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April 19th, 2023

Village of Montgomery Planning Board
133 Clinton Street
Montgomery, NY 12549
ATTN: Kevin Conero, Chairman

**RE: KSH ROUTE 211 DEVELOPMENT, LLC
UNION STREET, VILLAGE OF MONTGOMERY
PUBLIC HEARING RESPONSE LETTER**

Dear Chairman Conero and Board Members,

As the board knows this project has undergone an extensive review process. The original application consisting of two buildings totaling 300,000 s.f. was filed in the fall of 2018 and was reviewed by the board in September 2018, October 2018, January 2019, February 2019, September 2019, October 2019, November 2019, January 2020, February 2020 and May 2020. At that time the Village adopted a moratorium which prohibited the application from being processed further. Once the zoning was amended and the moratorium was lifted the application was allowed to move forward but the new zoning limited building sizes to 80,000 s.f. Based on this new zoning restriction the applicant reconfigured the project to include 4 buildings totaling 280,000 s.f. This revised layout proposed to preserve significant open space between the proposed development and the existing residences on Weaver Street and NYS Route 211 and also arranged the buildings in such a way that the loading areas would be screened from the exterior by having the buildings face outward. This revised plan was reviewed by the board July 2021, September 2021, December 2021, January 2022, March 2022, May 2022, June 2022, September 2022 and December of 2022 before a public hearing was held in January 2023 and March 2023.

This extensive review process resulted in many proposed changes and revisions to address the comments and concerns of the Planning Board and the public. This letter is being prepared to address these comments and to identify the significant efforts both the board and the applicant have taken to address these concerns.

Noise

Concerns were raised by a number of residents and board members regarding site generated noise. In addition, the Village Engineer raised questions regarding compliance with the Village of Montgomery sound ordinance for both daytime and nighttime operations. To address these concerns, a site-specific noise study has been prepared by B. Laing Associates (copy attached) addressing the potential noise impacts of the project and compliance with the Village Noise Ordinance. Based on this study several mitigation measures are proposed to reduce

sound levels to comply with the Village of Montgomery noise ordinance for daytime and nighttime operations.

- Sound attenuating walls will be constructed in several locations as shown on the site plan.
- Roof top mounted HVAC equipment will have sound attenuating screening.
- Buildings will have a textured finish to break up sound waves.
- Although backup beepers required by OSHA are exempt from the noise ordinance, the applicant has offered that any tenant with company owned truck jockeys and company trucks will be required to use “shushers” in lieu of back up beepers.
- Block heaters will be provided to ensure that trucks being loaded and unloaded do not have to be left to idle to keep the engine warm.

Traffic

Several concerns were raised by the NYSDOT, the Planning Board and the public regarding vehicular access to the site. To address these concerns a Traffic Impact Study was prepared by traffic engineers Creighton Manning Engineering, LLP (copy attached). This document was reviewed and approved by the NYSDOT in a letter dated March 13, 2023. (It should be noted that the industry standard for projected traffic volumes is based on the proposed use and square footage of the buildings and not the number of loading docks.) In order to address concerns raised regarding truck traffic through the Village, the applicant has proposed to prohibit trucks from turning left towards the village when exiting the site into the Village and appropriate signage has been added to the plans. In addition, the applicant will require in the lease that all tenants provide directions for deliveries to the site that avoid routing of trucks through the Village. Along with these commitments regarding truck routing the applicant has proposed several physical improvements to NYS Route 211 including acquisition of land from an abutting neighbor to align the proposed driveway with Chandler Lane, construct of a left turn lane and provisions for a sidewalk along NYS Route 211 from the site entrance to the existing sidewalk further east on NYS 211. These improvements are subject to the further review and approval of the NYSDOT and further right of way mapping.

Visual

Many of the board members and neighbors expressed concerns regarding the visibility of the project from NYS Route 211 and Weaver Street. To address these concerns architectural renderings of the proposed buildings were prepared by Anderson Design Group. Along with these renderings Anderson Design Group prepared a viewshed analysis of the proposed buildings from surrounding streets. The analysis included photo-simulations taken during leaf off conditions to represent a worst-case scenario. These simulations were reconfirmed by a flag study (a copy of the building renderings and visual analysis are attached). This study identified that the front of the buildings will be visible from the NYS Route 211 approach to the Village and maybe seasonable visible from Weaver Street.

To mitigate this potential impact, the architectural intent was to create the appearance of a traditional warehouse/office type facility, while keeping the warehouse operations hidden ‘between’ the buildings. The building roof will be black EPDM and the building will use earth

tone colors to reduce visibility. This architecture was reviewed with the Village's historic architecture consultant.

Other site related mitigation include, lighting that has been proposed to be night sky friendly and has been proposed to be similar to the lighting at Medline which was recommended by the public and the Board, a landscape plan that has been prepared to complement the site and architecture and lastly, the addition of sound walls along a significant portion the projects perimeter roadway which will not only server to reduce noise but will also screen headlights which may be visible during leaf off conditions. The fencing, landscaping, relocation of the access drive to algin with Chandler Lane and prohibition of left turns for trucks exiting the site will all combine to ensure that property owners along NYS Rt. 211 will not be impacted by lights from trucks exiting the site.

Protection of Buffer Area

It was asked by the public at the last hearing how they will be assured that the proposed buffer area will remain undeveloped. As the Board is aware, the applicant has committed to providing a preserved buffer area of approximately 7.5 acres between the development and all residential properties to the east and south. To ensure the buffer is maintained it has been shown on the plans and a draft conservation easement limiting development in the conservation area will be prepared and filed in the Orange County Clerks office. The proposed conservation easement will specifically set forth that no trees or vegetation, unless dying or diseased, shall be removed from the area except as delineated on the approved site plan for access drives, signage, additional landscaping, wetlands mitigation and/or stormwater. The easement shall provide penalties for any unauthorized removal and require replanting at the property owner's expense in addition to any penalty imposed by the Village. A draft of the document will be submitted to the Planning Board and the attorneys for both the Planning Board and Village Board for review and comment prior to any final site plan approval. The conservation easement will be filed simultaneous with the signing of the site plan to ensure that the terms of the conservation easement will show up in any title report provided to any future prospective purchaser. The existence of the conservation easement is also noted on the site plan.

Wetlands

Concerns have been expressed regarding the presence of wetlands on the property. A wetland delineation was completed by the applicant and confirmed by the US Army Corps of Engineers. There is proposed to be ± 0.25 acres of wetlands disturbance. This disturbance is proposed to be mitigated by the construction of a wetlands mitigation area as depicted on the site plan. The details of the disturbance and proposed mitigation will be reviewed and approved by the US Army Corps of Engineers prior to final approval.

Stormwater

There were some comments raised during the public hearing regarding the control and treatment of stormwater generated by the proposed improvements to the property. As noted during the hearing, a full Storm Water Pollution Prevention Plan (SWPPP) has been prepared

for this project which was reviewed by the Village's consultants and is available for public review at Village Hall. The SWPPP includes several methods of stormwater treatment, infiltration and detention to mitigate potential stormwater impacts per NYSDEC guidelines. A permit for coverage under the NYSDEC's Storm Water Permit will be filed and approved prior to the start of construction.

Additionally, one member of the public voiced concerns regarding drainage ponding along NYS Route 211 in the area of the site frontage. The traffic study approved by the NYSDOT proposes the construction of a left turn lane into the site. Construction of this left turn lane will require improvements to the drainage along NYS Rt 211 in the area of the site access opposite Chandler Lane. These improvements will help address the existing ponding of drainage in this area.

Endangered Species

Early on concerns were raised by the board regarding potential impact to Threatened and endangered species specifically the Indiana Bat and Northern Long Eared Bat. The applicant will limit tree removal to between November 1st and March 31st to ensure there will be no impact to the Indiana or Northern Long Eared bat species.

Cultural Resources

In regard to impacts on historic or prehistoric resources, a Phase 1 Archaeological Investigation was completed for the site. The Investigation determined that there was no potential impact to cultural resources on the property. This finding was confirmed by the NYS Office of Parks, Recreation and Historic Preservation in a letter dated August 25, 2022. As detailed in the section on Visual above the applicant's architect also consulted with the Village's historic architectural consultant to incorporate features in the building design to address the character of the Village.

FAA

In response to concerns the board and Orange County Planning Department had regarding potential impacts to the Orange County Airport, the locations and elevations of all four buildings was submitted to the Federal Aviation Administration for a Hazard Determination. A NO Hazard determination for all four buildings was granted on September 12, 2022

Site Management

In order to ensure that the development operates and is maintained in accordance with the any approved site plan the applicant and any future property owner will be required to provide the Village Clerk and Village Building Department with a contact person to be contacted in the event that any problems arise, or complaints are made regarding the future operation and maintenance of the facilities.

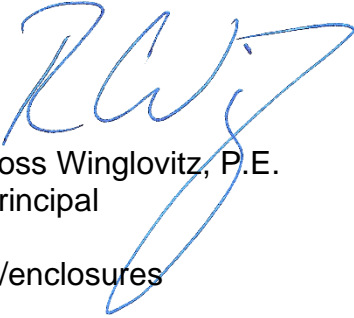
Alternative Plan

There was some confusion regarding consideration of an alternative plan that was discussed in the SEQR documents; the plan that has been presented at the public hearings is the proposed plan that the applicant is pursuing. Any alternative plans would be subject to further review by the Planning Board.

If you have any additional questions or comments, please don't hesitate to contact our office or anyone of the project team members.

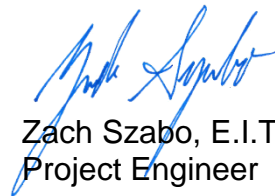
Sincerely,

Engineering & Surveying Properties, PC



Ross Winglovitz, P.E.
Principal

w/enclosures



Zach Szabo, E.I.T.
Project Engineer