

RICHARD W. HOYT  
ATTORNEY AT LAW  
43 Orchard Street  
Post Office Box 402  
Walden, New York 12586

(845) 778-1800  
FAX (845) 778-1859

November 18, 2024

Whiteman Osterman & Hanna LLP  
One Commerce Ave.  
Albany, NY 12260  
Attn: David Everett, Esq.

**VIA-EMAIL**

Re: Notice of Combined Public Hearings – December 9, 2024  
Planning Board – 7:30 p.m. – Town Government Center  
110 Bracken Road, Second Floor, Montgomery, N.Y.  
Neelytown Business Park- DEIS, Site Plan, Special Use Permit and Minor  
Subdivision and Lot Consolidation for Two (2) Distribution Facilities

Dear Dave:

Enclosed find a Notice of Public Hearing which will appear in the “Wallkill Valley Times” on November 21, 2024 and which will be posted at Town Hall.

A copy of this notice must be sent by certified mail, return receipt requested, to all owners of property within 500 feet of the boundaries of the entire property for which the approval is being requested. The notices must be mailed by the applicant or its agent at least ten (10) days before the date of the hearing. Make sure that the notices are mailed to all current property owners within the 500 foot radius and that the Affidavit of Regularity is completed. The Affidavit of Regularity form was included with the application package.

Additionally, the law requires that if a property is within 500 feet of the boundary of another municipality, the Clerk of that municipality must be sent the notice 10 days prior to the hearing. The applicant or its agent must make sure this requirement has been met, if applicable.

The white receipts and green cards should be attached to the Affidavit of Regularity and submitted to the Board Chairman at the time of the hearing.

Also, the applicant should circulate the Notice to everyone on the distribution list together with a hard-copy of the document for those who want the same. Sue Hadden will need at least one for her office. Some Planning Board members and consultants also may want a hard-copy. (I am one of them.) This should be done this week.

If you have any problems or questions, please feel free to call upon me or check with the Planning Board Clerk at the Town Government Center (845-457-2643).

Very truly yours,

RICHARD W. HOYT  
Attorney for Town of Montgomery  
Planning Board

RWH:ah

Enc.

cc: Planning Board of the Town of Montgomery w/enc.  
Justin Verrazzano PE (Colliers)  
Bonnie Franson AICP  
Paul VanCott Esq.

**TOWN OF MONTGOMERY PLANNING BOARD**  
**State Environmental Quality Review**  
**NOTICE OF COMPLETION and NOTICE OF COMBINED PUBLIC HEARINGS**  
**For Draft Environmental Impact Statement and Other Local Approvals for the**  
**NEELYTOWN BUSINESS PARK**

This Notice is issued pursuant to the Zoning Law of the Town of Montgomery and Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

On October 28, 2024, the Town of Montgomery Planning Board, as Lead Agency, deemed the Draft Environmental Impact Statement ("DEIS") complete subject to Planning Board final comments and accepted it for purposes of commencing public review.

The DEIS is available for review at the Town of Montgomery Planning Board office 110 Bracken Road, Montgomery, NY 12549 and at the following website:

<https://townofmontgomery.com/Government/Planning-Board>

A combined Public Hearing on the DEIS, and on the special use permit, subdivision and site plan, will be conducted on December 9, 2024, at 7:30 P.M., or as soon thereafter as the matter can be heard, to be held at Montgomery Town Hall, 110 Bracken Road, Montgomery, NY, 12459. Comments on the DEIS are requested and will be accepted by the contact person until the end of business day, January 6, 2025, or ten (10) days following the end of the public hearing on the DEIS, whichever is later.

**Name of Action:** Neelytown Business Park Site Plan, Special Use Permit, and Minor Subdivision and Lot Consolidation for Two (2) Distribution Facilities

**Applicant:** RDM Group, LLC

**Lead Agency:** Town of Montgomery Planning Board

**SEQR Status:** Type I Action

**Description of Action:**

The Proposed Action is for Planning Board approval of the development of two warehouses to be served separately by public water and sewer collectively comprising 1,128,270 SF located on separate lots involving approximately 112.46 acres of land with frontage along Neelytown Road (County Rt. 99) to the east and Beaver Dam Road to the west in the Town of Montgomery as follows:

- Warehouse 1 on 85.6-acre parcel Lot 1 would consist of a single building containing ±850,000 SF of gross floor area, 300 passenger vehicle parking spaces, 134 loading docks, 246 trailer parking spaces, stormwater management basins and improvements, accessory

- driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements.
- Warehouse 2 on ±26.8-acre Lot 2 would consist of a single building containing ±278,270 SF of gross floor area, 156 passenger vehicle parking spaces, 50 truck loading docks, 56 trailer parking spaces, stormwater management basins and improvements, accessory driveways, utilities, dark sky-compliant lighting, landscaping, signage, and other related improvements.

The two intensive warehouses are anticipated to function independently within the definition of the term "warehouse" in the Town of Montgomery Zoning Law, including parking areas. No other principal uses or truck maintenance or repair services will occur.

The Project Site is located within the Town of Montgomery's I-1 (General Industry) zoning district, as well as the Airport Overlay district. Access to the Project Site is served by I-84 via Exit 28 (old Exit 5), approximately 1.5 miles away from the Site along Neelytown Road, a 2-lane County highway from which direct access to the Project Site is proposed. Access into the Project Site is proposed via two (2) driveways and one (1) Emergency Access Road. One passenger car and truck access driveway are proposed from Neelytown Road and the second driveway for passenger cars only from Beaver Dam Road. The Emergency Access Road on the north end of the project site is proposed to connect to building 2 and will be designed with a gate and an emergency key box for Emergency Vehicle use only.

The proposed project would disturb a 100-foot adjacent area of a state-regulated wetland, WD-29. A small portion of the parking area is located within the 100-foot regulated adjacent area. In addition, the site contains wetlands under USACOE jurisdiction.

The tenant(s) of the two warehouses are not known yet. It is anticipated that at least one tenant would occupy each building for industrial warehouse and/or distribution, but most likely each building will host two tenants each. The warehouses are not anticipated to be utilized for industrial manufacturing. The hours of operation will be specific to the tenant(s). However, the facility will likely be running 3 shifts and operating continuously on a 24/7 schedule. Storage of hazardous materials or waste onsite is not anticipated. The distribution facilities would be served by Town of Montgomery public water and sewer service.

**Location:**

Beaver Dam Road and Neelytown Road, Town of Montgomery, Orange County, NY - Tax Lots 36-1-33, 36-1-11.221, 36-1-11.23, 36-1-11.212, 36-1-11.211, 36-1-11.1, 36-1-10.1, and 33-1-91

**Potential  
Environmental  
Impacts:**

Potential environmental impacts associated with the Proposed Action have been identified by the Planning Board based upon a review of the Full Environmental Assessment Form Parts 1 and 2. These impacts, which may

be reasonably expected to result from the Project, have been compared to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). The Planning Board found that the proposed project may have a potential significant adverse impact on the following resources – the list below is not intended to be all inclusive:

- **Impact on Traffic:** The Proposed Action will substantially increase traffic above present levels. Access to the Project Site will be provided by Neelytown Road (truck traffic only) and Beaver Dam Road (employee vehicle traffic only).
- **Impact on Land:** The Proposed Action will involve the substantial physical disturbance of approximately 65 acres of land.
- **Impact on Stormwater:** The Proposed Action will increase stormwater run-off and the potential for erosion and sedimentation into downstream water bodies.
- **Impact on Visual Resources:** Elements of the Proposed Action may be visible from nearby residential properties and from I-84, Neelytown Road and Beaver Dam Road.
- **Impact on Noise:** The Proposed Action may produce construction and operational sound that may exceed existing ambient noise levels on and around the Project Site as established by local or State regulation.
- **Impact on Lighting:** The Proposed Action may result in lighting brighter than existing area conditions.

**For Further Information:**

**Contact Person:** Ms. Suzanne Hadden, Secretary  
Town of Montgomery Planning Board  
Town Hall – 110 Bracken Road  
Montgomery, New York 12549  
Phone: (845) 457-2643 x 1260  
Fax: (845) 457-2760  
Email: [shadden@townofmontgomery.com](mailto:shadden@townofmontgomery.com)

The Draft Environmental Impact Statement and the application and plans are available to review at the Town Planning Board office and also on the Town website at:

<https://townofmontgomery.com/Government/Planning-Board>

At the public hearing, all persons interested will have an opportunity to be heard. The public hearing will be live-streamed and may be viewed at <https://acquisitionsmarketing.com/> or <https://www.facebook.com/TownofMontgomeryOfficial/live>.

This Notice is being sent to the following involved and interested agencies (along with the DEIS as applicable) as well as to all property owners within 500 feet of the project site:

**Involved and Interested Agencies:**

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

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

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

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

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

Town of Montgomery Industrial Development Agency  
110 Bracken Road  
Montgomery, New York 12549

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

Orange County Department of Public Works  
P.O. Box 509  
Goshen, New York 10924

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

Maybrook Fire District  
204 Wallace Avenue  
Maybrook, NY 12543

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

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

Patricia Henighan, Chairperson  
Town of Montgomery Conservation Advisory Council

110 Bracken Road  
Montgomery, New York 12549

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

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

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

David Everett, Esq. (for the applicant – notice only, no attachment)  
Whiteman Osterman & Hanna LLP  
One Commerce Plaza  
Albany, New York 12260

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

Environmental Notice Bulletin (Notice Only)  
625 Broadway  
Albany, NY 12233-1750

Neelytown BD Developers LLC (owner of record)  
4770 White Plains Road  
Bronx, NY 10470

BY ORDER OF THE TOWN OF MONTGOMERY PLANNING BOARD

Fred Reichle, Chairperson

Dated 11/15/24