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June 26, 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
MITIGATION AND APPROVAL COMMITMENTS**

Dear Chairman Conero and Board Members,

On April 19th we had provided the board with a summary of the individual impact areas and the proposals by our client to mitigate these impacts. We expect that these would be incorporated in any negative declaration or conditional approval that the board may consider for the project. Below is an updated summary of the commitments by our client for your consideration:

Noise

1. Sound walls will be constructed in several locations as shown on the site plan and be in place for each construction phase of the development prior to issuance of a CO for that portion of the development.
2. Roof top mounted HVAC equipment will have sound attenuating screening to be installed and operational prior to issuance of a CO for each building.
3. Buildings will be constructed with a textured finish as depicted on the building plans to break up sound waves and reduce sound off-site.
4. Although backup beepers required by OSHA are exempt from the noise ordinance, the applicant will require in any lease that any and all tenants with company owned truck jockeys and/or company trucks must-- use "white noise" back up alarms in lieu of back up beepers. A map note confirming this is included on the plans.
5. Block heaters will be provided and available at all loading docks to ensure that trucks being loaded and unloaded do not have to be left to idle to keep the engine warm.
6. A temporary 8 ft high sound wall on a 3 ft. high berm, will be installed behind building #4 if it is constructed prior to building #1. The wall is depicted on the phasing plan sheet C-106.

Traffic/Parking

1. The applicant has proposed to prohibit trucks from turning left towards the village when exiting the site. Appropriate signage has been shown on the plans.
2. 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.
3. The applicant has acquired additional property and will align the entry drive with Chandler Lane.

4. The applicant will execute a letter and/or agreement authorizing Village and NYS Law and zoning enforcement officers to issue tickets to the driver, tenant occupying the facility visited by the truck and property owner for any left turns off the site by any truck other than personal vehicles making a left off the site.
5. A left turn lane will be constructed at the site entrance to improve traffic flow along NYS Route 211 at the entrance to the site and to Chandler Lane. Subject to the approval of the NYSDOT the widening for this improvement is proposed to be on the north side of NYS Route 211.
6. A sidewalk will be constructed along NYS Route 211 from the site entrance to the existing sidewalk to the east on NYS 211.
7. Truck parking is to be limited to the truck loading and parking area. Parking of trucks in the car parking area is to be prohibited. The applicant will sign a letter or agreement deemed necessary by the Village to allow Village zoning or law enforcement officer to issue tickets and/or violations to any driver, tenant and the property owner of any violation of this parking requirement
8. The applicant must obtain all necessary permits and approval from the NYS DOT prior to issuance of any Certificate of Occupancy for the first building to be constructed on the site.

Visual

1. Loading areas have been limited to between the buildings as depicted on the approved site plan.
2. The building roof will be black EPDM in order to limit and glare from the rooftop.
3. The building will use earth tone colors as depicted on the renderings and called out on the site plan to reduce visibility.
4. The lighting will be night sky friendly in accordance with the specifications on the approved site plan.
5. A landscape plan has been prepared to provide screening of the facilities to reduce visibility of the site from the residences on Weaver Road and NYS Rt. 211 and to enhance the appearance of the facility as viewed by vehicles approaching the site traveling east or west along NYS Route 211. Any and all landscaping shall be installed prior to issuance of any CO for such portion of the facilities. In the event that the building is completed at a time of year when planting would not be feasible the applicant shall post a bond as deemed appropriate by the Village's engineer or landscape consultant to ensure that such planting will be installed as soon as the weather conditions permit.
6. Sound walls along a significant portion the projects perimeter roadway will be installed as depicted on the approved site plan prior to issuance of any CO for the building which the portion of the sound wall will serve in order to provide the screening of headlights which may be visible during leaf off conditions.
7. The applicant shall provide an estimate to cover the cost of the installation of a berm and evergreen plantings on 243 Union Street to help screen head lights from vehicles exiting the site and the amount set forth in such estimate shall be paid to the owner of 243 Union Street prior to the signing of the site plan with the installation to occur at such time the property owner deems appropriate.

Protection of Buffer Area

1. 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 conservation easement/restrictive covenant, prohibiting construction of structures and limiting development and/ disturbance of this area will be prepared corresponding with the approved plans. The easement/ restrictive covenant will be prepared for review and approval of the Village and will be filed in the Orange County Clerk's office simultaneously with site plan approval. The commitment to the conservation easement is also noted on the site plan. The liber and page for filing shall be noted on the signed plans to be filed with the Village and shall remain in full force and effect so long as the property is used for commercial purposes.

Wetlands

A wetlands mitigation area will be reviewed and approved by the US Army Corps of Engineers prior to signing of the site plan and issuance of any building permits. The mitigation area will be constructed prior to the issuance of a Certificate of Occupancy for Building #1 in Phase 2.

Stormwater and Watershed/Aquifer Protection

1. A Storm Water Pollution Prevention Plan (SWPPP) has been prepared for this project which was reviewed by the Village's consultants. A permit for coverage under the NYSDEC's Storm Water Permit will be filed and approved prior to the start of construction.
2. Ponding along NYS Route 211 at the site frontage, unrelated to the project, will be mitigated as part of the left turn lane improvement as to be reviewed and approved by the NYS DEC
3. In order to ensure that there are no impacts to the watershed and aquifer that applicant shall comply with all aspects of the erosion control and stormwater pollution prevention plan
4. As an additional measure to protect the watershed/acquifer the applicant must strictly adhere to the requirement that there be no outside storage of any goods and that all storage shall occur within the buildings.

Endangered Species and Wildlife habitate

1. 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.
2. The applicant will adhere to the lighting plan to avoid light spillage offsite and adhere to the night sky lighting standard to minimize impacts on wildlife occupying the undeveloped portion of the property.
3. The applicant shall install the fencing and landscaping as depicted on the approved site plan to further minimize impacts to the wildlife that may occupy the developed portion of the property.
4. The applicant shall file the conservation easement/ restrictive covenants that will insure that development and disturbance of the protected area as long as commercial activity

occurs on the site to ensure that any remaining wildlife habitat is preserved to the maximum extent practicable.

Site Management

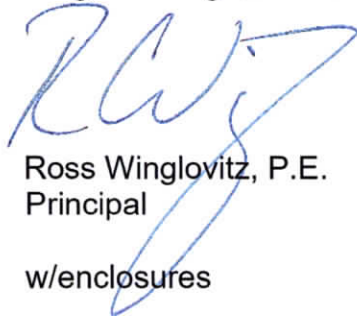
1. To ensure that the development operates and is maintained in accordance with the any approved site plan, the applicant and any future property owner will be required to provide the Village Clerk and Village Building Department with a contact person to be contacted in the event any problems arise,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

We hope that these commitments solidify the commitments of our client and for your use in any determinations the board may consider.

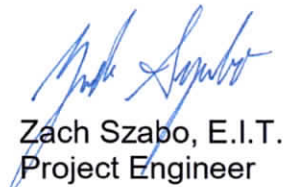
If you have any questions or comments, please don't hesitate to contact our office or anyone of the project team members.

Sincerely,

Engineering & Surveying Properties, PC



Ross Winglovitz, P.E.
Principal



Zach Szabo, E.I.T.
Project Engineer

w/enclosures