

*Natural Resources Survey/Assessment
for Draft Environmental Impact Statement*

RDM Site
Neelytown Road
Town of Montgomery, New York

April 17, 2023
Revised August 28, 2024

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
121 Leon Stocker Drive
Stratton, VT 05360
(203) 910-4716

1.0 INTRODUCTION

Ecological Solutions, LLC completed a natural resources survey on seven parcels (Tax Lots 36-1-33; 36-1-11.221; 36-1-11.23; 36-1-11.1; 36-1-10.1; 36-1-11.212; and 33-1-91) containing approximately 111.47 ± acres (Site) located on Neelytown Road in the Town of Montgomery, Orange County New York (*Figure 1*). The Applicant, RDM Group (“RDM”), is proposing to develop two warehouses containing approximately 850,000 square feet (“SF”) and 278,270 SF of gross floor area, respectively, and other related site improvements, including accessory parking for employee vehicles and trucks, stormwater control measures, utility lines, dark-sky compliant lighting, signage and landscaping served by municipal sewer and water services (*Figure 2*).

Wetland impacts for the proposed project require a US Army Corps of Engineers (USACE) Nationwide Permit #39 for Commercial Development. The project has been designed to minimize disturbance to the wetlands to the maximum extent practicable. The NYSDEC wetland (MB-2) is located east of and across Neelytown Road from the site and although the regulated 100 foot Adjacent Area does cross Neelytown Road into the site there is no proposed impact that requires an Article 24 permit. To minimize impacts to the wetlands the road crossing will utilize a bottomless culvert that will span the wetland and maintain the wetland bed and provide connectivity for the movement of wildlife. Federal wetland impacts exceed 0.10 acres (0.23 acres) for site wetland/waters impacts and will require mitigation in a ratio of at least 1:1 with proposed impacts.

The data contained in this report was gathered on March 23, April 5, May 12, 20, June 4, 21, August 27, 2021, April 28, 2022, May 15, and June 3, 2024. The fieldwork occurred generally in blocks from 5:30 am to 8:30 am, 10:00 am to 2:00 pm or from 2:30 pm to 5:30 pm and totaled approximately 110 man hours. Weather conditions varied during the field visits from cool with rain to extremely hot, humid days. Large portions of the site were reviewed during each of the field visits so that the entire site was extensively evaluated. The purpose of the inventory was to document existing vegetation and habitat cover types, plant species, and wildlife species on the site.

Additional wildlife species may be located on the site at some time during their life cycle but are most likely transient. There is no species that is supported wholly by the habitats on this site. Most of the habitat on the site will be disturbed for the proposed project. Preserving as much of the wetlands as possible will provide the best travel corridors to link to habitats offsite.

2.0 METHODS

2.1 Agency Correspondence/Inquiry

As part of the environmental review for the subject site, Ecological Solutions, LLC, reviewed the Environmental Assessment Form Mapper regarding the status of rare, threatened, or endangered species on the site. The mapper indicates that Indiana bats (*Myotis sodalis*) are potentially located on or in the vicinity of the site. The US Fish and Wildlife Service (USFWS) web site for threatened and endangered species indicates that there are three additional species that may be located on or in the vicinity of the site Northern long-eared bat (*Myotis septentrionalis*), bog turtle (*Glyptemys muhlenbergii*), and small whorled pogonia (*Isotria medeoloides*). The monarch butterfly (*Danaus plexippus*) is listed as a candidate species and therefore is not protected. Although not listed for the site the bald eagle (*Haliaeetus leucocephalus*) is a New York State threatened species and is also reviewed in this report as well as the State listed endangered Northern cricket frog (*Acris crepitans*).

In addition, the wetlands on the site, were thoroughly investigated to determine if marbled salamander (*Ambystoma opacum*), Jefferson salamander (*Ambystoma jeffersonianum*), and blue spotted salamander (*Ambystoma laterale*) all NYSDEC designated "species of special concern" utilized the wetlands for breeding habitat. Other species of special concern including spotted turtle (*Clemmys guttata*), wood turtle (*Clemmys insculpta*), and Eastern box turtle (*Terrapene carolina carolina*) were also searched for during the surveys.

2.2 Ecological Community and Habitat Field Inventory

The vegetation inventory included identification of ecological communities or habitat cover types. Cover type surveys were conducted by first reviewing aerial photographs of the site and adjacent properties and subsequently by investigating the habitats on the site to identify and classify each. Within each cover type, visual searches for herbaceous and woody plant species or parts thereof, including leaves, bark, twigs, seeds, flowers, fruits, or other identifiable plant structures were conducted to identify and document vegetation on the site. Trees, shrubs, and fall flowering plants were identified to species levels where possible.

The Plot Transect method was employed for the vegetation inventory. The methods used to search for species on the site are outlined in *Biodiversity Assessment Manual for the Hudson River Estuary Corridor*.

2.2.1 Rare Plants

Specific surveys for rare plants were conducted during June 2021 and 2024 in the proposed development areas. There were no federally listed or State listed threatened, endangered, or rare species identified in the development areas.

2.3 Wildlife Field Inventory

Extensive seasonally limited field surveys were conducted for wildlife species including mammals, birds, and herpetiles (reptiles and amphibians). Special surveys were also conducted to identify and locate seasonally active species of special concern such as the marbled salamander, Jefferson salamander, and blue spotted salamander, spotted, wood turtle, and Eastern box turtle all NYSDEC designated "species of special concern".

Multiple methods were used in these surveys, as multiple methodologies increase the potential accuracy of surveys. Methods used are outlined below.

A. **Mammals.** The following survey methods that are outlined in detail in *Biodiversity Assessment Manual for the Hudson River Estuary Corridor* were utilized during the field survey:

1. Sign search, in which the observer records any recognizable signs (tracks, droppings, hair, bones, etc.) of mammal species.
2. Opportunistic mammal sightings, in which the observer identifies mammals encountered in the field at random.

Mammals were identified based on visual encounters, vocalizations, tracks, fur, bones, rubs, scrapes, droppings, and other recognizable signs in habitats throughout the site. Sampling routes were established throughout the site and wildlife was recorded as encountered.

B. **Birds.** Field methods used to survey for avian species were based on methods outlined in *Biodiversity Assessment Manual for the Hudson River Estuary Corridor* and included:

1. Walking transects where the observer records all species encountered (seen/heard) along a trail.
2. Opportunistic bird sighting, where the observer records birds encountered randomly.
3. Sign search, where the observer records signs (feathers, nests, droppings, tracks, etc.) of birds encountered in the field.

Birds were detected and identified by visual encounter with individuals, vocalizations, tracks, feathers, bones, droppings, castings, nests, drillings, or other recognizable signs.

In addition, breeding bird surveys were completed on May 12, 20, and June 4, 21, 2021 and 2024 and typically began at 5:30 am and ended at 8:30 am or occurred in early evening at around 5:30pm. May and June are the months when most birds in New York breed, although a small number of species breed anytime from January through August. June can be especially productive since many adults with food for

young and recently fledged young can be seen at that time. The NYS Breeding Bird Atlas (NYSBBA) was consulted to determine avian species that could potentially occupy or use the site. Block 5559D of the NYSBBA is attached to the end of this report

C. **Herptiles (Reptiles and Amphibians).** Field methods used to survey for herptile species were based on methods outlined in *Biodiversity Assessment Manual for the Hudson River Estuary Corridor* and included:

1. Log rolling (overturning logs, large stones, and other debris to reveal herptiles underneath).
2. Aural surveys were conducted for vocal herptiles. Herptiles were detected and identified by visual encounter, vocalizations, spermatophores, egg masses, and remains.
3. Just about the time most other amphibians are looking for places to hibernate, marbled salamanders are heading to breeding areas. The only fall breeding salamander, they seek out small areas (micro habitats) with temperatures around 60°F. The female will lay an average of 100 eggs in a nest constructed in a shallow depression under leaf litter or in a log. The female remains with the eggs until fall rains fill the nest site. Eggs will hatch within two weeks. In mild winters, larvae can feed and grow and transform in late spring or early summer. If the nest does not flood, eggs will go dormant until the following spring. The salamander larvae that hatch in fall metamorphose into terrestrial adults in late spring or June or July. The habitat they select varies with the season. During the spring and summer, the adults spend their time in sandy upland deciduous forests. They seek shelter under logs or in underground tunnels of other animals. In autumn, they congregate in groups near lowland forested habitat to breed.

Both Jefferson and blue spotted salamanders are early spring breeders and are often the first amphibians found breeding in vernal pools.

Additional surveys were conducted during May and June 2024 to identify and locate seasonally active species of special concern such as the marbled salamander, Jefferson salamander, and blue spotted salamander, spotted, eastern box, and wood turtle all NYSDEC designated "species of special concern". Habitats were walked to try to find these species on the site. The walks were at random through and around the site but no chance encounters occurred. This does not mean that any of these species could not be here or travel to this site however they were not encountered during any of the survey days from the start of the review of this site.

3.0 WETLAND IDENTIFICATION

3.1 Wetland Delineation

A Federal wetland delineation was completed on the site between January and June, 2021 and April 2022 in accordance with the Routine Delineation Method outlined in the *US Army Corps of Engineers (USACE) Wetlands Delineation Manual, Technical Report Y-87-1¹* and supplement. There is 14 acres of federal wetland located on the site connected by a small 5-8 foot wide watercourse that appears to have been man made. No other jurisdictional wetlands are located on the site. The section of the site near the Fedex facility was reviewed and no federal jurisdictional wetlands were observed. Previously it was determined by the USACE that the wetland on the Fedex property in the vicinity of the NWI mapped wetland was isolated/non jurisdictional. Finally the status of all wetlands on the site will be determined during the Nationwide permit process.

Michael Fraatz, Biologist with the NYSDEC was contacted to determine the extent of NYSDEC regulated wetlands on the site in 2021. Mr. Fraatz confirmed previously that the wetland across Neelytown Road from the project is MB-2 and that the 100 foot Adjacent Area extends across Neelytown Road into the site. Mr. Fraatz previously confirmed that there are currently no NYSDEC regulated wetlands on the site.

3.2 Wetland Functional Evaluation

An assessment of wetland functions and values was conducted on the wetland that was identified and delineated on the referenced site. Using a widely accepted method for wetland functions and values assessment developed by the New England District, U.S. Army Corps of Engineers (USACE), 13 distinct wetland functions and values were assessed for the delineated wetlands on the site. This method yielded an objective, descriptive quality index of each wetland rather than a subjective quantified rating of each wetland. This assessment had two major objectives:

1. Objectively identify the functions and values provided by the wetland identified on the site, and
2. Provide baseline data with which the Applicant could work in planning land uses, and against which the Applicant could assess potential impacts of proposed development of the site.

The descriptive quality index of the wetland, based on this methodology, is summarized in this report.

Wetland functions are chemical, physical, and biological processes that wetlands naturally perform, such as absorption of nutrients or floodwaters, or provision of habitat for fish and wildlife. Wetland values are the benefits that society derives from wetland functions, such as flood abatement, or water quality maintenance.

¹ (U.S. Army Corps of Engineers Environmental Laboratory, 1987) (1987 Federal Manual)

The functions and values assessment was based on the method outlined in *The Highway Methodology Workbook Supplement: Wetland Functions and Values, A Descriptive Approach*, by the U.S. Army Corps of Engineers New England District. This method was selected over an arbitrary numeric quantifying assessment scheme because it provides an objective, descriptive approach to functions and values assessment based on professional observation and judgment rather than a simple numeric value rating system. Quantified functions and values assessments do not always provide for descriptive information about wetlands and therefore may overlook important aspects of wetland functions and values.

The Highway Method provides for assessment of each wetland for thirteen defined functions and values. Of these, the first eight are considered wetland functions, and the last five are considered to be wetland values. These are:

1. **Groundwater Recharge/Discharge** – the potential for a wetland to serve as a recharge area for an aquifer or as a surface discharge point for groundwater.
2. **Floodflow Attenuation**– A wetland's ability to store and attenuate floodwaters during prolonged precipitation events, thereby reducing or preventing flood damage.
3. **Fish and Shellfish Habitat** – The ability of permanent or temporary water bodies to provide suitable habitat for fish or shellfish.
4. **Sediment/Toxicant/Pathogen Retention** – The effectiveness of the wetland in trapping sediments, toxicants or pathogens, thereby protecting water quality.
5. **Nutrient Removal/Retention/Transformation** – The effectiveness of the wetland at absorbing, retaining, and transforming or binding excess nutrients, thereby protecting water quality.
6. **Production Export** – The wetland's ability to produce food or usable products for humans or other living organisms.
7. **Sediment/Shoreline Stabilization** – The wetland's ability to prevent erosion and sedimentation by stabilizing soils along stream banks or the shorelines of water bodies.
8. **Wildlife Habitat** – The ability of wetlands to provide food, water, cover, or space for wildlife populations typically associated with wetlands or their adjacent areas, both resident and migratory.
9. **Recreation** – The value placed on a wetland by society for providing consumptive and non-consumptive as well as active or passive recreational opportunities such as canoeing/boating, fishing, hunting, bird/wildlife watching, hiking, etc.

10. **Education/Scientific Value** – The value placed on a wetland by society for providing subjects for scientific study or research or providing a teaching resource for schools.

11. **Uniqueness/Heritage** – The value placed on a wetland by society for having unique characteristics such as archaeological or historical value, unusual aesthetic qualities, or unique plants, animals, or geologic features, etc.

12. **Visual Quality/Aesthetics** – The value placed on a wetland by society for having visual and/or other aesthetic qualities.

13. **Threatened or Endangered Species Habitat** – The value placed on a wetland by society for effectively harboring or providing habitat for threatened or endangered species.

Findings of the assessment are outlined below.

Red Maple Hardwood Swamp – Functions and values provided by the forested wetlands on the site include groundwater recharge, floodflow attenuation, sediment trapping, nutrient removal, production export, wildlife habitat, and visual quality. Of these, the most significant functions of the based on extent of rationale in identifying functions and values, are floodflow attenuation, sediment trapping, and wildlife habitat.

3.3 Anticipated Impacts to Wetlands, NYSDEC Wetland Adjacent Area, and Waterbodies

The proposed development of the site will require a Federal Section 404 Nationwide Permit for development activities associated with the placement of wetland fill totaling 0.23 acres.

The regulated wetlands on the site will continue to provide the same functional benefits after completion of the proposed development of the site including: maintenance of flood, erosion and storm control; control of pollution and sedimentation; and provision of area for wildlife habitat. A proposed box culvert for the crossing will allow the hydrology of the wetland to remain intact. The wetland mitigation area will contribute to any lost wetland function resulting from impacts.

Short-term physical impacts to regulated wetlands on the site will be minimized by the use of erosion controls throughout the site especially in critical areas adjacent to regulated wetlands. No NYSDEC regulated watercourse will be impacted as a result of the proposed development.

3.4 Wetland Mitigation

Avoidance

Disturbances to USACE regulated wetlands are proposed and total 0.23 acres for access into the site. A Section 404 Nationwide Permit #39 for Commercial Developments will be obtained from the USACE for all wetland fill impacts.

Mitigation

Wetland mitigation is required by the USACE for the proposed crossing. A wetland mitigation plan will be submitted to the USACE for approval during the permit process. As mitigation for the jurisdictional wetland impacts (0.23 acres) associated with the crossing, approximately 1:2 or 0.50 acres of compensatory wetland establishment will be provided on the site in a location to be determined in consultation with the USACE. A wetland habitat will be created to offset impacts with the same function as the impacted area.

Typical native wetland mitigation plantings (shrubs) include:

Cornus stolonifera - Red Osier Dogwood

Viburnum dentatum - Arrowwood

Cletrha alnifolia - Sweet Pepperbush

Ilex verticillata - Winterberry

Lindera benzoin - Spicebush

Vaccinium corymbosum - Highbush Blueberry

Stormwater Measures

A Stormwater Pollution Prevention Plan (SWPPP) prepared by Colliers Engineering & Design details the steps necessary to control stormwater generated on the site as a result of increased impervious surfaces. According to the report, the site has been designed to facilitate stormwater movement and purification especially for salt and sand use on site roads. Land areas that are not collected by the stormwater management system will sheet flow off the site through natural patterns and surface conditions. The creation of detention basins will function to maintain post-development peak stormwater discharges to at and below their pre-development levels.

The proposed development is designed to integrate the existing runoff patterns and natural features with little disturbance. The natural features on-site will provide environmentally preferred stormwater management mitigation by improving runoff quality through the use of open-channel/wetland filtration, absorption, and evaporation. The stormwater analysis illustrates that the proposed system will function properly, provide water quality enhancements, and require minimal maintenance to insure continued performance. During construction appropriate soil erosion and sediment control measures will reduce any potential impacts to these regulated resources.

Additional mitigation offered by the site owner to replace any lost functions of the isolated and non-jurisdictional wetland include Stormwater Quality Management Basins or Detention Ponds that will be provided on the site for nutrient removal and water quality improvement.

4.0 FINDINGS

4.1 Habitat

There is several distinct dominant cover types identified on the site. Approximate physical impacts to each habitat type are shown and listed in *Table 1* as identified in the project Environmental Assessment Form.

**TABLE 1
HABITAT COVER TYPE IMPACTS**

NO.		ACRES IDENTIFIED (APPROXIMATE)	PROPOSED IMPACTS
1	Mesophytic Forest	46.05	38.13
2	Successional Old Field/Developed Area	51.46	12.60
3	Red Maple Hardwood Swamp	14.00	0.23

4.1-1 Terrestrial System

The terrestrial system consists of upland habitats. These habitats have well-drained soils that are dry to mesic (never hydric), and vegetative cover that is never predominantly hydrophytic, even if the soil surface is occasionally or seasonally flooded or saturated. In other words, this is a broadly defined system that includes everything except aquatic, wetland, and subterranean communities.

OPEN UPLANDS

This subsystem includes upland communities with less than 25% canopy cover of trees; the dominant species in these communities are shrubs, herbs, or cryptogammic plants (mosses, lichens, etc.). Three distinctive physiognomic types are included in this subsystem. Grasslands include communities that are dominated by grasses and sedges; they may include scattered shrubs (never more than 50% cover of shrubs), and scattered trees (usually less than one tree per acre, or 3 trees per hectare). Meadows include communities with forbs, grasses, sedges, and shrubs codominant; they may include scattered trees. Shrublands include communities that are dominated by shrubs (more than 50% cover of shrubs); they may include scattered trees.

Successional Old Field

The old-field or meadow areas on the site are dominated by forbs and grasses. Characteristic herbs include goldenrods (*Solidago altissima*, *S. nemoralis*, *S. rugosa*, *S. juncea*, *S. canadensis*, and *Euthamia graminifolia*), bluegrasses (*Poa pratensis*, *P. compressa*), timothy (*Phleum pratense*), quackgrass (*Agropyron repens*), smooth brome (*Bromus inermis*), sweet vernal grass (*Anthoxanthum odoratum*), orchard grass (*Dactylis glomerata*), common chickweed (*Cerastium arvense*), common evening primrose (*Oenothera biennis*), oldfield cinquefoil (*Potentilla simplex*), calico aster (*Aster lateriflorus*), New England aster (*Aster novae-angliae*), wild strawberry (*Fragaria virginiana*), Queen-Anne's lace (*Daucus carota*), ragweed (*Ambrosia artemisiifolia*), hawkweeds (*Hieracium* spp.), dandelion (*Taraxacum officinale*), and ox-tongue (*Picris hieracioides*). Shrubs are present, but collectively they have less than 50% cover in the community. Characteristic shrubs include gray dogwood (*Cornus foemina* ssp. *racemosa*), silky dogwood (*Cornus amomum*), arrowwood (*Viburnum recognitum*), raspberries (*Rubus* spp.), sumac (*Rhus typhina*, *R. glabra*), and eastern red cedar (*Juniperus virginiana*). This is a relatively short-lived community that will succeed to a shrubland, woodland, or forest community if not maintained.

FORESTED UPLANDS

This subsystem includes upland communities with more than 60% canopy cover of trees; these communities occur on substrates with less than 50% rock outcrop or shallow soil over bedrock.

Mesophytic Forest Community

This mesophytic hardwood forest is a young successional forest that occurs on areas of well-drained portions of the site generally on the upper slopes. The soils are loams or silty loams. The dominant trees include one or more of the following oaks: white oak (*Quercus alba*) and black oak (*Quercus velutina*). Mixed with the oaks, at lower densities, are quaking aspen, (*Populus tremuloides*), black cherry (*Prunus serotina*), pignut hickory (*Carya glabra*), shagbark hickory (*Carya ovata*), white ash (*Fraxinus americana*), red maple (*Acer rubrum*), and Eastern hop hornbeam (*Ostrya virginiana*). The trees are generally in same age class within sections of the site with a large section of containing trees in the 4-8 inch dbh range. The subcanopy stratum contains small trees and tall shrubs including flowering dogwood (*Cornus florida*), witch hazel (*Hamamelis virginiana*), shadbush (*Amelanchier arborea*), and choke cherry (*Prunus virginiana*). Common low shrubs include red raspberry (*Rubus idaeus*), and gray dogwood (*Cornus racemosa*). The shrub layer and groundlayer flora are more diverse. Characteristic groundlayer herbs are Pennsylvania sedge (*Carex pensylvanica*), tick-trefoil (*Desmodium glutinosum*, *D. paniculatum*), white goldenrod (*Solidago bicolor*), and hepatica (*Hepatica americana*).

4.1-2 PALUSTRINE SYSTEM

The palustrine system consists of non-tidal, perennial wetlands characterized by emergent vegetation. The system includes wetlands permanently saturated by seepage, permanently flooded wetlands, and wetlands that are seasonally or intermittently flooded (these may be seasonally dry) with vegetative cover that is predominantly hydrophytic with hydric soils. Wetland communities on the site are distinguished by their plant composition (hydrophytes), substrate (hydric soils), and hydrologic regime (frequency of flooding).

OPEN MINERAL SOIL WETLANDS

This subsystem includes wetlands with less than 50% canopy cover of trees. In this classification, a tree is defined as a woody plant usually having one principal stem or trunk, a definite crown shape, and characteristically reaching a mature height of at least 16 ft (5 m). The dominant vegetation may include shrubs or herbs. Substrates range from mineral soils or bedrock to well-decomposed organic soils (muck). Fluctuating water levels allow enough aeration of the substrate to allow plant litter to decompose, so there is little or no accumulation of peat.

Red Maple Hardwood Swamp

In general on the site this ecological community is a type of hardwood swamp that occurs in poorly drained depressions usually on inorganic soils in New York State. Red maple (*Acer rubrum*) is dominant and the co dominants consist of American elm (*Ulmus Americana*), swamp white oak, (*Quercus bicolor*) and pin oak (*Quercus palustris*). The shrub layer consists mainly of arrowwood (*Viburnum recognitum*), silky dogwood (*Cornus amoemum*) and smooth alder (*Alnus serrulata*). The herbaceous layer contains skunk cabbage (*Symplocarpus foetidus*), tussock sedge (*Carex stricta*), sensitive fern (*Onoclea sensibilis*), and sphagnum moss (*Sphagnum spp.*). This ecological community occurs in the protected wetlands. This ecological community will remain almost completely undisturbed by the proposed development. The forested landscape on the site is identified as (Rich Mesophytic Forest) or middle age climax forest. Mixed age second growth trees ranged in size from 6 to 12 inches diameter at breast height (dbh), with larger specimen trees in the 20 - 24 inches dbh range scattered throughout the wooded area on the site.

4.2 Wildlife

4.2.1 Breeding Birds

The following is a list of breeding birds identified on the site from 2021 through 2024. Appendix 1 is a list of breeding birds. Most of the species were found in multiple habitats although some were observed in specific habitats. The list of observed species includes: wild turkey (*Meleagris gallopavo*), turkey vulture (*Cathartes aura*), broad-winged hawk (*Buteo platypterus*), red-tailed hawk (*Buteo jamaicensis*), mourning dove (*Zenaida macroura*), ruby throated hummingbird (*Archilochus colubris*), yellow-bellied sapsucker (*Sphyrapicus varius*), Northern flicker (*Colaptes auratus*), Eastern wood-pewee (*Contopus virens*), Eastern phoebe (*Sayornis phoebe*), red-eyed vireo (*Vireo olivaceus*), blue jay (*Cyanocitta cristata*), American crow (*Corvus brachyrhynchos*), barn swallow (*Hirundo rustica*), black-capped chickadee (*Poecile atricapillus*), house wren (*Troglodytes aedon*), Eastern bluebird (*Sialia sialis*), American robin (*Turdus migratorius*), gray catbird (*Dumetella carolinensis*), Northern mockingbird (*Mimus polyglottos*), European starling (*Sturnus vulgaris*), yellow warbler (*Dendroica petechia*), common yellowthroat (*Geothlypis trichas*), field sparrow (*Spizella pusilla*), song sparrow (*Melospiza melodia*), Northern cardinal (*Cardinalis cardinalis*), red-winged blackbird (*Agelaius phoeniceus*), indigo bunting (*Passerina cyanea*), common grackle (*Quiscalus quiscula*), and American goldfinch (*Carduelis tristis*).

4.2.2 Mammals

The following is a list of breeding birds identified on the site in from 2021 through 2024. Most of the species were found in multiple habitats although some were observed in specific habitats. The list of observed species includes: star-nosed mole, deer mouse, Gray Squirrel, Eastern chipmunk, woodchuck, Eastern cottontail, raccoon, striped skunk, red fox, and white-tailed deer.

4.2.3 Herptiles (Reptiles and Amphibians)

The following is a list of herpetiles identified on the site in 2021 and verified in 2024. Most of the species were found in multiple habitats although some were observed in specific habitats. The list of observed species includes: red-backed salamander, spring peeper, wood frog, gray tree frog, and green frog. All of the species identified were observed in and around about 20-30 feet of the wetlands on the site. No species of special concern (wood turtle, spotted turtle, Eastern box turtle) were identified on the site.

There is potential habitat on the site for both spotted turtle (ponded wetland area) and Eastern box turtle (uplands and wetlands) but neither of these species was observed during the site visits. Potential habitat will remain on the site for the spotted turtle which relies on shallow water bodies, including unpolluted bogs, pond edges, ditches, marshes, fens, vernal pools, red maple swamps, and slow-moving streams. Water bodies with a soft, murky bottom and abundant aquatic vegetation are preferred. Spotted turtles will seek out other wetlands if their habitat becomes unsuitable. This species was not observed on the site.

Eastern box turtles are predominantly terrestrial and live in a variety of vegetative areas, including shrubby grasslands, marshy meadows, open woodlands and field forest edges. They are often found near streams or ponds, or areas that have experienced heavy rainfall. Much of the upland habitat will be impacted with a section preserved at the southern section of the site near the wetland. This species was not observed on the site.

5.0 POTENTIAL THREATENED/ENDANGERED SPECIES

5.1 Indiana bat

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

5.1.1 Effects from Tree Clearing

The impacts of tree clearing on Indiana bats suggest that clearing activities could have an adverse impact on active roost trees. Such impacts will be avoided by conducting all clearing between October 1 and March 31 when Indiana bats will be in hibernation off site. While this minimization and avoidance measure avoids the direct effect on the bats of immediate mortality, it will have the indirect effect of decreasing the amount of potential foraging and roosting habitat within the summer range of the bats that may use the project site. Based on review of aerial mapping there is approximately 4,600.5 acres of forested habitat on and within a 2.5 mile radius of the site (*Figure 3*). There is 46.05 acres of available forested habitat within the site. Proposed clearing for the project will remove 38.13 acres of forested habitat, which represents 83% of forested habitat on the site, but only 0.889% of potentially available forested habitat within 2.5 miles of the site.

This impact will minimally affect the bats when they return to the site in the spring by requiring them to search for new foraging and potential roosting areas at a time of year when they have many energetic demands on them, including recovering from hibernation, and gestating young. Expenditure of additional energy in searching for new foraging and roosting habitat could result in decreased reproductive success, since energy that could be dedicated to gestation will be used in searching for foraging and roosting

habitat. It is reasonable to estimate that a reproductive female or females could be affected by decreased reproductive success. This effect could be expected for the first season following site work, but once they have identified new foraging and roosting sites, it is likely that reproductive success and foraging and roosting behavior patterns will stabilize (Hicks 2009).

The applicant is proposing to plant a minimum of 30 shagbark hickory (*Carya ovata*) trees, in open areas around the facility and along the proposed access road which, when mature, may be used as roost trees by Indiana bats.

The potential for tree removal is considered likely to adversely affect Indiana bats on the site since it may cause a change in behavior of the bats as they search for new foraging and roosting habitat upon arrival from overwintering. The removal of trees on the site will only occur when the Indiana bat is not on the site from October 1 through March 31.

5.1.2 Effects from Noise

Noise generated by construction equipment during the following activities could disturb roosting bats during the day however all outdoor construction work is anticipated to occur when the Indiana bat is in hibernation.

No construction operations are anticipated on the site at night. Gardner, et al. (1991) suggested that noise and exhaust fumes from machinery could disturb roosting colonies of bats, but such disturbance would have to be very severe to cause roost abandonment. While noise during tree clearing may be more severe, this activity is scheduled to take place when the bats will not be on the site, so it will avoid exposure. Since noise levels are not likely to significantly exceed ambient noise levels of a busy commercial area during the summer months, the effects of noise from the ongoing operation of this project are not likely to adversely effect Indiana bats, because such effects are insignificant, discountable, and cannot be detected or measured.

5.1.3 Effects from Dust

Airborne dust from earth moving activities is a short-term temporary effect, occurring only during activities in the daytime, and abating at night when relative humidity increases, causing dust to settle. Suspended dust could interfere with roosting bats if it causes respiratory distress or coats their fur, causing them to relocate to roosts farther offsite. Contractors will be required to implement dust control best management practices (e.g.: watering disturbed soil areas) during the day, which will minimize this effect. As such, dust levels are not anticipated to reach a level of harm or harassment (take), and any effect on Indiana bats could not be meaningfully measured and therefore, dust is not likely to adversely effect Indiana bats.

5.1.4 Effects from Runoff on Water Quality

Stormwater runoff from disturbed soil during construction, and from operation of the facility could contaminate surface waters on the site, rendering it unfit for bats to drink, or interfering with breeding of

aquatic insects on which bats may feed. These effects will be avoided by the implementation of soil conservation best management practices during construction to avoid siltation of surface waters. Prevention of soil erosion and sedimentation through soil conservation best management practices, and avoidance of surface water contamination from stormwater runoff through stormwater treatment will render this effect insignificant, discountable, extremely unlikely to occur, and undetectable. Therefore, effects from runoff on water quality are not likely to adversely affect Indiana bats.

5.1.5 Effects from Lighting

Lighting is not anticipated during construction, but site lights will be installed for operation of the facility once it is constructed. While lighting may cause bats to forage elsewhere, it is not likely to alter their roosting behavior beyond the impact of tree clearing so this effect would be insignificant and discountable. Lighting may affect Indiana bats, but is not likely to adversely affect them. The proposed facility will have site lights with tops that direct light downwards so as not to interfere with bat foraging.

5.1.6 Effects from Increased Human Activity

Construction activity and operation of facility will increase short-term general human activity on the site during construction, and increase the proximity of human activity and presence to potential foraging and roosting habitat for Indiana bats. Based on the proximity of known roost trees in this area of Montgomery/Hamptonburg construction of the proposed building and an increase in human activity it is assumed that proximity to human activity does not adversely affect Indiana bats. Since this effect is insignificant and discountable, and cannot be meaningfully measured, it is not likely to adversely affect Indiana bats.

Conclusion - Activities during construction will include clearing trees, grading and earth-moving, building construction, addition of electric lights, increasing impervious surface area and altering site drainage. These actions may result in direct and indirect effects on Indiana bats by altering the quality and quantity of their summer habitat. Such alterations include generating noise, generating dust, decreasing water quality, and creating visual disturbances. All of the proposed tree clearing will take place between October 1 and March 31 the time that this species is in hibernation so no individuals of the species will be directly harmed by the site construction. The proposed conservation measures to be employed so that there is no adverse impact to this species include:

- Preserving the regulated wetlands on the site which can potentially be used by bats as foraging and travel corridors;
- Site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and which are designed to not interfere with potential bat foraging activities;
- Implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation to surface waters;

- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent over clearing of the site, and;
- Stormwater pond/s if required will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed.

5.2 Northern long-eared bat

Winter Habitat: Same as the Indiana bat northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.

Summer Habitat: During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

Feeding Habits: Northern long-eared bats emerge at dusk to fly through the understory of forested hillsides and ridges feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation. This bat also feeds by gleaning motionless insects from vegetation and water surfaces.

Conclusion - The northern long eared bat requires/occupies practically the same habitat niche as the Indiana bat. Impacts to habitat and mitigation would be consistent with the recommendations for the Indiana bat.

5.3 Bog turtle

According to the U.S. Fish and Wildlife Service, in the 2001 Bog Turtle (*Clemmys muhlenbergii*), Northern Population Recovery Plan. Hadley, Massachusetts. 103 pp. last revised on April 13, 2006 bog turtle habitat is recognized by three criteria:

1. **Suitable hydrology.** Bog turtle wetlands are typically spring-fed with shallow surface water or saturated soils present year-round, although in summer the wet area(s) may be restricted to near spring head(s). Typically these wetlands are interspersed with dry and wet pockets. There is often subsurface flow. In addition, shallow rivulets (less than 4 inches deep) or pseudo-rivulets are often present.

2. **Suitable soils.** Usually a bottom substrate of permanently saturated organic or mineral soils. These are often soft, mucky-like soils (this does not refer to a technical soil type); you will usually sink to your ankles (3-5 inches) or deeper in muck, although in degraded wetlands or summers of dry years this may be limited

to areas near spring heads or drainage ditches. In some portions of the species' range, the soft substrate consists of scattered pockets of peat instead of muck (Figure 4).

3. Suitable vegetation. Dominant vegetation of low grasses and sedges (in emergent wetlands), often with a scrub-shrub wetland component. Common emergent vegetation includes, but is not limited to: tussock sedge (*Carex stricta*), soft rush (*Juncus effusus*), rice cut grass (*Leersia oryzoides*), sensitive fern (*Onoclea sensibilis*), tearthumbs (*Polygonum spp.*), jewelweeds (*Impatiens spp.*), arrowheads (*Sagittaria spp.*), skunk cabbage (*Symplocarpus foetidus*), panic grasses (*Panicum spp.*), other sedges (*Carex spp.*), spike rushes (*Eleocharis spp.*), grass-of-Parnassus (*Parnassia glauca*), shrubby cinquefoil (*Dasiphora fruticosa*), sweet-flag (*Acorus calamus*), and in disturbed sites, reed canary grass (*Phalaris arundinacea*) or purple loosestrife (*Lythrum salicaria*). Common scrub-shrub species include alder (*Alnus spp.*), red maple (*Acer rubrum*), willow (*Salix spp.*), tamarack (*Larix laricina*), and in disturbed sites, multiflora rose (*Rosa multiflora*). Some forested wetland habitats are suitable given hydrology, soils and/or historic land use. These forested wetlands include red maple, tamarack, and cedar swamps.

Conclusion - The wetland is a forested wetland that is dry at the surface and has an intermittent small man made swale draining down the site boundary to Neelytown Road and along this road. This surface flow has inconsistent hydrology and no groundwater seeps. Soils here are also dry except for the immediate tributary area and no groundwater hydrology of rivulets or mucky soils was observed. There is no potential bog turtle habitat on or in the vicinity of the site.

5.4 Small whorled pogonia

The small whorled pogonia is a member of the orchid family. It usually has a single grayish-green stem that grows about 10 inches tall when in flower and about 14 inches when bearing fruit. The plant is named for the whorl of five or six leaves near the top of the stem and beneath the flower. The leaves are grayish-green, somewhat oblong and 1 to 3.5 inches long. The single or paired greenish-yellow flowers are about 0.5 to 1 inch long and appear in May or June. The fruit, an upright ellipsoid capsule, appears later in the year. This orchid grows in older hardwood stands of beech, birch, maple, oak, and hickory that have an open understory. Sometimes it grows in stands of softwoods such as hemlock. It prefers acidic soils with a thick layer of dead leaves, often on slopes near small streams.

Conclusion - There is no potential habitat for this species since there is no older growth forest on the site but rather young woods with a thick dense understory.

5.5 Bald eagle

Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on man-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed

with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist.

Conclusion - There was no eagle activity or nests observed on the site and based on aerial mapping the nearest potential appropriate nesting area is the Wallkill River more than 1 mile from the site. The NYSDEC is concerned when impacts occur within 0.5 miles of a project. No adverse impacts to the bald eagle are likely from the proposed project. The NYSDEC will review the project for potential impacts to listed species during the SEQR review.

5.6 Monarch butterfly

Monarchs, like all other butterflies and moths, go through egg, larval (caterpillar), chrysalis (pupa), and adult stages. Monarch caterpillars ingest milkweed that contains a toxic compound. The presence of this toxin is used by the monarch butterfly as a defense against predators.

In late August, masses of monarch butterflies begin an epic migration stretching thousands of miles from areas across the United States and as far north as Canada (east of the Rocky Mountains) to overwinter in mountaintops of Central Mexico.

Conclusion – There is 51.46 acres of successional field habitat which is potential habitat for the monarch butterfly and all of this habitat will be impacted as part of the proposed development. Open field habitat areas are abundant in this area and this species will not be in jeopardy as a result of the proposed project but rather will utilize offsite habitats. There is no substantial mitigation proposed since this species is not protected by the USFWS or the NYSDEC.

5.7 Northern cricket frog

Within its range, the Northern Cricket Frog inhabits sunny, shallow ponds with abundant vegetation in the water or on the shores. Slow moving, algae-filled watercourses with sunny banks are the preferred habitat. Deep water is generally avoided. Males are typically found calling from floating mats of vegetation and organic debris. The NYSDEC has no record of this species occupying habitat on Neelytown Road.

Conclusion – Two visual and auditory surveys were completed in May and June 2024 and determined that this species was not utilizing the site.

6.0 ANTICIPATED IMPACTS

The proposed development and its appurtenant features will necessarily require clearing of upland forest and successional field habitat. Earth moving (excavation, filling, and grading), operation of heavy machinery, construction, alteration of existing drainage patterns, addition of impervious surfaces, changes in traffic patterns, and increased human activity will occur on the subject site. Anticipated impacts from these activities are outlined below.

6.1 Impacts to Vegetation and Cover Types

1. **Mesophytic Forest Loss.** The proposed activities will require the removal of approximately 38.13 acres or 83 percent of this cover type from the site.
2. **Successional Old Field Loss.** The proposed activities will require the removal of about 25 percent of this cover type from the site.
3. **Red Maple Hardwood Swamp.** Development activities have been planned to generally avoid impacts to wetlands except for one crossing into the site. Approximately 0.23 acres of impact is associated with the proposed project and a Federal Nationwide permit is required for the crossing.
4. **Forest Fragmentation.** About 7.92 acres of the forest area will remain. Loss of forest on this site alters site biodiversity because only 17 percent of this habitat will remain intact. Potential fragmentation of the forest habitat within 2.5 miles of the site although not significant amounts to 0.88 percent of the total 4,600.5 acres of forest in this radius.
5. **Habitat Fragmentation.** Habitat fragmentation differs from forest fragmentation in that forest fragmentation is the practice of opening up closed forest canopy, allowing edge-oriented species to penetrate into areas of the forest that they probably would not reach before. While this adversely impacts forest interior species, it potentially benefits edge species.

Habitat fragmentation is the separation and isolation of habitats and wildlife populations by placing impenetrable barriers between habitats that prevent mixing formerly connected or adjacent wildlife populations creating "habitat islands".

The proposed project leaves most of the wetland intact except for minor impacts due to road crossings and other features. Most upland habitat will be removed from the site however within a 2.5 mile radius habitat fragmentation from development of the site is less important for wildlife due to available habitats in the vicinity of the site.

6.2 Impacts to Wildlife

A. All Species. All wildlife species require food, water, and cover. Trees and woody plants provide two of these directly. Many wildlife species, particularly birds, shift their food habits seasonally. Many winter seedeaters switch to insects in summer. Some wildlife species are resident (they are present in the same general area all year). Many others are migratory. The main migratory periods in our area are: spring (April 15 through June 1); fall (August 15 through October 1). Migratory species are present only when passing through, or during part of the year. Some species are here only in the summer and leave for warmer climates during the winter. Others breed north of us and are present only during winter. A few species exhibit altitudinal migrations. That is, they spend part of the year at high elevations (summer, usually) and part of the year at low elevations (winter, usually). Direct impacts to wildlife biodiversity from the proposed development will primarily be displacement and some direct loss especially to species that spend a large percentage of their life cycle underground. Most species found on the site are typically found in suburban settings especially in Montgomery and may have already adapted to proximal human habitation. These species will remain on available lands in the vicinity of the site. The site development will include fencing (surrounding stormwater basins, atop any retaining walls in excess of 30" in height, etc.) that will impede wildlife movements through the site.

B. General Species Migration Patterns. The impact of habitat modification is most relevant for forest species, which includes most of the key species (forest interior birds, large mammals, amphibians and most reptiles. Of these species classes the less mobile amphibians and reptiles are more vulnerable to migratory barriers. Impacts to a site on a local level will not significantly affect large mammal, or migratory bird species movements since these species are highly mobile and not typically confined to small corridors within a site. Regulated wetlands on the site are left virtually intact and are considered the most likely migratory corridors for wildlife species on the site, especially the more sensitive species of amphibians and reptiles. The prime migratory corridors and wildlife destinations for breeding found in the regulated wetlands will remain. The wetland crossing is designed to allow adequate clearance and space for amphibian and reptilian movement through this portion of the regulated wetland complex. Birds and mammals require no extraordinary measures to secure passage through this area.

C. Threatened/Endangered Species. Please see Section 5.0. No other threatened or endangered species from the USFWS list or identified by the NYSDEC have the potential to be on the site.

D. Species of Special Concern. There were no marbled, blue spotted, or Jefferson salamanders or evidence of breeding by these species on the site. Also no spotted, eastern box, or wood turtle were observed on the site.

7.0 MITIGATION MEASURES

As noted above, impacts relating to the wetland crossing was avoided as much as practicable. In addition, mitigation measures for the potential impacts are outlined below.

7.1 Mitigation For Impacts to Vegetation and Cover Types

The Applicant will minimize impacts by establishing undisturbed, naturally vegetated zones demarcated in the field by orange construction fencing and by clearing only necessary areas within the Limit of Disturbance area.

The upland forest areas impacted by the developments will not be fully replaced but will be enhanced by revegetating corridors with native plant material (shagbark hickory). Native plantings may provide wildlife with some habitat and food source. Connecting corridors do not have to be entirely unbroken, as long as breaks in the natural vegetation are not excessive.

The wetlands on the site provide year-round habitat for most of the species located there. The site will continue to be “connected” to adjacent properties so that a potential wildlife migratory route remains.

7.2 Mitigation for Wildlife Impacts

Wildlife displacement from the site will occur since most of the habitat will be impacted except for the 14 acres of site wetlands. In as much as possible earth moving and tree clearing activities should occur between October 1 and March 31 to avoid any direct impacts to Indiana bats potentially utilizing the site. In addition, the USFWS in conjunction with the NYSDEC suggest that no dyes or chemicals be placed in stormwater detention facilities that could result in wildlife impacts. Fencing (surrounding stormwater basins, atop any retaining walls in excess of 30” in height, etc.) may impede wildlife movements. As mitigation a post and rail style fence should allow wildlife to traverse freely above, below, and through the site fencing.

8.0 ALTERNATIVE SITE DESIGN MEASURES

A. Alternative Sites

This alternative was not addressed because no alternative sites have been identified for ecological review.

B. Alternative Site Layout

The “alternative site layout” would retain three buildings with the same or similar square footage, driveways and access points, and trailer storage, would result in the same or substantially similar disturbance to jurisdictional wetlands as the Proposed Action and would involve the same impacts to plants and animals as described above.

C. No Action Alternative

The “no action” alternative means the site does not get developed with a warehouse, despite the site being in the I-1 General Industry zoning district. Leaving the site undeveloped means the wetlands, wetland adjacent areas, and the remainder of the site would remain in its current condition.

D. Amended Zoning Alternative

This alternative was not addressed because no alternative was provided for ecological review.

E. Neelytown Road Access Alternative

This alternative would eliminate any driveways to Beaver Dam Road and provide access to the Project Site exclusively from Neelytown Road. It also consolidates all the Neelytown Road driveways to one central drive. This site layout would result in approximately 0.57 acres of disturbance to federal jurisdictional wetlands on site.

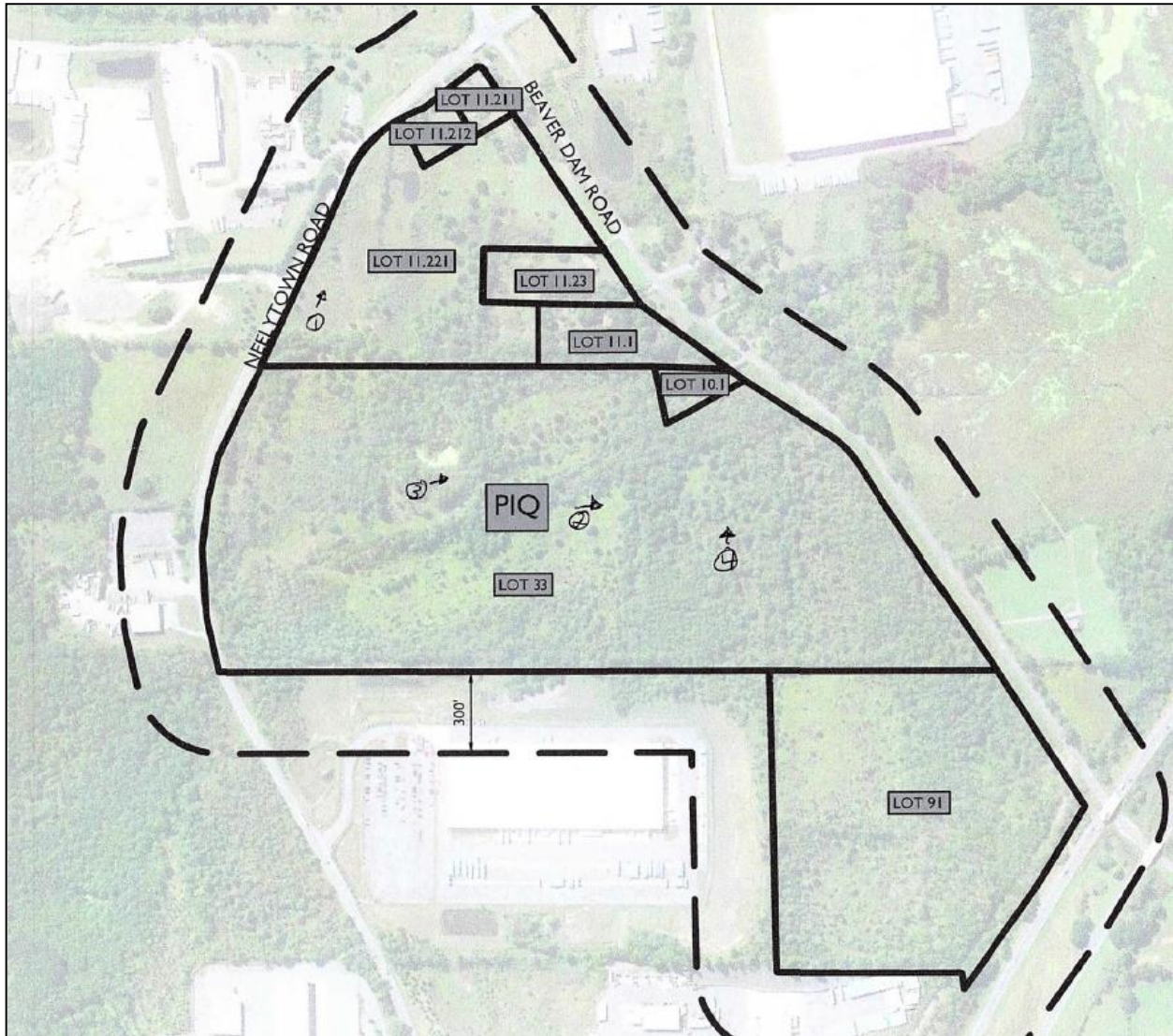
F. Preferred Alternative/Proposed Action

The Proposed Action will result in approximately 0.23 acres of disturbance to federal jurisdictional wetlands onsite. Construction within the wetlands is limited to an access road crossing accomplished by proposed arch span culverts crossing the regulated wetland. The design of the crossing limits impacts to the wetlands to the maximum extent practicable.

Based on the foregoing, from an ecological perspective the Proposed Action is preferable to the Neelytown Access Road alternative, which would result in more than twice the amount of disturbance (approximately 0.57 acres) to federal jurisdictional wetlands on the site.

9.0 PHOTOGRAPHS

Photo Location Map



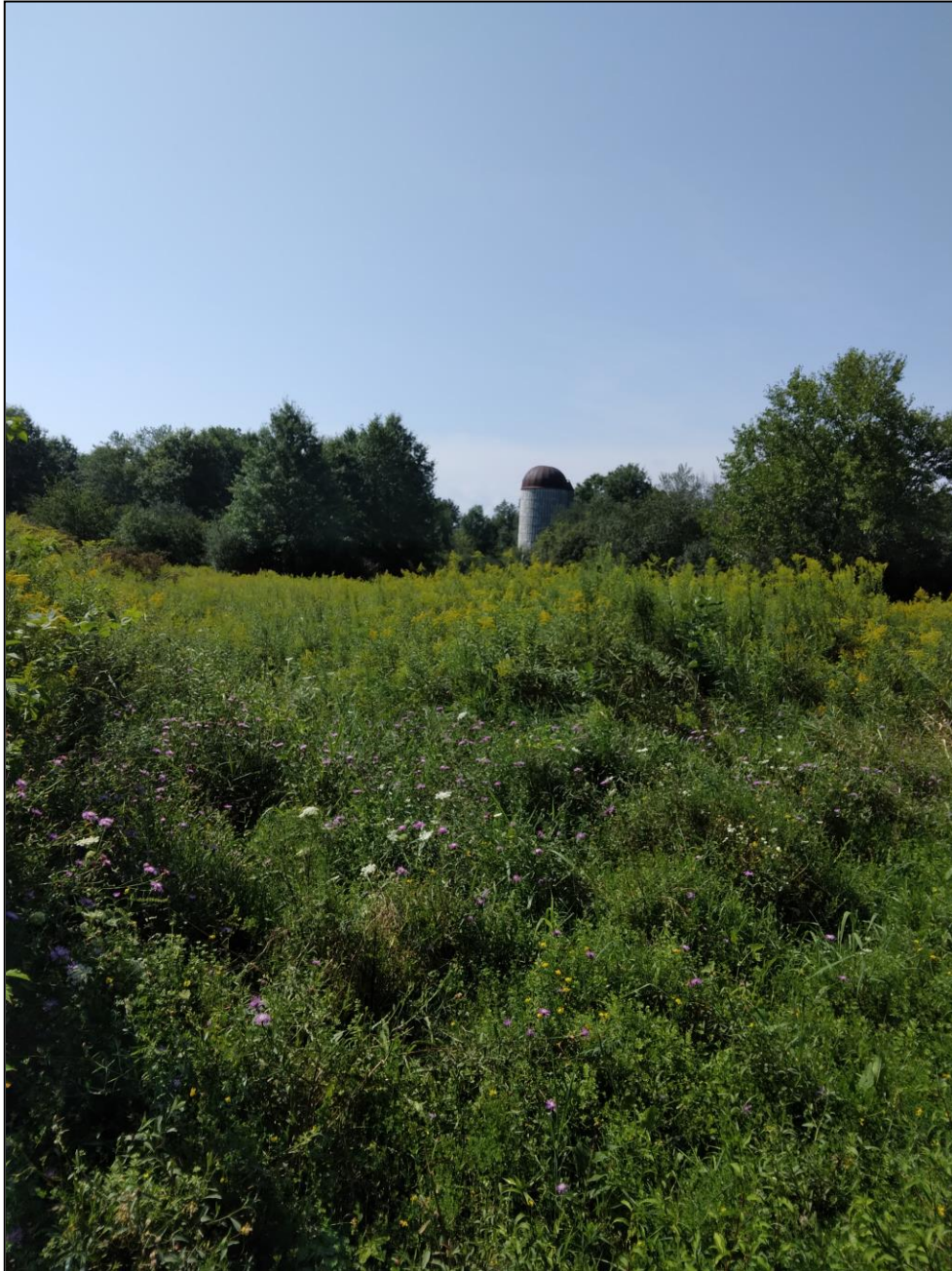
1. Federal wetland at front of the site from existing access into site.



2. Field and Woodline on the site - approximate center of site.



3. Field and farm remains on the site - approximate center of site.



4. Young successional woods on the site - approximate area is proposed Building 1.



9.0 REFERENCES

Habitat Cover Types:

Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, D.M. Hunt, A.M. Olivero. 2018. Ecological communities of New York State, second edition (draft). New York Natural Heritage Program, Albany, New York.

Plants:

Gleason, H.A. and A. Cronquist. 1991. Manual of vascular plants of northeastern United States and adjacent Canada. Second edition. The New York Botanical Garden, Bronx, NY. 910 p.

Mitchell, R.S. 1986. A Checklist of New York State Plants. Bulletin no. 458, New York State Museum, Albany, NY.

Vertebrates:

Banks, R.C., R.W. McDiarmid, and A.L. Gardner. 1987. Checklist of Vertebrates of the United States, the U.S. Territories, and Canada. United States Department of the Interior, Fish and Wildlife Service, Washington, D.C.

Gardner, J.E., J.D. Garner, and J.E. Hofmann. 1991. Summer roost selection and roosting behavior of *Myotis sodalis* (Indiana bat) in Illinois. Unpublished report to Region 3 U.S. Fish and Wildlife Service, Fort Snelling, MN. 56 pp.

Hicks, A.C. 2009. Personal communication. NYSDEC, 625 Broadway, Albany, NY 12233.

Menzel, Michael A.; Menzel, Jennifer M.; Carter, Timothy C.; Ford, W. Mark; Edwards, John W. 2001. Review of the forest habitat relationships of the Indiana bat (*Myotis sodalis*). <http://www.nrs.fs.fed.us/pubs/5934>.

Humphrey, S.R., A.R. Richter and J.B. Cope. 1977. Summer habitat and ecology of the endangered Indiana Bat, *Myotis sodalis*. *J. Mammal.*, 58:334-346.

Kurta, A., D. King, J.A. Teramino, J.M. Stribley and K.J. Williams. 1993. Summer roosts of the endangered Indiana bat (*Myotis sodalis*) on the northern edge of its range. *Am. Midl. Nat.*, 129:132-138.

Birds:

Baichich, P.J. and C.J.O. Harrison. 1997. A Guide to the Nests, Eggs and Nestlings of North American Birds, 2nd Ed.

The Second Atlas of Breeding Birds in New York State. 2008.

Amphibians and Reptiles:

Collins, J.T. 1990. Standard Common and Current Scientific Names for North American Amphibians and Reptiles. Third edition. Society for the Study of Amphibians and Reptiles. Herpetological circular no. 19. Lawrence, KS.

Calhoun, A.J.K. and M. W. Klemens. 2002. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial developments in the Northeastern United States. MCA Technical Paper No. 5, Metropolitan Conservation Alliance, Wildlife Conservation Society, Bronx, New York. 57 pp.

New York State Herpetofauna Atlas - <https://www.dec.ny.gov/animals/7140.html>

Figure 1 Location Map

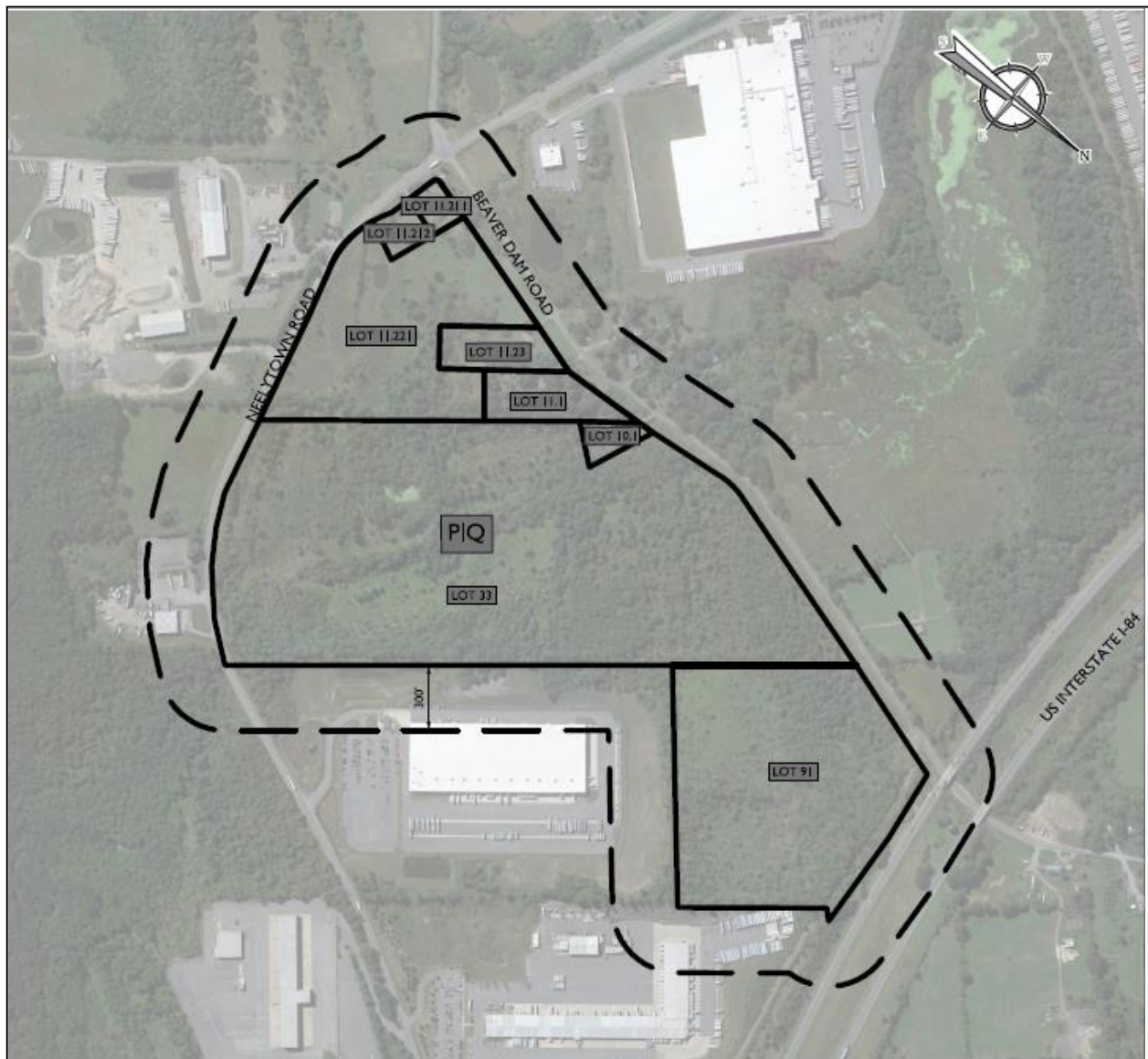


Figure 2 Proposed Development Plan

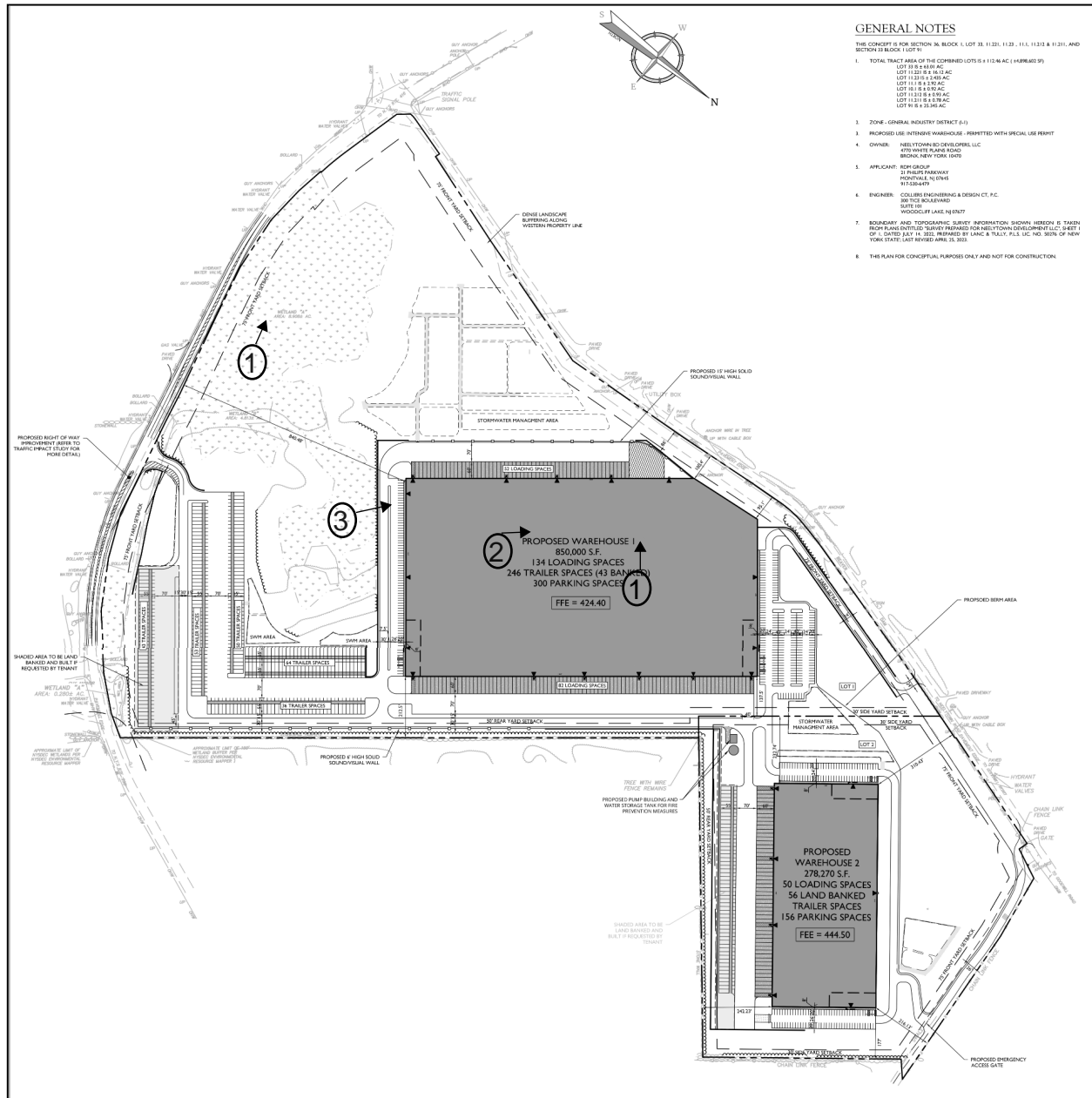


Figure 3 Forest Cover Analysis Map

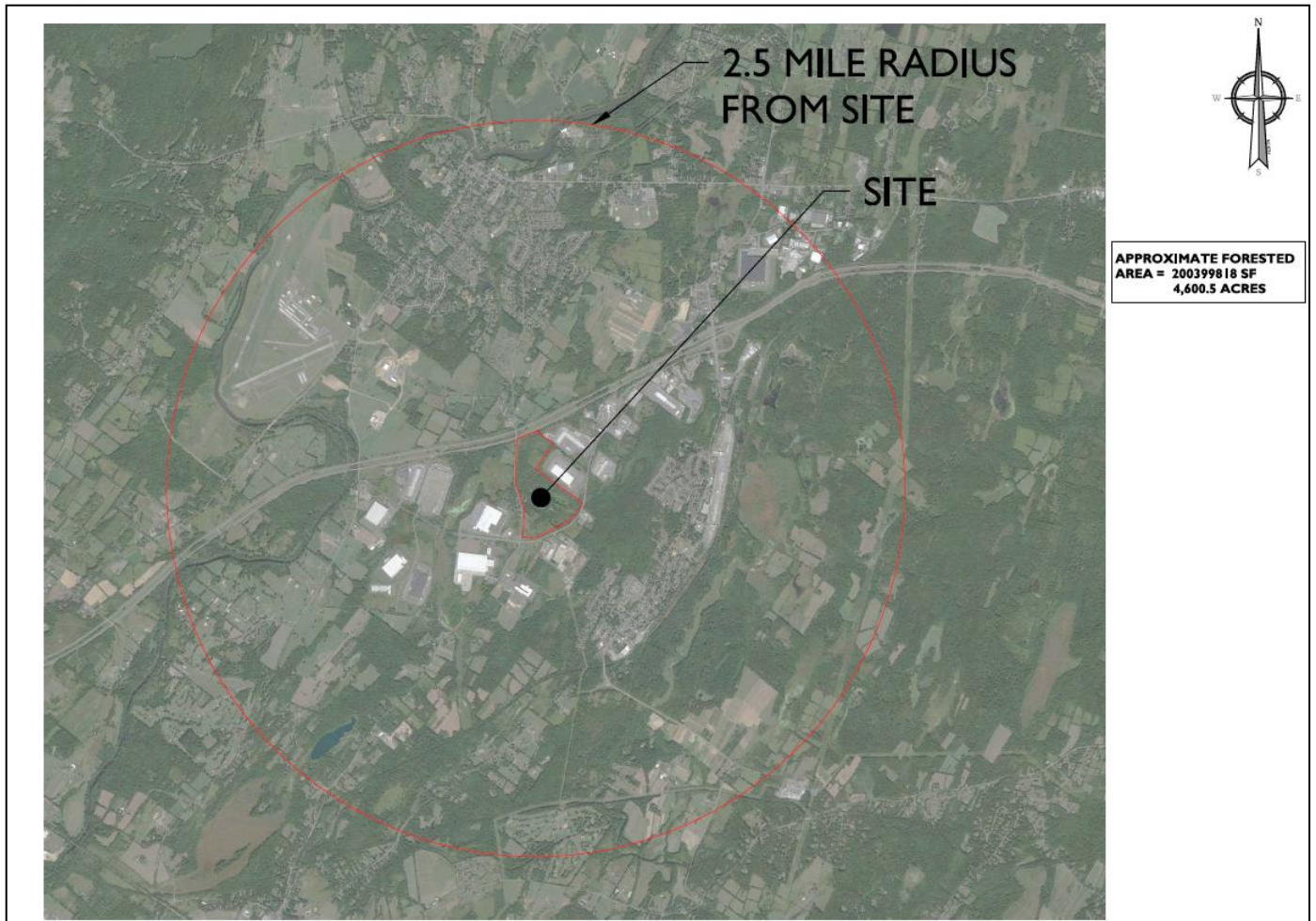
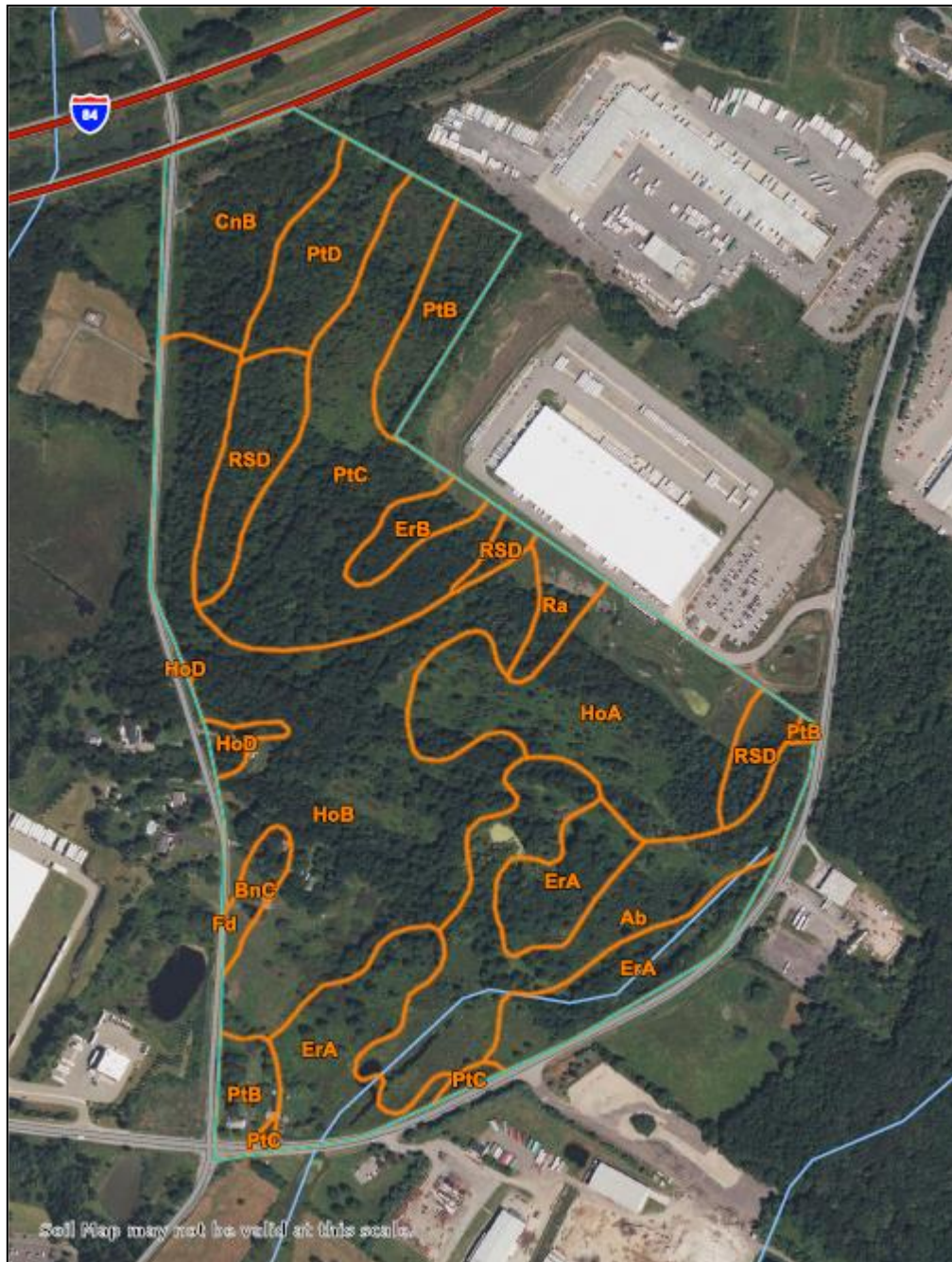


Figure 4 Soil Map



Appendix 1 - New York State Breeding Bird Atlas

Species Recorded in This Block:
Swans, Geese, & Ducks (<i>Anatidae</i>)
Canada Goose (<i>Branta canadensis</i>)
Mute Swan (<i>Cygnus olor</i>)
Wood Duck (<i>Aix sponsa</i>)
Mallard (<i>Anas platyrhynchos</i>)
Partridges, Grouse, & Turkeys (<i>Phasianidae</i>)
NONE
New World Quail (<i>Odontophoridae</i>)
NONE
Loons (<i>Gaviidae</i>)
NONE
Grebes (<i>Podicipedidae</i>)
NONE
Pelicans (<i>Pelicanidae</i>)
NONE
Cormorants (<i>Phalacrocoracidae</i>)
NONE
Bitterns, Herons, & Allies (<i>Ardeidae</i>)
Great Blue Heron (<i>Ardea herodias</i>)
Green Heron (<i>Butorides virescens</i>)
Ibises & Spoonbills (<i>Threskiornithidae</i>)
NONE
Vultures (<i>Cathartidae</i>)
Turkey Vulture (<i>Cathartes aura</i>)
Kites, Eagles, Hawks, & Allies (<i>Accipitridae</i>)
Northern Harrier (<i>Circus cyaneus</i>)
Broad-winged Hawk (<i>Buteo platypterus</i>)
Red-tailed Hawk (<i>Buteo jamaicensis</i>)
Caracaras & Falcons (<i>Falconidae</i>)
American Kestrel (<i>Falco sparverius</i>)
Rails, Gallinules, & Coots (<i>Rallidae</i>)
NONE
Cranes (<i>Gruidae</i>)
NONE
Plovers & Lapwings (<i>Charadriidae</i>)
Killdeer (<i>Charadrius vociferus</i>)
Oystercatchers (<i>Haematopodidae</i>)
NONE
Sandpipers, Phalaropes, & Allies (<i>Scolopacidae</i>)
Spotted Sandpiper (<i>Actitis macularius</i>)
American Woodcock (<i>Scolopax minor</i>)

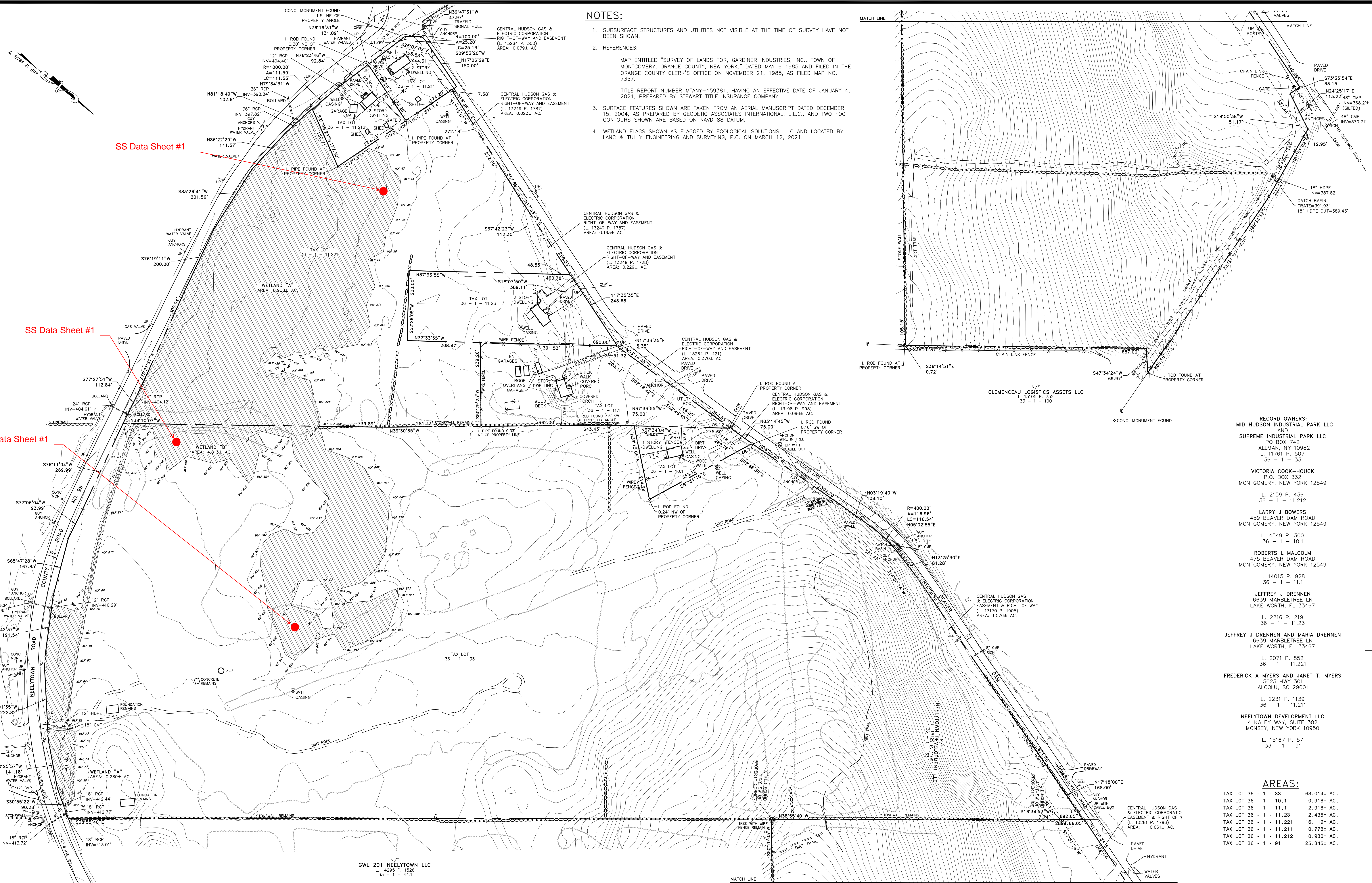
Species Recorded in This Block:
Skuas, Gulls, Terns, & Skimmers (<i>Laridae</i>)
NONE
Pigeons & Doves (<i>Columbidae</i>)
Rock Pigeon (<i>Columba livia</i>)
Mourning Dove (<i>Zenaidura macroura</i>)
Parrots (<i>Psittacidae</i>)
NONE
Cuckoos, Roadrunners, & Anis (<i>Cuculidae</i>)
NONE
Barn Owls (<i>Tytonidae</i>)
NONE
Typical Owls (<i>Strigidae</i>)
Barred Owl (<i>Strix varia</i>)
Goatsuckers (<i>Caprimulgidae</i>)
NONE
Swifts (<i>Apodidae</i>)
NONE
Hummingbirds (<i>Trochilidae</i>)
NONE
Kingfishers (<i>Alcedinidae</i>)
Belted Kingfisher (<i>Megasceryle alcyon</i>)
Woodpeckers & Allies (<i>Picidae</i>)
Red-headed Woodpecker (<i>Melanerpes erythrocephalus</i>)
Red-bellied Woodpecker (<i>Melanerpes carolinus</i>)
Downy Woodpecker (<i>Picoides pubescens</i>)
Hairy Woodpecker (<i>Picoides villosus</i>)
Northern Flicker (<i>Colaptes auratus</i>)
Pileated Woodpecker (<i>Dryocopus pileatus</i>)
Tyrant Flycatchers (<i>Tyrannidae</i>)
Eastern Wood-Pewee (<i>Contopus virens</i>)
Eastern Phoebe (<i>Sayornis phoebe</i>)
Great Crested Flycatcher (<i>Myiarchus crinitus</i>)
Eastern Kingbird (<i>Tyrannus tyrannus</i>)
Shrikes (<i>Laniidae</i>)
NONE
Vireos (<i>Vireonidae</i>)
Warbling Vireo (<i>Vireo gilvus</i>)
Jays, Magpies, & Crows (<i>Corvidae</i>)
Blue Jay (<i>Cyanocitta cristata</i>)
American Crow (<i>Corvus brachyrhynchos</i>)
Larks (<i>Alaudidae</i>)
NONE
Swallows (<i>Hirundinidae</i>)
Tree Swallow (<i>Tachycineta bicolor</i>)
Barn Swallow (<i>Hirundo rustica</i>)

Species Recorded in This Block:
Chickadees & Titmice (Paridae)
Tufted Titmouse (<i>Baeolophus bicolor</i>)
Nuthatches (Sittidae)
White-breasted Nuthatch (<i>Sitta carolinensis</i>)
Creepers (Certhiidae)
NONE
Wrens (Troglodytidae)
Carolina Wren (<i>Thryothorus ludovicianus</i>)
House Wren (<i>Troglodytes aedon</i>)
Marsh Wren (<i>Cistothorus palustris</i>)
Kinglets (Regulidae)
NONE
Old World Warblers & Gnatcatchers (Sylviidae)
Blue-gray Gnatcatcher (<i>Poliopitila caerulea</i>)
Thrushes (Turdidae)
Eastern Bluebird (<i>Sialia sialis</i>)
American Robin (<i>Turdus migratorius</i>)
Mockingbirds, Thrashers, & Allies (Mimidae)
Gray Catbird (<i>Dumetella carolinensis</i>)
Northern Mockingbird (<i>Mimus polyglottos</i>)
Brown Thrasher (<i>Toxostoma rufum</i>)
Starlings & Allies (Sturnidae)
European Starling (<i>Sturnus vulgaris</i>)
Waxwings (Bombycillidae)
Cedar Waxwing (<i>Bombycilla cedrorum</i>)
Wood Warblers (Parulidae)
Yellow Warbler (<i>Dendroica petechia</i>)
Common Yellowthroat (<i>Geothlypis trichas</i>)
Tanagers (Thraupidae)
NONE
Towhees, Buntings, Sparrows, & Allies (Emberizidae)
Chipping Sparrow (<i>Spizella passerina</i>)
Savannah Sparrow (<i>Passerculus sandwichensis</i>)
Song Sparrow (<i>Melospiza melodia</i>)
Grosbeaks & Buntings (Cardinalidae)
Northern Cardinal (<i>Cardinalis cardinalis</i>)
Rose-breasted Grosbeak (<i>Pheucticus ludovicianus</i>)
Blackbirds (Icteridae)
Bobolink (<i>Dolichonyx oryzivorus</i>)
Red-winged Blackbird (<i>Agelaius phoeniceus</i>)
Eastern Meadowlark (<i>Sturnella magna</i>)
Common Grackle (<i>Quiscalus quiscula</i>)
Brown-headed Cowbird (<i>Molothrus ater</i>)
Orchard Oriole (<i>Icterus spurius</i>)
Baltimore Oriole (<i>Icterus galbula</i>)

Species Recorded in This Block:
Finches (<i>Fringillidae</i>)
House Finch (<i>Carpodacus mexicanus</i>)
American Goldfinch (<i>Carduelis tristis</i>)
Old World Sparrows (<i>Passeridae</i>)
House Sparrow (<i>Passer domesticus</i>)

NOTES:

1. SUBSURFACE STRUCTURES AND UTILITIES NOT VISIBLE AT THE TIME OF SURVEY HAVE NOT BEEN SHOWN.
2. REFERENCES:
MAP ENTITLED "SURVEY OF LANDS FOR, GARDINER INDUSTRIES, INC., TOWN OF MONTGOMERY, ORANGE COUNTY, NEW YORK," DATED MAY 6 1985 AND FILED IN THE ORANGE COUNTY CLERK'S OFFICE ON NOVEMBER 21, 1985, AS FILED MAP NO. 7357.
TITLE REPORT NUMBER MTANY-159381, HAVING AN EFFECTIVE DATE OF JANUARY 4, 2021, PREPARED BY STEWART TITLE INSURANCE COMPANY.
3. SURFACE FEATURES SHOWN ARE TAKEN FROM AN AERIAL MANUSCRIPT DATED DECEMBER 15, 2004, AS PREPARED BY GEODETIC ASSOCIATES INTERNATIONAL, L.L.C., AND TWO FOOT CONTOURS SHOWN ARE BASED ON NAVD 88 DATUM.
4. WETLAND FLAGS SHOWN AS FLAGGED BY ECOLOGICAL SOLUTIONS, LLC AND LOCATED BY LANC & TULLY ENGINEERING AND SURVEYING, P.C. ON MARCH 12, 2021.

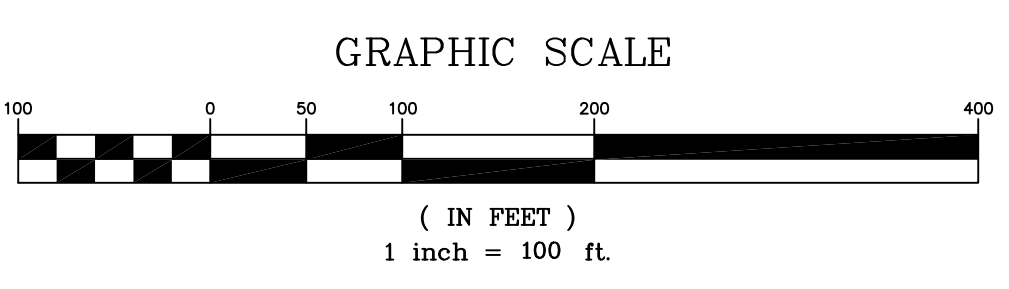


- RECORD OWNERS:**
- MID HUDSON INDUSTRIAL PARK LLC
 - SUPREME INDUSTRIAL PARK LLC
PO BOX 742
TALLMAN, NY 10982
L. 11761 P. 507
36 - 1 - 33
 - VICTORIA COOK-HOUCK
P.O. BOX 332
MONTGOMERY, NEW YORK 12549
L. 2159 P. 436
36 - 1 - 11.212
 - LARRY J BOWERS
455 BEAVER DAM ROAD
MONTGOMERY, NEW YORK 12549
L. 4549 P. 300
36 - 1 - 10.1
 - ROBERTS L MALCOLM
475 BEAVER DAM ROAD
MONTGOMERY, NEW YORK 12549
L. 14015 P. 928
36 - 1 - 11.1
 - JEFFREY J DRENNEN
6639 MARBLETREE LN
LAKE WORTH, FL 33467
L. 2216 P. 219
36 - 1 - 11.23
 - JEFFREY J DRENNEN AND MARIA DRENNEN
6639 MARBLETREE LN
LAKE WORTH, FL 33467
L. 2071 P. 852
36 - 1 - 11.221
 - FREDERICK A MYERS AND JANET T. MYERS
5023 HWY 301
ALCOLU, SC 29001
L. 2231 P. 1139
36 - 1 - 11.211
 - NEELYTOWN DEVELOPMENT LLC
4 KALEY WAY, SUITE 302
MONSEY, NEW YORK 10950
L. 15167 P. 57
33 - 1 - 91

AREAS:

TAX LOT 36 - 1 - 33	63.014± AC.
TAX LOT 36 - 1 - 10.1	0.918± AC.
TAX LOT 36 - 1 - 11.1	2.918± AC.
TAX LOT 36 - 1 - 11.23	2.495± AC.
TAX LOT 36 - 1 - 11.221	16.119± AC.
TAX LOT 36 - 1 - 11.211	0.778± AC.
TAX LOT 36 - 1 - 11.212	0.890± AC.
TAX LOT 36 - 1 - 91	25.345± AC.

N/F
GWL 201 NEELYTOWN LLC
L. 14295 P. 1526
33 - 1 - 443



CERTIFICATION:
I HEREBY CERTIFY TO THE PARTIES OF INTEREST LISTED BELOW THAT THIS MAP SHOWS THE RESULTS OF AN ACTUAL FIELD SURVEY COMPLETED ON JULY 13, 2022.

NEELYTOWN BD DEVELOPERS LLC
VALLEY NATIONAL BANK, AND ITS SUCCESSORS AND ASSIGNS/ATIMA
RIVERBROE ABSTRACT, LLC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

BY:
RODNEY C. KNOWLTON, L.S.
NEW YORK STATE LICENSE NO. 50276

LANC & TULLY
P.O. Box 687, Rt. 207
Goshen, N.Y. 10924
(845) 294-3700

NEELYTOWN DEVELOPMENT LLC
TOWN OF MONTGOMERY
ORANGE COUNTY, NEW YORK

DATE: JULY 14, 2022
REVISIONS:
AUGUST 26, 2022
APRIL 25, 2023

Drawn By: JW	Checked By:	Scale: 1" = 100'	Tax Map No.: AS NOTED	Drawing No.: C30
				B - 22 - 0100 - 01

COPIES FROM THE ORIGINAL OF THIS DOCUMENT NOT MARKED WITH AN ORIGINAL OF THE PROFESSIONAL ENGINEER'S AND/OR LAND SURVEYOR'S STAMP OR EMBOSSED SEAL SHALL NOT BE CONSIDERED VALID, TRUE COPIES.

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209-2 OF THE NEW YORK STATE EDUCATION LAW.