric Design of Highways and Streets, 2011* published by the American Association of State Highway Transportation Officials (AASHTO). It was determined that the driveway has adequate stopping sight distance; however, the intersection sight distance is limited to the north by existing vegetation.

2025 NO-BUILD TRAFFIC VOLUMES

To evaluate the impact of the proposed development on transportation resources, traffic projections were prepared for the year 2025, the expected year of completion. In order to forecast the 2025 traffic volumes, a 0.5% growth rate was applied to the 2019 existing traffic volumes and compounded annually for six years. In addition, there are eleven nearby developments that were incorporated into the future traffic volumes. These developments are listed in the Traffic Impact Study.

The 2025 No-Build traffic volumes represent the forecasted traffic volumes in the future without the Proposed Project. A LOS was again calculated for each intersection approach, which were found to be LOS “D” or better, with the exception of the northbound approach to the NYS Route 211/NYS Route 17K intersection that has LOS “E”. Table 4.5B

lists the LOS determined for the No-Build condition by the Traffic Impact Study for each intersection approach.

2025 BUILD TRAFFIC VOLUMES

The Site-generated traffic attributable to the Proposed Project was determined based upon the trip generation rates contained in the Institute of Transportation Engineers' (ITE) report entitled, "Trip Generation", Eleventh Edition, utilizing the Land Use 150 "Warehousing" category. It is anticipated that full development of the Project, consisting of two stand-alone 60,000-square-foot warehouses and two stand-alone 80,000-square-foot warehouses, will generate approximately 98 entering vehicles and 30 exiting vehicles during the Peak AM Hour for a total of 128 trips, and 38 entering vehicles and 102 exiting vehicles during the Peak PM Hour for a total of 140 trips.

Traffic generated by the Proposed Project was distributed to the adjacent roadways based on existing observed travel patterns in the project area and the probable travel routes of truck drivers and employees. The proximity of the Site to Interstate 84, the City of Middletown, and the City of Newburgh are expected to influence the trip-making behavior of vehicle operators. The site-generated trips were then added to the 2025 No-Build traffic volumes, resulting in the 2025 Build traffic volumes and a LOS was determined for each intersection approach. Table 4.5B lists LOS determined by the Traffic Impact Study for each intersection approach.

The impact of the project can be described by comparing the analysis of the No-Build and Build operating conditions. The following observations are evident from this analysis:

NYS Route 211/NYS Route 17K - This intersection presently operates at an overall LOS B/C during the AM and PM peak hours, respectively. In the No-Build condition, the overall level of service changes from a C to a D in the PM peak hour with the northbound

NYS Route 211 and westbound NYS Route 17K approaches experiencing the most notable increases in delay. Without improvements to the signal, these delays are exacerbated in the Build condition.

According to NYSDOT Regional Traffic Signal Engineer, Maureen Kuinlan, the signal is currently undergoing improvements that will benefit its operation. CM requested the proposed signal timing improvements from Ms. Kuinlan in October 2021 but were informed that those timings have not been finalized as of the date of this report. Therefore, the Build 2025 LOS results presented below reflect the existing and soon-to-be-outdated traffic signal timing parameters. It is expected that the NYSDOT's ongoing improvements will result in better operating levels as compared to those presented herein.

NYS Route 211/River Street/School Access Driveway - The movements of this intersection operate from LOS A to C. The only changes to level of service are a change from the River Street eastbound movement from LOS B to C during the AM peak hour between the Existing and No-Build condition and a change from the school access westbound movement from a LOS B to C during the AM peak hour between the No-Build and Build condition.

NYS Route 211/Chandler Lane/Site Driveway - The eastbound site driveway will operate at LOS C during the AM peak hour and a LOS D during the PM peak hour. During the AM peak hour No-Build condition, the westbound Chandler Lane approach changes from LOS B to C. During the PM peak hour Build condition the westbound Chandler Lane approach changes from LOS C to D.

NYS Route 211/NYS Route 416 - This intersection currently operates between LOS A and C during both peak hours. During the AM peak hour in the No-Build condition, the NYS Route 416 approach left-turn lane changes from LOS C to E, and the right-turn slip lane

changes from LOS A to B. During the PM peak hour in the No-Build condition, the NYS Route 416 approach the right-turn slip lane changes from LOS B to C during the No-Build condition. These Levels of Service are maintained in the Build Condition, with the exception of the NYS Route 416 approach left-turn lane changes from LOS C to D in the PM peak hour.

Table 4.5B – Studied Intersections – 2025 Future Level of Service (LOS)

INTERSECTION	LEVEL OF SERVICE			
	2025 NO-BUILD		2025 BUILD	
	AM PEAK	PM PEAK	AM PEAK	PM PEAK
NYS Route 211/NYS Route 17K (Signalized)				
NYS Route 17K - East Bound	B	B	A	B
NYS Route 17K - West Bound	B	D	B	E
NYS Route 211 - North Bound	D	F	F	F
NYS Route 211 -South Bound	B	B	C	B
Overall	B	D	C	E
NYS Route 211/River Street/School Access (Unsignalized)				
River Street - East Bound	C	C	C	C
School Access - West Bound	B	B	C	B
NYS Route 211 - North Bound	A	A	A	A
NYS Route 211 - South Bound	A	A	A	A
NYS Route 211/Chandler Lane/Site Entrance (Unsignalized)				
Site Driveway – East Bound	-	-	C	D
Chandler Lane - West Bound	C	C	C	D
NYS Route 211 - North Bound	-	-	A	A
NYS Route 211 - South Bound	A	A	A	A
NYS Route 211/NYS Route 416 (Unsignalized)				
NYS Route 416 - West Bound, left-turn	E	D	E	D
NYS Route 416 - West Bound, right-turn	B	C	B	C
NYS Route 211 - South Bound	A	A	A	A

TRAFFIC SIGNAL WARRANT ANALYSIS

A traffic signal warrant analysis was completed for the NYS Route 211/Chandler Lane/Site Entrance intersection for both the No-Build and Build conditions. Although the traffic volumes during the 12:00-5:00 PM hours reached the test criteria levels for a few of the hourly time periods, the overall signal warrant was not met in either the No-Build and

Build conditions. The Traffic Impact Study in Appendix F contains a full description and evaluation of the traffic signal warrant analysis.

LEFT-TURN LANE WARRANT ASSESSMENT

A left-turn signal warrant analysis was completed for the NYS Route 211/Chandler Lane/Site Entrance intersection for both the NYS Route 211 northbound and southbound directions using the latest warrant criteria. The analysis determined a southbound left-turn lane is warranted in No-Build condition based on the background traffic growth and trips generated by the Devitt Chandler Lane project. Likewise, a northbound left-turn lane is warranted in the Build condition for trips associated with the subject development.

4.6.3 Transportation Resources Mitigation Measures

Based on the potential impacts expected to result from the Proposed Action, several mitigation measures are proposed.

1. The limited intersection sight distance to the north of the primary driveway (looking left out of the driveway) be extended beyond the recommended sight distance for passenger vehicles and trucks by clearing and pruning existing vegetation and trees on the west side of NYS Route 211.
2. Although the level of service analyses demonstrated that the site driveway will operate satisfactorily in the Build Condition without a left-turn lane installed on Route 211 for the proposed site driveway, in light of the left-turn lane warrant assessment concluding that the conditions requiring left-turn lanes in both north and south directions are met, the Applicant will confer with the NYSDOT and the Applicant for the Devitt Chandler Lane project to determine when the improvements are implemented based on the development schedule for each project.

3. In order to improve the alignment of the proposed site driveway with Chandler Lane, at the Applicant's traffic consultant recommendation, approximately 25 feet of land from the adjoining property to the south was purchased by the Applicant for vehicular access so that the intersection of the Site driveway and Chandler Lane would not be offset.

4.6.4 Transportation Resource Conclusion

The site is expected to generate 128 trips during the weekday AM peak hour and 140 trips during the weekday PM peak hour. Although the Proposed Action will increase the number of vehicles travelling on the surrounding roadways, with the proposed vegetation trimming, left-turn lane construction for the site driveway, alignment of the site driveway with Chandler Lane, and NYS Route 211/NYS Route 17K signal timing alterations currently being implemented, the increase will not adversely impact any of the studied roadways or intersections.

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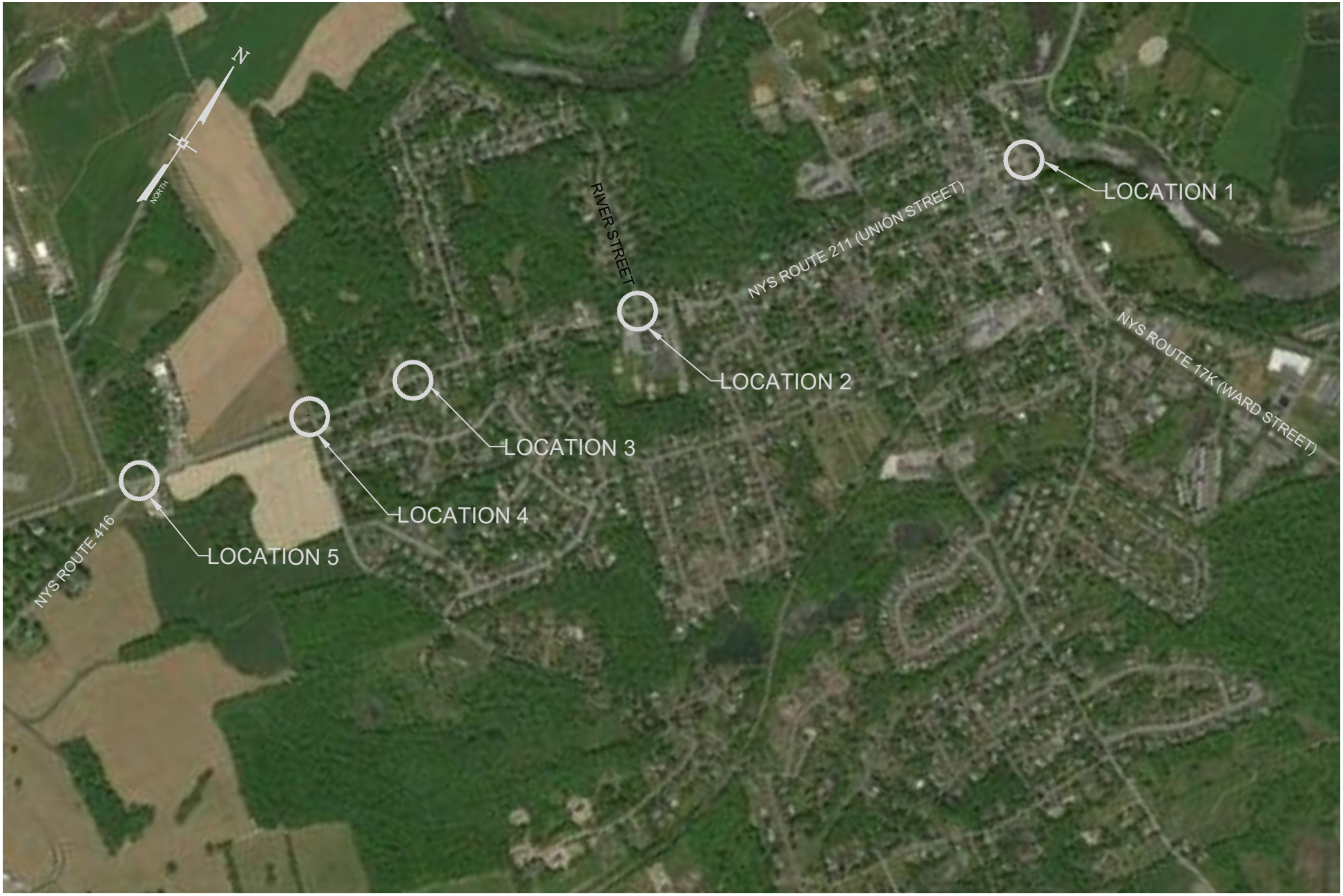

STUDIED INTERSECTIONS	KSH DEVELOPMENT, LLC UNION STREET VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 08/22/2019 REV 12/05/2024 SCALE: 1" = 1000'	JOB # 1281.0101 SHEET # F-4.5B	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 Fx: (845) 457-1899

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4.7 Impacts on Noise & Light

4.7.1 Noise

Existing Conditions

The Site currently vacant and therefore does not produce any human generated sounds. Adjacent and nearby land uses include a mix of commercial, residential, and vacant land. The primary source of ambient background noise in the area is produced by vehicular traffic travelling along NYS Route 211. There are no sensitive noise receptors (schools, hospitals, licensed day care centers or group homes) in the area surrounding the Project.

The Village of Montgomery Code §77-5. B. (1) regulates Noise levels as follows: "No person in a residential zone shall emit noise beyond the boundary of his/her premises exceeding the levels stated herein and applicable to adjacent residential, business or industrial zones:

	Receptor's Zone			
Emitter's Zone	Industrial	Business	Residential (day)	Residential (night)
Industrial	70 dBA	66 dBa	61 dBa	51 dBa

A Sound Measurements and Impact Review was prepared for the Proposed Action by B. Laing Associates and included in Appendix H. Sound monitoring was performed by B. Laing Associates during boy the daytime and nighttime hours to establish the existing conditions for the ambient noise levels. The sound measurements were taken using a Cirrus Research plc CR:831C noise meter. Measurements were initially taken on Wednesday April 12, 2023, during the PM peak from 4:00 pm to 6:00 pm and post PM after 9:00 pm, and on Thursday, April 13, 2023 from 9:00 am to 10:00 am. Nighttime measurements were taken on Wednesday April 12, 2023, at the peak hour of 9:00 pm to 10:00 pm and again on Thursday September 14, 2023, for the entirety of the nighttime hours from 9:00 pm until 6:00 am.

Additional AM peak measurements were taken between 7:00 am to 8:30 am on Thursday, September 14, 2023. The measurements were taken at four locations shown on Figure 4.7A. Sample Site A was located to the south of the Proposed Action on NYS Route 211, Sample Site B was located at the southern boundary of the Proposed Action and the residences and commercial business along NYS Route 211, Sample Site C was located to the east of the Proposed Action on Weaver Street, and Sample Site D was located at the eastern boundary of the Project Site along the wooded area in the rear of the adjoining residences along Weaver Street. The ambient noise levels are summarized in Table 4.7A below.

Table 4.7A – Existing Conditions Noise Monitoring Results

Sample Site	Date	Time	L_{eq} dB(A)
A	4/12/23	04:57 pm	75.5
	4/12/23	08:57 pm	69.3
	4/13/23	10:25 am - Midday	72.0
	9/12/23	05:55 pm	69.3
	9/13/23	1:25 pm	68.6
	9/14/23	07:31 am	71.8
B	4/12/23	04:16 pm	55.1
	4/12/23	09:16 pm	53.2
	4/13/23	10:43 am - Midday	50.4
	9/12/23	06:14 pm	53.9
	9/13/23	01:00 + am	54.0
	9/13/23	01:45 pm - Midday	51.3
	9/14/23	07:10 am	54.3
C	4/12/23	04:38 pm	51.3
	4/12/23	09:35 pm	50.9
	4/13/23	09:38 am	51.3
	9/12/23	06:14 pm	53.9
	9/13/23	01:02 pm - Midday	55.4
	9/14/23	07:51 am	53.7
D	9/12/23	05:35 pm	48.0
	9/13/23	03:00 + am	50.0
	9/14/23	10:00 12:00 pm - Midday	48.8
	9/14/23	07:09 am	47.0

Potential Impacts

Though noise is somewhat subjective, noise can be defined as undesirable or "unwanted sound". To the average person in an outdoor environment close to the noise source, a noise level increase of 2 to 3 dBA is barely perceptible, an increase of 5 dBA is noticeable, and an increase of 20 dBA is perceived as a dramatic change. Annoyance frequently results from increases of 10 dBA or more, depending on the frequency and duration of the noise events. According to the NYS Department of Environmental Conservation (NYSDEC) Assessing and Mitigating Noise Impacts, the goal for any permitted operation should be to minimize increases in sound pressure level above ambient levels at the chosen point of sound reception to increases ranging from 0-3 dBA, which have no appreciable effect on receptors.

Potential future noise generated by the Project Site, including on-site stationary sources, project related traffic sources and temporary construction sources, may impact residences in the area. The predominant on-site stationary sources will be HVAC systems for the buildings, the loading dock truck activity and the parking lot traffic. Project related traffic will incrementally increase noise levels on local roads near the subject site. However, the projected traffic volumes from the development combined with ambient noise from local roads are not expected to significantly increase noise levels above existing conditions at any sensitive receptors.

Noise receptors near the project site include a residential neighborhood to the northeast, residences bordering the project to the east, a commercial building to the east and existing residences to the east across NYS Route 211. According to the NYS Department of Environmental Conservation (NYSDEC) Assessing and Mitigating Noise Impacts, each doubling of distance from the noise source will decrease the sound pressure level by 6 dBA at distances greater than 50 feet. The residences east and south of the site are an average

of ±350 feet from the closest noise source. In addition to distance from the noise source reducing the sound pressure level, the NYDEC also refers to dense vegetation as a sound level reduction. A 100-foot-wide vegetative buffer will decrease the sound levels by 3 to 7 dBA. Between the closest building and the residences on Weaver Street, there is an existing buffer of trees up to ±240 feet in depth. The distance and existing vegetation will aid in decreasing the noise levels at the sensitive noise receptor locations.

The hours of operations of Building 1 and Building 2 will be limited to 6:00 a.m. and 9:00 p.m. 7days a week. Building 1 and Building 2 are the closest to the residences along Weaver Street, and therefore will closure of these operations will mitigate nighttime noise by only operating during the daytime. The hours of operation for Building 3 and Building 4 at the site are proposed to be 24 hours per day.

Daytime noise levels will increase in the immediate vicinity of the Site during project construction. Noise levels due to construction activities will vary widely, depending on the phase of construction activities, including clearing and grading, delivery of materials, and construction of the building. It is anticipated that nearby residents may experience temporary elevated noise levels at occasional points during the construction of the proposed project, with most noise resulting from the site preparation, such as tree removal and grading activity.

The Village of Montgomery regulates Construction activities in §77-7.B. as follows: “Any building or construction activity, including the clearing and removal of trees or other site preparation work which is audible outside of a building or structure, is permitted only as follows: (1) Monday, Tuesday, Wednesday, Thursday and Friday, except holidays, during the daytime hours. (2) Saturday, Sunday and holidays during the hours of 10:00 a.m. to 5:00 p.m., except that blasting is not permitted on Sunday and holidays. (3) As may be permitted by a variance granted by the Board of Trustees as outlined in §77-9.”

OPERATIONAL SOUND ANALYSIS

To determine the potential impacts of the Proposed Action, an operational sound analysis was conducted using SoundPLAN Computer Modeling and summarized in the Sound Measurements and Impact Review prepared by B. Laing Associates included in Appendix H. The SoundPLAN base model is created by inserting the site plan of the Proposed Action in the model and inputting the sound sources with their strengths and receptors. The location of the site plan design elements, including the buildings, proposed walls, and parking lot and distances to receptors is then calculated by the model. The sound source information is provided in Appendix H. Sources include trucks, automotive (passenger cars), HVAC, generators, and loading docks. Other inputs included the barrier heights, orders of reflection, emission heights of all equipment and structures, receptor heights, ground absorption, and point sources. The receivers studied are described as Analysis Points. These locations include locations along the rear property lines of the adjacent residences along Weaver Street and the rear property line along the adjacent residences and commercial business to the east. The analysis point locations are shown on Figure 4.7A. The results of the Operational Sound Analysis are summarized in Table 4.7B below.

Table 4.7B – Proposed Conditions SoundPLAN Propagation Results Summary									
Analysis Point	Receiver Name	Limit dB(A)		Level without Mitigation dB(A)			Level with Mitigation dB(A)		
		Day	Night	Day	Night	Lmax	Day	Night	Lmax
1	73 Weaver St. Rear Property Line	61	51	38.3	36.8	41.6	35.5	34.1	38.5
2	Weaver St. South Rear Property Line	61	51	39.0	40.8	43.8	36.0	38.9	41.9
3	NYS Route 211 East Rear Property Line	61	51	42.9	47.1	48.1	40.3	46.3	47.3
4	NYS Route 211 Auto Rear Property Line	70	70	40.5	45.1	44.1	37.4	43.6	44.6
5	NYS Route 211 West Rear Property Line	61	51	44.6	52.8	54.8	39.6	48.6	50.6
6	NYS Route 211 West Side Property Line	61	51	43.6	52.2	54.1	39.3	48.8	50.8
7	Industrial Property	70	70	57.2	69.3	69.3	57.1	69.3	69.3
8	Weaver St. North Rear Property Line	61	51	34.1	36.7	42.7	32.7	35.1	41.0

The soundPLAN analysis was computed with no mitigation measures and with mitigation measures as proposed on the Site Plan. Almost all of the analysis points meet the limits for the sound level without mitigation proposed in the daytime and nighttime. Although temporary impacts from noise are anticipated during construction, they will adhere to the Village of Montgomery code guidance and long-term impacts are not expected to be significant at any sensitive receptors from the operation of the Site.

Mitigation Measures

The design of the site took into consideration best management practices by putting the loading docks on the interior of the site between the four buildings and away from the residential zoning district on the northeast side of the property. This layout allows the building

itself to provide a buffer to the residences to the northeast of the project site. The truck traffic will also be directed exclusively to the interior area between the buildings. Signage and overhead bar-barrier warning features will be set at 12.5 feet above grade level located at either side of buildings 1 and 2 to prevent truck traffic from entering the exterior parking areas, while still allowing passenger vehicles, delivery vehicles, and emergency service vehicles to access those areas. Existing vegetation will provide buffers for sound dissipation as well. The closest access to the residences on the north and eastern boundary of the Proposed Action will only be used for emergency access and not everyday traffic. The main access to the site will be from NYS Route 211 further south from the emergency access and ultimately the residential district boundary. The main access point allows for the conservation of existing vegetation between the site access and existing residences to the east on NYS Route 211.

In addition to Site design considerations, sound barriers will be installed across the site to mitigate the effect of the operation of the Proposed Action. A 10-foot high Plywall sound barrier has been proposed along the northern side of the site from the emergency access drive to the western boundary of the site. The proposed sound barrier will mitigate the effect of the sound generated from the loading docks towards the residences on Weaver Street. A 16-foot high Plywall sound barrier has been proposed along the main access drive along the eastern side of Building 4 and extending to the emergency access drive along the residences to the east of the property to mitigate the sound generated toward the residences. Additionally, a 6-foot-high solid baffle shall surround all HVAC equipment to provide sound attenuation and HVAC equipment shall face away from the existing residences adjacent to the Site.

With the proposed mitigation measures, the sound levels at each analysis point meet the Village's code requirements for the noise between a residential and industrial boundary. Therefore, the Proposed Action will not result in any adverse noise impacts.

4.7.2 Light

Existing Conditions

As the Site is currently vacant, there are no existing exterior light producing sources located on the Project Site. Night-time light producing sources in the surrounding area are limited to residential house lighting, roadway streetlights and vehicle headlamps.

The Village of Montgomery Code does not specifically address Lighting. Several relevant sections of the Code do regulate some lighting elements. Section 122-34 Industrial District Identification Signs states that "identification signs may be interior lighted with non-glaring lights or may be illuminated by shielded floodlights; provided, however, that red and green lights shall be set back at least 75 feet from the point of intersection of the street lines at a street corner, and further provided that intermittent or flashing lights shall not be used on or in any sign. Moving or animated signs shall be prohibited". In addition, the subsection entitled "Warehouses" in Section 122-47 "Special exception uses" states that "Security lighting shall be provided on the site but there shall be no glare or spillover of light onto other properties".

Potential Impacts

The Proposed Action requires outdoor lighting for the safety and convenience of its employees and delivery persons as they move around the Site during non-daylight hours. Driveways, parking areas, and walkways will all be illuminated during the night. All outdoor lighting will utilize LED bulbs, reducing the amount of energy necessary to power them. The proposed outdoor lighting for the buildings will be 20 to 25-foot high, pole-mounted fixtures

and building-mounted wall fixtures. The site lighting fixtures will be shielded and directed downward. The light fixture's locations, type and placement have been chosen to eliminate fugitive light from leaving the Project boundary.

Considering the sloping nature of the Site and the existing amount of mature vegetation to be retained in the wetland areas, the proposed outdoor lighting from the buildings will likely be well-screened from existing off-site residential locations.

To determine the impact that the proposed site lighting will have on the surrounding area, a lighting plan was prepared. The goal of the lighting plan design was to safely illuminate the Project with even light distribution, without causing significant impacts to neighboring properties. The Lighting Plan in Appendix J1 and shows the amount of light distribution across the Site.

Mitigation Measures

The outdoor lighting fixtures selected for the Site will be Nighttime Friendly™ designated products, which reduce negative impacts on the nighttime environment. Products carrying the Nighttime Friendly logo have no up-light and meet the Illuminating Engineering Society of North America (IESNA) definition for full cutoff optics and reduce high angle brightness. These measures of lighting performance are consistent with sustainability standards for light pollution reduction.

Additional mitigation will be provided to off-site residential neighbors to the north and east with existing and proposed landscaping. A landscaping plan has been designed that provides screening and buffering of the Project. The landscaping plan consists of both evergreen and deciduous trees and bushes that will reduce potential adverse effects from the proposed outdoor lighting.

4.7.3 Noise & Light Conclusion

With conformance to the engineered lighting plan and specifications and the preservation and installation of screening vegetation, any adverse environmental impacts to light resources resulting from the construction of the Proposed Action will be mitigated so that such impacts will not be significant.

The Proposed Action will generate sound levels during the operation of the site, however, with mitigation measures, including sound barriers, the preservation of existing vegetation, and distance between the proposed buildings and the existing residences to the north and east of the Proposed Action, the additional noise will be mitigated such that there is no significant impact from the project.

4.8 Consistency with Community Plans

4.8.1 Existing Conditions

Community plans include adopted land use plans such as land use and zoning code, and public infrastructure consisting of water and sewer utilities.

LAND USE & ZONING

Current uses surrounding the property include a mix of agricultural, commercial and residential uses. According to the Village of Montgomery Zoning Map, the Proposed Action will be constructed within the I-1 Industrial Park zoning district. The I-1 zone permits the following primary uses:

- Park, playground or recreational area operated by the municipality
- Bus Passenger Shelter
- Agriculture: Horticulture; truck farming; dairy and poultry farming; and the raising of livestock
- Office: business, professional or utility
- Radio or television broadcasting studio
- Repair shops for household and/or personal appliances
- Vocational school
- Wholesale store

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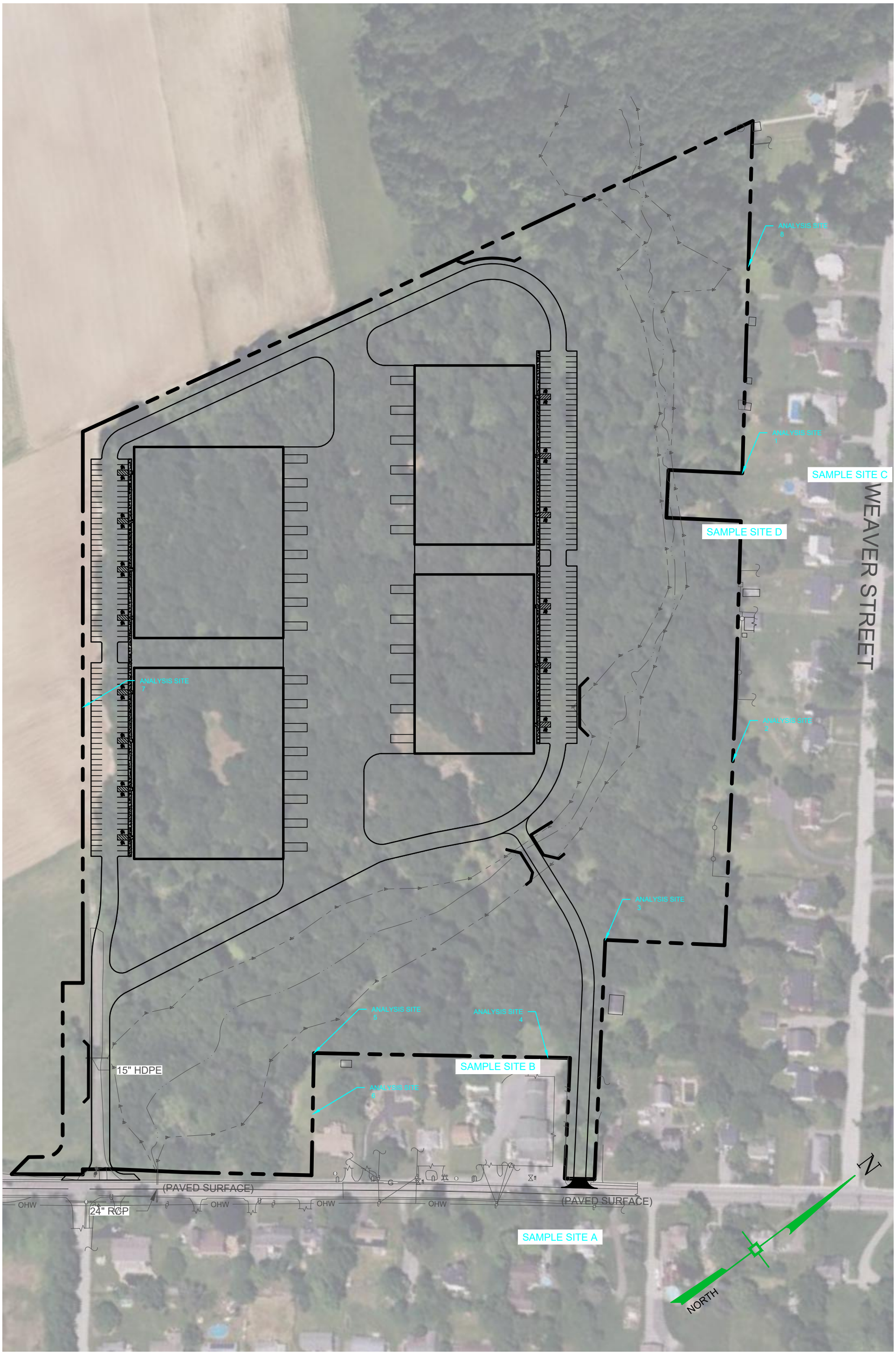

SOUND ANALYSIS MAP	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 REV 12/05/2024	JOB # 1281.0101	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs
		SCALE: 1" = 150'	SHEET # F-4.7A	MONTGOMERY OFFICE 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 WWW.EP-PC.COM

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- Limited non-nuisance industry, using machines not exceeding 5 horsepower
- Printing and publishing plants
- Roadside market for the sale of farm products
- Wearing apparel or accessories manufacture

In additions the following uses are permitted by special exception use:

- Church or similar place of worship, parish house, seminary, convent or dormitory
- Public library, museum, community center, fire station or governmental office building
- School, elementary or high, public or denominational or private, having a curriculum the same as ordinarily given in public schools
- Airport
- Hospital, sanitarium, nursing home or rest home
- Public utility structure or right-of-way necessary to serve areas within the Montgomery community, excluding business office, repair or storage of equipment
- Kennel
- Dry-cleaning plant of more than 4,000 square feet
- Fuel oil storage
- Laundry plant of more than 4,000 square feet
- Machinery repair or service plant, non-nuisance
- Non-nuisance industry
- Public utility building, plant, structure or storage yard
- Quarry: mining, loading, hauling and/or processing of sand gravel, shale or topsoil
- Research institute or laboratory
- Temporary sand and gravel removal operations
- Warehouse
- Wholesale business

The Village of Montgomery Comprehensive Plan was prepared as a guide for growth in the Village over the next 5 to 10 years. The Comprehensive Plan Draft Update dated March 17, 2017 of the 2008 Comprehensive Plan incorporates new planning concepts and land use activities that have emerged since the prior revision. The Comprehensive Plan

lists a series of goals and objectives that provide a vision to best preserve the character of the community while also responding to emerging trends.

Economic development is one of the goals of the Comprehensive Plan, which is discussed in Chapter 9.0. In addition, Chapter 10.0 Land Use & Zoning, the Plan states "The large undeveloped tracts along NYS Route 211 are currently zoned I-1 Industrial Park. The design of industrial uses on these tracts must be carefully regulated to ensure that they do not adversely impact community character or surrounding neighborhoods. Industrial buildings should be screened from the public vistas and limits placed on building size."

The Proposed Action is also consistent with the Orange County Comprehensive Plan since the County Plan expresses similar goals as the Village Plan. In addition, the County Plan identifies Priority Growth Areas where development is encouraged because of suitable infrastructure being in place. The Project Site lies within one of the of the Priority Growth Areas.

ORANGE COUNTY AIRPORT

Since the Project Site is located approximately 1,500 feet from the Orange County Airport (MGJ), the Federal Aviation Administration (FAA) was contacted to determine what if any permits or approvals would be required. An FAA representative responded that according to 14 CFR Part 77.9, any person or organization who intends to sponsor any of the following construction or alteration must notify the Administrator of the FAA:

- Any construction or alteration exceeding 200 feet above ground level; or
- Any construction or alteration:

- Within 20,000 feet of a public use of military airport which exceeds a 100:1 surface from any point on the runway of each airport with its longest runway more than 3,200 feet
- Within 10,000 feet of a public use of military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 feet
- Within 5,000 feet of a public heliport which exceeds a 25:1 surfaces; or

- Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards; or
- When requested by the FAA; or
- Any construction or alteration located on a public use airport or heliport regardless of height or location

The Orange County Airport has two runways. Runway 04/22 is listed as 5,006 feet in length and Runway 08/26 is listed as 3,664, which both exceed the 3,200-foot length criteria. A copy of the information received from the FAA is attached as Appendix G1.

UTILITIES

Water Supply

The Village of Montgomery supplies potable water to the area. According to the Village website[1], the Village water system serves approximately 3,800 people through approximately 1,400 service connections. The total water produced in 2020 was 94,916,000 gallons. The daily average of water treated and pumped into the distribution system was 259,000 gallons per day. The peak daily flow rate was 382,000 GPD. The existing water system is supplied by seven drilled wells.

[1] https://www.villageofmontgomery.org/department-of-public-works/annual-drinking-water-quality-report-for-2020.html

The water from the supply wells is disinfected by injecting chlorine into the mains near the wellheads. After treatment the water is pumped into the distribution system and ultimately into the system storage which currently consists of two storage tanks; a 200,000-gallon tank located near Valley Avenue and a 315,000-gallon tank located near Cardinal Drive. Based on the approved water takings and the treatment capability, the entire system is capable of supplying ±629,280 gallons per day of potable water, leaving 247,280 gallons per day of excess capacity on a peak flow day.

The nearest existing water mains to the Site are located on Union Street and Chandler Lane. Hydrant testing was performed by Engineering and Surveying Properties and witnessed by the Village of Montgomery Water Department on August 29, 2019 on the corner of Chandler Street and NYS Route 211 directly across from the site entrance. Based upon the test results, the normal static pressure is 46 pounds per square inch at elevation 398 with a calculated available fire flow of 1,052 GPM.

Sewer Service

There is an existing 8" diameter Village sewer main that traverses the Site from south to north starting at Union Street and extending toward Weaver Street. The sewer main continues northeast through the adjacent residential area and ultimately discharges into the Village of Montgomery Wastewater Treatment Plant. The deed for the Site parcel has no record of an easement for the existing sewer main.

The Project Site is located within the service area of the Village of Montgomery which is serviced by the Village of Montgomery Wastewater Treatment Plant (VMWWTP) located on Bachelor Street approximately 0.6 miles northeast of the Site. The plant ultimately discharges to the Wallkill River, which is a tributary to the Hudson River. According to the Village Department of Public Works, the plant has a full design capacity of 500,000 gallons

per day and is currently treating approximately 340,000 gallons per day based on 2020 readings, leaving approximately 160,000 gallons per day remaining for new development.

4.8.2 Potential Impacts on Community Plans

LAND USE & ZONING

The Project is consistent with all bulk requirements of the I-1 zoning district, with the exception of building height. An area variance has been requested from the Village of Montgomery Zoning Board of Appeals for a 45-foot building height where 35 feet is permitted for Buildings #3 & #4.

However, some potential impacts that may result from permitting industrial uses with outdoor activities near residential land uses include noise, odor and light intrusions from the industrial use to nearby residential dwellings. The only proposed outdoor use for the Proposed Action is truck loading areas. The warehouse use is not expected to produce noise, odor or light impacts to adjacent residences (see Section 4.6 for a discussion of Lighting Impacts). In addition, the location of the warehouse buildings, a minimum of 520 feet from the eastern property line, will provide screening from public viewpoints along Union Street. Also, the total footprint of the warehouse buildings (280,000 square feet) is much less than the lot coverage permitted by the zoning bulk requirement, which 30% lot coverage of 33.87 acres, or 442,639 square feet.

Furthermore, the Proposed Action will meet the following conditions outlined in the Village of Montgomery Code Section 122-47.C Special Exception Uses “Warehouse”.

(1) No warehouse shall be situated on a site that is less than one (1) acre).
(2) No warehouse building shall be greater than 35,000 square feet in the B-1 and I-2 Districts and no greater than 80,000 square feet in the I-1 District.
(3) Off-street parking and loading spaces shall be provided in accordance with §§122-25 and 122-26 of this chapter.

(4) Safe and adequate internal vehicular traffic circulation patterns shall be provided on site so that trucks do not have to maneuver within public rights-of-way and to allow access by emergency service vehicles.

(5) No open storage is allowed. All items and materials shall be stored completely within the confines of the warehouse building.

(6) Permitted ancillary uses. Professional offices, classrooms, conference rooms, employee break or dining areas and showrooms are allowed provided such uses do not occupy more than 20% of the total building area of the principal warehouse use.

(7) Building design. The Planning Board shall review the color, materials and design of all structures, including roof pitch, as to their conformity with surrounding structures, visibility from public roads, scenic areas, and consistency with community character. Variations in materials, façade depths and other architectural design elements shall be used to break up the visual mass of large buildings. Multiple structures on a single site should have a unified design.

(8) Landscaping. Care shall be taken to provide an aesthetically pleasing, well-landscaped and well-maintained facility. Parking and loading areas and required yards shall be landscaped with a mix of evergreen and deciduous trees and shrubs of varying sizes and vegetative ground cover as appropriate to the site and approved by the Planning Board.

(9) Lighting plans should be provided with the Site Plan for review by the Planning Board. Lighting fixtures should be downcast and shielded so there is no glare or spillover onto other properties.

(10) Such facilities are prohibited from storing or allowing the storage of toxic, explosive, flammable or otherwise dangerous and noxious materials that are incompatible with the public health and safety or that may pose a risk of groundwater or other contamination.

(11) The facade of any warehouse with more than two loading docks shall be setback an additional 70 feet from residentially zoned properties.

(12) No loading shall occur from the face of a building facing a public street.

With the incorporation of these conditions, and since the proposed land uses are compatible with existing land uses in the area and consistent with the land use goals outlined in the Village of Montgomery Comprehensive Plan, which recommends economic growth, the Applicant believes that potential impacts resulting from the Proposed Action will not be significant or adverse.

Chapter 9 of the Village of Montgomery Comprehensive Plan addresses Economic Development, which includes attracting businesses to the Village. The development of the Proposed Action is expected to generate both full-time and part-time employment opportunities for residents of the Village of Montgomery and the surrounding area while also positively affecting the local economy.

The Project is also consistent with the Orange County Comprehensive Plan. The Site is located in a designated Priority Growth Area, it will be served by central water and sewer services and will promote economic growth.

ORANGE COUNTY AIRPORT

Since the proposed buildings will be located within 20,000 feet of a public use airport, the elevation of the maximum building height of each proposed building was calculated and compared to the elevation of the 100:1 surface extending away from each runway to determine if the FAA must be notified of the building construction. Table 4.7A tabulates the estimated elevation of the building heights and compares them the minimum elevation requiring notice based on 14 CFR 77.9 entitled “Construction or Alteration Requiring Notice”. According to the calculations, the FAA must be notified before the construction of every proposed building on the Site. However, it is noted that many of the existing trees on the Site are taller than the proposed maximum building elevations.

Table 4.7A – FAA Notice Requirements

Building	Approx. Distance from Nearest Runway (ft)	Minimum Elevation Requiring Notice	Maximum Elevation of Building*	FAA Notice Required
Building 1	2730	389	437	Yes
Building 2	2730	389	437	Yes
Building 3	2260	384	437	Yes
Building 4	2260	384	437	Yes

* Assuming building height is 45 feet

An Obstruction Evaluation for each of the four proposed buildings was filed with the FAA on June 20, 2022. The FAA assigned each building an Aeronautical Study Number as follows:

Building #1 2022-AEA-11350-OE

Building #2 2022-AEA-11351-OE

Building #3 2022-AEA-11352-OE

Building #4 2022-AEA-11353-OE

The aeronautical studies have been completed and are included in Appendix G1. The FAA issued a "Determination of No Hazard to Air Navigation" for each building structure on September 12, 2022. The Determination indicates that marking and lighting are not necessary for aviation safety. The Determination letters expire on March, 12, 2024 unless

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.

(b) extended, revised, or terminated by the issuing office.

(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

UTILITIES

Water Supply

The Project Sponsor proposes to construct approximately 2791 linear feet of 8" diameter class 54 double cement lined ductile iron water service to the project as shown on the site plan. The new private water service will connect to the existing 8" diameter village water main located in Route 211 adjacent to the project site. The new water service shall be constructed in accordance with the Village of Montgomery and Orange County Health Department requirements. All improvements will be constructed within lands of the Village or lands to be owned by the project sponsor. All new water mains constructed to service the proposed project will remain private and will be owned and maintained by the Project Sponsor. An overall water system plan is shown on Figure 4.7A.

It is anticipated that the proposed water demand for this project at full build-out will be 4,900 gallons per day as calculated in Table 4.7B.

Table 4.7B – Estimated Water & Sewer Demand

Uses	Number of Units	Demand Rate	Demand (GPD)
Warehouse	326 Employees	15/employee	4,900
		Total Demand:	**4,900**

Based on the available excess water capacity in the Village of Montgomery of 247,280 gallons per day, there is sufficient capacity to meet the water demand of the Project.

The proposed buildings will be serviced by a private water main extension and will be protected by fire sprinkler systems. As the water main will service the buildings which will be protected by fire sprinkler systems, the ISO does not calculate fire flow demand; however, a fire flow analysis was completed to ensure the system is capable of providing a minimum of 500 GPM with a residual pressure of 20 PSI at the new hydrant. The complete Engineering Report for the Water Main Extension is attached as Appendix G2.

Sewer Service

Wastewater from the project will flow via six-inch PVC SDR 35 gravity sewer services from each of the buildings to a proposed eight-inch private sewer main. The effluent will discharge into the existing 8" diameter Village sewer main that traverses the Site from south to north starting at Union Street and extending toward Weaver Street. The main continues northeast through the adjacent residential area and ultimately discharges into the Village of Montgomery Wastewater Treatment Plant. A 30-foot-wide easement through the Site, centered on the existing sewer main will be granted to the Village of Montgomery for sewer main access and maintenance.

All new sewer services will be designed and constructed in accordance with Village of Montgomery standards and the details provided on the plan set as well as all New York State Department of Environmental Conservation requirements. All of the improvements will be constructed on lands of the proposed Project and will be maintained by the individual lot owners. Where the services cross lot lines, easements have been provided to allow access and maintenance to the owner of the service. An overall sewer collection system plan is shown on Figure 4.7B.

Based on the estimated sewer demand in Table 4.7A, the total average daily wastewater demand for the project is approximately 4,900 gallons per day and peak hourly flow for the project is 13.6 gallons per minute or 4.0 times the average daily demand. As the available capacity of the treatment plant is 160,000 gallons per day, there is sufficient capacity to serve the Project. The complete Engineering Report for the Sewer Main Connections is attached as Appendix G3.

4.8.3 Consistency with Community Plans Mitigation Methods

LAND USE & ZONING

As the Proposed Action will promote the local economy, provide new job opportunities, and comply with Village's and County's Comprehensive Plan recommendations, no negative impacts from the Project relating to community plans are expected. Therefore, no mitigation measures are proposed.

ORANGE COUNTY AIRPORT

While the FAA issued a Determination of No Hazard to Air Navigation for each building structure and indicated that marking and lighting are not necessary for aviation safety, the determination does not include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. Construction equipment, which has a height greater than the studied structures, require a separate notice to the FAA, utilizing the https://oeaaa.faa.gov website.

Furthermore, it is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or, within 5 days after the construction reaches its greatest height (7460-2, Part 2).

Otherwise, no further mitigation measures are proposed.

UTILITIES

Water Supply

Since the proposed private water mains will meet code requirements for flow and pressures and the Village of Montgomery water system has sufficient capacity to serve the projected water demand, no mitigation measures are proposed.

Sewer Service

Since the existing Village of Montgomery sewer collection system has sufficient capacity to serve the projected sewer demand, no mitigation measures are proposed.

4.8.4 Consistency with Community Plans Conclusion

All potential impacts regarding the consistency with community plans for the construction of the Proposed Action have been carefully considered and analyzed. No significant unfavorable consequences with respect to community plans have been identified. Therefore, the Proposed Action will comply with and be consistent with community plans and no mitigation measures are proposed.

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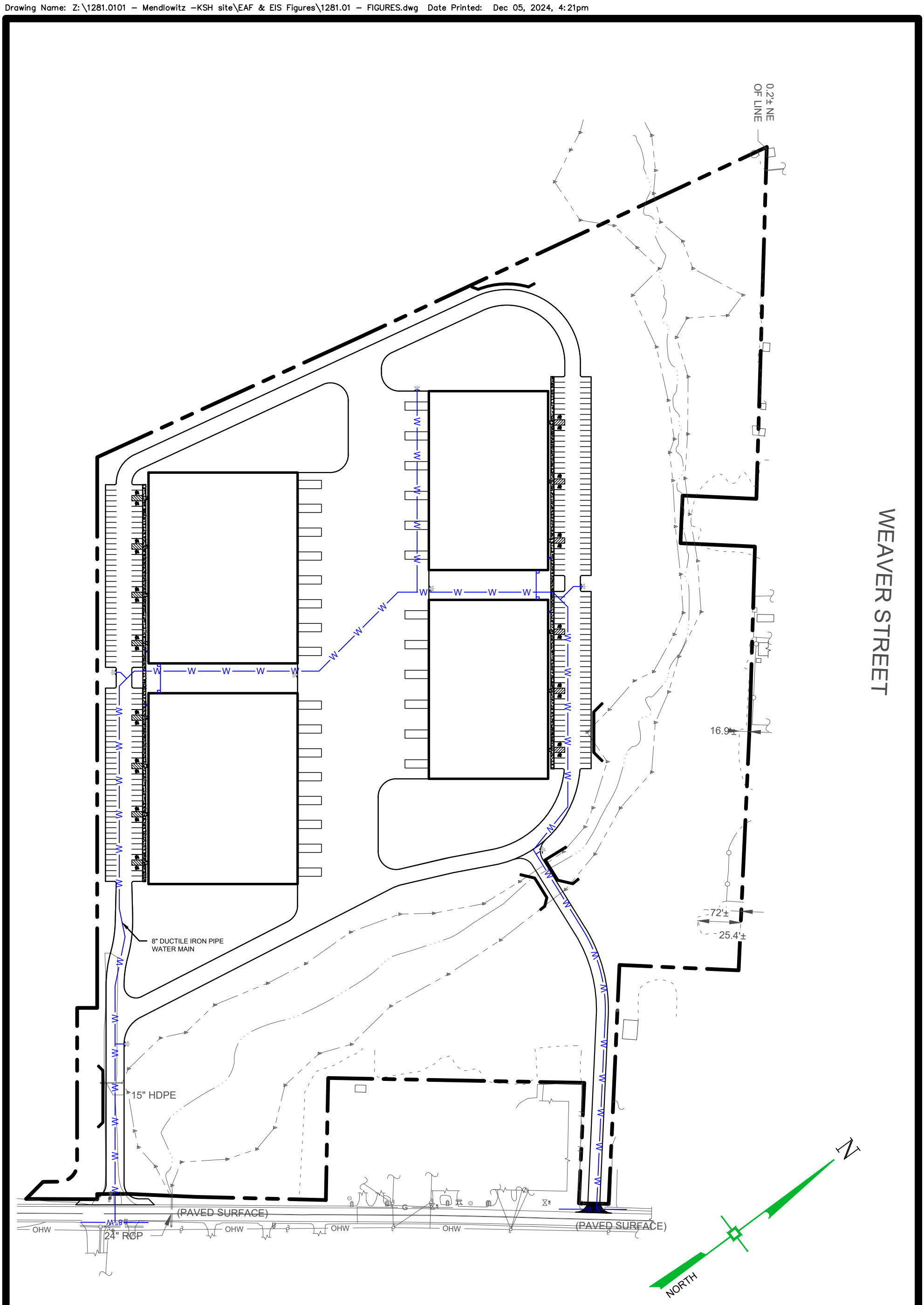

OVERALL WATER MAP	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 REV 12/05/2024	JOB # 1281.0101	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs
		SCALE: 1" = 150'	SHEET # F-4.8A	MONTGOMERY OFFICE 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 WWW.EP-PC.COM

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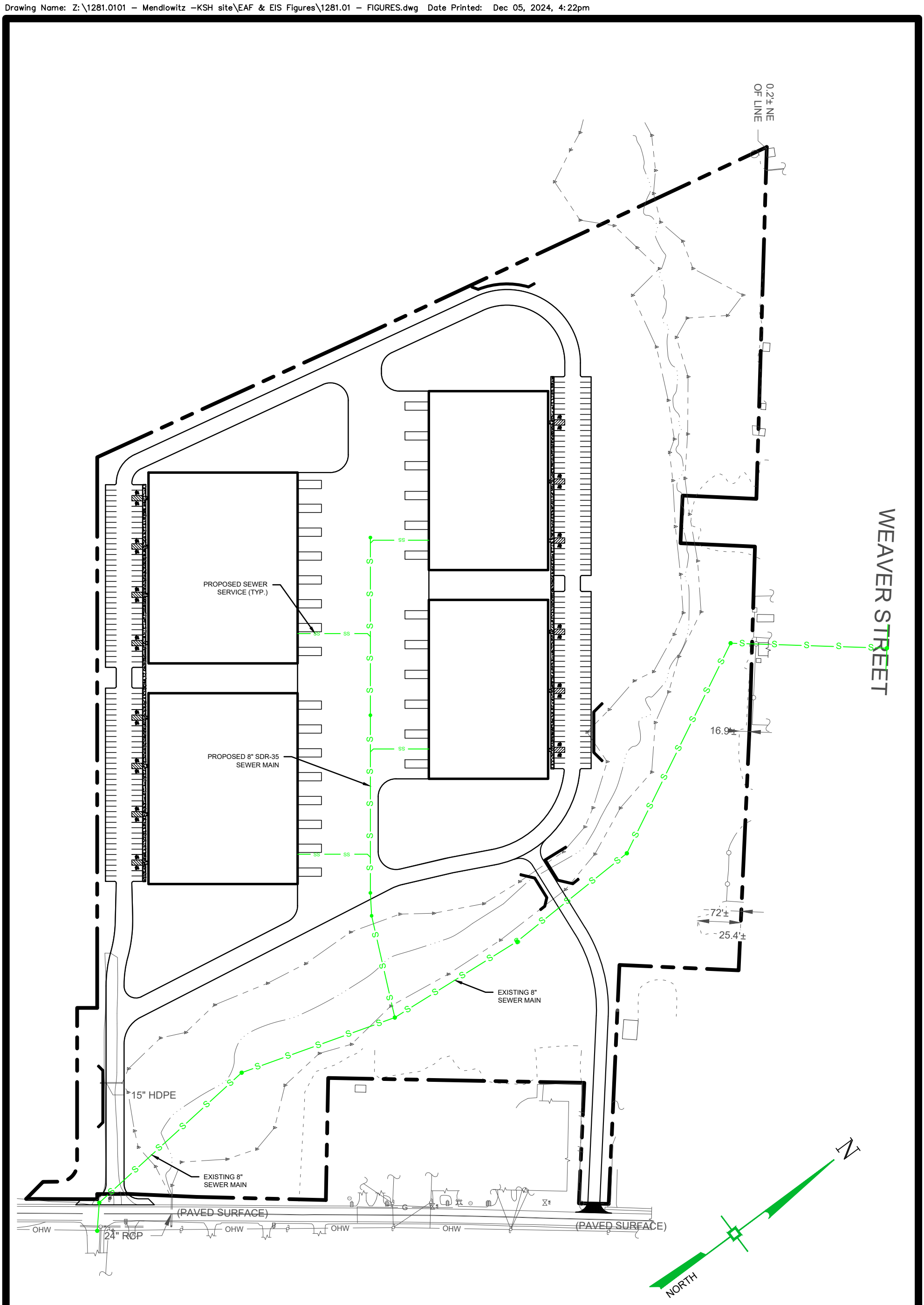

OVERALL SEWER MAP	KSH ROUTE 211 DEVELOPMENT NYS ROUTE 211 VILLAGE OF MONTGOMERY ORANGE COUNTY, NEW YORK	DATE: 12/08/2021 REV 12/05/2024 SCALE: 1" = 150'	JOB # 1281.0101 SHEET # F-4.8B	ENGINEERING & SURVEYING PROPERTIES Achieving Successful Results with Innovative Designs MONTGOMERY OFFICE 71 CLINTON STREET MONTGOMERY, NY 12549 Ph: (845) 457-7727 WWW.EP-PC.COM

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4.9 Impact on Aesthetic Resources

4.9.1 Existing Conditions

The Project is located at the southwestern edge of the Village of Montgomery which borders the Town of Montgomery. Single-family home developments are located to the north and east of the Project Site, active agricultural fields to the south and west, and scattered business uses in between. The Project is located ½ mile southwest of the Village of Montgomery's Union Street - Academy Hill Historic District. Land uses surrounding the Site consist of a mixture of residential, commercial, and agricultural. These uses co-exist together as a result of the Village of Montgomery's encouragement of agricultural activities, as well as the Village's value of residential areas for family dwellings, and support for the economic growth of local businesses to thrive in the industrially and commercially zoned areas adjacent to residential zones.

The Site itself is characterized by varying topography, natural wooded and brush vegetation. The only existing improvements on the Site are gravel roads and trails.

Recent Village zoning amendments recommend architectural design guidelines, but none have been adopted by the Village at this time. Although the architectural guidelines have not yet been published, the Applicant's understanding is that they do not specifically include standards regarding warehouses.

4.9.2 Potential Impacts on Aesthetic Resources

ARCHITECTURE

The Proposed Site will retain a vegetated environment, and through the proposed building architecture, will not detract from the historic and cultural character of the Village. The buildings will be rectangular in shape and have architectural details and building materials that act to reduce the scale of their proportionate mass. The architectural elevations and renderings, included in Appendix J2, visually depict the Proposed Project.

The parapet heights of Buildings 1 and 2 will be 35 feet tall. The parapet heights of Buildings 3 and 4 are proposed to be 45 feet tall. The project will have precast wall panels, which will be 12 feet wide with vertical and horizontal reglets to break up the flat façade, and together with use of color, will create a rhythmic pattern similar to light industrial structures of the 19th century. The upper windows are intended to provide daylight into the warehouse portions of the building and reflect similar proportions and appearance to historic factory windows, while the lower sections of storefront below the entry canopies and the adjacent windows provide daylight into the office areas. Neutral, Colonial/American style historical color palettes sourced from ochre and light umber colors are proposed to blend into the wooded area and complement the surrounding Village area.

The project design was developed to minimize visual effects as much as possible and at the same time, takes site constraints into account. The building layouts include strategic placement of the warehouse operations as far away as practicable from potential visual receptors. The building materials and colors are intended to reduce the building's visual presence within its surroundings. Due to the nature of the proposed development as a warehouse facility, windows and other reflective materials will be minimized.

Permanent open space is not regulated in the Village of Montgomery Code. However, a continuous vegetated buffer along the Weaver Street side of the Project Site will be maintained at a width of 240 feet, more than twice the required 100-foot side yard setback abutting residential uses. The vegetated buffer will also extend along Union Street and will vary from 200 to 400 feet wide, greater than the required 120-foot front yard setback abutting residential uses. Existing trees, underbrush and wetlands will be preserved within the buffer. Furthermore, a Conservation Easement that will be gratuitously offered to the Village of

Montgomery as permanent open space will be placed over the preserved vegetated buffer area on the Weaver Street side and Union Street sides of the parcel.

VISUALIZATION BALLOON/FLAG STUDY OVERLAY

A Visualization Balloon/Flag Study Overlay Report was prepared for the Proposed Action by ADG Architects and included in Appendix I4. Six selected Vantage Points were chosen in consultation with the Village of Montgomery Planning Board based upon sensitive receptor locations. These Vantage Points are where the proposed buildings will be most visible to the adjoining residences. Each photo taken was at worst-case scenario conditions during leaf-off, no-snow, and mid-day with clear conditions. A 3-D model was created of the proposed building using data from the site grading plan in Revit and stitched together with the photographs at the select vantage points to demonstrate an image of the proposed building at that vantage point. The vantage point location map and viewsheds are included in the architectural plans in Appendix J2.

The Flag Study was performed at the request of the public. Four foot by three foot red flags were mounted on existing trees at the elevation close to the building heights. All flags were set at the proposed building corners.

Vantage Point 1

Vantage Point 1 was along Union Street (NYS Route 211) and showed that Building 4 flag was not visible at this location as it is blocked by existing trees to remain. The viewshed rendering of this location proved that Buildings 3 and 4 would be visible from this vantage point. Architectural design elements will help mitigate the view of the buildings from this vantage point and landscaping will eventually soften the view as it grows in.

Vantage Point 2

Vantage Point 2 was also along Union Street north of Vantage Point 1 and demonstrated that the buildings would be visible from this vantage point. Architectural design elements will

help mitigate the view of the buildings from this vantage point and landscaping will eventually soften the view as it grows in.

Vantage Point 3

Vantage Point 3 was taken along Union Street further north of Vantage Point 2 by the proposed main entrance to the Project Site. Buildings 3 and 4 flags are not visible from this vantage point as they are blocked by the existing road and vegetation to remain. The viewshed renderings display that the buildings will be visible from this vantage point.

Vantage Point 3A

Vantage Point 3A demonstrated that the flags were not visible from this vantage point along Union Street. In the viewshed renderings, the view of the proposed buildings will be limited by the existing vegetation and buildings obstructing the view.

Vantage Point 3B

Vantage Point 3B is also along Union Street and the flags were not visible due to existing vegetation, buildings, and topography. In the viewshed renderings, the view of the proposed buildings will be limited by the existing vegetation and buildings obstructing the view.

Vantage Point 3C

Vantage Point 3C is also along Union Street and the flags are blocked by an existing building. The viewshed renderings also demonstrate that the proposed buildings will not be visible from this vantage point.

Vantage Point 4

Vantage Point 4 is along Weaver Street to the north of the project site. The flags were not visible from this vantage point due to existing vegetation. The viewshed renderings showed that the buildings would be visually obstructed by existing vegetation to remain and proposed landscaping to be planted.

Vantage Point 5

Vantage Point 5 is along Weaver Street to the east of Vantage Point 4. The flags were partially blocked by existing topography and vegetation to remain. The viewshed renderings also showed that the proposed buildings will be partially blocked by existing vegetation and proposed landscaping to be planted.

The viewshed renderings and the flag study indicated that the proposed buildings would not be visible from several vantage points. In the vantage points that the proposed buildings would be visible, there is partial view that will be obstructed by existing vegetation, buildings, and topography. Additionally, landscaping and architectural elements will be provided to aid in mitigation the potential visibility of the Proposed Action.

LANDSCAPING

A landscaping plan has been developed for the Project that supplements the existing on-site vegetation. The plan includes a variety of trees, shrubs and other plantings that will be installed around the buildings, throughout the parking lots, in the stormwater management areas, at the site access drive, and along the Union Street frontage. The design of the landscaping plan pays particular attention to enhancing the existing vegetation and provides screening buffers between the Project and adjacent residential neighbors.

The landscaping plan conforms with the Site Plan Approval section of the Village Zoning Code at Chapter §122-61.F.(26), which states the landscaping plan will detail "the number, location and species of vegetation to be planted on the site. Such plan shall also include appropriate performance criteria specifying minimum plant sizes and the measures to be taken in the event that the proposed vegetation fails to survive, flourish or otherwise meet said performance criteria". In addition, the landscaping plan will conform with the Special Exception Uses section of the Village Zoning Code at Chapter §122-47.C for Warehouse (8), which states "care shall be taken to provide an aesthetically pleasing, well-

landscaped and well-maintained facility. Parking and loading areas and required yards shall be landscaped with a mix of evergreen and deciduous trees and shrubs of varying sizes and vegetative ground cover as appropriate to the site and approved by the Planning Board".

An engineered lighting plan has been designed specifically for the Project that includes LED site lighting fixtures, which will be shielded and directed downward and will be located to eliminate excess light from leaving the Project boundary. The Lighting plan is further discussed in Section 4.6 of this Expanded Part 3 FEAF.

4.9.3 Aesthetic Resources Mitigation Measures

Development of the Project will permanently alter the natural visual appearance of the Site. Several mitigation measures are incorporated into the Project design to minimize potential visual impacts associated with the proposed development. Based on the proposed mitigation measures listed below, no adverse environmental impacts are anticipated to visual resources.

1) The architectural style, colors and construction materials of the buildings are designed to enhance and complement the overall natural setting and visual character of the Project Site.
2) Disturbance of mature vegetation along NYS Route 211 and Weaver Street is minimized to the greatest extent possible.
3) Existing vegetation is preserved to the maximum extent practical up to the limits of disturbance.
4) Supplemental landscaping with both deciduous and evergreen plant materials will be installed as per the landscaping plan to enhance year-round screening and buffering of the Site.

5) A continuous vegetated buffer along the Weaver Street side of the Project Site will be maintained at a width of 240 feet and will extend along Union Street varying from 200 to 400 feet wide. Native trees, underbrush and wetlands will be preserved within the buffer.
6) A lighting plan has been designed to reduce impacts from site lighting.
7) To mitigate the requested variances for additional building height, architectural elements to minimize the scale of the buildings are incorporated, which include the integration of the local architectural vernacular, adequate landscaping, and full cutoff site lighting.
8) If emergency power generators are required, they will be shielded from public views and will be housed in sound attenuating enclosures.

4.9.4 Aesthetic Resources Conclusion

Although the Proposed Action will construct new buildings on a currently vacant parcel, with the proposed architectural design, professional landscaping plan, and outdoor lighting layout, the Project will not adversely impact the Aesthetic Resources of the surrounding area.

5.0 Alternative Plan

If a 45-foot height variance for two of the buildings in the preferred Proposed Action Plan are not granted by the Zoning Board of Appeals, the Applicant proposed to develop an Alternate Site Plan. The proposed Alternative Action is similar to the design and layout of the Proposed Action, except that all four of the proposed buildings are 80,000 SF in size and 35 feet in height, the stormwater management areas are larger, and it does not include a Conservation Easement to be granted to the Village of Montgomery. The Alternate Overall and Site Plans are included in Appendix J3.

A qualitative comparison of environmental impacts is outlined in Table 5.0A.

Table 5.0A – Proposed Action Plan vs. Alternate Plan Comparison

Environmental Impact	Proposed Action Plan	Alternate Plan
Total Disturbance Area	20.89 Ac	21.84 Ac
Preserved Open Space by Conservation Easement	13.43 Ac	0 Ac
Impervious Surface Area	14.20 Ac	15.12
Parking Spaces	266	276
Loading Docks	28	32
Total Building Footprint	280,000 SF	320,000 SF
Total Trip Generation	128 AM / 140 PM	132 AM / 144 PM

6.0 Summary of Conclusions

As detailed above, the Proposed Action as designed and with appropriate mitigation measures offered by the Applicant, is not expected to result in any significant adverse environmental impacts. Thus, in the Applicant's opinion, a determination of non-significance or negative declaration under SEQR is warranted.

7.0 Appendices

Appendix A – Project Application & SEQRA Documentation

Appendix B – Project Correspondence

Appendix C1 – USACOE Wetlands Map

Appendix C2 – Stormwater Pollution Prevention Plan

Appendix D – Aquifer Review Report

Appendix E – Endangered Species Assessment

Appendix F – SHPO Correspondence & Phase I Archaeological Investigation

Appendix G – Traffic Impact Study

Appendix H – Sound Measurements and Impact Review

Appendix I1 – FAA Information

Appendix I2 – Water Main Extension Report

Appendix I3 – Sewer Main Connections Report

Appendix I4 -Visualization Balloon/Flag Study Overlay Report

Appendix J1 – Proposed Action Plans

Appendix J2 – Architectural Plans

Appendix J3 – Alternate Plans