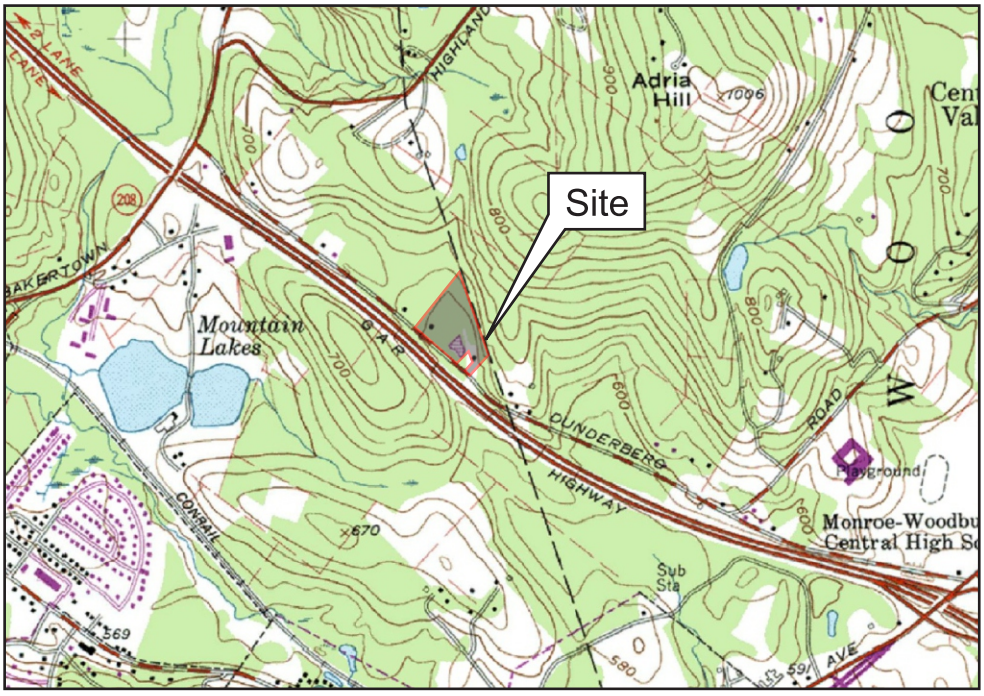
FINAL ENVIRONMENTAL IMPACT STATEMENT



MONROE COMMONS

Nininger Road
Town of Monroe, Orange County, New York

Lead Agency:
Town of Monroe Planning Board

Project Sponsor:
Monroe Nininger, LLC

Prepared by:
Tim Miller Associates, Inc.

July 29, 2024

Date of Acceptance: July 16, 2024

Lead Agency Filing Date: August 1, 2024

FINAL ENVIRONMENTAL IMPACT STATEMENT

MONROE COMMONS

Nininger Road
Town of Monroe, Orange County, New York

Lead Agency: TOWN OF MONROE PLANNING BOARD
Bonnie Franson, Chair
1465 Orange Turnpike, Monroe, NY, 10950
Attention: Norrine McSweeney
(845) 783-1900 ext.115
The websites where SEQRA documents will be located:
https://monroeny.org/Resources/Document-Center >Planning Board>Planning Board Projects>Monroe Commons
https://timmillerassociates.com/monroe-commons

Project Sponsor: MONROE NININGER LLC
PO Box 736
Mahwah, New Jersey, 07430
Attention: Issac Gross
(845) 445-1402
issac@advancedbap.com

Primary Preparers of DEIS

Project Engineer: PIETRZAK & PFAU ENGINEERING AND SURVEYING, PLLC
282 Greenwich Avenue, Goshen, NY 10924
Attention: Mark Siemers P.E.
(845) 294-0606
siemersm@pietrzakpfau.com

Environmental Planner: TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, New York 10516
Attention: Jon P. Dahlgren
(845) 265-4400
jdahlgren@timmillerassociates.com

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MONROE COMMONS

LIST OF CONSULTANTS

Traffic Engineer: CREIGHTON MANNING ENGINEERING, INC.
2 Winners Circle, Albany, NY 12205
Attention: Ken Werstead, P.E.
(518) 446-0396

Natural Resources: NORTH COUNTRY ECOLOGICAL SERVICES, INC.
25 W. Fulton Street, Gloversville, NY 12078
Attention: Stephen George
(518) 725-1007

Landscape Architect: ENGINEERING & SURVEYING PROPERTIES
71 Clinton Street, Montgomery, NY 12549
Attention: Steven Esposito
(845) 457-7727

Air Quality: HMMH
11 West 42nd Street, New York, NY 10036
Attention: Dayna Bowen
(781) 852-3146

Geotechnical Engineer: Kevin Patton, P.E.
36 Patton Road
Newburgh, NY 12550
Attention: Kevin Patton, P.E.
845-275-7732

Project Engineer: PIETRZAK & PFAU ENGINEERING AND SURVEYING, PLLC
282 Greenwich Avenue, Goshen, NY 10924
Attention: Mark Siemers P.E.
(845) 294-0606
siemersm@pietrzakpfau.com

Environmental Planner: TIM MILLER ASSOCIATES, INC.
10 North Street, Cold Spring, New York 10516
Attention: Jon P. Dahlgren
(845) 265-4400
jdahlgren@timmillerassociates.com

Attorney: Zarin & Steinmetz, LLP
81 Main Street, Suite 415
White Plains, New York 10601
Attention: Daniel Richmond
(914) 682-7800
www.zarin-steinmetz.com

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APPENDICES

1.0 INTRODUCTION

This Final Environmental Impact Statement (FEIS) has been prepared in response to comments on the Draft Environmental Impact Statement (DEIS), which was deemed complete by the Town of Monroe Planning Board, as the Lead Agency under the State Environmental Quality Review Act (SEQRA), on September 19, 2023, in connection with a Mixed-Use Site Plan application by Monroe Commons LLC, the applicant and owner of the subject property (hereinafter "Applicant"). The proposed project is located on Nininger Road in the Town of Monroe, Orange County, New York.

In connection with the proposed project, after waiting the required 30 days and receiving no written objections from other involved agencies, on June 11, 2020 the Town of Monroe Planning Board identified the proposed development as a Type I Action and declared itself to be Lead Agency for a SEQRA coordinated review. The Planning Board adopted a Positive Declaration on July 9, 2020 and circulated the Applicant's SEQRA Draft Scoping Document to all involved and interested agencies. A Public Scoping Session was held on September 10, 2020 with written comments on the Draft Scoping Document accepted until September 21, 2020. The Final Scoping Document was adopted on November 17, 2020. The adopted scoping outline is included as Appendix A of the DEIS.

Following review and revisions of the *draft* DEIS on February 23, 2023, June 29, 2023, and August 31, 2023, the Planning Board declared the DEIS complete for circulation to Involved and Interested Agencies and the public on September 19, 2023, subject to revisions being made in accordance with memoranda from the Planning Board's consultants prior to filing and distribution of the DEIS. On October 31, 2023 and November 1, 2023, a Notice of DEIS Completion and Notice of Public Hearing was circulated to all Involved and Interested agencies and the public and was posted on the NYSDEC Environmental Notice Bulletin on November 1, 2023, as required by the SEQRA regulations. In accordance with Sections 617.9(b)(7) and (8) of the SEQRA regulations, this FEIS incorporates by reference the DEIS dated September 19, 2023 and all supporting Appendices.

A public hearing on the DEIS was held on November 21, 2023. The public hearing was closed on November 21, 2023, but written comments on the DEIS were accepted by the Planning Board until December 15, 2023.

This FEIS has been prepared to respond to all substantive comments received on the DEIS and to comments provided at the DEIS Public Hearing on November 21, 2023. The FEIS has been prepared in accordance with the New York State Environmental Quality Review Act (SEQRA) and Part 617 of the regulations implementing SEQRA. The preliminary FEIS (pFEIS) was submitted to the Planning Board on February 29, 2024 for review and the Applicant appeared before the Planning Board on March 19, 2024 to discuss the pFEIS. The Planning Board's consultants prepared comments on the pFEIS in memoranda to the Planning Board. The pFEIS has been revised to address the comments of the Planning Board and its consultants.

The Applicant is proposing a mixed-use commercial development in a single approximately 407,819 square foot (gross area) building with four floors. The building includes common areas, such as hallways, stairs, mechanical and storage spaces that are not included in the "net" area. The *Table of Areas* on Sheet 1 of the Site Plans provides a summary of net and gross floor areas and uses. The proposed uses include a mix of retail, office uses, and a hotel. The development would include a total of 611 surface parking spaces and an area of 39 banked parking spaces has been provided, for a total of 650 spaces provided. The proposed development includes supporting utilities, stormwater management facilities, lighting, and landscaping.

1.1 Description of the Project Site

The subject site is located on the north side of Nininger Road, approximately between County Route 105 to the northwest and Dunderberg Road to the southwest, as shown in Figure 1-1. The overall Project site consists of two parcels: 1) an approximate 18.2 acre property in the Town of Monroe identified as tax lot 2-1-10, and 2) and approximate 12.3 acre property in the Town/Village of Woodbury identified as tax lot Section 225, Block 1 Lot 30. Figure 1-2 shows the existing setting and character of the project site and surrounding area.

The Monroe Commons property is currently undeveloped vacant land and includes mature woods and federally regulated wetland areas. A small pond is located in the southeast portion of the site within a mapped wetland area. Existing conditions on the property are shown in the Existing Conditions Plan in the Site Plan drawings. According to a review of historic aerial photos and site inspections by Team Environmental Consultants, Inc., the property has historically been a mostly undeveloped wooded parcel, but the site was largely cleared of trees and graded in the late 1950's.

1.2 Summary of Proposed Action and Proposed Project

Zoning Text Amendment, Variance, Site Plan and Special Permit Approvals

The proposed action will require Site Plan and Architectural review approval by the Town of Monroe Planning Board, which has been designated as Lead Agency for the required coordinated SEQRA review. The proposed action will also require a special permit for the hotel use and a local wetlands permit from the Planning Board.

The property is located in the HI – Heavy Industry zoning district, according to the Town of Monroe Zoning Map. As part of the proposed action, the Applicant has requested from the Town Board, zoning text amendments related to building height, parking, and lot coverage. Specifically, the proposed zoning text amendments include:

1) Restore the maximum building height in the HI – Heavy Industry District to fifty feet (50 ft) from forty feet (40 ft.);
2) Include the HI District in Section 57-47E (Method of determining off-street parking requirements) of the Zoning Code, to empower the Town Planning Board to reduce the otherwise applicable parking requirements by forty percent (40%), and
3) Amend the maximum coverage in the HI District from sixty-five percent (65%) to seventy-five (75%).

A copy of the Petition for Zoning Text Amendments is provided in DEIS Appendix B – Correspondence. The requested amendments are currently under review by the Town Board.

Area variances from the Town of Monroe Zoning Board of Appeals will be required for lot coverage, height, and parking in the event that the Town Board does not adopt the proposed zoning amendments.

The proposed zoning amendments would affect other properties mapped in the HI zoning district in the Town of Monroe. The DEIS evaluated the potential impacts of the proposed text amendments on other properties in HI zoning districts in the Town and responses to substantive comments on this evaluation is described in Section 18.0 Potential Impacts of Proposed HI Zoning Text Amendment. Two other undeveloped properties on Nininger Road are located in the eastern

area of the HI zoning district and are shown in Figure 18-2 Properties in HI District - East (See DEIS Section 18.0 Potential Impacts of Proposed HI Zoning Text Amendment).

Proposed Project

The Applicant is proposing a mixed-use commercial development in a single approximately 407,819 square foot (gross area) building with four floors. The proposed uses include a mix of retail, office uses, and a hotel. The development would include a total of 650 surface parking spaces and supporting utilities, stormwater management facilities, lighting, and landscaping. A total of 611 parking spaces will be constructed and an area with an additional 39 banked parking spaces is provided on the plans, for a total of 650 spaces. The banked parking spaces will be constructed if they are found to be necessary in accordance with Town Code Section 57-84(E).

The Monroe Commons mixed-use commercial building will be approximately 407,819 square feet in size and will be four (4) stories, with a height of 49 feet. The square footage cited above, as shown in the Site Plan drawings, is the gross floor area and includes common areas and storage. The building will be set back from Nininger Road in the northwest portion of the site. The building is designed to fit the site's topography and will have entrances and parking on different levels at the front (south) and rear (north) of the building.

The main building entrance area and access to the first floor will have three separate entrances for both retail and office uses. This main entrance will have a bus and taxi drop off area as well as designated handicapped parking areas. A retail entrance and access to the second floor is provided at the west side of the building. Separate entrances for hotel and office uses and access to the third floor is provided at the north side of the building, as well as associated parking for those uses.

Two driveway connections will be provided to the adjacent residential project known as Veyoel Moshe Gardens ("VMG"), a multi-family residential development that is currently under construction on the adjoining property to the west. Such a driveway connection would allow residents of VMG to access the Monroe Commons development without driving on Nininger Road, thereby relieving some project-generated traffic from local roads and intersections. Additionally, three pedestrian connections are proposed to the neighboring VMG residential development, as shown on the Site Plan drawings. Sidewalks six-feet in width will be provided at the lower and upper driveway connections and a third walkway near the northern building entrance. Sidewalks will allow residents of the VMG development to access the site at several points without the need for vehicles.

The Monroe Commons development will support a mix of uses. Approximately 170,718 square feet of retail space (gross area) will be located on the first and second floors. Potential retail tenants include a grocery store and other general retail tenants. Approximately 81,216 square feet of office space (gross area) will be provided on the third floor of the building, and approximately 6,201 square feet of that office space will be medical office space. The lobby of the hotel (2,096 s.f.) will be located on the third floor for access from the eastern parking area, and a portion of the third floor will include a hotel with 75 rooms and meeting space. The fourth floor of the building will contain approximately 42,315 square feet of office space (gross area**).**

The Applicant has modified the proposed balance between retail, office and hotel uses (square footage) internal to the building from that presented and analyzed in the DEIS, which, as discussed below, results in a reduction in the project's traffic impacts. The proposed uses in the current plan include an increase in the number of hotel rooms from 39 to 75 and a decrease in the square footage of retail space and medical office space. A comparison of the internal uses, areas and

potential impacts is provided in Section *1-5. Modifications to the Plan and Updated Information Since the DEIS,* below.

The building will have a modern architectural design, including a varied outer façade of stone and glass with metal trim. Architectural canopies will be provided at the three building entrances as well as landscaped islands, and a clocktower is proposed at the southeast building corner (see DEIS Figures 15-8 through 15-10). Elevations of the four sides of the building were provided as full sized drawings with the DEIS Site Plan set, as well as preliminary floor plans for the building interior.

The development will be fully landscaped with street trees and native plantings, as shown in the attached *revised* Landscape Plan. The Landscape Plan provides street trees along the property frontage on Nininger Road and around the two driveway entrances. Street trees and shrubs will be planted at the perimeter of the development and throughout the two main parking areas. Trees and shrubs are provided around the proposed building, especially at the building entrance areas.

1.3 List of Interested / Involved Agencies and Required Approvals

The proposed action will require Site Plan and Architectural review approval by the Town of Monroe Planning Board, which has been designated as lead agency for the required coordinated SEQRA review. The proposed action will also require a special permit for the hotel use and a local wetlands permit, from the Planning Board. The list of approvals required to develop the proposed Project and "**Involved Agencies"** includes the following.

- HI Zoning Text Amendment (**Town of Monroe Town Board**): Specifically, the Applicant has petitioned the Town Board to make the following amendments: (1) restore the maximum building height in the HI District to fifty feet (50 ft) from forty feet (40 ft.); (2) include the HI District in Section 57-47E (Method of determining off-street parking requirements) of the Zoning Code, so as to empower the Planning Board to reduce the otherwise applicable parking requirements by forty percent (40%); and (3) amend the maximum coverage in the HI District from sixty-five percent (65%) to seventy-five (75%).
- Special Permit for Hotel Use (**Town of Monroe Planning Board**), whereby Article V of the Town Zoning Code applies.
- Site Plan and Architectural Approval (**Town of Monroe Planning Board**), whereby Article VI and Section 57-31 of the Town Zoning Code apply.
- Local Wetlands Permit (**Town of Monroe Planning Board**), whereby Chapter 56, Wetlands, of the Town Code applies.
- Stormwater Pollution Prevention Plan Approval (**Town of Monroe Planning Board**), whereby Section 46-12 of the Town Code, Stormwater, Soil Erosion and Sediment Control applies.
- *Potential* Area Variances for lot coverage, height, and parking and *potential variance* from Town Code Section 57-20(B)(6) related to a protective planting strip within a side yard adjacent to a residential district (**Town of Monroe Zoning Board of Appeals**).
- Highway Work Permit (**Orange County Department of Public Works**)
- Driveway Permit (**Orange County Department of Public Works**)
- Utility Permit (**Orange County Department of Public Works**)
- Orange County Sewer District No. 1 Sewer Use Permit (**Orange County Environmental Facilities and Services**)
- State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (**New York State Department of Environmental Conservation [NYSDEC], Region 3**)
- Nationwide Wetlands Permit (**U.S. Army Corps of Engineers**)

- Clearing & Grading Permit / Site Plan Approval for grading and tree clearing (**Village of Woodbury Planning Board**), whereby Section 310-45 of the Village of Woodbury Code applies. In addition, the Village Planning Board will review the proposed grading as it relates to Village Code requirements for the Ridge Preservation Overlay District and Water Quality Protection Overlay District (WQPO).
- Water Connection to Village of Kiryas Joel/Town of Palm Tree municipal system (**Village of Kiryas Joel/Town of Palm Tree**)
- Site Plan Amendment for proposed driveway and pedestrian connections to the VMG property, grading and utility connections (**Village of Kiryas Joel/Town of Palm Tree Planning Board** [same Board for Village and Town]), whereby Section 155-21 of the Village of Kiryas Joel Zoning Law applies.

The agencies responsible for the above approvals, shown in parentheses, are identified as "Involved Agencies" pursuant to SEQRA.

"Interested Agencies" participating in review of the Proposed Action under SEQRA, include:

- New York State Department of Transportation, Region 8
- New York State Office of Parks, Recreation, and Historic Preservation (National Historic Preservation Act Section 106 Review, NYS Historic Preservation Act Section 14.09 Review, and other input as required for the SWPPP)
- NYSDEC Department of Fish & Wildlife
- NYSDEC Natural Heritage Program
- Orange County Department of Planning (General Municipal Law [GML] 239-m Referral, Review of proposed Local Law)
- Orange County Department of Public Works (GML 239-f Referral)
- Town of Monroe Building Department (Building Permit)
- Monroe Joint Fire District
- Village of Monroe
- Village of Harriman
- Monroe-Woodbury Central School District
- Village of Woodbury
- Town of Woodbury

1-4 Modifications to the Plan and Updated Information Since the DEIS

The site plan has been updated and refined in response to comments on the DEIS, as discussed below, but the overall project layout and building size, have not changed since the acceptance of the DEIS. Additionally, certain information provided in the DEIS has been expanded upon in response to comments and this information is summarized in this FEIS. Plan and information updates include:

- An *Invasive Species Management Plan* has been prepared to address existing and potential new invasive species on the project site (see Appendix D).
- A site specific *Blasting Plan* has been prepared for the development, based upon Planning Board concern regarding the potential presence of bedrock in the building footprint (see Appendix C).
- The *Geotechnical Investigation Report* has been updated with newly collected soil boring and groundwater field data. The updated report is provided as Appendix E.

- The stormwater management design and the SWPPP have been revised based upon Planning Board Engineer comments and updated geotechnical information. The updated SWPPP is attached as Appendix F.
- The *Tree Plan* has been updated to locate and identify all trees 6-inches or greater on the project site (including in the Village of Woodbury). The Tree Plan has been prepared in conformance with Chapter 57 of the Monroe Town Code.

- The *Landscape Plan* has been updated based upon comments from the Planning Board consulting landscape architect, including modifications to the plants and landscape details. See updated Landscape Plan included in Appendix K attached hereto.

- The northern project entrance has been re-designed to right-turn in and right-turn out, only. This design was requested by Orange County Department of Public Works.

- Traffic mitigation measures have been expanded upon and the designs for those mitigation measures advanced with preliminary drawings. The traffic mitigation measures are described in FEIS Chapter 9.0 Transportation and conceptual traffic improvement designs are provided therein.

The areas allocated to different uses in the building have been modified between the Planning Board's acceptance of the DEIS and the Applicant's submission of the FEIS. As discussed below, this change results in a reduction in the traffic that the project will generate. These area differences are reflected on the revised Site Plan drawings (see Appendix K). The footprint of the building and the total building square footage has not changed between the DEIS and FEIS. A summary of the area changes and a comparison of potential impacts is provided below.

The Applicant currently proposes 75 hotel rooms as compared to the 39 hotel rooms analyzed in the DEIS. The Hotel Market Study provided in DEIS Appendix K remains applicable to the current proposal given the need for additional hotel accommodations for the Kiryas Joel/ Town of Palm Tree community.

The allocation of areas and uses is summarized in Table 1-1, below.

Table 1-1
Comparison of Areas and Uses between DEIS and FEIS

Proposed Uses	**Gross Area ***	**Net Area ***
DEIS Plan		
Retail	168,690 sf	108,479 sf
Hotel (39 rooms)	39,228 sf	16,945 sf
Office	113,614 sf	63,638 sf
FEIS Plan		
Retail	170,718 sf	85,365 sf
Hotel (75 rooms)	43,096 sf	22,635 sf
Office	117,333 sf	76,948 sf
Medical Office	6,201 sf	4,108 sf

Source: Pietrzak & Pfau Engineering and Surveying, PLLC
* Note: Net areas do not include common areas / accessory / storage space. Common areas include rest rooms, lobby, elevator, stair well, etc. Accessory spaces include hotel recreation facilities, lobby, fitness center, etc. and preparation and kitchen area for retail use. This area is subtracted from gross floor area.

The area modifications shown in Table 1-1 above result in the following:

- Net Retail space reduced by 23,114 sf
- Net Hotel space increased by 5,690 sf and by 36 rooms
- Net office space increased by 17,418 sf

These area changes affect those potential impacts connected to the proposed project uses and areas, including: assessed value and taxes generated, number of employees and resultant municipal costs, parking, water use and sewer demand, and traffic trip generation. As noted, the overall size of the building has not changed. The added estimated number of employees does not substantially increase the demand for facility police and fire services.

Assessed Value and Taxes Generated

The modification in building uses proposed in the FEIS will result in an increase in the future assessed valuation of the property from a projected $6,013,452 to $6,335,904 representing an increase of approximately 5%. Projected tax revenue from the overall development will increase by approximately $58,421 also a 5% increase.

Number of Employees & Municipal Costs

As shown in Table 1-2 below, the change in square footage of uses results in an increase in the projected number of employees from 682 to 767, an increase of 85 employees. As detailed in the DEIS, the municipal cost per employee is estimated to be $71 per employee, thus municipal costs may increase by approximately $6,035 as a result in this change in use. However, as stated above the increase in assessed value will result in an overall tax revenue increase of $58,421, of which $7,212 is the Town's portion. This revenue increase will cover any increase in municipal costs as a result of additional employees.

Table 1-2
Comparison of Employees between DEIS and FEIS

Use	Factor	DEIS Plan Square Feet	Employees	FEIS Plan Square Feet	Employees
Retail	1 employee /400 sqft	108,479	271	85,365	214
Office	1 employee / 175 sqft	63,638	364	81,056	463
Hotel	12 persons/ 10 rooms	16,945 *(39 rooms)*	47	22,635 *(75 rooms)*	90
Total			**682**		**767**

Parking Demand

The project engineer has evaluated the parking demand for the area and uses proposed in the DEIS and the FEIS. These calculations are provided on the cover page for the DEIS Site Plans dated July 25, 2023 and FEIS plans dated June 17, 2024. The parking analysis tables for the two plans are provided below.

Table 1-3 DEIS Plan - Table of Building Floor Uses

TABLE OF BUILDING FLOOR USES AND AREAS

PROPOSED FLOOR	GROSS FLOOR AREA	COMMON AREA/ STORAGE*	NET FLOOR AREA**
UNFINISHED BASEMENT	86,287 SQ. FT.	N/A	N/A
1ST FL. RETAIL	86,287 SQ. FT.	28,806 SQ. FT.	57,481 SQ. FT.
2ND FL. RETAIL	82,403 SQ. FT.	31,405 SQ. FT.	50,998 SQ. FT.
PARTIAL 3RD FL. HOTEL	39,228 SQ. FT.	22,283 SQ. FT.	16,945 SQ. FT.
PARTIAL 3RD FL. OFFICE	37,152 SQ. FT.	17,768 SQ. FT.	19,384 SQ. FT.
4TH FL. OFFICE	76,462 SQ. FT.	32,208 SQ. FT.	44,254 SQ. FT.
TOTALS	407,819 SQ. FT.	132,470 SQ. FT.	189,062 SQ. FT.

* COMMON AREAS INCLUDE REST ROOMS, STOCK ROOMS, LOBBY, ELEVATOR, STAIR WELL, ETC. THIS AREA IS SUBTRACTED FROM THE GROSS FLOOR AREA.

** NET FLOOR AREA IS USED FOR PARKING CALCULATIONS FOR OFFICE AND RETAIL SPACE.

Table 1-4 DEIS Plan – Table of Parking Requirements

TABLE OF PARKING REQUIREMENTS

PROPOSED USE BY FLOOR	PARKING SPACE FORMULA	REQUIRED PARKING
1ST FL. RETAIL	1 SPACE FOR EVERY 150 SQ. FT.	57,481 SQ. FT./150 = 384
2ND FL. RETAIL	1 SPACE FOR EVERY 150 SQ. FT.	50,998 SQ. FT./150 = 340
PARTIAL 3RD FL. HOTEL	1 SPACE FOR EVERY GUEST UNIT +1 SPACE FOR EVERY EMPLOYEE	39 ROOMS +6 EMPLOYEES = 45
PARTIAL 3RD FL. OFFICE	1 SPACE FOR EVERY 200 SQ. FT.	19,384 SQ. FT./200 = 97
4TH FL. OFFICE	1 SPACE FOR EVERY 200 SQ. FT.	44,254 SQ. FT./200 = 222
		TOTAL: 1,088 PARKING SPACES

OFF STREET TRUCK LOADING SPACES: 2 REQUIRED FOR BUILDING 25,000 TO 40,000 SQ. FT. OF AREA "DEVOTED TO SUCH USE", – 7 TRUCK LOADING SPACES PROVIDED.

Table 1-5 FEIS Plan - Table of Building Floor Uses

TABLE OF BUILDING FLOOR USES AND AREAS

PROPOSED FLOOR	GROSS FLOOR AREA	COMMON AREA/ STORAGE [2]	NET FLOOR AREA [3]
BASEMENT	87,371 SQ. FT.	87,371 SQ.FT.	0 SQ. FT.
1ST FL. RETAIL	87,403 SQ. FT.	42,814 SQ. FT.	44,589 SQ. FT.
2ND FL. RETAIL	83,315 SQ. FT.	42,539 SQ. FT.	40,776 SQ. FT.
PARTIAL 3RD FL. HOTEL	2,096 SQ. FT.	2,096 SQ. FT.	0 SQ. FT.
PARTIAL 3RD FL. OFFICE	75,018 SQ. FT.	23,649 SQ. FT.	51,369 SQ. FT.
PARTIAL 3RD FL. MEDICAL	6,201 SQ. FT.	2,093 SQ. FT.	4,108 SQ. FT.
4TH FL. OFFICE	42,315 SQ. FT.	16,736 SQ. FT.	25,579 SQ. FT.
4TH FL. HOTEL	41,000 SQ. FT.	18,365 SQ. FT.	22,635 SQ. FT.
TOTALS	424,719 SQ. FT.	235,663 SQ. FT.	189,056 SQ. FT.

NOTES:
1. ALL AREAS PROVIDED BY THE PROJECT ARCHITECT.
2. COMMON AREAS INCLUDE REST ROOMS, STOCK ROOMS, LOBBY, ELEVATOR, STAIR WELL, ETC. THIS AREA IS SUBTRACTED FROM THE GROSS FLOOR AREA.
3. NET FLOOR AREA IS USED FOR PARKING CALCULATIONS FOR OFFICE AND RETAIL SPACE.

Table 1-6 FEIS Plan - Table of Parking Requirements

TABLE OF PARKING REQUIREMENTS

PROPOSED USE BY FLOOR	PARKING SPACE FORMULA	REQUIRED PARKING
1ST FL. RETAIL	1 SPACE FOR EVERY 150 SQ. FT.	44,589 SQ. FT./150 = 298
2ND FL. RETAIL	1 SPACE FOR EVERY 150 SQ. FT.	40,776 SQ. FT./150 = 272
PARTIAL 3RD FL. & 4TH FL. HOTEL	1 SPACE FOR EVERY GUEST UNIT +1 SPACE FOR EVERY EMPLOYEE	75 ROOMS + 11 EMPLOYEES = 86
PARTIAL 3RD FL. OFFICE	1 SPACE FOR EVERY 200 SQ. FT.	51,369 SQ. FT./200 = 257
PARTIAL 3RD FL. MEDICAL	1 SPACE FOR EVERY 100 SQ. FT.	4,108 SQ. FT./100 = 42
4TH FL. OFFICE	1 SPACE FOR EVERY 200 SQ. FT.	25,579 SQ. FT./200 = 128
		TOTAL: 1,083 PARKING SPACES

OFF STREET TRUCK LOADING SPACES: 2 REQUIRED FOR BUILDING 25,000 TO 40,000 SQ. FT. OF AREA "DEVOTED TO SUCH USE", – 9 TRUCK LOADING SPACES PROVIDED.

The above tables indicate that the parking demand for the modified uses does not substantially change, with five (5) less spaces required for the FEIS Plan. The FEIS Plan provides a total of 650 parking spaces (611 surface parking spaces and 39 banked parking spaces), which is three (3) less spaces than the DEIS Plan, which provided 624 surface parking spaces and 29 banked parking spaces. The Applicant has petitioned the Town Board for a zoning amendment to include the HI District in Section 57-47E (Method of determining off-street parking requirements) of the Zoning Code, to empower the Town Planning Board to reduce the otherwise applicable parking requirements by forty percent (40%). The Applicant is seeking a 40% parking waiver from the Planning Board under the proposed zoning amendment. With the Town Board's adoption of the proposed zoning amendment and the Planning Board granting a 40% waiver and allowing the banked parking area, the FEIS plan would provide the required parking per the Town of Monroe Code, as shown in the Parking Calculations in the Site Plan Cover Sheet (Drawing 1).

Water Use and Sewer Demand

Water use and sewer demand calculations are generally based upon uses and square footages. Hotel water use is based upon 130 gallons per day per room. The difference in water usage from

39 rooms (5,070 gallons) to 75 rooms (9,750 gallons) is an increase of 4,680 gallons per day, resulting in a water demand of 58,786 gallons per day for the total project. This volume is an 8.4 percent increase of the 54,210 gallons per day total project water demand described in the DEIS. The project utilities engineer has updated the project's estimated daily water use by confirming the building's proposed uses, areas and employees, as applicable to estimate water uses. The updated water uses are provided in *Estimated Daily Water Use Report* by Mehandes Engineering dated June 3, 2024 (see Appendix G). The updated water estimates are based upon the architectural plans and the *Table of Areas,* on Sheet 1 of the Site Plan drawings.

The Village of Kiryas Joel/Town of Palm Tree Administrator has provided an updated letter indicating the Village's willingness to provide water service for the proposed action for the increased demand. (See Appendix I). The increased sewer treatment demand would be similar and is not a significant increase. Additionally, these estimates do not include the overall net reduction in retail space.

Traffic Trip Generation

The project modification results in a considerable reduction in the traffic that the project will generate, including an approximately 33% reduction in the AM Peak Hour, an approximately 25% reduction in the PM Peak Hour, and an approximately 19% reduction in the Sunday Peak Hour. Traffic trip generation for the Monroe Commons development is directly derived from specific uses and the proposed square footage of those uses. The reduction in trip generation results in a corresponding reduction in potential impacts to intersections and the traffic network. A comparison of trip generation is provided in the tables below prepared by the project traffic engineer Creighton Manning Engineering, Inc.

Table 1-7 – Project Trip Generation Comparison (from DEIS)

Land Use	Size	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
LUC 710 – General Office Building	37,152 SF[1]	62	9	71	12	61	73	5	3	8
LUC 720 – Medical Office Building	76,462 SF[1]	189	149	338	92	216	308	9	8	17
LUC 821 – Shopping Plaza (40 – 150K)	108,479 SF[2]	237	146	383	456	495	951	403	420	823
Pass-by (20% AM, 40% PM, 30% Sun)		-38	-38	-76	-190	-190	-380	-123	-123	-246
LUC 310 – Hotel	39 Rooms	10	8	18	12	11	23	11	11	22
Total Driveway Trips		**498**	**312**	**810**	**572**	**783**	**1355**	**428**	**442**	**870**
Total New Trips		**460**	**274**	**734**	**382**	**593**	**975**	**305**	**319**	**624**
ITE Rate (Trips/KSF)[3]		--	--	4.28	--	--	7.17	--	--	4.60
Local Data Average Rate (Trips/KSF)		--	--	3.16	--	--	4.00	--	--	4.92

[1] ITE Trip Generation for LUC 710 is found using the Gross Floor Area (GFA) of the use

[2] ITE Trip Generation for LUC 821 is found using the Gross Leasable Area (GLA) of the use

[3] ITE Rates found using total Net Floor Area (189,062 SF) as shown on Site Plan in Appendix A. ITE Rate is based on Total trip generation not accounting for retail pass-by trips.

Table 1-8 Update – 2024 Project Trip Generation Comparison (based on March P&P Site Plan Cover Sheet)

Land Use	Size	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
LUC 710 – General Office Building	117,333 SF[1]	169	23	192	32	158	190	14	11	25
LUC 720 – Medical Office Building	6,201 SF[1]	16	4	20	7	15	22	1	0	1
LUC 821 – Shopping Plaza (40 – 150K)	85,365 SF[2]	187	114	301	370	401	771	317	331	648
Pass-by (20% AM, 40% PM, 30% Sun)		-30	-30	-60	-154	-154	-308	-97	-97	-194
LUC 310 – Hotel	75 Rooms	17	13	30	14	14	28	13	15	28
Total Driveway Trips		**389**	**154**	**543**	**423**	**588**	**1011**	**345**	**357**	**702**
Total New Trips		**359**	**124**	**483**	**269**	**434**	**703**	**248**	**260**	**508**
ITE Rate (Trips/KSF)[3]		--	--	2.87	--	--	5.35	--	--	3.71
Local Data Average Rate (Trips/KSF)		--	--	3.16	--	--	4.00	--	--	4.92
Percent Reduction from DEIS		543/810 = 67% (-33%)			1011/1355=75% (-25%)			702/870 = 81% (-19%)		

[1] ITE Trip Generation for LUC 710 is found using the Gross Floor Area (GFA) of the use

[2] ITE Trip Generation for LUC 821 is found using the Gross Leasable Area (GLA) of the use

[3] ITE Rates found using total Net Floor Area (189,056 SF) as shown on Site Plan in Appendix A. ITE Rate is based on Total trip generation not accounting for retail pass-by trips.

As indicated in Table 1-8, the reduction in more intense uses (medical office and retail) and increases in minor uses (office and hotel) yields a 19% to 33% decrease in overall traffic volumes. Therefore, the Traffic Impact Study (TIS) prepared for the Applicant as part of the DEIS can be considered a conservative analysis.

The analysis at the Nininger Road/Dunderberg Road intersection was updated to reflect the proposed tenant mix and update the peak hour factor to reflect a tempered volume distribution through the AM peak hour given the increase in non-school related traffic which arrive to the intersection in a more even pattern. This results in less of a sudden increase in traffic and reduced delays. The traffic impact from the Monroe Commons development is also reduced, such that the necessary mitigation is the addition of an exclusive through lane on the westbound approach, as detailed in the DEIS, or, alternatively, the addition an exclusive right turn lane on the westbound approach. The details of this change are reflected in Table 1-9 below.

Table 1-9 – LOS Update for CR 64/95

Intersection		Control	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
			2024	2024	2024	2024	2024	2024	2024	2024	2024
			No-Build	Build	Imp.*	No-Build	Build	Imp.*	No-Build	Build	Imp.*
CR 64/CR 95 (Dunderberg Rd)		PHF	0.53	0.75	0.75	0.94	0.94	0.94	0.92	0.92	0.92
CR 64 EB	L	[S]	F (>500) 2.52	F (409) 1.82	E (60.6) 0.97	D (36.2) 0.7	**E (60.9)** **0.9**	E (79.4) 0.98	C (29.1) 0.62	D (37.5) 0.72	C (34.0) 0.78
	T		F (98.0) 1.16	**B (17.0)** **0.85**	B (15.9) 0.84	A (4.9) 0.48	A (6.7) 0.61	A (5.2) 0.55	A (4.1) 0.4	A (4.7) 0.47	A (4.8) 0.47
CR 64 WB	[T]R		F (277) 1.55	**F (142)** **1.25**	D (48.2) 0.95	F (110) 1.17	**F (161)** **1.29**	D (38.6) 0.97	E (60.3) 1.04	**F (97.7)** **1.14**	D (37.8) 0.97
	[R]		--	--	A (5.5) 0.42	--	--	A (0.5) 0.12	--	--	A (0.4) 0.09
CR 95 SB	L		F (115) 1.07	E (64.3) 0.80	E (71.7) 0.83	D (49.3) 0.53	D (49.3) 0.53	E (71.0) 0.63	D (48.8) 0.5	D (48.9) 0.5	D (42.6) 0.47
	R		D (47.4) 0.93	**C (20.8)** **0.72**	B (18.4) 0.63	C (20.2) 0.51	C (26.5) 0.6	C (33.3) 0.67	B (14.4) 0.44	B (19.7) 0.51	B (19.0) 0.47
Overall			F (246)	**F (121)**	C (32.0)	E (63.8)	**F (88.5)**	C (31.2)	D (37.3)	**E (56.1)**	C (24.5)

* Includes adding a westbound exclusive right turn lane and signal timing adjustments.

1-5 FEIS Format

The FEIS is arranged in sections, with comment summaries and responses arranged by subject area, similar to the DEIS. A comment summary, in some cases, may incorporate more than one individual comment on the same subject, followed by a response to that comment. Written comments were received from the following, and are attached in full in Appendix A.

Table 1-10 Comment Letter, Author, and Date		
Letter #	**Author**	**Date**
1	Erik Denega,P.E., Commissioner, Orange County Dept of Public Works	November 21, 2023
2	AKRF, Monroe Planning Board Consulting Planner	November 29, 2023
3	David Tompkins, CWB, PWS, CHA, Monroe Planning Board Consulting Wetlands Scientist	December 4, 2024
4	Karen Arent, Landscape Architect, Consultant to Planning Bd.	December 4, 2024
5	Ashley Torre, Esq. Naughton & Torre, Monroe Planning Board Attorney	December 1, 2024
6	Kelly Naughton, Esq. Naughton & Torre, Village of Woodbury Attorney	November 21, 2024
7	Shawn Arnott, P.E., MHE, Monroe Planning Board Consulting Engineer	December 5, 2021
8	Natalie Barber, P.E. H2M, Village of Woodbury Planning Bd. Consulting Engineer	November 29, 2024
9	Philip Grealy, PhD, P.E. Colliers Engineering and Design, Village of Woodbury Planning Bd. Consulting Traffic Engineer	November 30, 2023
10	Jeremy Valentine, MHE, Monroe Planning Board Consulting Engineer	November, 2023
11	Frank Getchell, NY PG, Weston & Sampson, Monroe Planning Bd. Consulting Hydrogeologist	December 14, 2023
12	James Banville, Monroe Resident	December 14, 2023
13	Jason Brenner, P.E., NYSDOT Hudson Valley	January 31, 2024
14	Jennifer MacLeod, AICP and Alan Sorenson, AICP, Orange County Department of Planning	November 30, 2023
15	Carol Hawxhurst, Monroe Resident	December 3, 2023
16	Paulette Browne, Monroe Resident	December 3, 2024
17	Anthony Trochiano, P.E. Orange County Department of Public Works	March 19, 2024

Comments were received at the DEIS public hearing and the transcript for the public hearing is provided as Appendix B. The format of the comments and responses, is as follows.

Comment # (Source): Comment summary text

Response #: *Comment summary text*

Substantive and relevant comments taken from the letters and hearing transcript are marked in the margins of Appendix A and B, with references to the FEIS comment/response numbers.

The potential impacts and mitigation measures are summarized in Table 1-11, below.

Table 1-11
Summary of Impacts and Mitigation

Land Use and Zoning – Potential Impacts	Land Use and Zoning – Mitigation Measures
Applicant has requested that the Town Board adopt three text amendments to the Town of Monroe zoning code (Town Code Chapter 57) to support the Project, which are summarized as follows: 1) Restore the maximum building height in the HI – Heavy Industry District to fifty feet (50 ft) from forty feet (40 ft.); 2) Include the HI District in Town Code Section 57-47E (Method of determining off-street parking requirements), so as to empower the Town Planning Board to reduce the otherwise applicable parking requirements by forty percent (40%), and 3) Amend the maximum coverage in the HI District from sixty-five percent (65%) to seventy-five (75%). The impacts of the proposed zoning amendments are addressed below under **Proposed HI Zoning Text Amendments – Potential Impacts**. Variances from the Town of Monroe Zoning Board of Appeals will be required, in the event that the Town Board does not adopt the proposed zoning amendments. Pursuant to Town Code Section 57-47.F, the Applicant is proposing to reduce the number of parking spaces to be constructed prior to issuance of a certificate of occupancy by 39 spaces.	The mitigation measures for the proposed zoning amendments are addressed below under **Proposed HI Zoning Text Amendments – Proposed Mitigation Measures**. In the event the proposed zoning amendments are not adopted, the impacts from any variances that would be required have been mitigated by the project design, including the incorporation of adequate landscaping. In connection with the proposed reduction in constructed parking by 39 spaces pursuant to Town Code Section 57-47.F, the Applicant has demonstrated that an appropriate area is available to meet the applicable parking and such area will be identified and reserved for parking purposes on the site plan for three years following approval of the site plan. Under Town Code Section 57-47.F, the Planning Board may require the Applicant to provide a sufficient bond to allow construction of the improvements in the banked parking area as a condition of site plan approval, and may construction of the parking improvements at any time within that three-year period if the additional parking area is found to be necessary to accommodate the actual parking requirements of the occupied site. The banked parking area will be landscaped to provide for greater green and landscaped area for the Project. The potential impacts of the proposed amendments, and the mitigation measures related to those potential impacts are examined in this DEIS, including: parking (Section 9.0 Traffic and Transportation), building height (Section 15.0 Visual Resources and Community Character), and coverage (Section 2.0 Project Description, Section 4.0 Geology, Soils and Topography, Section 8.0 Stormwater Management).

Geology, Soils and Topography – Potential Impacts	**Geology, Soils and Topography – Mitigation Measures**
Total disturbance for construction will involve 17.7 acres in total, including 15.2 acres in the Town of Monroe, 2.5 acres in the Village of Woodbury and 0.55 acres in the Village of Kiryas Joel / Town of Palm Tree. Grading is required to construct the internal driveway network, parking areas, install site utilities, prepare level areas for the commercial building, and to create a stormwater management system. The two proposed driveway connections and a pedestrian walkway connecting the Project to the adjacent Veyoel Moshe Gardens (VMG) development property will require grading in the Village of Kiryas Joel / Town of Palm Tree. Based upon engineering estimates, development of the Site Plan would involve a **cut** of approximately 143,317 cubic yards of material and a **fill** of approximately 151,837 cubic yards for a net fill of 8,520 cubic yards of material to be imported to the site. According to the Revised *Geotechnical Investigation Report* (FEIS Appendix E). little to no rock excavation is expected within the building areas. If rock is present in the bottom of the basement excavation, ripping will likely be effective as a means of excavation in the first 2-3 feet below the rock surface, and an excavator with a hydraulic how-ram will likely be required for any deeper rock excavation. Blasting is not anticipated. As a result of soil disturbance and vegetation removal, there is an increased potential for siltation to occur both on-site affecting on-site and in areas downgradient of the subject site.	A Stormwater Pollution Prevention Plan (SWPPP) has been prepared by the project engineer in accordance with NYSDEC SPDES *General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001*) and is attached as Appendix F to the FEIS. The SWPPP and accompanying plans identify erosion and sediment control measures to be implemented during and after construction to minimize potential sediment and erosion impacts. No stormwater will be discharged directly to the wetland areas. The SWPPP addresses the proposed grading on the adjacent properties located in the Village of Woodbury and Village of Kiryas Joel/Town of Palm Tree. Erosion and sediment control measures will be installed per the SWPPP prior to ground disturbance and will be maintained throughout the entire construction process. Any excess fill will be removed from the site. The Applicant will comply with the detailed site specific construction recommendations in the *Revised Geotechnical Investigation Report* (Appendix E), which primarily relate to the excavation for the building and preparation of the subgrade for the building foundation. In the event any blasting is required for the Project, such blasting work shall adhere to the Town of Monroe and NY State requirements, including the requirement for a blasting permit from the Town under Town Code Chapter 22, and shall be done in compliance with a blasting plan satisfactory to the Town Engineer. A proposed Blasting Plan is included as Appendix C to the FEIS, which provides procedures for permitting, certifications, insurance, and notifications consistent with the Town Code. Methods to control dust during construction include the following: • Construction operations shall be scheduled to minimize the area of grading / amount of disturbed areas at any one time; • Exposed areas shall be stabilized with mulch and seed as soon as practicable; • Vehicle movement over areas of exposed soil shall be minimized, and all trucks transporting soil shall be covered; • Unpaved areas subject to traffic shall be sprayed with water as necessary to reduce dust generation; • Truck vehicle washing pads shall be constructed at all construction entrances to avoid the tracking of soil onto paved services,

Wetlands and Surface Water Resources – Potential Impacts	Wetlands and Surface Water Resources – Mitigation Measures
The Project will result in 0.49 acres of Palustrine wetland disturbance. Wetlands disturbance will occur primarily in the northwest portion of the site for the construction of the western parking lot and internal driveways. These wetlands include drainage channels and topographic low areas that drain towards the south and the larger wetland area and pond in the southern portion of the site. The entire 0.49-acre wetland encroachment will be permanent and off-set by the proposed on-site wetland mitigation areas. The proposed wetland disturbance will require a Nationwide #39 Permit from the US Army Corps of Engineers, which has been obtained, as of May 11, 2023. The Joint Application will require review and a 401 Water Quality Certification from the NYSDEC. The proposed disturbance will require a wetland permit and conformance with all requirements of the Town of Monroe's Wetlands Law (Chapter 56 of the Town Code). The Project involves the development of an undeveloped parcel and the creation of impervious surfaces, including parking areas, roofs, sidewalks etc., that have the potential to add nutrients and other contaminants to the stormwater generated from the site. Specifically, nitrogen phosphorus, BOD and metals contamination are potential impacts if not appropriately captured and treated before discharge off site. The loss of wetland buffer area as a result of the project would be 5.78 acres. The proposed development would result in the conversion of this wetland buffer area into impervious surface and landscaped area. The conversion of the buffer to impervious and pervious developed land will result in the following impacts: 1) Loss of natural retention and detention of stormwater flowing into the pond and wetland, or the flood mitigation function of the buffer. 2) Reduction of impacts to water quality by slowing the outflow of water from the wetland and pond. As flooding occurs, the buffer would assist in the collection of sediment and any pollutants within the sediment from flowing into downstream waters. 3) Loss of habitat for wildlife that is not specifically aquatic to utilize the buffer of the wetland, including amphibians and reptiles that use the area for nesting	The Project will create of 0.9 acres of wetland mitigation areas. Five areas contiguous to the existing southern wetland will be graded to increase the area of the existing wetland and will be planted with native species of wetland vegetation. The Wetland Mitigation Plan provides a considerable area of wetland planting. The expansion of the wetland area is feasible given the existing layout, topography and soils in the area proposed for mitigation. A cumulative total of 780 shrubs and 200 trees are proposed to be planted in the Wetland Mitigation area. The species of plantings were chosen based upon their ability to provide wildlife with food and cover, their site adaptability, their ability to provide enhancement, and to diversify the constructed wetland and the natural wetland communities. The wetland mitigation area will provide functions similar to those of the existing wetland including, flood attenuation, sediment stabilization, nutrient removal, groundwater recharge, and wildlife habitat. The 5.78 acres of regulated buffer impact is considered an unavoidable impact that is being partially mitigated, with no reasonable alternative that would meet the Applicant's goals for the Proposed Project. The SWPPP prepared for the Project provides stormwater detention and treatment for run-off from the impervious surface introduced into the site. No stormwater will be discharged directly to the existing wetland; all stormwater will be directed to infiltration basins and underground infiltration chambers. The SWPPP is designed to meet NYSDEC requirements for long-term stormwater management for the Project, including maintenance requirements. The use of infiltration chambers is intended to maintain water quality of the on-site wetland area and off-site downstream water courses. The proposed stormwater management facilities provided in the SWPPP, designed according to NYSDEC standards, can be considered a water quality mitigation measure. However, due to the development and anticipated parking lot runoff, there will be some degradation of water quality in the wetland system. The Applicant will not use pesticides, herbicides or inorganic fertilizers for future landscaped areas. To the great extent practicable, deicing agents will only be used for pedestrian areas. All runoff from the site, including snow melt, will be conveyed to infiltration practices. Deicing material will not be stored on-site. The only direct discharge of water to the design points will be during the highest intensity storms, when deicing agents if present will be highly diluted, but still present.

and thermal regulation. The project will exacerbate the local loss of the forested community by reducing viable habitat and fragmenting the remaining wetland from forested areas to the north by creating barriers that will impede natural wildlife movement. Local wildlife population declines will be exacerbated.	The Applicant shall provide the Town's wetlands consultant with an annual report on the effectiveness of the wetland mitigation and invasive species management plans.
Groundwater Resources - Potential Impacts The Applicant will obtain water for the Project from the Village of Kiryas Joel / municipal water system, due to the apparent limited groundwater resources on the property and well constraints related to lot area and on-site wetlands. The potential impacts to local groundwater resources from the Project would be reduced by utilizing municipal water, as compared to onsite wells, and local recharging of the shallow groundwater resources with stormwater. Therefore, the Project as proposed, will not draw on local groundwater resources, though it may have limited potential influence on neighboring groundwater supplies and on-site water resources. Stormwater from the project site has the potential to impact groundwater resources and hydraulically connected on-site surface water such as the on-site stream, pond, and wetland. The Project is not expected to substantially reduce the overall groundwater recharge volume that currently occurs on-site due to the proposed use of on-site stormwater management measures. Petroleum leaks and spills, use of de-icing agents, and landscaping fertilizer and weed and insect control have the potential to impact both surface water and groundwater (aquifer) resources.	**Groundwater Resources – Mitigation Measures** The Project will not withdraw groundwater for potable water supply, but will utilize the municipal water supply from the Village of Kiryas Joel. The use of municipal water reduces the potential impacts to groundwater at the site and to adjacent users of groundwater. The Applicant will pay all user-incurred fees for water usage consistent with the requirements of the Village of Kiryas Joel. All infrastructure will be constructed to the Village specifications and will be reviewed and approved by the Village of Kiryas Joel. Refer to **Utilities – Potential Impacts and Proposed Mitigation Measures** for additional information on the proposed water supply. The Village of Kiryas Joel Village Administrator has provided a letter, dated June 18, 2024, indicating the Village's agreement to supply water for the proposed action up to and including 80,000 gallons per day, which exceeds the project's current estimated demand of 58,786 gallons per day. (See Appendix I). Following development, stormwater from impervious surfaces will be directed to stormwater management facilities and allowed to infiltrate into on-site soils and unconsolidated materials and related groundwater resources above the bedrock aquifer. Stormwater will be directed to either infiltration basins or to underground storage chambers and allowed to infiltrate to the on-site groundwater resources. Pesticides will not be used for landscape maintenance and will only be used for specific control of insects or plant blight on a limited basis. To the great extent practicable, deicing agents will only be used for pedestrian areas. The stormwater management facilities will include infiltration practices designed to treat driveway and parking lot runoff. No petroleum or hazardous materials will be stored in the proposed commercial building with the potential to impact the underlying shallow and or bedrock aquifers. There will be no underground or aboveground petroleum storage tanks. Petroleum leaks or spills from vehicles (e.g., during accidents where fuel storage tanks are damaged), will be responded to by emergency service responders and the spill will be contained to the pavement to the

	extent possible. The proposed stormwater management facilities for the Project are designed to treat the stormwater run-off from new pavement, including minor drips and leaks of petroleum from vehicles onto pavement. Residual de-icing materials will be removed from all pedestrian areas following the end of the corresponding application season. The collection of groundwater level data in the overburden will be part of the Proposed Project's wetland mitigation plan and Invasive Species Management Plan to establish the effectiveness of the stormwater recharge. The groundwater level monitoring will be done for a period of five (5) years, consistent with the wetlands mitigation plan and Invasive Species Management Plan monitoring.
Vegetation and Wildlife – Potential Impacts The Project will result in the clearing and grading of a total of 17.7 acres, on both the Monroe and Woodbury parcels and 0.55 acres in the Village of Kiryas Joel with a total area of 30.5 acres or 58% of the entire site. The extent of the permanent and temporary impacts to the existing ecological communities are shown on Grading Plan. The Grading Plan provides a limits of disturbance line and essentially all vegetation within the disturbance limits line will be removed. Wildlife that currently inhabit or utilize the site will be required to relocate to adjacent, undeveloped forested uplands that are located to the north and south of the property. Nininger Road and the four-lane NY Route 17 highway separates the site from undeveloped wooded land to the south. Based on the site plan, a total of 0.49± acres of permanent impact to the on-site wetlands are proposed by the Project. The Project will include grading and planting for the creation of 0.9 acres of wetland mitigation area. The Project will alter the 5.8 acres of wetland buffer around the existing pond and the stormwater drainage that reaches the pond through overland flow, as well as shallow groundwater recharge. The Project will also result in the loss of habitat that has been identified as potentially suitable for two state and federally listed species; the Indiana Bat and the Northern Long-eared Bat.	**Vegetation and Wildlife – Mitigation Measures** The design of the commercial building and associated attendant features have been "clustered" to limit the overall footprint of the development. By clustering the development, 12.8± acres or 42% of the site will remain undisturbed. The Project includes a *Landscape Plan* that will include the planting of native and ornamental deciduous and evergreen trees and shrubs, grasses, and perennial plants. Extensive planting will be provided at the proposed building entrances, at the south side of the building, in addition to the landscaping in and at the edges of the parking lot. The proposed landscaping will provide food and cover for local and transient bird species. The Wetland Mitigation Plan provides an area of wetland planting and enhancement. The wetland mitigation area will provide some functions similar to those of the existing wetland including, flood attenuation, sediment stabilization, nutrient removal, groundwater recharge, and wildlife habitat for birds, small mammals and the amphibians that currently utilize the area. An Invasive Species Management Plan has been prepared to enhance vegetation in upland areas of the property. Approximately 5.8 acres of existing wetland buffer habitat will be lost as a result of project implementation The Applicant will restrict tree clearing activities to the winter hibernation period for protected bat species (October 1st to March 31st). With these measures included as part of the project and the final site plan set, direct impact to both *Indiana* and *Northern Long-eared Bats* would likely be avoided and no further mitigation or coordination with regulatory agencies are required.

Stormwater Management – Potential Impacts	**Stormwater Management – Mitigation Measures**
The Project will increase the area of impervious surfaces that drain through the site from 1.77 acres to 9.95 acres, for a total of 31.4_ acres. If stormwater management practices and erosion control plans are not included in the development of a project there is potential for impacts to onsite and downstream receiving waters and wetlands. With increases in impervious surfaces, stormwater runoff volumes and flow rates also increase and these increases can result in flooding of downstream areas, scouring of existing channels due to the increased rate of flow and eroding of existing infrastructure. Impervious surfaces also contribute to increases in nutrient, sediment and other contaminant loading into receiving streams and wetlands, which may result in degradation of water quality and habitat value.	The project engineer has prepared a Stormwater Pollution Prevention Plan (SWPPP) consistent with NYSDEC guidelines to minimize erosion and sedimentation during construction and to manage, detain and treat stormwater from the developed portion of the site post-construction. The SWPPP includes a maintenance program to inspect, repair, and clean out proposed stormwater management facilities on an ongoing basis. Full pollution prevention measures will be implemented and maintained throughout the construction of the project to minimize the discharge of pollutants and prevent a violation of water quality standards. All structural sediment and erosion control features will be installed prior to the commencement of grading and earthwork.
Traffic and Transportation – Potential Impacts	**Traffic and Transportation – Mitigation Measures**
Based on ITE data and accounting for pass-by trips, the Project is estimated to generate a total of 483 new vehicle trips in the Weekday AM peak hour, 704 new vehicle trips during the Weekday PM peak hour and 508 new vehicle trips in the Sunday peak hour upon full build out. These estimates are conservative given the unique characteristics of the community and the Project's access to pedestrian and transit services. The above trip generation estimate has been revised from the estimate in the DEIS, based upon modification of uses and allocation of areas in the building. The reduction in more intense uses (medical office and retail) and increases in minor uses (office and hotel) yields a 19% to 33% decrease in overall traffic volumes. The Traffic Impact Study analyzed eight (8) existing intersections and the proposed site driveways for the potential impact of the Project on traffic conditions. The Traffic Study analyzed existing conditions, future conditions without the Project (No Build condition) and future conditions with the Project (Build conditions). Six existing intersections and the site driveways were identified as experiencing adverse impacts to traffic with the addition of the Project as follows: • CR 105 / Bakertown Rd. / Austra Pkwy – There will be notable increases in delay at the eastbound, northbound, and southbound movements during the analyzed peak hours.	The Applicant has proposed specific traffic mitigation measures for impacted intersections, as identified below: 1. *CR 105/Bakertown Road/Austra Pkwy* – The following work is assumed to be completed in the next 10 to 14 months: • Eastbound approach (CR 105) - Add second left turn lane. [Monroe Commons] • Westbound approach (CR 105) - Add separate right turn lane. [Highview Estates] • Southbound approach (Bakertown Road) - Change left/thru lane to a left only lane and add a thru lane. [Village of KJ] • Signal timing improvements. [Village of KJ] 2. *CR 105/CR 64 (Nininger Road)/Daj Connector* – The following work is assumed to be completed in the next 12 to 18 months. • Southbound approach (CR 105) - Add a second left turn lane. [Monroe Commons – fair-share contribution] • Eastbound departure approach (CR 105) – Add second receiving lane departing the intersection. [Monroe Commons – fair-share contribution] • Signal timing improvements. [Village of KJ] • Pedestrian accommodations (landing, button, indications, crosswalk) crossing each road [Monroe Commons] • Eastbound Daj Connector [Village of KJ] • Northbound - add a left turn lane. [Village of KJ]

• CR 105 / CR 64 (Nininger Rd.) – There will be a notable increase in delay on the southbound approach during the Weekday AM and PM peak hours and on the westbound approach during the Sunday peak hour. • CR 105 / Spring St. / Freeland St. / Day Care Center Dwy – There will be a minor increase in the overall delays at this intersection during the Sunday peak hour. • CR 64 (Nininger Rd.) / CR 95 (Dunderberg Rd) – There will be increases in delays on all three approaches, particularly the Weekday AM peak hour which coincides with school traffic. • CR 64 (Nininger Rd.) / NY Route 32 (Signal) – There will be increases in delays on the eastbound and northbound approaches. • NY Route 17 WB Ramps / NY Route 32 – There will be an increase in delay on the westbound approach during the Sunday peak hour. • CR 64 (Nininger Rd) / Site Driveways – The left turn exiting movement at the east driveway is projected to operate at LOS F during all peak hours. The west driveway is projected to operate at LOS F during the Weekday PM peak hour. All other driveway movements are projected to operate at acceptable conditions.	3. *CR 105 (Bakertown Road) /Spring Freeland/Day Care Center Dwy* – The following work is to be completed prior to issuance of a certificate of occupancy: • Signal timing improvements. [Monroe Commons] 4. *CR 64 (Nininger Road)/West and East Site Driveways* – The following work is assumed to be completed prior to issuance of a certificate of occupancy: • Widen Nininger Road to provide an eastbound left turn lane and westbound right turn lane into the east driveway. [Monroe Commons] • Signalize the east driveway. [Monroe Commons] • Provide right in/right out at the west driveway. [Monroe Commons] 5. *CR 64 (Nininger Rd)/CR 95 (Dunderberg Rd)* – The following work is assumed to be completed in the next 10 to 14 months: • Westbound approach (CR 64) - Add an exclusive through lane or, alternatively, add an exclusive right turn lane. [Monroe Commons] • Eastbound approach (CR64) – Add left turn lane [VMG] • Signal timing improvements. [Monroe Commons] Conceptual designs for the traffic mitigation measures including, widening roads, adding lanes, and the addition of a traffic light at the Project's southern driveway are described and provided in this FEIS. The Applicant and its traffic engineer are coordinating with the Orange County Department of Public Works regarding the proposed traffic improvements. The Applicant's responsibility, and the contribution by others for the proposed traffic improvements is described in this FEIS (Chapter 9.0). All such traffic improvements must be completed prior to issuance of a certificate of occupancy for the project. No changes are proposed to the CR 64 (Nininger Road) and NY Route 32 intersection or the NY Route 17 WB Ramps and NY Route 32 intersection, as these intersections operate as part of an adaptive traffic control system along Route 32 which will adjust signal timing in response to the live traffic volumes, resulting in unquantified improvements to vehicle delay.
Historic and Cultural Resources – Potential Impacts No historic sites, structures or districts on the National Register of Historic Places are located in the vicinity of the Project site. Based upon on-site soils, historic aerial photographs and site topography and conditions, it appears that	**Historic and Cultural Resources – Mitigation Measures** To date, no historic or archeological resources have been identified on or in the vicinity of the site. In correspondence dated January 25, 2023, the State Historic Preservation Office (SHPO) has opined that no historic properties, including

a majority of the Project site has been graded and disturbed. Therefore, undisturbed archeological resources are not expected to be located on the subject property.	archeological and/or historic resources, will be affected by the Project. No mitigation is warranted or proposed.
Community Facilities and Services – Potential Impacts The Project consists of 166,421 square feet of new leasable retail (85,365 sf) and office space (81,056 sf), plus a 75-room boutique hotel (22,635 sf), for a combined 189,056 sf, which may create a demand for additional police, fire and emergency medical services. The Project has the potential to add approximately 767 new jobs to the Town's employment base, the majority of which will be retail and service jobs. It is anticipated that the majority of workers will already reside within the Town or nearby municipalities, and the Project is not expected to generate new residents in the Town. Based on planning standards in the Development Impact Assessment Handbook published by the Urban Land Institute (ULI), the protected increase of 189,056 square feet of leasable commercial space has the potential to increase police staffing needs by approximately 0.4 police personnel. Tax revenue, including sales tax revenue generated by the Project, would be available to contribute towards any expenses of additional police personnel. The small number of workers that may potentially relocate to the area is not expected to increase police staffing needs. The DEIS indicates that the Applicant has coordinated with local police and confirmed that there are sufficient staff and resources to provide police protection to the Project, The Project is not expected to result in a significant adverse impact on police services. Based on planning standards in the ULI's Development Impact Assessment Handbook, the anticipated increase of 767 new employees may generate a demand for 1.3 additional fire personnel and approximately 0.16 additional fire vehicles. The DEIS indicates that the Applicant has reviewed the site plan with the Monroe Joint Fire District Chief and the Chief did not raise any concerns.	**Community Facilities and Services – Mitigation Measures** No significant impacts related to Community Services have been identified or are anticipated, and therefore, no mitigation measures are warranted or proposed.

Based upon the ULI multiplier, the projected 787 employees that are expected to work at the Monroe Commons could increase EMS calls by approximately 29 annually. The ULI multipliers assume no existing services, thus the actual demand on EMS personnel and vehicles is expected to be minor. Based on standards in the ULI's Development Impact Assessment Handbook, the projected 787_ employee population associated with the Project has the potential to increase the need for beds in hospitals serving the area by less than 3.2 beds. This is not considered a significant impact. The Applicant anticipates that approximately 17.7 tons of solid waste and 5.9 tons of recyclable material per month would be generated by the Project. It is anticipated that a private contractor would service Monroe Commons once or twice a week. Any methods to reduce solid waste and/or increase recycling or repurposing will be utilized to the reasonable extent practicable. Since the solid waste collection will be done by a private contractor, no impact to municipal waste services is anticipated. Minimal impacts from the proposed Monroe Commons are anticipated to the Monroe Woodbury School District since the Project does not include a residential component and is not expected to generate new residents in the Town. A potential indirect demand on the Monroe Woodbury School District could result if some of the future permanent employees of the Project choose to relocate to reside in, and enroll their children in, the district. This number is not expected to be significant. The Project will generate annual tax revenues to the Monroe-Woodbury School District in the amount of approximately $891,009, which is $884,681 above current taxes, without incurring additional cost to the School District.	
Fiscal and Economic Impacts – Potential Impacts The approximately 189,056 square feet of leasable commercial space created by the Project is anticipated to generate approximately 767 full-time employees. Based on a per employee expenditure of $71, the additional costs to the Town of Monroe are projected to be up to approximately $54,457. The tax revenues to the Town from the proposed Monroe Commons development would increase by $140,728 to an estimated $141,736 annually, thus the Project will result in a net benefit to the Town of $87,279. The Project will generate annual tax revenues to the Monroe-Woodbury School District of approximately $891,009, which is $884,681 above current	**Fiscal and Economic Impacts – Mitigation Measures** The Project is expected to result in taxes generated to the Town, County and School jurisdictions of approximately $1,147,932. No mitigation measures are required.

taxes, without incurring additional cost to the School District. Thus, the Project will be net benefit to the Monroe Woodbury School District. Based upon an average annual revenue of $300 per square foot[1], sales expected from the 85,365 square foot retail portion of the proposed development, sales would be approximately $25.6 million. Applying the 8.13 percent sales tax to the proposed retail use, future sales tax revenues generated from the Project would be approximately $2.2 million annually. Of this total, $1.1 million would go to New York State taxes, $1 million would go to Orange County and approximately $99,750 would go directly to Orange County Transit.	
Noise – Potential Impacts The primary off-site operational noise resulting from the Project will be from vehicles traveling to and from the site. The majority of the vehicle trips will be passenger cars, but trucks will travel to and from the site for deliveries. Current and future residents (sensitive receptors) in the vicinity of Nininger Road may experience an incremental increase in noise as traffic volumes increase. On-site operational noise resulting from the Project will include noise from stationary sources. The heating, ventilation, and cooling (HVAC) equipment for the proposed building will be a stationary source of noise for nearby receptors. On-site operational noise resulting from the Project will also include noise from vehicles entering and exiting the site and circulating in the parking areas and driveways. Since the traffic noise increase along Nininger Road in the future with the proposed project was calculated to be less than 3 dBA, no significant adverse noise impacts to residential receptors within 50 feet of Nininger Road are anticipated. The parking area will also contribute to increased levels of noise at nearby receptors. As part of the FEIS, the Federal Transportation Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) was used to analyze future parking lot noise and its potential impact to sensitive receptors. Using the FTA Manual calculations, the noise loss over	**Noise – Mitigation Measures** Deliveries to the Project site shall be limited to daytime periods to reduce potential truck traffic before and after typical business hours (7:00 a.m. to 6:00 p.m.). The truck delivery area is located at the southeast side of the mixed-use building, opposite the adjoining VMG residential building, thereby reducing noise for future VMG residents from delivery truck activity. Delivery trucks will utilize the southern driveway and will not access the driveway adjacent to the VMG development. The on-site HVAC equipment shall be located on the roof of the building and screened from view with a low parapet wall to reduce the equipment noise for nearby residential receptors. The overall noise levels from on-site traffic is mitigated somewhat by the necessarily low speeds of vehicles circulating on-site and parking. A speed limit of 15 mph shall be implemented on the site's interior roads.

[1] Simon Properties Annual Report.

distance resulted in a sound level of 47.5 dBA for the p.m. weekday peak and 46.2 dBA for the Sunday peak. These parking lot noise levels are substantially lower than those estimated in the DEIS and not considered to be significant.	
Air Quality – Potential Impacts The Project may result in air quality impacts from heating and cooling equipment at the site (stationary sources) and from project induced traffic (mobile sources). The primary generator of air emissions from the Project includes heating and cooling equipment for the on-site building. Air contaminants typically of concern with respect to heating and hot water systems are sulfur dioxide and inhalable particulate matter related to the use of fuel oil and particulate matter and nitrogen dioxide related to use of natural gas. The primary generator of air emissions from the Project will be the operation of passenger vehicles travelling to and from the site and utilizing proposed surface parking lots. CO and PM are the primary pollutants of concern from mobile emission sources, including roadways and parking facilities. The Project would primarily generate gasoline vehicle traffic through project-affected intersections but would result in less than a 10% increase in traffic volumes between the future No Build and Build with Improvements conditions. Peak hourly gasoline vehicle trips into and out of the proposed surface parking lots would not result in exceedances of the CO and $PM_{2.5}$ NAAQS.	**Air Quality – Mitigation Measures** The proposed building will utilize natural gas and electrical service for heating and cooling and will not use fuel oil. The building heating and cooling system will be designed to be energy efficient and result in low emissions. The HVAC and hot water heater exhaust stack will be located at a minimum of 275 feet from buildings of similar or greater height as the proposed exhaust stack.
Visual Resources and Community Character – Potential Impacts The Project will change the visual character of the site. The Project involves converting the existing vacant, wooded parcel to a four-story, modern mixed-use building with supporting parking areas, utilities and stormwater management areas. The clearing of trees and grading for construction and the addition of a four-story building would make the Project visible from Nininger Road and NY Route 17/ US Route 6. The introduction of lighting on the property, which is currently undeveloped, will change the nighttime visual character of the Property. The closest properties to the site the office building at the western edge of the site and the garage at the eastern edge of the site currently have 24-hour safety lighting.	**Visual Resources and Community Character – Mitigation Measures** The proposed building incorporates varied materials, windows and architectural elements to create an attractive, modern mixed-use building for the site. The proposed building is designed to fit with the site's topography with lower elevations and entrances on the ground floor and parking and entrance at a higher elevation at the rear of the building. The building will be set back approximately 490 feet from Nininger Road, which will reduce the visual prominence and scale of the building from Nininger Road and NY Route 17. A Landscape Plan has been prepared for the Project and is provided with the Site Plan drawings (FEIS Appendix K). The plan was developed to meet the requirements of Town of Monroe Environmental and Design Standards

The largest nearby current source of nighttime lighting is the Harriman Commons shopping center southeast of the site. As noted in Chapter 15.0 of this FEIS, the Applicant acknowledges that light spillage at the property line in exceedance of Town Code requirements will occur at the two driveway entrances on Nininger Road and near the two shared driveways with the VMG development. This lighting is necessary for vehicle and pedestrian safety at the connection point and is not considered a significant adverse impact. Town Code § 57 -21.6_C(12) grants the Planning Board the authority to waive the requirements set forth in the Section 57-21.6C "[w]here site conditions warrant exceptions to the strict application of [the] lighting standards" and the Planning Board "determines that the waiver shall not violate the purposes of [Section 57-21.6]." Based upon the revised lighting plan and efforts to" minimize light pollution in the Town/", the Applicant is seeking a waiver from the Planning Board for relief from the following lighting requirements in the Code: § 57-21.6C (3): The maximum height of the fixture shall not exceed 20 feet, and § 57-21.6C (6): Illumination from light fixtures shall not exceed 0.05 footcandle on adjacent residential property, or 0.1 footcandle on adjacent business property, as measured along the shared property boundary at ground level.	(Chapter 57, Article VII, §57- 21.5). The plan provides for the planting of a mix of deciduous and evergreen trees and shrubs, as well as decorative grasses and perennial plantings across developed portions of the site. A landscaped area will be provided along the Nininger Road frontage and trees will be provided along the two entrances. There will be also islands and medians with trees throughout the parking lots. Additionally, the existing wetland area will be preserved and enhanced with trees and shrubs. Over time the trees will mature and provide an attractive natural feature in the southeast portion of the site. The preservation of existing vegetation and the planting of new trees will enhance views of the site from NYS Route 17 and from Nininger Road. Lighting for the Project has been designed to limit the glare from lighting to the property and prevent off-site light spillage. A lighting plan is included in the Site Plan drawings (FEIS Appendix K). The proposed pole mounted and wall mounted lighting is dark sky compliant and all downward directed to prevent off-site light spillage potential impacts to the public and neighbors. The height of the poles has been reduced to the extent practical to 25 feet, not meeting the Code requirement of 20 feet, maximum.
Utilities – Potential Impacts The Project will require an estimated 58,786 gallons per day or 41 gpm to provide for typical usage. Water will be provided from the Village of Kiryas Joel through a water service connection to the neighboring VMG property to the northwest of the site. The Village of Kiryas Joel Village Administrator has provided a letter, dated June 18, 2024, indicating the Village's the Village's agreement to supply water for the proposed action up to and including 80,000 gallons per day, which exceeds the project's current estimated demand of 58,786 gallons per day. (See Appendix I). The Project will generate an estimated 58,786 gallons per day of wastewater. Wastewater collection will be provided by Orange County Sewer District No. 1. The Project will connect to the planned sewer lines on the adjoining on the adjacent VMG property. Available treatment capacity estimates for the HWWTP as of May 2024 indicates there is presently adequate capacity to	**Utilities – Mitigation Measures** The use of municipal water eliminates potential impacts to groundwater at the site and to adjacent users of groundwater. The Project's connection to the Village of Kiryas Joel municipal water supply will be reviewed and approved by the Village of Kiryas Joel. The Applicant will pay all user-incurred fees for water usage consistent with the requirements of the Village of Kiryas Joel. All infrastructure will be constructed to the Village specifications and will be reviewed and approved by the Village of Kiryas Joel. A grease interceptor is proposed at the southwest building corner to ensure that food related oils and grease do not impact the Orange County Sewer District No. 1 infrastructure. The grease interceptor will be maintained, as required. The use of public wastewater collection and conveyance system is more protective of onsite surface and groundwater resources than onsite treatment.

treat the Project's estimated wastewater treatment demand. Approval to connect to the Orange County Sewer District No. 1 is contingent on available capacity at the time of the application to connect to the system.	The Project's connection to the Orange County Sewer District No. 1 will be reviewed and approved by the County, and the Applicant will comply with any limitations imposed by the County regarding conveyance or treatment.
Construction Impacts – Potential Impacts The duration of construction for the Project is anticipated to be approximately 16 months, beginning in Fall 2024 and completed by 2025. The Project will be constructed as one continuous project and will not be completed in phases. Project construction has the potential to impact traffic (including impacts on school bus routes or school traffic to and from the Monroe-Woodbury High School and Middle School located east of the site), air quality (from mobile sources and on-site equipment), erosion and sedimentation and noise. While the construction activity is ongoing, construction materials will be brought in throughout the 16-month construction period. The phases of construction will each generate a different amount of traffic, both in construction worker trips and truck trips. Based upon engineering estimates, development of the Site Plan would involve a **cut** of approximately 143,317 cubic yards of material and a **fill** of approximately 151,837 cubic yards for a net fill of 8,520 cubic yards of material to be imported to the site. The estimated fill would result in approximately 532 truckloads of soil being imported into the site during the estimated 6 months of grading. Other truck trips will occur throughout the day and only a limited number of trips will occur during the morning peak hours. The anticipated 20 passenger vehicle trips and 4 truck trips during the peak hour is not expected to impact the traffic study intersections. Potential air quality impacts may result from on-site construction vehicles and equipment such as generators, construction traffic to and from the site with delivery vehicles and worker trips, and from dust associated with vehicles tracking over exposed soil. Local daytime ambient noise levels will temporarily increase both on and off the Project site during construction. Nearby sensitive receptors, including the VMG residential development west of the site and Catskill High Rail east of the site, may experience temporary elevated noise levels at occasional	**Construction Impacts – Mitigation Measures** To the maximum extent practicable, deliveries and other construction-related vehicle trips will be scheduled to avoid peak morning and afternoon traffic periods, including the earlier afternoon school dismissal periods, avoiding impact to school buses on Nininger travelling to and from the Monroe Woodbury schools. Construction staff flaggers will assist all large trucks to safely exit the site onto Nininger Road. Potential air quality impacts from mobile sources and on-site equipment will be minimized by maintaining vehicle pollution control equipment and engines. Construction equipment shall be well maintained and in good working order. Truck idling on-site will be minimized to the extent practical. A site specific Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the Project addressing stormwater management during construction and post-construction. The site specific SWPPP includes detailed erosion and sedimentation control plans and details designed in accordance with NYSDEC SPDES *General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001*. Potential soil erosion and sedimentation will be mitigated through the implementation of the SWPPP and erosion and sediment control plans to prevent erosion and sedimentation during construction, especially such that may potentially impact on and off-site wetlands and watercourses. Prior to commencement of construction activities, silt fence will be installed down gradient of all areas where land disturbance is anticipated. The Project and construction activity will require compliance with Town of Monroe Chapter 44 – Soil Erosion and Sedimentation Control, including obtaining a Grading Permit, inspections and the posting of performance and restoration bonds with the Town. Construction exits will be installed before site clearing begins to eliminate the tracking of mud and debris onto nearby roads. A stabilized gravel construction access pad will be installed at the construction entrance point to limit soil

points during construction, with most noise resulting from the site preparation such as tree removal and grading activity.	transport onto the local roadways from trucks leaving the site and help prevent any mud or gravel from being tracked onto local roads adjacent to the site. Construction equipment shall be well maintained and in good working order to minimize noise and air quality impacts. Trucks and equipment shall not be allowed to idle on-site when not in use. Electrical equipment will be used, in place of diesel- or gas- powered equipment, to the extent feasible and practicable. The generation of dust on-site will be minimized by reducing areas of exposed and unstabilized soil, maintaining and spraying truck driveways with water under dry or windy conditions, and cleaning truck tires on the construction pads prior to existing the site. Construction activity will occur only on weekdays from 7:00 AM to 6:00 PM. No construction activity will occur on Saturday, Sunday or holidays. In the event any blasting is required for the Project, such blasting work shall adhere to the Town of Monroe and NY State requirements, including the requirement for a blasting permit from the Town of Monroe under Town Code Chapter 22, and shall be done in compliance with a blasting plan satisfactory to the Town Engineer.
Proposed HI Zoning Text Amendments – Potential Impacts The proposed text amendments would apply to each of the nine (9) parcels in the HI zoning district, in addition to the Project site. In practical terms, the potential effects of the zoning changes are limited, due to the fact that six of the nine parcels in the district are currently developed and the two undeveloped parcels (in addition to the Monroe Commons parcel) are relatively small (less than 2-acres) and are constrained by sloping topography. The proposed zoning text amendment would increase the density and development that could occur on all parcels within the HI District, in addition to the Project site, by allowing: 1) greater height, 2) greater lot coverage, and 3) less off-street parking than currently required in the HI zoning district for specific uses. The proposed zoning amendments would allow the addition of another story to the two existing multi-story office buildings in the district, and for other existing buildings and future buildings in the district.	**Proposed HI Zoning Text Amendments – Mitigation Measures** Any future development/redevelopment of one or more of the properties in the HI district pursuant to the proposed zoning amendments would require site plan approval by the Town Planning Board and would be subject to SEQRA. Specific mitigation measures for the future development/redevelopment of parcels in the HI District will be implemented based upon the specific site conditions and zoning issues involved in those site plan proposals. Appropriate mitigation measures may include landscaping to screen and soften views into the affected parcel(s), architectural features to reduce visual impacts, land banked parking, and water saving features for the buildings. These mitigation measures can be proposed and implemented during site plan review of those future projects. Additionally, the Town Board can incorporate specific landscaping, architectural, land banked parking, water saving features, or other requirements into the proposed zoning amendments prior to adoption as deemed appropriate.

The future development/ redevelopment of these parcels pursuant to the proposed zoning amendments may result in changes to the visual character, increased water/sewer demands, and similar impacts resulted to the potential greater density and development that would be allowed.	

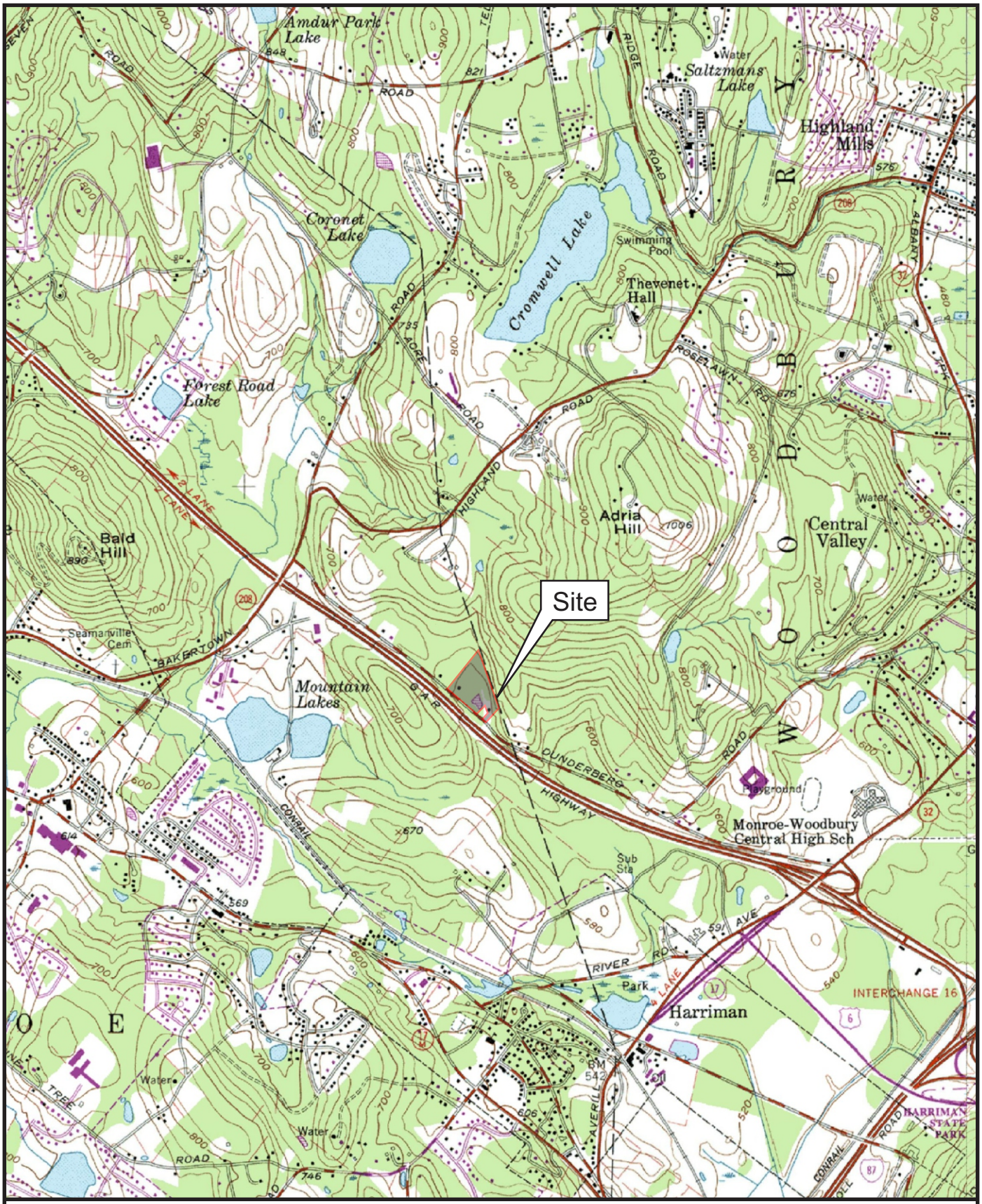
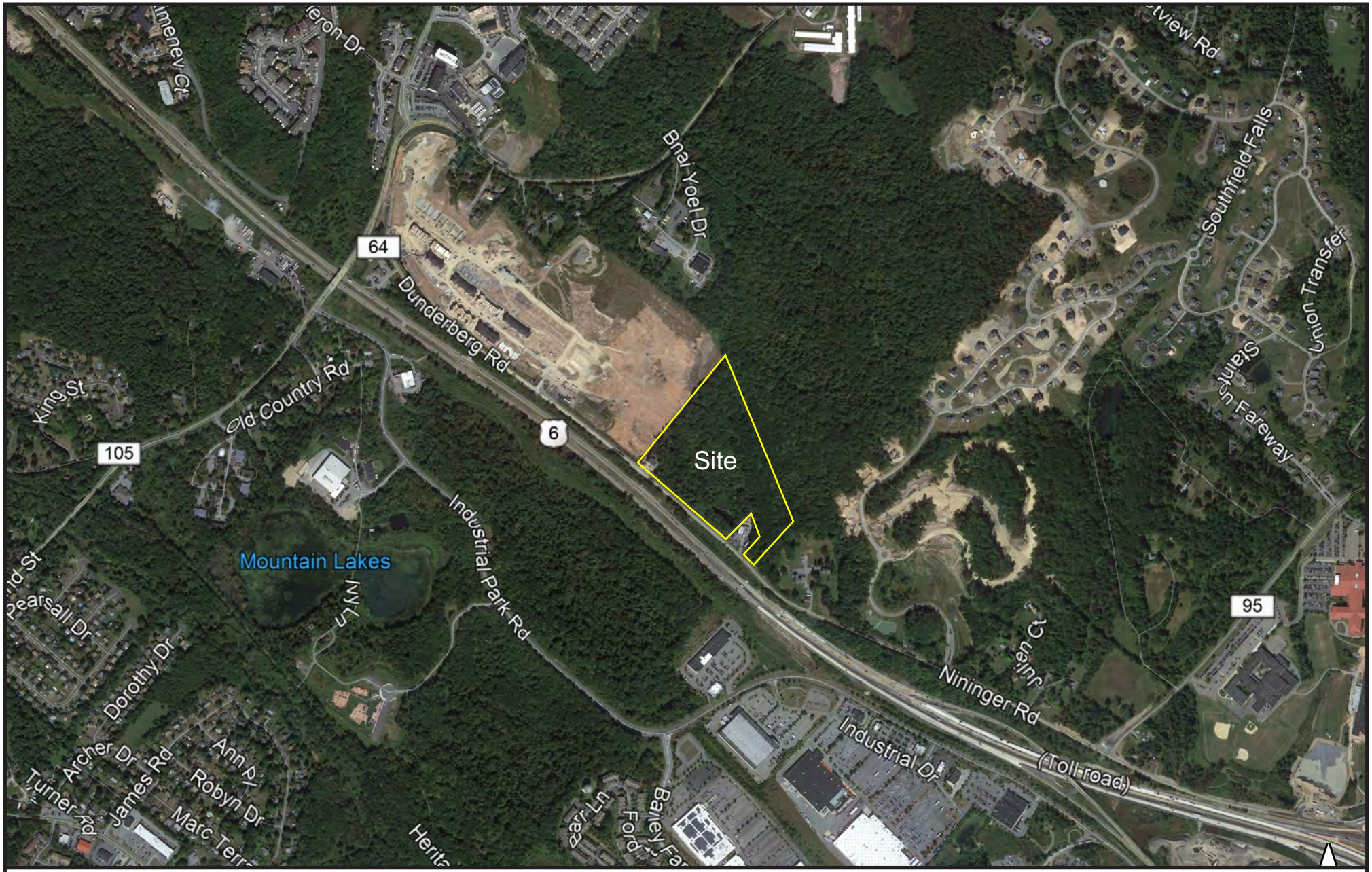


Figure 1-1: Location Map
Monroe Commons
Town of Monroe, Orange County, New York
Base Map: Terrain Navigator

File 21032 09-30-2021

Tim Miller Associates, Inc.,10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418



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File 10075 Fig 1 01/17/10

Figure 1-2: Project Setting
Monroe Commons
Town of Monroe, NY
Approx. Scale: 1 in. = 1050 ft.
Source: Google Maps

Tim Miller Associates, Inc.,10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
Chapter 1: Executive Summary. The up-front FEIS material (before the response to comments) should include a summary table that lists the topics covered by the DEIS, a brief description of the identified impacts (if any) including those determined to be unavoidable impacts, and a brief description of any mitigation measures proposed.

Response 2-1: *An introduction to the FEIS is provided as Chapter 1.0, which summarizes the requirements and timeline of the SEQRA review, a summary description of the project, a list of involved and interested agencies, a summary of updated information or plan changes since the acceptance of the DEIS and a list of commentors on the DEIS.*

Comment 2-2 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
Page 2-1, Section 2.2 – Project Site / Environmental Setting: The FEIS should provide additional information regarding the anticipated construction completion date of the adjacent VMG development, and how it relates to the project's anticipated construction timeline.

Response 2-2: *The Monroe Commons construction is now anticipated to begin in the Fall of 2024 and be completed in 16 months-time, in the Spring of 2026. The northern portion of the VMG development is built and occupied and utilities have been installed throughout the site. Internal driveways on the VMG site near the shared property boundary with Monroe Commons will be completed by September 2025, prior to when the Monroe Commons driveways and parking areas are prepared to be paved. The shared driveways can be completed prior to the VMG development being fully completed. According to the Applicant, construction representatives from VMG could not provide an exact date as to when VMG will be fully complete or operational. The Applicant will closely coordinate with the owners of the VMG development for the construction of the shared driveways and sidewalks. Both parties have a mutual interest in coordinating this construction. Access to Nininger Road and the Monroe Commons site is not dependent upon VMG driveways.*

Comment 2-3 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 2-5, Section 2.3 – Proposed Action: In the FEIS, it should be acknowledged that the Proposed Project's landscaping, architecture and lighting may be subject to additional conditions imposed by the Planning Board following the conclusion of the SEQR process. Before the Planning Board renders any decision on its review of the site plan (including review of lighting fixtures, landscaping and architecture), the hotel special permit, and wetlands permit, the Applicant will need to secure approvals on the requested zoning text amendments from the Town Board (or possibly a variance from the Zoning Board of Appeals). The Planning Board's completion of SEQR will permit the Town Board to consider the Applicant's zoning petition.

Response 2-3: *The comment provides an outline of the necessary approvals and sequence of review by the Planning Board and the Town Board, which has the responsibility to review and approve of the requested zoning text amendments. If the Town Board adopts the Applicant's proposed amendments to the HI District, it is not anticipated that the Applicant will need to obtain approval of any variances from the Zoning Board of Appeals. The Applicant acknowledges that the Planning Board may provide required mitigation measures as part of the SEQRA Findings Statement, and may impose conditions as part of Final Site Plan, special permit and local wetlands permit approval following the SEQRA review process.*

Comment 2-4 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023)

Page 2-6, Section 2.4 – Proposed Project: The fourth paragraph in this section describes the site plan's proposed access from Nininger Road. Two access driveways from Nininger Road are currently proposed. Based on comments from AKRF's traffic engineer (see Chapter 9 comments below) and the Planning Board Chair, the Applicant's engineers should consider consolidating these driveways for the FEIS plan since there are two connections already proposed between the site and the VMG property to the west, which have been added to reduce volumes along Nininger Road and its intersections. The location of the site's driveway from Nininger Road should be separated adequately from the Brach and Mann site's driveway (to the satisfaction of Orange County Public Works), and a connection into the Monroe Commons parking lot from Brach and Mann should also be explored to further improve circulation.

Response 2-4*: Per OCDPW comments, the northern driveway will be restricted to rights in/rights out only, thus compromising between providing a full access driveway and eliminating the access point. The northern driveway does provide options for transit service and helps balance the demand of car traffic using VMG as a cut-through to/from this commercial development. The southern driveway will provide full ingress/egress and will be signal controlled. The project engineer and traffic engineer examined the potential for an internal connection with the adjoining Brach and Mann office building. Due to site constraints such as a retaining wall to the east and the northern driveway access, this connection is not practical (see Figure GNP-01, following Chapter 9.0).*

Comment 2-5 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
Page 2-7, Section 2.4 – Proposed Project - Grading: The FEIS project description, including total acreage of site disturbance and cut/fill estimates should account for any redesign resulting from on the approximately 2.5 acres of clearing and grading proposed on the Village of Woodbury parcel.

Response 2-5: *Comment noted. The comments received from the Village of Woodbury Planning Board and the Town's Consulting Engineer are responded to in this FEIS. The current design has not changed the total area of disturbance or cut and fill estimates on the Village of Woodbury property, as compared to those identified in the DEIS.*

SITE PLAN COMMENTS
The following comments are in relation to a previously issued memo from August 2023 regarding the site plans.

Comment 2-6 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
Minor changes to and comments regarding the planting plan were marked up and emailed to the project landscape architect back in August 2023. These changes must be made and shown on an updated landscape plan.

Response 2-6: *Comment noted. The Landscape Plan has been updated, including addressing comments in an e-mail dated August 20, 2023. The updated Landscape Plan is included with this FEIS.*

Comment 2-7 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

Wetland and wood edge monitoring notes shall be listed on the plans per previous discussions with the project landscape architect. It is our understanding that the applicant is obligated to monitor the wetland areas on site for a minimum of five years. The possibility of having the person(s) responsible for this monitoring also monitor the wooded edges of the site for invasive species was discussed. The limits of monitoring for the wooded edges will be delineated. We suggest 30 feet into the woods.

Response 2-7: *An Invasive Species Management Plan has been prepared and is provided as Appendix D – Invasive Species Management Plan. The Plan calls for annual inspection and monitoring in the wetland mitigation area for a period of five years. Any new invasive species found will be recommended for management, which may include its removal. Inspection and monitoring will include an area extending 30-feet inside the new wood-line, separating existing native vegetation and landscaped area for the project. The invasive species inspection includes the parcel subject to clearing and grading in the Village of Woodbury.*

Comment 2-8 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

The project landscape architect has been working with the project engineer to develop a curbing/island design for delivering parking lot runoff to plantings in the parking islands. This design must be shown on the plans.

Response 2-8: *The updated Landscape Plan and Site Plan show a revised design for all of the parking lot islands. The plans now show recessed curbing to allow stormwater to enter into the islands to promote stormwater infiltration within root zone areas of the proposed parking lot trees. See details on L-1 of the Landscape Plans and Site Plans.*

Comment 2-9 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

Soil notes on the landscape plans must list that planting beds will have 30” of bony topsoil mixed with organic content, minimally compacted and be topped with 8” of clean, screened topsoil. The bony topsoil layer in planting islands shall be bellied up a little to mitigate concerns of soil settlement and any detrimental effects settlement would have on aesthetics and plant health. The site is currently woodland, and site excavation will provide leftover fill. Soil from site excavation shall be used as bony topsoil within the planting beds and planting islands and this, a definition of topsoil, as well as soil depths will be listed on the plans. Machine spreading soil was agreed upon in non-planting- island locations where some compaction is more acceptable.

Response 2-9: *A note has been added to the Landscape Plan regarding topsoil depths and requirements.*

Comment 2-10 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

Trees in the parking island must be shown 30-35 feet on center as the design dictates.

Response 2-10: *Trees in the parking island are shown 30 feet on center.*

Comment 2-11 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
A native alternative to the Greendspire Linden shall be shown. We recommend Acer freemanii 'Sienna Glen'.

Response 2-11: *Acer freemanii 'Sienna Glen' has replaced Greenspire Linden on the landscape plan.*

Comment 2-12 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
A native seed mix of grasses and wildflowers must be specified seeded on the eastern slope behind the building such as Pinelands Nursery's Steep Slope Stabilization mix (ZXMIXSTEEPSS).

Response 2-12: *Native seed and grass mix has been specified for the eastern side of the site. The seed mix specified is one that has been successfully used by the project landscape architect, achieving good results. The mixes consist of native species.*

Comment 2-13 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
Groundcovers and/or seed mixes must be specified for all parking islands and wherever necessary to avoid large empty mulch beds which become weedy and unsightly.

Response 2-13: *A tall fescue seed mixture is specified for all parking islands. This seed is a low maintenance, drought resistant species that requires minimal mowing. The intention is to allow the grasses to grow naturally during the season with mowing in late fall.*

Comment 2-14 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
Arborvitae shown on the west side of the building between the site and the proposed adjacent apartments must be shown 8' on center and in double staggered rows where possible to create screening of the site within a reasonable time period.

Response 2-14: *Comment noted. The Landscape Plan has been updated to create more screening with the Arborvitaes*.

Comment 2-15 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

The planting plan and schedule for the proposed stormwater management basin at the entrance to the site must be sent to our office for review.

Response 2-15: *Proposed Planting for stormwater management basins has been provided on the Landscape Plans.*

Comment 2-16 (Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
Planting for the tops of the retaining walls along the edges of the federal wetland area must be sent to our office for review. Details for retaining walls around the wetland area must be drawn that include location of geogrid to allow sufficient space for the depth and quality of soil needed so that plantings at the top of the walls will thrive. Soil must be installed at an angle at top of the walls to enable a depth of soil above the geogrid that can support shrub growth.

Response 2-16: *Planting for the tops of the retaining walls and along the edges of the federal wetland area has been shown on the Landscape Plan (Sheets L-3 and L-4) and submitted for review.*

Comment 2-17 (Letter 6, Kelly M. Naughton, Naughton & Torre, Monroe Commons DEIS, November 21, 2023):
This letter is respectfully submitted on behalf of the Village of Woodbury ("Village") regarding the Monroe Commons Draft Environmental Impact Statement ("DEIS") and proposed site plan, special permit and local wetlands permit that is scheduled for a public hearing before you tonight, November 21, 2023. We understand that the comment period will extend for a minimum of 10 days following the closing of the public hearing. The Village requests that the written comment period be extended through December 15, 2023 to afford the Village sufficient time to prepare comments.

Response 2-17: *Comment noted. The written comment period was extended through December 15, 2023, as requested.*

Comment 2-18 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 2.4 - under grading identifies a net fill of 434 cubic yards. The applicant should advise if this net fill number includes any select materials required for any of the parking areas including subbase, asphalt and structural fill necessary for the proposed building.

Response 2-18: *The cut and fill estimates provided in the DEIS (Page 4-7 Soils, and page 17-2) were based upon a comparison of existing grades to finished grades and material balance. As indicated in the DEIS, a net fill of approximately 8,520 cubic yards will be imported to the site to complete the construction. The statement in the DEIS (page 2-8) that net fill will be 434 cubic yards is in error. Since the finished grades assume the placement of crushed stone and asphalt for parking areas and driveways, that material has been factored into the overall material balance. A portion of the 8,520 will include soil, topsoil for plantings, crushed stone, and asphalt.*

Comment 2-19 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 2.4 - the applicant has noted that “this is a preliminary estimate based upon the current grading plan”. The applicant should provide the final grading plan with the FEIS for review and comment by the Planning Board and public.

Response 2-19: *The Site Plan drawings, including grading, reflect the current Site Plan. Comments by the Planning Board, its consultants and involved and interested agencies may require modifications to the Site Plan, including to grading. The final grading plan will be approved by the Planning Board at final site plan approval.*

Comment 2-20 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 2.4 - the Planning Board should receive any comments from the Village of Woodbury regarding the proposed clearing and grading within the Village/Town.

Response 2-20: *The Village of Woodbury Planning Board is an Involved Agency, given the approvals required for the proposed clearing and grading on the Village parcel. The Village of Woodbury's consulting engineer provided comments on the Site Plan and proposed work and those comments are responded to as part of this FEIS (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023).*

Comment 2-21 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 2.4 identifies the need for grading and utility connections within the Village of Kiryas Joel/Town of Palm Tree. The Board should discuss with their Attorney if the letter from the sponsor of the VMG residential development will require an easement for these grading and utility connections.

Response 2-21: *The Applicant proposes clearing and grading an approximately 0.55-acre area on the adjacent Village of Kiryas Joel/Town of Palm Tree parcel (SBL 312-1-1) to accommodate access roads, sidewalks, and water and sewer connections. The Applicant will need to obtain easements for the construction and maintenance of these improvements. The VMG development will need to obtain an amended site plan from the Village of Kiryas Joel/Town of Palm Tree for the proposed access drives and utility connections on the adjacent VMG property.*

Comment 2-22 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
With regards to the plans, our office notes the following:
General Note 9 on Sheet 1 identifies the site to be served by individual wells.

Response 2-22: *The note is in error and has been corrected in the updated Site Plans. The note now reads "Proposed project to be served by Village of Kiryas Joel Central Water System". See attached Site Plans.*

Comment 2-23 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023): The existing conditions plan should be updated to identify the existing well on the site.

Response 2-23: *The existing well is now shown and identified on the Existing Conditions Plan (Drawing #2) of the Site Plan. This well is notated as "to be abandoned per AWWA Standards" on the Site Plan Sheets, as the on-site well is no longer proposed to supply water for the proposed project. See attached Site Plans.*

Comment 2-24 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023): The applicant has proposed a water/fire loop around the building. Proposed hydrant #2 is located along the main access loop around the building. Our office questions whether the hydrant location would be better served closer to the proposed building. Comments should be received from both the Jurisdictional Fire Department and Building Department for the proposed application.

> ***Response 2-24:*** *Comment noted. This comment is Site Plan related and such suggested changes do not result in environmental impacts. The Applicant will coordinate with the jurisdictional fire department and the Town Building Department to optimize the hydrant locations.*

Comment 2-25 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The plans identify 34 banked parking spaces to the southeast of the proposed building. The applicant has proposed grading on this portion of the parking lot, however no drainage improvements are shown in this section. The applicant should review the need for drainage on this parking lot.

> ***Response 2-25:*** *A 'stand-alone' drainage system has been designed for the 34 banked parking spaces southeast of the proposed buildings including collection, pre-treatment, and water quality treatment. These items have been labeled "To be installed only with construction of banked parking". This design has been detailed in the revised project SWPPP and will be provided on "Utility Plan 6" on the updated Site Plans. See attached Site Plans.*

Comment 2-26 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The site plan identifies a proposed 6-foot wide nature walk stairs with railings with a continuation line extending within the site to the southeast. The applicant should identify all improvements on the site anticipated with the project.

> ***Response 2-26:*** *The Applicant has proposed a passive recreation area on the Landscape Plan with benches, a water feature and landscaping (Enlarged Area One). The steps are provided to allow pedestrians to reach the top of the proposed slope for a potential unimproved path through undeveloped woods on the property. The nature walk stairs no longer show the "continued" symbol for the potential unimproved path on the updated Site Plans (See attached Site Plans in Appendix K).*

Comment 2-27 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The landscaping sheets have been included however, they are stamped as drawing in progress. All plans should be signed and sealed by the applicable consultant upon submission to the Town.

> ***Response 2-27:*** *Comment noted. The Landscape Plan reflects the current layout based upon the Site Plan and are drawings in progress. Comments by the Planning Board, its consultants and involved and interested agencies may require modifications to the Landscape Plan. The final Landscape Plan will be approved by the Planning Board at final site plan approval and will be signed and sealed at that time.*

Comment 2-28 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The plan index identifies 5 lighting sheets as sheet numbers 29-33. These plan sheets have not been included in the plan set.

Response 2-28: *The five Lighting Plan sheets identified on the Plan Index were prepared by Damin Sales, of Edison New Jersey and were not by the project engineer, Pietrzak & Pfau Engineering & Surveying, PLLC. The Lighting Plan sheets (now 7 sheets) were identified and posted on the Town of Monroe website and were included in the hardcopy sets of the DEIS and Site Plans distributed to Involved and Interested Agencies, and provided for public review at Town Hall and the Monroe Free Library.*

Comment 2-29 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.0 Executive Summary-Revisions to this section may be necessary based on comments on other pertinent sections. Applicant should review this section following other updates to the DEIS for consistency.

Response 2-29: *Comment noted.*

Comment 2-30 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.1, Page 1-1
This section should discuss the timing of Notice of Intent circulated to the Village of Woodbury.

Response 2-30: *The Town of Monroe Planning Board circulated its Notice of Intent to Establish Lead Agency to all involved and interested agencies, including the Village of Woodbury, on May 11, 2020. The Town of Monroe Planning Board, as Lead Agency, circulated its Notice of Intent to Prepare a Draft Environmental Impact Statement and Lead Agency Determination of Significance to all involved and interested agencies, including the Village of Woodbury on July 9, 2020.*

Comment 2-31 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.1, Page 1-1, Section 1.4.2, Page1-4, Section 1.6.1, Page 1-8, Section 1.6.7, Section 2.1 Discussion on parking does not match site plans provided.

Response 2-31: *The discussion regarding parking spaces reflects an earlier version of the Site Plan and is in error. The Applicant proposes to provide 611 surface spaces and 39 banked spaces for a total of 650 spaces. The Site Plan circulated with the approved DEIS reflects these parking counts.*

Comment 2-32 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.2, Page 1-1
Discussion references Figure 2-2. Figure 2-2 outlines parcel in Monroe only. Parcel in Woodbury should also be identified.

Response 2-32: *The DEIS references the clearing and grading work in the Village of Woodbury and its potential impacts throughout the document. The proposed development building, parking and stormwater management facilities are limited to the Monroe parcel. The Village of Woodbury parcel and the Village of Kiryas Joel / Town of Palm Tree parcel, on which parcels work is proposed, are shown in Figure 3-1 Land Use Within One-Half Mile and Figure 3-2 Local Municipality Zoning Map.*

Comment 2-33 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.1, Page 1-1
This section references Appendix H as having contained an aerial photograph from 1958 showing the site as cleared with apparent grading. Appendix H includes aerial photos through April 1994. None of these appear to demonstrate a significant cleared area; In all photographs, we recommend the applicant outline approximate limits for the impacted parcels to verify the history of the site as stated in the DEIS.

Response 2-33: *DEIS Figure 10-1- 1958 Aerial Photo in DEIS Chapter 10 – Historic and Cultural Resources shows extensive clearing on the site in the late 1950's. The property lines are shown on the figure.*

Comment 2-34 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.1, Page 1-2
This section references a "former foundation described above"; description not found. Applicant to advise.

Response 2-34: *Please see DEIS Chapter 10 – Historic and Cultural Resources for indications of former development and disturbance on the property.*

Comment 2-35 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.3, Page 1-3
Proposed action in the Village of Woodbury also requires Ridge Preservation review (§310-14) and Water Quality Protection Overlay District (WQPO) review (§310-31.4). Review considerations and reference to the Code should be identified here.

Response 2-35: *The Village of Woodbury Zoning Plan requires Ridge Preservation review with the intent to protect the "visual quality" of the Village's ridgelines and to preserve the appearance of important ridgelines and hilltops and protect them from inappropriate development. The provisions of the zoning plan pertaining to ridge preservation promote the protection of ridgelines within the Village by providing standards, restrictions, and guidelines for approving structures within the Area. See Village of Woodbury Zoning Plan, §§ 310-13(B)—(C). No structures are proposed to be constructed on Village Lot 255-1-30. Thus, the Ridge Preservation provisions do not apply to the structures of the proposed project. However, as discussed in Chapter 15.0, Visual Resources and Community Character, the design of the proposed mixed-use building and proposed screening will sufficiently mitigate any potential visual impacts of the project. Moreover, to the extent the Ridge Preservation provisions apply to the removal of trees on the Village parcel for grading (see id., § 310-13(B)(5)), such removal of trees is necessary to accommodate the location of the proposed structure, parking and driveways. A driveway at the northeast side of the building is necessary for fire safety and access*

around the building. The removal of trees will be adequately mitigated by stabilization of the graded slope and landscape plantings on the Village parcel (see Landscape Plan.)

The Village's Water Quality Protection Overlay ("WQPO") District "is an overlay on all of the Village's other existing zoning districts" that "includes all lands in the Village." See Village of Woodbury Zoning Plan, §§ 310-31.3(A)(2), 310-31.3(D)(1). The purpose of this district is "to control activities that may pollute, degrade or reduce the availability of such surface and ground waters." See id., § 310-31.3(A)(2).

The site specific SWPPP prepared for the proposed development includes an Erosion Control Plan, consistent with the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). The full SWPPP is provided as Appendix F of the DEIS. The General Permit methods to minimize soil erosion and to protect potentially affected waterbodies apply to all construction activities, both in the Town and the Village. Methods to protect waterbodies are described in DEIS Sections 5.0 Wetlands and Surface Water Resources – 5-3 Mitigation Measures, Section 8.0 Stormwater Management – 8-3 Mitigation Measures and Section 17.0 Construction Impacts – 17.2 Construction Period Impacts and Mitigation.

Comment 2-36 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.4.1, Page 1-4
This section discusses site plan and special permit approvals required from the Town of Monroe. As mentioned above, the Village of Woodbury has site plan, Ridge Preservation, and WQPO review authority. These necessary approvals should be discussed here.

Response 2-36: *The need for Site Plan and Clearing and Grading permit for the proposed work in the Village of Woodbury is referenced several times, including pages 2-5 and 2-11 in the DEIS. The Village is listed as an "Involved Agency" given the approvals required for the action. The requirements of, and conformance to, the Ridge Preservation district and the Water Quality Protection Overly district are described in this FEIS (see Comment Response 2-35 above and Chapter 3.0 Land Use Comments and Responses).*

Comment 2-37 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Per Village Code requirements, the applicant should provide several cross-sections (§310-45.l.(1)(a)[11]) identifying the proposed slope after grading operations and how this ties into the Town development.

Response 2-37: *Cross sections through the proposed slope will be prepared by the project engineer as part of updated site plans.*

Comment 2-38 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Sheet 1 of 31 includes a table of sheets, indicating 33 pages of site plans are developed. Only 28 pages are provided in Appendix M.

Response 2-38: *The five Lighting Plan sheets identified on the Plan Index (sheet numbers 29-33) were prepared by Damin Sales, of Edison New Jersey and not by the project engineer, Pietrzak & Pfau Engineering & Surveying, PLLC. The Lighting Plan sheets (now 7 sheets) were identified and posted on the Town of Monroe website and were included*

in the hardcopy sets of the DEIS and Site Plans distributed to Involved and Interested Agencies, and provided for public review at Town Hall and the Monroe Free Library.

Comment 2-39 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 2.1, page 2-1
This section should discuss the timing of Notice of Intent circulated to the Village of Woodbury. See comment 2.30

Response 2-39: *The Town of Monroe Planning Board circulated its Notice of Intent to Establish Lead Agency to all involved and interested agencies, including the Village of Woodbury, on May 11, 2020. The Town of Monroe Planning Board, as Lead Agency, circulated its Notice of Intent to Prepare a Draft Environmental Impact Statement and Lead Agency Determination of Significance to all involved and interested agencies, including the Village of Woodbury on July 9, 2020.*

Comment 2-40 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 2.4, page 2-8
This section references the 434-CY of fill discussed in comment 11 above (Comment 4.18). Consistency on fill volumes should be provided throughout the DEIS.

Response 2-40: *As indicated in the DEIS, a net fill of approximately 8,520 cubic yards will be imported to the site to complete the construction (see page 4-7). The 434-CY of fill figure was in error.*

Comment 2-41 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 2.4, page 2-9
Due to exceedance of 5-acre disturbance, a phasing plan must be prepared per the requirements of the Construction General Permit. See more detailed comments under the section on SWPPP below.

Response 2-41: *While the grading for the entire project site is connected and will require site disturbance in excess of 5-acres, an Erosion Control Phasing Plan consistent with the Construction General Permit is being prepared and will be provided in the updated Site Plan.*

Comment 2-42 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 2.4 & 2.6
Proposed action in the Village of Woodbury requires Ridge Preservation review (§310-14) and Water Quality Protection Overlay District (WQPO) review (§310-31.4). These considerations should be raised here.

Response 2-42: *See Response 2-35, above and Chapter 3.0 Land Use Comments and Responses.*

Site Plan Comments

Response: The Site Plan comments provided in Letter 10 from MHE Engineering are Site Plan related and do not reflect issues that may result in SEQRA related environmental impacts. The

issues raised by these comments will be addressed as part of the Final Site Plan, as appropriate.

Comment 2-43 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road, November 2023):
Site plan comments: Label the existing contours on the grading and utility plans.

Response 2-43: *Existing contour labels beyond the 10' contour labels provided will be added to the updated Site Plan. See attached Site Plan Drawings (Appendix K).*

Comment 2-44 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road, November 2023):
Site plan comments: Revise the proposed grading on the northwest portion of the site as it appears the proposed contours do not tie into the existing contours.

Response 2-44: *Comment noted. The grading will be will be addressed as part of the Final Site Plan, as appropriate. See attached Site Plan Drawiongs (Appendix K).*

Comment 2-45 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road, November 2023):
Site plan comments: It appears that the proposed contours on the northwest portion of the site are beyond the property lines for the site. Applicant's engineer to discuss.

Response 2-45: *Comment noted. The grading will be will be addressed as part of the Final Site Plan, as appropriate. See attached Site Plan Drawings (Appendix K).*

Comment 2-46 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road, November 2023):
Site plan comments: Provide match lines on the sheets that correspond to the neighboring sheets.

Response 2-46: *Comment noted. This plan detail will be addressed as part of the Final Site Plan, as appropriate. See attached Site Plan Drawings (Appendix K).*

Comment 2-47 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road, November 2023):
Site plan comments: Revise the plan so the proposed and existing contours do not have the same line type.

Response 2-47: *Comment noted. This plan detail will be addressed as part of the Final Site Plan, as appropriate. See attached Site Plans.*

Comment 2-48 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
I am writing in response to the article in the photo news related to the Monroe Commons project slated for development at 220 Nininger Rd. I have several questions and points that I discuss below regarding Nininger Road and the surrounding area related to potential and currently observed traffic congestion.

My assumption or understanding based on the description in the article is that the Monroe Commons project will reside on the property between the ongoing development of the Veyoel

Moshe Gardens development and the housing development accessed with Central Valley Line Road. If this assumption is incorrect, then I need a better description of its intended location.

Response 48: *Comment noted. The location of the project, and its relation to surrounding development is described and shown on maps and figures in the DEIS. The Monroe Commons Draft Environmental Impact Statement (DEIS) is accessible to the public in a digital version on the Town of Monroe's website (https://monroeny.org/Resources/Document-Center). A hard copy of the DEIS is available for review at the Town of Monroe Planning Board office and at the Town of Monroe Free Library at 44 Millpond Parkway, NY.*

Comment 2-49 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
Will the KJ sanitation facility, formally Lake Region Tire, be remaining in its current location with its current role?

Response 2-49: *Yes. That parcel is owned by the Village of Kiryas Joel and is unrelated to the proposed project. The future operations at the Village owned property are not known by the Planning Board or the Applicant.*

Comment 2-50 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
Will the single-family dwelling on or around 220 Nininger Rd be remaining intact or will it be raised as part of the Monroe Commons project?

Response 2-50: *There is no single-family dwelling on the subject property. Any off-site dwellings will remain.*

Comment 2-51 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
I strongly encourage, or rather insist that the planning board, or appropriate code enforcement group, have explicit oversight during the execution of this project (and frankly ALL projects) to make sure that all contractually agreed upon items are carried out as contractually agreed upon, and that severe penalty will be incurred if any of the items are not followed. Penalties can be as severe as up to and including monetary fines and the raising of buildings or structures that have been constructed to date out of compliance, or the stop of the project altogether until corrections to the construction made to comply with the design plans.

Response 2-51: *Comment noted.*

Comment 2-52 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
There should be explicit verbiage in the usage clause of the 39 hotel rooms that limit the duration of stay per guest so that the premises do not get used as permanent residences which would further increase the traffic flow more than the occasional guest accommodations.

Response 2-52: *Comment noted. The application before the Planning Board is for a hotel, as well as retail and office uses, not residential uses. The hotel would be occupied by transient guests.*

Comment 2-53 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: So before we actually start, did you touch upon any improvements in Woodbury that might be occurring to accommodate the project in terms of the grading, et cetera? So any changes to the design or are there are going to be retaining walls? Because that was somewhat influx. So I wasn't sure where things stood engineering wise on that.

Response 2-53: *The Site Plans submitted with the approved DEIS dated July 25, 2023 remain unchanged with regard to the proposed grading in the Village of Woodbury. No retaining walls are proposed in Woodbury.*

Comment 2-54 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: And what's the latest plan set, the date?

Response 2-54: *The Site Plans submitted with the approved DEIS were dated July 25, 2023.*

Comment 2-55 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: Where are we with the agencies in terms of New York State DOT, and Army Corps in particular? Has New York State DOT reviewed the proposed improvements? Has the FEIS gone to them? Have there been meetings with them? And same thing with Army Corps. Is there any kind of jurisdictional determination and are they going to be okay with the mitigations?

Response 2-55: *The Applicant's wetland scientist worked closely with the ACOE throughout the application and review process for the Nationwide Permit 39, including a site visit and inspection of the wetland boundary by the ACOE.*

On January 21, 2021, NCES received a Jurisdictional Determination (JD) letter from the USACE. The JD states that all aquatic resources identified are federally regulated, pursuant to Section 404 of the Clean Water Act. A copy of the JD letter is contained in DEIS Appendix C.

In an e-mail dated May 11, 2023, Mr. Orzel indicated that the pre-construction notification for NWP 39 was received and that a 45 day notification period had passed. Mr. Orzel indicated that, in accordance with the current nationwide general permit regulations, the Applicant may proceed with the project as proposed. The Applicant must perform the work as proposed in the submitted pre-construction notification, including the mitigation. (see DEIS Appendix C).

The Applicant has not met with the NYSDOT, pending the preliminary design of proposed traffic improvements. Those improvements are described and provided in Chapter 9.0 Transportation of the FEIS. The Applicant will set up meetings with NYSDOT and Orange County DPW to discuss the proposed traffic improvements.

Comment 2-56 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: In terms of the grading that's being done in the Village of Woodbury, I want to know to what extent anything can be vegetated, long term,

whether it's trees, shrubs. How is that going to be reclaimed? I want to know the details on that.

Response 2-56: *The updated Landscape Plan provided with this FEIS (see Appendix K) shows trees and native grasses to be planted on the disturbed area in the Village of Woodbury. The plantings are intended to be low maintenance and provide vegetation that will stabilize the slope long term.*

Comment 2-57 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21. 2023):
Due to sight distance limitations, the west entrance (AKA Secondary Access), will be required to be a limited movement right-in right-out only access driveway. This office will require a raised center island to channel vehicles and discourage left-turning vehicle movements.

Response 2-57: *The design of the second entrance has been updated to be a limited movement right-in right-out only access driveway, as shown in the revised Site Plan Drawings (See Appendix K). The driveway modification is further discussed in Chapter 9.0 Transportation and Traffic.*

Comment 2-58 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
This Department requires that drainage improvements be designed to provide a clear delineation of maintenance responsibilities. DMHC-3 should be relocated outside the County ROW or an additional DMH should be provided.

Response 2-58: *DMHC-3 is located within the County ROW to connect the existing 24" concrete culvert to the proposed drainage infrastructure of the project. An additional manhole (DMH-3A) has been provided outside of the County ROW, providing a clear delineation of maintenance responsibilities, as requested. This can be found on Utility Plan 1 of the updated Site Plan.*

Comment 2-59 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Response 2-59: *Comment noted.*

Comment 2-60 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should coordinate with the Army Corps of Engineers regarding the proposed impacts to the federal wetland and any necessary permits related to the federal wetlands.

Response 2-60: *Comment noted. The Applicant has coordinated with the Army Corps of Engineers (ACOE) for the proposed impacts to wetlands and has obtained a Nationwide Permit from the ACOE. (See DEIS Chapter 5.0 Wetlands and Surface Waters).*

Comment 2-61 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should coordinate with the Orange County Department of Public Works (OCDPW)

regarding any required permits for the proposed driveways) as they directly access County Route 64 (a.k.a. Nininger Road).

Response 2-61: *Comment noted. The Applicant has coordinated with Erik Denega, P.E. Commissioner of the OCDPW and has responded to comments from the OCDPW in this FEIS (See FEIS letter Number 1).*

Comment 2-62 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should coordinate with Orange County Environmental Facilities & Services (OC EP&S) regarding the proposed connection to Orange County Sewer District Number 1.

Response 2-62: *Comment noted. The Applicant has coordinated with OCEF&S.*

Comment 2-63 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant and. the Town should continue to coordinate with the Town of Palm Tree/ Village of Kiryas Joel regarding the proposed connection to its water system. The applicant should also coordinate with the Orange County Health Department regarding the proposed water connection.

Response 2-63: *Comment noted. The Applicant has coordinated with Town of Palm Tree/Village of Kiryas Joel Village Manager regarding the proposed water connection and will coordinate with OCDOH during the permitting process.*

Comment 2-64 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
Throughout the DEIS, the applicant states that the proposed hotel will contain 39 hotel rooms. However, the floor plan (Sheet SC-6) shows 75 hotel rooms. Thus, the applicant should clarify how many hotel rooms will actually be provided in this project. If there will be more than 39 hotel rooms, the applicant should also adjust any calculations based off of the number of hotel rooms (i.e. water use, sewer requirements, required parking spaces, anticipated traffic impacts) etc.).

Response 2-64: *The proposed mix of uses and square footage for the building has been modified between the DEIS and the FEIS. The Applicant now proposes 75 hotel rooms as compared to 39 rooms assessed in the DEIS, and a reduction in the retail space square footage. A summary of the changes and a comparison of potential impacts between the two internal building configurations is provided in Chapter 1.0 Introduction. The overall total square footage of the building and its footprint has not changed between the DEIS and FEIS, and this adjustment does not affect the conclusions of the analyses set forth in the DEIS.*

Comment 2-65 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant indicates that this project will contain 189,062 square feet of leasable new retail and office space throughout the DEIS. We question the accuracy of the amount of leasable area in the proposed building since the building will contain a total of 407,819 square feet, according to the public heating notice. If the Town determines that there will be more leasable retail and office space, then the applicant should adjust any calculations based off of the leasable space (i.e. water use, sewer requirements, required parking spaces, anticipated traffic impacts, etc.).

Response 2-65: *The leasable space in the building, including hotel, office and retail space has been determined by the project architect, and is summarized in the bulk table provided in the Cover Sheet of the Site Plan drawings (see below). The parking, water and sewer demand and traffic trip generation are appropriately based upon the estimated leasable space. The trip generation for office space is based upon gross square footage. Further discussion of building area and calculations for potential impacts is provided in Chapter 1.0 Introduction.*

TABLE OF BUILDING FLOOR USES AND AREAS

PROPOSED FLOOR	GROSS FLOOR AREA	COMMON AREA/ STORAGE [2]	NET FLOOR AREA [3]
BASEMENT	87,371 SQ. FT.	87,371 SQ.FT.	0 SQ. FT.
1ST FL. RETAIL	87,403 SQ. FT.	42,814 SQ. FT.	44,589 SQ. FT.
2ND FL. RETAIL	83,315 SQ. FT.	42,539 SQ. FT.	40,776 SQ. FT.
PARTIAL 3RD FL. HOTEL	2,096 SQ. FT.	2,096 SQ. FT.	0 SQ. FT.
PARTIAL 3RD FL. OFFICE	75,018 SQ. FT.	23,649 SQ. FT.	51,369 SQ. FT.
PARTIAL 3RD FL. MEDICAL	6,201 SQ. FT.	2,093 SQ. FT.	4,108 SQ. FT.
4TH FL. OFFICE	42,315 SQ. FT.	16,736 SQ. FT.	25,579 SQ. FT.
4TH FL. HOTEL	41,000 SQ. FT.	18,365 SQ. FT.	22,635 SQ. FT.
TOTALS	424,719 SQ. FT.	235,663 SQ. FT.	189,056 SQ. FT.

NOTES:
1. ALL AREAS PROVIDED BY THE PROJECT ARCHITECT.
2. COMMON AREAS INCLUDE REST ROOMS, STOCK ROOMS, LOBBY, ELEVATOR, STAIR WELL, ETC. THIS AREA IS SUBTRACTED FROM THE GROSS FLOOR AREA.
3. NET FLOOR AREA IS USED FOR PARKING CALCULATIONS FOR OFFICE AND RETAIL SPACE.

Comment 2-66 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should design this project to allow for the installation of solar panels on the roof of the proposed building. These solar panels would help to provide power for the proposed building and reduce the need for power from the power grid. The County of Orange has adopted the C-PACE Program that could be utilized to finance 100% of the cost of installing roof top solar panels. (See attached information sheet.)

Response 2-66: *As indicated in Response 2-67, below, the Applicant has proposed solar panels to provide power for EV charging stations. The Applicant is exploring other energy saving and green technologies for the building, as plans are progressed for the building's energy, heating and cooling systems.*

Comment 2-67 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

We appreciate the provision of EV parking spaces, as this encourages the use of electric cars. Furthermore, we appreciate that the applicant will use solar panels to provide power to the EV charging spaces.

***Response 2-67**: Comment noted.*

Comment 2-68 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Town should ensure that the applicant follows the recommendations of the International Dark Sky Association (IDA) for outdoor lighting (https://www.darksky.org/our-work/lighting/) (See attached documents). The Town should also ensure that any outdoor lighting for this facility is designed, located and directed in such a manner as to prevent objectionable light at and across property lines and to prevent direct glare at any location on or off the property. Ideally, all lighting will be placed to not allow light to cross property lines.

***Response 2-68:** Comment noted. The proposed Lighting Plan was revised between the DEIS and the FEIS and has been updated to reduce light spillage at the property line to the extent practicable and to reduce the height of the parking lot light poles, further reducing the potential for off-site lighting impacts. The Lighting Plan is provided as part of the DEIS and is described in DEIS Chapter 15.0 Visual Resources and Community Character and in Chapter 15.0 of this FEIS. As noted in Chapter 15.0 of this FEIS, the Applicant acknowledges that light spillage will occur at the two driveway entrances on Nininger Road and near the two shared driveways with the VMG development. This lighting is necessary for vehicle and pedestrian safety. The height of the poles has been reduced to the extent practical to 25 feet, not meeting the Code requirement of 20 feet, maximum.*

Town Code Section 57 -21.6C(12) grants the Planning Board the authority to waive the requirements set forth in Section 57-21.6C "[w]here site conditions warrant exceptions to the strict application of [the] lighting standards" and the Planning Board "determines that the waiver shall not violate the purposes of [Section 57-21.6]." Based upon the revised lighting plan and efforts to "minimize light pollution in the Town" (see Town Code § 57-21.6A), the Applicant respectfully requests a waiver from the Planning Board for relief from the following lighting requirements in the Code:

§ 57-21.6C(3): The maximum height of the fixture shall not exceed 20 feet, and

§ 57-21.6C(6): Illumination from light fixtures shall not exceed 0.05 footcandle on adjacent residential property, or 0.1 footcandle on adjacent business property, as measured along the shared property boundary at ground level.

The Applicant has represented that site conditions warrant exceptions to the strict application of these standards in order to provide the necessary lighting for vehicle and pedestrian safety, and that the waiver will not violate the purposes of Town Code § 57-21.6 as the proposed Lighting Plan provides safety lighting for the mixed-use development while minimizing light pollution and lighting impacts to adjoining properties to the maximum extent practicable.

Comment 2-69 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

The stormwater protection measures should be strictly enforced throughout the construction phase and the limits of disturbance and wetlands should be clearly marked on the site and the plan.

Response 2-69: *Comment noted. Stormwater protection measures during and post construction are described in Chapter 8.0 of the DEIS and in the updated SWPPP (FEIS Appendix F).*

Comment 2-70 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP ,Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Town should ensure that there are an adequate number of fire hydrants and/or an adequate interior sprinkler system for the proposed warehouse to be able to extinguish any potential fire in or near the warehouse.

Response 2-70*: Comment noted.*

Comment 2-71 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should provide the sight distances for the proposed driveways.

Response 2-71: *Analysis of the proposed driveways' sight distance is provided in DEIS Chapter 9.0 Transportation and Traffic.*

Comment 2-72 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should indicate where any proposed signs will be located on this site.

Response 2-72: *The location of signs (an entrance sign and internal directional signs) will be provided as part of final Site Plan drawings.*

Comment 2-73 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
We appreciate the provision of trees in the parking areas, around the stormwater management areas and around the edges of the proposed site, as this helps to visually soften views into this site. The Town should require the applicant to replace any dying or dead trees to maintain this soften view of the site.

Response 2-73*: Comment noted.*

Comment 2-74 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant should use neutral colors on the proposed building, as this will help ensure that the proposed building will blend in with its surrounding environment.

Response 2-74: *Comment noted. The building is proposed to have a neutral white marble color. See Response 15-1.*

Comment 2-75 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

The applicant refers to "Figure 2-5" on page 2-4 of section "2.0 Description of the Proposed Action," subsection "2.2 Project Site/Environmental Setting." However, this figure is not provided. Thus, the applicant should provide this figure.

Response 2-75: *Figure 2-5 is provided at the end of this Chapter.*

Comment 2-76 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The applicant refers to "Table 2-1" on page 2-4 of section "2.0 Description of the Proposed Action;' subsection "2.2 Project Site/ Environmental Setting." However, this table is not provided. Thus, the applicant should provide this table.

Response 2-76: *Table 2-1 is provided following this Chapter.*

Table 2-1
Properties in HI District for Evaluation of
Proposed Zoning Text Amendments

Map Designation	Tax Lot Number	Address	Area (acres)	Owner	Current Use	Ownership
1	**2-1-10**	**Nininger Road**	**17.82**	**Monroe Nininger LLC**	**Vacant**	**Private**
2	2-1-9	254 Nininger Road	0.25	Brach and Mann Building LLC	Office	Private
3	2-1-11	214 Nininger Road	0.75	Village of Kiryas Joel	Truck Storage	Public
4	2-1-12.2	208 Nininger Road	1.72	A&D Commercial Realty LLC	Vacant	Private
5	2-1-12.32	Nininger Road	0.76	Not known	Vacant	Private
6	1-1-89	491 Route 208	2.47	Professional Square LLC	Office Building	Private
7	1-1-88	495 Route 208	1.03	495 Route 208 LLC	Tile Store	Private
8	1-1-87	501 Route 208	1.03	17M Goldstar LLC	Office	Private
9	50-1-1	505 Route 208	1	Not known	Medical Office	Private

Sources: Orange County GIS, NYS GIS

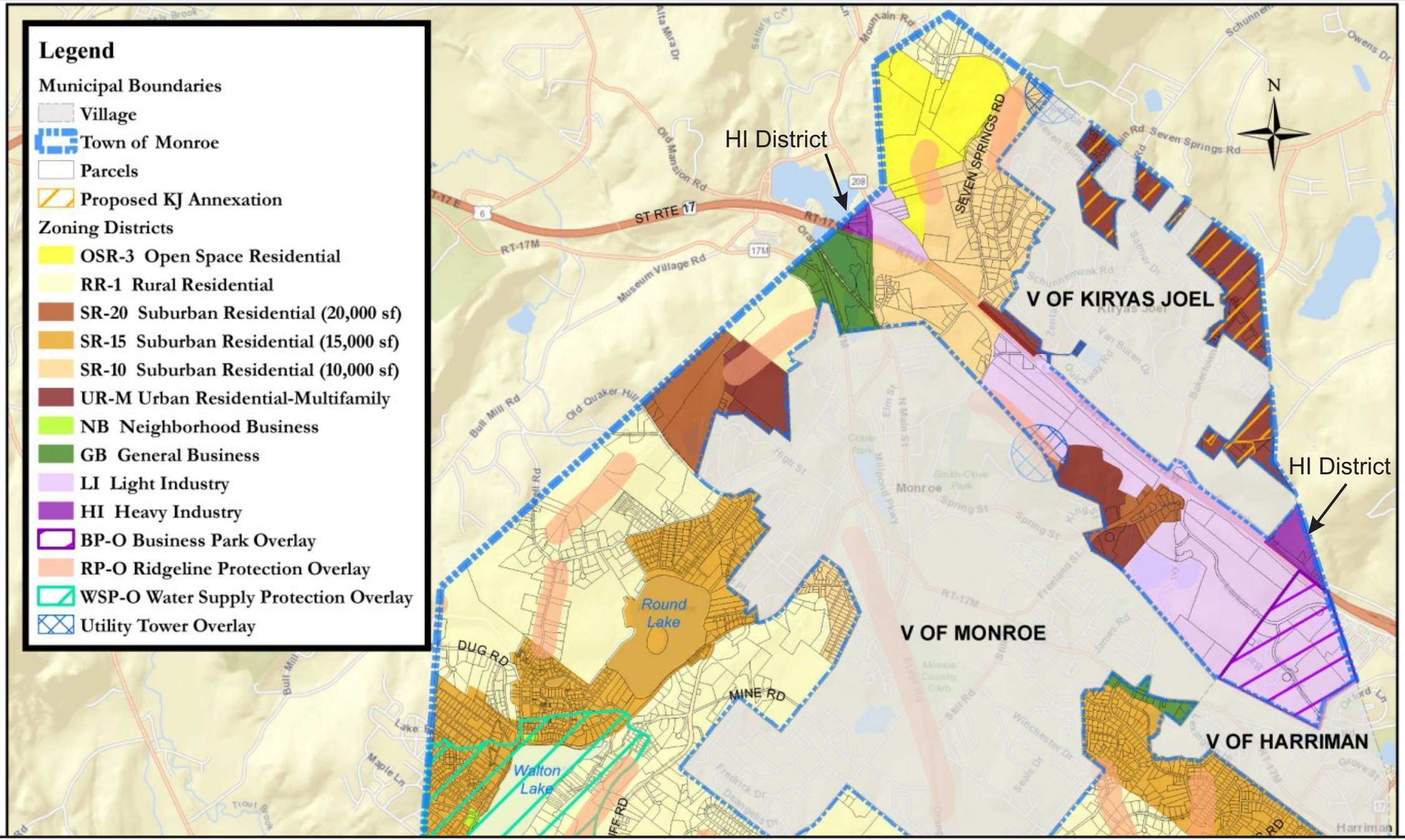


Figure 2-5: Town of Monroe Zoning Map
Monroe Commons
Town of Monroe, Orange County, NY
Source: Town of Monroe Zoning Code

File 2095 Fig XX TMA 10/11/02

Tim Miller Associates, Inc.,10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418

3.0 LAND USE AND ZONING COMMENTS AND RESPONSES

Comment 3-1 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
Page 3-1, Section 3.1.1 – Existing Conditions: The DEIS includes the following statement: *"The grading and physical improvements on the VMG property, consisting of approximately 0.55 acres, will be done by VMG as part of that development. The grading and paving necessary to provide roadway and pedestrian connections between the two parcels will be coordinated between the two owners/developers."* Refer to Comment 2 above. The FEIS should provide additional information regarding the anticipated construction completion date of the adjacent VMG development, and how it relates to the project's anticipated construction timeline. If there is an agreement between the two owners/developers on the necessary coordination, it should be referenced as well.

> ***Response 3-1****: The Applicant is closely coordinating with the owners of the VMG development for construction of Monroe Commons, including the extension of water and sewer utilities from the VMG property and the extension of shared driveways and sidewalks from the VMG property. The VMG water and sewer lines that the Monroe Commons project will connect to are currently installed, and, as such, can be accessed at the time that Monroe Commons utilities are being installed.*
>
> *The Monroe Commons construction is now anticipated to begin in the Fall of 2024 and be completed in 16 months-time, in the Spring of 2026. The northern portion of the VMG development is built and occupied and utilities have been installed throughout the site. Internal driveways on the VMG site near the shared property boundary with Monroe Commons will be completed by September 2025, prior to when the Monroe Commons driveways and parking areas are prepared to be paved. The shared driveways can be completed prior to the VMG development being fully completed. The Applicant has represented that construction representatives from VMG could not provide an exact date as to when VMG will be fully complete or operational. The Applicant will closely coordinate with the owners of the VMG development for the construction of the shared driveways and sidewalks. Both parties have a mutual interest in coordinating this construction. Access to Nininger Road and the Monroe Commons site is not dependent upon VMG driveways.*

Comment 3-2 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 3-10, under "Southeast Orange County Traffic and Land Use Study": In discussing consistency with the Southeast Orange County Traffic and Land Use Study, reference is made to "traffic improvements" being proposed. Refer to comments on Chapter 9 (Traffic and Transportation) found below. While several traffic improvements are referenced, it is not clear which ones will be implemented by the Applicant as part of the project. The FEIS should provide more detail on the roles and responsibilities for the recommended improvements. Have any of the improvements been coordinated with the appropriate jurisdictions?

> ***Response 3-2:*** *Traffic improvements are proposed in connection with the project, at the two Nininger Road entrances, and for off-site intersections. These improvements, and the timing and responsibilities for the improvements are further described in Section 9.0 - Transportation. Proposed traffic improvements by others (No-Build condition) are described in Response 9-6. All proposed mitigation measures described in the DEIS, including those funded by the Applicant are further described in Response 9-12, including figures of the proposed improvements.*

Comment 3-3 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
Page 3-14, under "Sustainability": The FEIS should provide specific examples of "green technologies" that may be used in the construction and ongoing operation of the Proposed Project.

Response 3-3: *As indicated in the DEIS, the proposed building will be constructed to NYS Building Code, which requires and encourages energy efficiency, including for insulation, windows and energy usage in heating, ventilation and air conditioning systems (HVAC). The Applicant is exploring the use of solar panels for exterior building uses, such as lighting. The architectural and mechanical systems for the building have not yet been finalized.*

Comment 3-4 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
The Applicant should identify the easement(s), etc. that will be necessary for the work/improvements/connections proposed on the adjacent parcels Village of Kiryas Joel (SBL 312-1-1) and Village of Woodbury (SBL 225-1-30).

Response 3-4: *The Applicant proposes clearing and grading an approximately 0.55-acre area on the adjacent Village of Kiryas Joel/Town of Palm Tree parcel (SBL 312-1-1) to accommodate access roads, sidewalks, and water and sewer connections. The Applicant will need to obtain easements for the construction and maintenance of these improvements. Such easements will be filed with the Orange County Clerk prior to final approval.*

The Applicant proposes grading an approximately 2.5-acre area on the adjacent Town/Village of Woodbury parcel (SBL 225-1-30) to accommodate parking. The Applicant will need to obtain a construction and maintenance easement over this area of the Woodbury parcel in connection with the areas to be graded. Such easements will be filed with the Orange County Clerk prior to final approval.

Comment 3-5 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

The Applicant should confirm that the DEIS provides adequate justification for the proposed land banked parking under Town Code § 57-47(E), which requires demonstration that the proposed combination of uses will generate parking needs that do not overlap or will not occur simultaneously, or that the actual parking requirements of the use(s) are less than what is required.

Response 3-5: *The project traffic engineer conducted a Parking Generation Assessment to justify the construction of less parking than what is required by the Town Code. The Parking Generation Assessment demonstrates, consistent with* § 57-47(E), *that the proposed combination of uses will generate parking needs that do not overlap or will not occur simultaneously, or that the actual parking requirements of the use(s) are less than what is required. Parking utilization and counts were conducted for similar existing business centers in the Village of Kiryas Joel at 51 Forest and 48-52 Bakertown Roads. The proposed parking spaces for Monroe Commons (650 spaces) were provided at greater rates than those observed at similar business centers in Kiryas Joel (see discussion on Page 9-23 of the DEIS) and by ITE parking demand rates.*

Table 3-1 – Parking Summary

Land Use	*Required by Town Zoning*	*ITE Parking Gen 6th Edition*	*Observed Demand**	*Provided on Plan***
General Office	*385*	*229*	*--*	*--*
Medical Office	*42*	*16*	*--*	*--*
Retail	*570*	*265*	*--*	*--*
Hotel	*86*	*48*	*--*	*--*
Total	***1,083***	***558***	***436***	***650***

**Includes 15% buffer over actual demand estimate based on observed parking at local business centers*
*** 650 total spaces = 611 spaces constructed, 39 spaces banked*

Comment 3-6 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

As previously discussed, a variance may be needed from the requirement in Town Code § 57-20(B)(6) to have a protective planting strip of not less than 25 feet wide within any required side or rear yards to screen adjacent residential districts along the side and rear lot lines. The project site is adjacent to residential districts in the Village of Kiryas Joel/Town of Palm Tree and Village of Woodbury. The DEIS states that a planting strip varying in width between 10 and 50 feet wide is within the side yard adjoining the VMG residential development, and thus states that the plan does not meet this requirement in some locations. The FEIS should address the need for a variance from this requirement to the extent the requisite planting strips are not provided to screen adjacent residential districts in the Village of Kiryas Joel/Town of Palm Tree and Village of Woodbury. To the extent the DEIS states that the Applicant believes that this requirement only applies to adjacent residential districts within the Town of Monroe, the Applicant should obtain a determination from the Building Inspector in this regard.

> ***Response 3-6:*** *It is the Applicant's position that the requirement in Section 57-20(B)(6) of the Town of Monroe Code to have a protective planting strip of not less than 25 feet wide within any required side or rear yards to screen adjacent residential districts along the side and rear lot lines does not apply to the extent that the side or rear yards are adjacent to residential districts in the Town/Village of Woodbury or the Village of Kiryas Joel/Town of Palm Tree. The Applicant has submitted a letter to the Building Inspector requesting a determination on the applicability of Section 57-20(B)(6) in this regard. The Building inspector has provided a response letter to the Applicant, dated May 1, 2024, which states that the requirement of a planting strip is "left to the discretion, determination, and consideration of the Planning Board." The Applicant's letter to the Building Inspector and the Building Inspector's determination letter are provided in Appendix I – FEIS Correspondence.*

Comment 3-7 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

The FEIS should identify mitigation measures to address the impacts of the variances that will be required if the zoning amendments are not adopted. The FEIS should also identify any mitigation measures to address the impacts of any variance(s) from the requirement in Town Code § 57-20(B)(6) to have a protective planting strip of not less than 25 feet wide within any required side or rear yards to screen adjacent residential districts along the side and rear lot lines.

> ***Response 3-7:*** *The Applicant anticipates that the Town Board will adopt the requested zoning amendments, and the potential impacts of those amendments were analyzed in the DEIS (see Chapter 18 – Potential Impacts of the Proposed HI Zoning Text*

Amendments). Additionally, it is the Applicant's position that Section 57-20(B)(6) of the Town of Monroe Code does not require a protective planting strip of not less than 25 feet wide within the side or rear yards that are adjacent to residential districts in the Town/Village of Woodbury or the Village of Kiryas Joel/Town of Palm Tree, and the Applicant has submitted a letter to the Building Inspector requesting a determination on the applicability of Section 57-20(B)(6) in this regard. The Building inspector has provided a response letter to the Applicant, dated May 1, 2024, which states that the requirement of a planting strip is "left to the discretion, determination, and consideration of the Planning Board." The Applicant's letter to the Building Inspector and the Building Inspector's determination letter are provided in Appendix I – FEIS Correspondence. In the event the proposed HI zoning amendments are not adopted, it is anticipated that any such variances that would be required would not have a significant adverse environmental impact for the reasons set forth herein, including the incorporation of adequate landscaping into the project design. The fact that additional approvals may be required would not affect the environmental analysis in this EIS. Therefore, no mitigation measures are warranted beyond what are already proposed for the Project.

Comment 3-8 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 1.6.1 "Location", Page 1-6

The applicant discusses the Village of Woodbury comprehensive plan in this section, but the details appear to be incorrect. From our review, the Village Comprehensive plan encourages economic development through development and redevelopment that returns "worn industrial and commercial areas to productive use" and "encourage upgrades and improved design of existing businesses". Additionally, the plan goes on to describe the need to protect natural resources – including steep slopes, stream corridors, wetlands, and viewsheds; recognizing that large open spaces are disappearing. The plan discusses the Villages Ridge Preservation area that is impacted by the proposed action, which should be discussed by the applicant. Finally, the Village adopted a "Hotel Overlay District" in 2019 which does not extend to the project area and most recently circa 2020, the WQPO District was adopted. A regulated stream, under the WQPO, extends north and south of the proposed development within the bounds of the Village of Woodbury. The proposed action bisects this stream and may have significant impacts under the current zoning. These issues should be reviewed and discussed by the applicant.

Response 3-8: *The project site is located in the Town of Monroe HI- Heavy Industry district, which allows retail and office uses, and hotel uses by special permit. The DEIS Section 3.0 Land Use describes how the proposed development is consistent with the goals expressed in the County, Town and Villages' Comprehensive Plans to encourage development in areas that are already developed and accessible to the local or regional communities intended to be served. The project is located on a major regional access road and is in the immediate vicinity of the neighborhoods it specifically seeks to serve.*

The Village's Comprehensive Plan further supports the promotion of economic development and diversity, recognizing that the Village's location, road network, and services attract businesses to the community. See Village of Woodbury Comprehensive Plan, at 2.2. To promote economic development the Comprehensive Plan recommends being proactive by "[w]orking to attract and retain target industries, preparing suitable sites for development or redevelopment, and addressing issues that stand in the way of returning worn industrial and commercial areas." See id., at 6.1. The Project site is a suitable location for economic development because it offers a hotel option in a

commercial area with easy access to local, state, and federal highways, and the proposed grading activities on the property in Woodbury is required for this purpose. The Applicant submits that its Project would fulfill the economic development objectives laid out in the Village of Woodbury's Comprehensive Plan by promoting economic development in the area.

The Village's Comprehensive Plan provides that the Village created the Ridge Preservation Area to protect the "visual quality" of the Village's ridgelines and that the purpose of the Area was "to save the appearance of these important ridgelines and hilltops and protect them from inappropriate development." See Village of Woodbury Comprehensive Plan, at 3.9. The Comprehensive Plan seeks to mitigate potential visual impacts from structures constructed in the Area. See id., at 11.3. The provisions of the zoning plan pertaining to ridge preservation promote the protection of ridgelines within the Village by providing standards, restrictions, and guidelines for approving structures within the Area. See Village of Woodbury Zoning Plan, §§ 310-13(B)—(C). No structures are proposed to be constructed on Village Lot 255-1-30. Thus, the Ridge Preservation provisions do not apply to the structures of the proposed project. However, as discussed in Chapter 15.0, Visual Resources and Community Character, the Applicant maintains that design of the proposed mixed-use building and proposed screening would sufficiently mitigate any potential visual impacts of the project. Moreover, to the extent the Ridge Preservation provisions apply to the removal of trees on the Village parcel for grading (see id., § 310-13(B)(5)), such removal of trees is necessary to accommodate the location of the proposed structure, parking and driveways. A driveway at the northeast side of the building is necessary for fire safety and access around the building. The removal of trees will be adequately mitigated by stabilization of the graded slope and landscape plantings on the Village parcel (see Landscape Plan.)

The Village's Hotel Overlay District does not extend to Village Lot 255-1-30. In any event, the extent of the project's development on Village Lot 255-1-30 is limited to grading. The structures and parking lots for the hotel use would not extend into Village Lot 255-1-30.

The Village's Water Quality Protection Overlay ("WQPO") District "is an overlay on all of the Village's other existing zoning districts" that "includes all lands in the Village." See Village of Woodbury Zoning Plan, §§ 310-31.3(A)(2), 310-31.3(D)(1). The purpose of this district is "to control activities that may pollute, degrade or reduce the availability of such surface and ground waters." See id., § 310-31.3(A)(2).

Methods described in the DEIS to protect downstream wetlands and water courses from construction apply to off-site resources, including in the Village of Woodbury. The site specific SWPPP prepared for the proposed development includes an Erosion Control Plan, consistent with the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). The full SWPPP is provided as Appendix F of the DEIS. Methods to protect waterbodies are described in DEIS Sections 5.0 Wetlands and Surface Water Resources – 5-3 Mitigation Measures, Section 8.0 Stormwater Management – 8-3 Mitigation Measures and Section 17.0 Construction Impacts – 17.2 Construction Period Impacts and Mitigation. The SWPPP has been updated based upon lead agency comments and is attached to this FEIS (see Appendix F).

Comment 3-9 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 1.6.1 "Potential Zoning Impacts"
This section discusses the potential for landbanked parking buildout. The FEIS and potential findings statement should clearly identify the mechanism for this (e.g., Upon inspection and determination by the Building Inspector the need to construct the landbanked parking is decided, the Owner shall be notified and within 60-days the parking will be constructed.)

Response 3-9: *The Planning Board's Findings Statement for the development will include a "trigger" or mechanism for the landbanked parking to be constructed, as determined by the Planning Board in coordination with the Town of Monroe Building Inspector. A trigger would be a specific threshold or observations by the Town or Applicant that on-site parking is not sufficient and the landbanked parking is required.*

Comment 3-10 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 1.6.1 "Zoning Mitigation Measures"
This section should discuss zoning requirements for the Village of Woodbury and mitigation measures to comply with the Village's Ridge Preservation and Water Quality Protection Overlay districts.

Response 3-10: *See Response 3-8, above regarding conformance with the Village of Woodbury Zoning Code, Ridge Preservation Overlay District and Water Quality Protection Overlay District (WQPO).*

Comment 3-11 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.1, Page 3-4
The Village Comprehensive plan describes the need to protect natural resources – including steep slopes, stream corridors, wetlands, and viewsheds; recognizing that large open spaces are disappearing. The Comprehensive plan discusses the Villages Ridge Preservation area that is impacted by the proposed action, which should be discussed by the applicant. Finally, the Village adopted a "Hotel Overlay District" in 2019 which does not extend to the project area and most recently circa 2020, the WQPO District was adopted. A regulated stream, under the WQPO, extends north and south of the proposed development within the bounds of the Village of Woodbury. The proposed action bisects this stream and may have significant impacts under the current zoning. These issues should be reviewed and discussed by the applicant.

Response 3-11: *See Response 3-8, above regarding conformance with the Village of Woodbury Zoning Code, Ridge Preservation Overlay District and Water Quality Protection Overlay District (WQPO).*

Comment 3-12 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

PDF Pages 78-88 are repeated from Section 20. after 3.6.

Response 3-12: *Comment noted. This printing error does not affect the information or conclusions in the DEIS.*

Comment 3-13 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.1.2, Page 3-11

This section notes the applicant owns the tax lot 255-1-30 located in the Village of Woodbury that is proposed for clearing and grading to support the development in the Town. The DEIS should consider whether there should be a deed restriction or easement over the Village property for maintaining the grading and/or utilizing this portion of the lot to serve the Town lot.

Response 3-13: *See Response 3-4, above. The Applicant proposes grading an approximately 2.5-acre area on the adjacent Town/Village of Woodbury parcel (SBL 225-1-30) to accommodate parking. The Applicant will obtain a construction and maintenance easement over this area of the Woodbury parcel in connection with the areas to be graded.*

Comment 3-14 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.1.2, Page 3-11

Regarding the Village Lot 255-1-30, the DEIS notes there are no plans to develop the property. Nonetheless, the DEIS should discuss the impacts to development potential of the lot after grading occurs. This discussion should include a review of the uses permitted in the Village's R-2A Zoning Table and consideration of the net-lot-area after deductions for steep slopes, etc., are accounted for.

Response 3-14: *Village Lot 255-1-30 is located in the R-2A zoning district. Permitted uses in the R-2A zoning district include one-family dwellings. The Code provides a list of uses allowed by special permit including, but not limited to, animal clinics and veterinary offices, health spa, landscaping business, outdoor recreation facilities, cemeteries, child-care and nursery schools, group care, places of worship and schools. After eliminating land that is burdened by environmental constraints, the net-lot-area on the Woodbury parcel would allow for the development of five residential lots without the proposed grading. After the proposed grading, the Woodbury parcel could accommodate four residential lots. No residential subdivision is proposed on the Woodbury parcel as part of the Applicant's proposal for Monroe Commons. Any proposed development on the property for a special permit use will require Site Plan review by the Village Planning Board, and would need to comply with the Zoning Code.*

Comment 3-15 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.1.3 "Location", Page 3-13

See comment No. 3.8 above.

Response 3-15: *Comment noted. See Response to Comment 3-8 above.*

Comment 3-16 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.3

This section should provide a discussion on conformance with the Village of Woodbury Zoning Code as it pertains to the clearing and grading operations and impacts to protected waterbodies in the Village. Specifically, Chapter 310 Zoning and subchapters Ridge Preservation (§310-14) and Water Quality Protection Overlay District (WQPO) (§310-31.4) should be discussed.

Response 3-16: *See Response 3-8 regarding conformance with the Village of Woodbury Zoning Code, Ridge Preservation Overlay district and Water Quality Protection Overlay District (WQPO). The site specific SWPPP prepared for the proposed development includes an Erosion Control Plan, consistent with the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). The full SWPPP is provided as Appendix F of the DEIS. The General Permit methods to minimize soil erosion and to protect potentially affected waterbodies apply to all construction activities, both in the Town and the Village. Methods to protect waterbodies are described in DEIS Sections 5.0 Wetlands and Surface Water Resources – 5-3 Mitigation Measures, Section 8.0 Stormwater Management – 8-3 Mitigation Measures and Section 17.0 Construction Impacts – 17.2 Construction Period Impacts and Mitigation.*

Comment 3-17 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.3

Tree removal for Land development is regulated in the Village Code (§ 286). If part of the proposed operation involves timber harvesting, the Village Board may engage a consulting forester whose fees are to be reimbursed by the applicant. The work, if approved, would be completed under the provisions of a special permit issued by the Village Board. The DEIS should discuss if Timber Harvesting is proposed and any implications of the same.

Response 3-17: *The Applicant's proposed operations do not include timber harvesting. The provisions of the Village of Woodbury's Tree Code governing timber harvesting apply where "a commercial or noncommercial timber operation" is proposed. See Village of Woodbury Tree Code, §§ 286-11(A)—(B). The Code defines "commercial timber harvesting" as "an operation in which a landowner is paid for trees to be cut down and taken away on more than one acre." See id., at § 286-3. The proposed action does not qualify as a commercial timber harvesting operation because the Applicant is not being paid to remove trees and has no intent to sell the trees it does remove. Further, the Code defines "noncommercial operation" as an "operation which involves the removal of undesirable stems, for which there is no value, from the stand to improve growth and vigor of remaining stems on more than two acres." See id. The Applicant's proposed tree removal does not fall under this category. The Applicant is proposing to remove trees to accommodate the location of the structures of the proposed Monroe Commons project, rather than to improve the growth of remaining trees onsite. Therefore, the proposed tree removal does not qualify as "timber harvesting," and as such, a special permit is not required*

Comment 3-18 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.3/3.2.4

The Village Code for Ridge Preservation (§310-13.B.(5)), requires "To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation, especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure as determined by the Code Enforcement Officer." The applicant provided an existing tree survey identifying trees greater than 24-inches in diameter on both the Town and Village properties. The DEIS should discuss the Village Code requirement to retain 8-inch dbh trees.

Response 3-18: *The Applicant proposes the removal of trees measuring greater than 8" dbh in diameter, as shown on the updated Tree Survey. The Tree Survey specifically identifies trees greater than 8-inches in diameter, in the Village of Woodbury. The removal of trees is necessary to accommodate the location of the proposed structure, parking and driveways. A driveway at the northeast side of the building is necessary for fire safety and access around the building. The removal of trees will be adequately mitigated by stabilization of the graded slope and landscape plantings on the Village parcel (see Landscape Plan.) See Response to Comment 3-8 above.*

Comment 3-19 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.3/3.2.4

The Village Code includes provisions for Water Quality Protection Overlay and as discussed below, Lot 225-1-30 within the Village of Woodbury contains a portion of regulated waterway under the Village's Water Quality Protection Overlay (§310-31.4). The existing conditions plan do not appear to show the regulated waterway although it appears it runs through grading operations via DEC Mapper. The regulated waterbody crosses the Town development where it loses the protection afforded by the WQPO until it crosses Nininger Road and reenters the Village to the Southeast. As mentioned below, the connectivity of this waterway (North to South of the project) should be considered by the applicant post development. The DEIS should discuss the WQPO and impacts to the protected waterbody.

Response 3-19: *The Applicant's wetlands scientist has reviewed the DEC mapper website and concludes that the stream shown on the map crossing the Village of Woodbury parcel is mapped incorrectly. In fact, the intermittent stream in question enters the Monroe Commons property at the northwest property border shared with Kiryas Joel, the VMG property. The stream extends to the northwest, into the Village of Woodbury, approximately 200 feet west of the proposed area of grading on the Village of Woodbury parcel. The stream is shown in Figure 5-1 of this FEIS. This intermittent stream is described in DEIS Chapter 5.0 Wetlands and Surface Water Resources. Given the proposed erosion control procedures, the Applicant does not anticipate that the proposed Project would result in any significant adverse impact to the stream.*

Methods described in the DEIS to protect downstream wetlands and water courses from construction apply to off-site resources, including in the Village of Woodbury. The site specific SWPPP prepared for the proposed development includes an Erosion Control

Plan, consistent with the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). The full SWPPP is provided as Appendix F of the DEIS. Methods to protect waterbodies are described in DEIS Sections 5.0 Wetlands and Surface Water Resources – 5-3 Mitigation Measures, Section 8.0 Stormwater Management – 8-3 Mitigation Measures and Section 17.0 Construction Impacts – 17.2 Construction Period Impacts and Mitigation.

Comment 3-20 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.4

Proposed Mitigation Measures should include discussion (or reference to other sections) for confirming compliance with Village of Woodbury zoning related to Ridge Preservation, WQPO, etc.

Response 3-20: *Comment noted. See Response 3-8, above.*

Comment 3-21 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 3.2.4

Proposed Mitigation Measures should require limits of clearing be staked in the field and verified prior to Building Permit.

Response 3-21: *The Findings Statement and condition of final site plan approval can include the requirement that limits of clearing for the Village parcel be staked and verified.*

Comment 3-22 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

N/A

A figure identifying the WQPO and regulated waterbodies in proximity should be presented in the DEIS for reference.

Response 3-22: *The intermittent stream described in Response 3-19 is shown in Figure 5-1 of this FEIS. This intermittent stream is further described in DEIS Chapter 5.0 Wetlands and Surface Water Resources.*

Comment 3-23 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

Based on the submitted information, it appears that the applicant is still seeking zoning text amendments for the HI zone. Should these amendments not occur, the applicant will need to apply for area variances for the following: 1) building height, 2) minimum parking spaces, and 3) maximum coverage.

Response 3-23: *Comment noted.*

4.0 GEOLOGY, SOILS AND TOPOGRAPHY COMMENTS AND RESPONSES

Several comments on the DEIS from the Lead Agency and its consulting engineer related to the need for blasting for construction of the proposed building, and specifically, whether the *Geotechnical Investigation Report Study* completed for the DEIS, provided sufficient information to determine if blasting will be necessary.

The *Geotechnical Investigation Report (*Appendix D in the DEIS) provides detailed information regarding the geology, soils and topography on the property and the edges of the site on adjacent properties. Test pits were excavated in nineteen (19) locations and soil borings were completed at fourteen (14) locations for the investigation. The borings and the test pits indicate that bedrock is generally deeper than the required excavation depths in the building area, however boulders or drilling obstructions limited the data to confirm this conclusion. A total of 14 borings were drilled in the footprint of the proposed building. Nine (9) of the 14 borings were finished at or below the basement finished floor elevation of 646 feet. Three (3) of the borings finished within five feet of basement floor elevation and at two of the boring locations (B-12 and B-13), boulders or obstructions prevented drilling to the required depth (see *Geotechnical Investigation Report – Building Area Subsurface Profile*).

The project geotechnical engineer Kevin Patton, P.E. recommended additional excavations or borings prior to construction, to verify subsurface conditions and depth to bedrock. The Applicant has scheduled additional soil investigation work to provide confirmation of subsurface conditions and the presence or absence of bedrock in the building footprint.

In the event that blasting is required for Monroe Commons, that blasting work would adhere to all Town of Monroe and NY State requirements. The Applicant is prepared to obtain all necessary approvals for the blasting, including a Blasting Permit from the Town of Monroe. Chapter 22 of the Town Code provides specific requirements for blasting work, including: insurance requirements, noticing the Town Clerk, written noticing of neighbors, hours of operation, inspection by the Town, and flagging and posting prior to blasting operations. Any required blasting work would be completed by a qualified contractor licensed by NY State.

A Blasting Plan is attached as Appendix C, and provides the procedures and limitations for the work, consistent with Chapter 22 of the Town Code. The Blasting Plan and adhering to the Town Code requirements minimizes the potential impacts to neighbors, in the event that blasting is required for building construction. Compliance with a blasting plan that is satisfactory to the Town Engineer will be required as a mitigation measure in the event that blasting is necessary.

Comment 4-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Comments on this chapter are to be provided through separate correspondence to the Planning Board from MHE Engineering, D.P.C. (Shawn Arnott, P.E. - Consulting Engineer to the Planning Board) and Weston & Sampson, PE, SL, LA, Architects PC (Frank Getchell, PG - Senior Technical Leader, Water).

Response 4-1: *Comment noted.*

Comment 4-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):
As noted above, the Planning Board had previously instructed the Applicant to submit a supplemental geotechnical investigation report that adequately addresses any need for blasting

on the Site. The supplemental report will require review and comment by the Planning Board's Consulting Engineer prior to submission of the FEIS. The Applicant must address comments made on this report as part of the FEIS.

Response 4-2: *See introductory discussion above. In the event that blasting is required for the building construction, the work will adhere to Chapter 22 of the Town Code and to New York State blasting requirements. The Applicant has prepared a* Blasting Plan that provides the procedures and limitations *for the work, consistent with Chapter 22 of the Town Code. (see Appendix C). Compliance with a blasting plan that is satisfactory to the Town Engineer will be required as a mitigation measure in the event that blasting is necessary.*

Comment 4-3 Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
As previously discussed, the Applicant is to submit the required geotechnical investigation to properly address the depth of excavation and need for blasting for review by MHE Engineering and must provide MHE Engineering an opportunity to provide comments thereon prior to finalizing the FEIS. At the November 21, 2023 Planning Board meeting, the Applicant agreed to provide MHE Engineering two weeks to comment on same. The FEIS should address any such comments received from MHE Engineering (and possibly Weston & Sampson).

Response 4-3: *See introductory discussion above and Response 4-2.*

Comment 4-4 Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
As discussed at the November 21, 2023 Planning Board meeting, the proposed mitigation measures should require any excess fill to be removed from the site.

Response 4-4: *Comment noted. The proposed grading plan estimates a net fill of 8,520 cubic yards of material to be imported to the site. Removal of any excess fill from the site is a required mitigation measure.*

Comment 4-5 Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
No further reviewed (defer to comments of MHE Engineering and Weston & Sampson).

Response 4-5: *Comment noted.*

Comment 4-6 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.0 – Geology, Soils & Topography notes that Appendix D of the DEIS includes a geotechnical investigation report. Our office notes that the geotechnical investigation report does not include the soil technical notes, boring and test pit locations, sub surface profile, soil boring logs, laboratory test reports and USDA soil report. The applicant should include the geotechnical investigation report Appendices in future hard copy submission of the report.

Response 4-6: *Due to the physical size of the document (1786 pages in total), the Attachments for the Geotechnical report were not included in the printed version. The published electronic version of DEIS, posted on the Town of Monroe website included "soil technical notes, boring and test pit locations, sub surface profile, soil boring logs, laboratory test reports and USDA soil report".*

Comment 4-7 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.1 refers to the borings and test pits completed in the geotechnical investigation report. Our office notes that some borings (including Boring B-4) do not appear to be adequate depth to confirm the elevation of bedrock pursuant to the excavation required for the proposed building. A such, prior to submission of the FEIS the applicant should provide the additional borings/boring depths for review by the Town's consultants to either confirm no bedrock is present or advise if blasting/rock excavation will be necessary for the project.

Response 4-7: *See introductory discussion above regarding additional geotechnical work, the potential for blasting and blasting procedures, if required.*

Comment 4-8 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Borings (B-5, B-7, B-9, B-10, B-11, B-12, B-13, B-14) note refusal at 6 feet whereas the bottom of the excavation is likely below the location of refusal. As such, the applicant should advise if refusal is bedrock and rock excavation is required.

Response 4-8: *See introductory discussion above and Response 4-2.*

Comment 4-9 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The applicant notes in Section 4.1 that "bedrock is likely deeper than the required excavation depths throughout the building area". The applicant should review the refusal in Borings B-5, B-7, B-9, B-11, B-12, B-13 and B-14 to understand if the cause of the refusal of the boring logs and determine as part of the FEIS if rock excavation will be required.

Response 4-9: *See introductory discussion above and Response 4-2.*

Comment 4-10 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.1 discusses potential impacts and mitigations which should be moved to their respective sections in the FEIS.

Response 4-10: *Section 4-1 provides the Existing Conditions for on-site soils, geology and topography. Section 4.2 provides the potential impacts of the proposed project on those resources and Section 4.3 proposed mitigation.*

Comment 4-11 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.2 – The FEIS should provide elevations of the proposed footings.

Response 4-11: *The proposed basement finished floor elevation is 646 feet.*

Comment 4-12 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.2 states "the borings and test pits complete for the geotechnical investigation report indicate that bedrock is probably deeper than required excavation depth throughout the building

area,…". As noted above, prior to submission of the FEIS, the applicant should provide additional testing to confirm no bedrock is within the proposed excavation limits.

Response 4-12: *See introductory discussion above and Response 4-2.*

Comment 4-13 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.2 under soils identifies the net fill of 8,520 cubic yards to be imported to the site. The applicant should clarify if this net fill includes all select material for use for subbase and paving.

Response 4-13: : *The cut and fill estimates provided in the DEIS (Page 4-7 Soils, and page 17-2) were based upon a comparison of existing grades to finished grades and material balance. As indicated in the DEIS, a net fill of approximately 8,520 cubic yards will be imported to the site to complete the construction. Since the finished grades assume the placement of crushed stone and asphalt for parking areas and driveways, that material has been factored into the overall material balance. A portion of the 8,520 will include soil, topsoil for plantings, crushed stone, and asphalt.*

Comment 4-14 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.2 under excavation states "several borings met refusal (the drilling could not proceed) close to or above the anticipated basement subgrade elevation, but this is believed to have occurred on boulders". As noted above, prior to submission of the FEIS the applicant should perform additional analysis to confirm that the refusal is due to boulders and not bedrock. Should bedrock be identified, the applicant should identify the means of removal of the bedrock.

Response 4-14: *See introductory discussion above and Response 4-2.*

Comment 4-15 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.2 under excavation states "in the unlikely event that blasting is necessary, all applicable Town of Monroe (Chapter 22 of the Town Code) and NYS protocols for blasting will be followed, including obtaining a blasting permit from the Town". The applicant should provide a blasting protocol as part of the FEIS should blasting be necessary, for the Board's review.

Response 4-15: *Comment noted. A Blasting Plan is provided as Appendix C.*

Comment 4-16 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.3 states "in the unlikely event that blasting is necessary, all applicable Town of Monroe (Chapter 22 of the Town Code) and NYS protocols for blasting will be followed, including obtaining a blasting permit from the Town". The applicant should provide a blasting protocol as part of the FEIS should blasting be necessary, for the Board's review.

Response 4-16: *Comment noted. A Blasting Plan is provided as Appendix C.*

Comment 4-17 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.3 – For the FEIS, the applicant should discuss the alternative of providing a retaining wall to the rear of the property in lieu of the grading into the Woodbury section and its potential environmental impacts on geology, soils and topography.

Response 4-17: *Earlier site plans prepared by the project engineer proposed a retaining wall at the property boundary adjoining the Village of Woodbury. The retaining wall varied in height from approximately 2 feet to 31 feet with an approximate average height of 20 feet. The installation of a retaining wall instead of grading would have reduced the area of grading and tree clearing in the Village of Woodbury, however, it would not have eliminated the disturbance to the parcel as grading would be required for a drainage swale and wall installation. Engineered structural reinforcements, such as tie-backs would need to be installed on the Village of Woodbury property, which would require Village Site Plan review and approval. While reducing the required grading somewhat, the installation of the retaining wall would result in grading and clearing impacts on the Village parcel.*

Comment 4-18 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.6.2, Page 1-9 and 1-11 Page 1-9 describes a net fill of 8,520-CY; Page 1-11 approximates 434-CY of fill. This is a significant disparity and should be clarified.

Response 4-18: *The proposed cut-and-fill estimate by the project engineer estimates a net fill of 8,520 cubic yards (see **DEIS** Figure 4-4 - Cut and Fill Plan). The 434 cubic yard reference was in error.*

Comment 4-19 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 4.3, Page 4-11 See comment 16 (Comment 2.41) regarding construction phasing required under the Construction General Permit.

Response 4-19: *Comment noted.*

Comment 4-20 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 4.2-Page 4-7 & Section 4.3-Page 4-12
Applicant to resolve discrepancies between net fill volumes required for importation to site (434-CY and 8,520-CY).

Response 4-20: *The proposed cut-and-fill estimate by the project engineer estimates a net fill of 8,520 cubic yards (see **DEIS** Figure 4-4 - Cut and Fill Plan). The 434 cubic yard reference was in error.*

Comment 4-21 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 4.2 The applicant should quantify the net cut of soils associated with the grading operations proposed on Lot 255-1-30 in the Village.

Response 4-21: *Grading for the Village of Woodbury lot is provided in the SWPPP (Appendix F of the DEIS). An area of 2.5 acres will be disturbed. All of the soil cut from the Village property will be used on the Town property as fill material. No off-site*

excavation of soil is anticipated and soil will be imported for the development (see Response 4-13, above).

Comment 4-22 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 4.3 The applicant should provide a soils importation plan. The plan should include an estimate of truck trips and truck route including source of fill. This should generally use state and county roads. The soils movement plan should consider dust, clean up for spillage and hours of trucking and sitework (spreading/compacting). Further, fill should be 'clean'; the DEIS should discuss the specifications of a suitable fill and methods of testing to confirm only clean and suitable fill is utilized during site development.

Response 4-22: *A soils importation plan was not required by the Scoping Document. Section 17.0 of the DEIS describes the estimates for truck trips related to the importation of fill soil resulting in approximately 532 truckloads of soil. The source of fill soil has not yet been identified and will depend upon available sources of fill material, as well as material costs and transportation costs. The Applicant confirms that only suitable, certified soil will be imported to the site. Section 17.2 of the DEIS describes methods of reducing dust and for construction hours, including trucking.*

Comment 4-23 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 4.3 The DEIS should confirm access for grading operations will occur from the Town property.

Response 4-23: *Grading operations on the Village of Woodbury property will be from the Town of Monroe property, since grading and construction will extend from the Town property, onto the Village property.*

Comment 4-24 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):
Site Geologic Conditions

Section 4.0 and its subsections as provided in the completed DEIS, address general and limited site- specific aspects of the geology (overburden/soil and bedrock) of the Development site and corresponding proposed mitigation measures. The general geologic conditions reported for the area inclusive of the Development site are based on the Applicant's review of published data [supported by geologic maps available from a New York Geological Association Guidebook and the Orange County Water Authority (OCWA), neither of which have legends that describe the geologic materials shown on the respective maps], and a report summarizing a site-specific geotechnical engineering evaluation of the proposed Development property. In addition, the DEIS includes the "Water Well Completion Report" (provided in Appendix D) reportedly for the on-site well (existing Well #2) drilled in January 2019 as supporting information regarding the geologic conditions at one location at the proposed Development site.

Response 4-24*: Comment noted. The DEIS and FEIS provide both general and detailed site-specific description of the geology (overburden/soil and bedrock) based upon **t**he site specific Geotechnical Investigation (DEIS -Appendix C). This investigation was completed to provide the information necessary to establish existing soil and groundwater conditions and determine potential project impacts, including for*

construction (potential erosion, construction stormwater management, depth to groundwater and bedrock) and for the long term effectiveness of the proposed stormwater management system and site drainage. Due to data gaps regarding depth to bedrock and shallow groundwater conditions, the project geotechnical engineer has collected additional information as part of the FEIS. An updated Geotechnical Investigation is attached as Appendix E.

***T**he well log information provided in the DEIS "Well Completion Report" is for a single off-site well for the Brach and Mann building located at 254 Nininger Road, adjoining the Monroe Commons property.*

The well log prepared for the on-site Well #2 has been provided by Frey Well Drilling and is attached in Appendix E. The well log indicates that the depth to bedrock is 494 feet.

Comment 4-25 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

The geotechnical evaluation was focused on areas and depths consistent with the proposed Development activities and were limited in the focus on areas of the site that would not be disturbed (vertically and laterally). The site-specific information provided in the DEIS-provided geotechnical engineering evaluation consisted of subsurface sampling and characterization (interpreted by the Applicant's on-site representative) completed through the advancement of borings and test pits. Characterization of groundwater levels and bedrock occurrence were based on estimated and singular occurrence ("one-time") observations made between January and February, 2023, and, in the case of the test pits, with no supporting documentation such as test pit logs and photo-documentation of the exposed geologic materials and conditions (only a summary table is provided in the DEIS Appendix). Furthermore, the geotechnical report indicates that infiltration testing was completed using the installation of piezometers at selected test pit locations, however none of the collected data is provided nor is information regarding the construction and status of these piezometers.

***Response 4-25:** The site specific Geotechnical Investigation (DEIS -Appendix C) was completed to provide the information necessary to establish existing soil and groundwater conditions and determine potential project impacts, including for construction (potential erosion, construction stormwater management, depth to groundwater and bedrock) and for the long term effectiveness of the proposed stormwater management system and site drainage. An updated Geotechnical Investigation is attached as Appendix E.*

The soil borings installed at the site were intended to provide more detailed information of soil and geologic conditions for building foundation and utility installation while the test pits and piezometers were intended to provide information regarding soil infiltration and shallow groundwater conditions for construction and the stormwater management system.

A total of 20 soil borings were completed at the site ranging from depths of 4.0 to 57 feet in depth. Several borings were ended at shallow intervals due to refusal on boulders. Boring logs providing detailed descriptions of subsurface materials, depths of materials and drilling conditions are attached to the Geotechnical Investigation.

According to the Geotechnical Investigation, the soils encountered in the borings were generally consistent with the Soil Survey data, consisting mostly of dense to very dense layered till with a clayey to silty texture, with some sandy to gravelly till, and with some medium-dense to dense clayey to fine-sandy glaciolacustrine deposits within the till.

A total of 19 test pits were excavated and standpipe piezometers (i.e., open-ended PVC pipes with no screened intake intervals or annulus seals) were installed in 10 of the test pits. Test pit logs for each test pit provide detailed descriptions soil conditions, and standpipe piezometer construction installation details including depths (i.e., the level at which the corresponding groundwater depth is affiliated with in the corresponding overburden). The test pit logs are attached to the Geotechnical Investigation.

The project geotechnical engineer has provided an Interpretation of Groundwater Hydrology, and this report is provided in Appendix E, following the Geotechnical investigation. Shallow groundwater levels were measured at 10 locations in February and March of 2023, and at 6 of the original 10 locations in February 2024. Although limited to three dates, this data provides an evaluation of groundwater conditions over a one-year period. Water depth measurements in standpipe piezometers is provided in the table below.

Water Depth Measurements in Standpipe Piezometers											
Date	P9	P10	P11	P12	P13	P14	P15	P16	P17	P18	P19
2/2/2023	8.73	3.02	>7.3	>9.3	2.85	3.50	4.69	6.92	7.17	>4.75	0.5
3/6/2023	8.29	2.15	>7.3	9.00	2.23	3.42	4.73	7.06	6.79	>4.75	-
2/7/2024	-	3.51	-	-	3.44	-	5.58	8.08+	7.68	>4.75	-
Surface Elev., Feet	667	667	641	642	654	651	648	648	646	642	631
Min. Water Depth, feet	8.29	2.15	-	9.00	2.23	3.42	4.69	6.92	6.79	-	0.5
Highest Water Elev.	658.7	664.9	<633.7	633.0	651.8	647.6	643.3	641.1	639.2	<637.3	630.5

The locations of the test pits and standpipe piezometers are provided in the Soil Boring and Test Pit Locations Map in Appendix E and in Figure 6-1 Groundwater Elevation Diagram. Shallow (overburden) groundwater levels ranged from approximately 2.2 to 9.0 feet in depth. Water levels were generally consistent over three measurements. The measurements were taken during the wet season and the high-water levels are believed to be at or close to the highest seasonal groundwater elevation. Measurements were not collected during summer months. The measured high water table elevations were used to prepare a Groundwater Elevation Diagram (Figure 6-1) that shows approximated groundwater levels in the areas measured. As shown in the diagram groundwater levels varied by more than 30 feet across the area measured. Groundwater elevations are likely to be at higher in the northeast corner of the site, corresponding to topography. Further discussion of on-site shallow groundwater conditions are provided in the Interpretation of Groundwater Hydrology (Appendix E).

Comment 4-26 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

The Water Well Completion Report (DEIS Appendix D) indicates that it corresponds to a well drilled at 254 Nininger Road, and not at the site address of 220 Nininger Road. A private well is known to exist at 254 Nininger Road, so the FEIS should include clarification of the address of this well since it is relied upon to describe subsurface conditions encountered during the drilling and completion of the well as recorded by the driller. The DEIS provides conflicting information regarding both wells (Page 4-2), as reflected in the discussion on the local geology that references "the well described in the well completion report for the well drilled for the adjacent Brach and Mann building at 254 Nininger Road." The conditions described relative to his nearby off-site well are not provided in the referenced Appendix and appear to suggest identical geologic conditions to Well #2. Of special significance is the characterization of the depth to bedrock at both locations (reportedly at 80 feet, however both wells indicate the occurrence of about 50 feet of "hardpan" which is an ambiguous term) and the ambiguity relative to the bedrock characterization (extent of fracturing and weathering indicators) and lack of geologic identification (e.g., shale, sandstone, limestone, granite, etc.). The distinctions between these two locations as well as other on-site locations should be addressed by additional site-specific investigation completed as part of the FEIS efforts. It should be noted that the provided well record was not developed by a geologist, hydrogeologist, or geotechnical engineer in connection with the completion of the well. These ambiguities and informational deficiencies need to be addressed by the FEIS, which may include the need to advance additional borings and retrieve core samples into the underlying bedrock.

Response 4-26: *The comment is correct that the well log information provided is for a single off-site well for the 254 Brach and Mann building, adjoining the Monroe Commons property. Descriptions of local bedrock depth at 80 feet are attributed to this off-site well.*

The well log prepared for the on-site Well #2 has been provided by Frey Well Drilling and is attached in Appendix E. The well log indicates that the depth to bedrock at the on-site location is 494 feet. Unconsolidated material to a depth of 80 was not described in the well log. Between 80 feet and the bedrock (494 feet) the unconsolidated material was described as layers of gravel, clay and broken rock. This extensive interval can be described as incompetent (e.g., weathered and/or significantly fractured) bedrock.

The Geologic Map of the Monroe Area (1967)[1] indicates the site is located on a large block of Devonian-age sandstone and shale of the Esopus formation. This is a sedimentary unit composed of red-sandstone, blue-gray siltstone, black mudstone and related rock types. The site is in an area of deep soil cover where the boundaries of the bedrock units are uncertain.

Since the project is no longer relying on bedrock wells for water supply, characterization of the bedrock (fracturing, weathering), is only relevant as it pertains to potential bedrock removal for the building foundation. The updated Geotechnical Investigation Report provides additional characterization of subsurface conditions (see Appendix E).

[1] Geologic Map of the Monroe Area, 1967, by Howard W. and Elizabeth Jaffe, as presented in the 1989 New York Geologic Association Guidebook.

Comment 4-27 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

Based on our review of the provided geotechnical evaluation and supporting information and documentation, the characterization of the geologic conditions at the proposed Development is incomplete relative to: precipitation infiltration potential for the local overburden and soil beyond areas where stormwater management infrastructure is being proposed; and the depths, type(s) and quality of bedrock, presence or absence of fracture systems (beyond the two that are regionally mapped by the OCWA) occurring within the on-site bedrock; and long-term depth and elevation of groundwater in the overburden and bedrock at the Development site including the potential for seasonal variations. It should be noted that given the observed apparently disturbed nature of the overburden (sand and gravel, underlain by hardpan, underlain by tens-of-feet of "broken up bedrock" and "unconsolidated rock") reportedly encountered during the drilling of Well #2, and based on the observed local topography (described on Page 1-1 as "apparent grading in the middle of the site" observable on 1958 aerial photographs), it is suspected that the Development site was previously used as some form of "borrow pit" for the removal of locally occurring sand and gravel. As such, further evaluation of the lateral and vertical influences of this disturbance regarding currently anticipated geologic conditions (naturally occurring versus historically graded and filled) and related groundwater conditions should be addressed in the FEIS. Without such information mitigation measures identified in the DEIS such as those related to future blasting and/or ripping of bedrock and the degree to which construction and long-term groundwater control will be needed should be evaluated and addressed further in the FEIS.

Response 4-27: *The DEIS provided a detailed assessment of soil and geotechnical conditions at the site based upon available published soil and geological studies and a detailed Geotechnical Investigation based upon 20 on-site test borings, 19 test pit locations and 10 piezometers, providing assessment on onsite subsurface conditions.*

Regarding the referenced incomplete information:

"Precipitation infiltration potential for the local overburden and soil beyond areas where stormwater management infrastructure is being proposed".

The project geotechnical engineer has provided an Interpretation of Groundwater Hydrology, and this report is provided in Appendix E, following the Geotechnical investigation.

According to the report, "the native soils are predominately glacial till, most of which is densely consolidated, with a significant silty clay, clay or silt fraction, resulting in relatively low hydraulic conductivity and low water capacity. Layers of more highly-permeable soils were encountered in some of the borings, notably in boring B6, near the south end of the project area, where an approximately fifteen-foot section of dense to very dense layered silt, fine sand and silty sand was encountered deep in the till.

"The site appears to have groundwater hydrology which is simple in the broad context, but complex in detail, due to the variations in soil texture and density and the discontinuous nature of the soil layers in the till and related soils. The groundwater flow pattern is understood to generally follow the surface topography, moving south and southeast from the high areas toward the wetland. Along Nininger Road, the natural groundwater movement direction is toward the southeast, with the presence of the embankment tending to reduce this seepage, particularly in the shallower soils".

Precipitation Infiltration potential for soils is controlled by the glacial till material which is variable across the site.

According to the Interpretation of Groundwater Hydrology Report, "the primary source of groundwater entering the project area (recharge area) is the relatively steep slope which begins along the east side of the proposed building and extends well off-site to the north. Groundwater enters this slope as rain and snowmelt and moves primarily in the upper five feet of the soil profile, which has a slightly loosened structure due to frost, soil creep and bioturbation. When these shallow soils are wet, some of the groundwater moves into the denser, deeper soils, where its movement is generally slow, downward and outward toward the face of the slope. There are occasional layers, lenses or veins of fine sand or similar higher-permeability soils within the till, which control the groundwater movement locally, and when they intercept the surface, either naturally or during excavation, can produce springs. One such spring was noted on the slope to the northeast of the proposed building, beginning at a low cut on the existing farm road". As indicated, shallow groundwater flow direction generally follows the surface topography from the hillside in the north-northeast of the property to areas of lower topography and the wetland in the south-southeast portion of the property.

The steep slope above the proposed parking area and building, including land in the Village of Woodbury will remain unpaved pervious surface allowing precipitation on the slope to potentially continue to recharge groundwater

Figures 8-1 Existing Drainage Conditions and 8-2 Proposed Drainage Conditions. The figures show the upgradient off-site contributing areas to surface water drainage. This area can also be assumed to provide for groundwater recharge for the site through infiltration. As shown in Figure 8-2 Proposed Drainage Conditions, Subcatchment areas 1SA, 1SB, 10 S and 1SE are upgradient of the pond and include approximately 25.34 acres. Post-development this area will continue to potentially recharge groundwater above the pond wetland. The proposed vegetated swale located along the Village of Woodbury property line will be pitched to drain to both to the north-northwest and the south-southeast with a drainage divide at the northeast building corner (see Utility Plan 3 and Utility Plan 5 – Drawings 7 and 9 of the Site Plan). Stormwater in the northern portion of the swale will be directed to a storm drain that eventually flows to the infiltration basin along Nininger Road and the existing wetland pond. This drainage will both infiltrate to shallow (overburden) groundwater or be directed to the wetland pond by pipes (stormwater overflow). Stormwater in the southern portion of the swale will be directed to a storm drain that flows directly into the existing wetland pond (see Utility Plan 6 – Drawing 10 of the Site plan).

"The depths, type(s) and quality of bedrock, presence or absence of fracture systems (beyond the two that are regionally mapped by the OCWA) occurring within the on-site bedrock".

The depth and type of bedrock is provided in the DEIS in 4.0 Geology, Soils, Topography and in Chapter 6.0 Groundwater Resources. The depth of bedrock ranges from 80 feet, the depth of bedrock measured at the adjacent Brach and Mann property and 494 feet, the depth recorded for the on-site well (Well #2). The bedrock underlying the site is mapped as Devonian-age sandstone and shale of the Esopus formation (Geologic Map of the Monroe Area (1967)[2] This is a sedimentary unit composed of red-sandstone, blue-gray siltstone, black mudstone and related rock types. The driller for on-site Well #2 described bedrock as "limestone", although the rock type was not confirmed by a professional geologist. The site is in an area of deep soil cover where the boundaries of the bedrock units are uncertain.

The presence or absence of fracture systems occurring in the bedrock is beyond the Scope of the DEIS and since the project is not relying on bedrock groundwater wells. The presence or absence of bedrock fracture systems would be relevant in the event that bedrock wells were required for the project.

"and long-term depth and elevation of groundwater in the overburden and bedrock at the Development site including the potential for seasonal variations".

The project geotechnical engineer has provided an Interpretation of Groundwater Hydrology, and this report is provided in Appendix E, following the Geotechnical investigation. Shallow groundwater levels were measured at 10 locations in February and March of 2023, and at 6 of the original 10 locations in February 2024. Although limited to three dates, this data provides an evaluation of groundwater conditions over a one-year period. It is anticipated that groundwater in the shallow aquifer will vary seasonally, and the measurements were collected in periods of seasonally high water levels to assess the potential impact of groundwater on stormwater management facilities. Water depth measurements in standpipe piezometers is provided in the table in Response 4-25, above.

The depth to groundwater in the bedrock aquifer was measured at 60 feet in the adjacent Brach and Mann well and groundwater depth was not measured in the on-site Well #2.

Comment 4-28 Monroe Commons Public Hearing, November 21, 2023:

Aaron Werner, AKRF consultant for the Planning Board: I think there was one thing I wanted to raise which was -- it had to do with the geotech. And I think, Shawn, you asked for them to actually do a little bit more before the FEIS came in. I don't know, is there an update on that work?

Ashley Torre, Esq., Naughton & Torre, Attorney to the Planning Board: Yes. So at the -- at one of the meetings I know there was talk about you were doing some additional borings. There was going to be an additional geotech report submitted at some point before the FEIS so that Shawn would have an opportunity to comment on that and then his comments be addressed in the FEIS. So I don't know the status of that or anticipated date for when that might be submitted.

Shawn Arnott, MHE, Engineer to the Planning Board: It was specifically for the need for blasting for

[2] Geologic Map of the Monroe Area, 1967, by Howard W. and Elizabeth Jaffe, as presented in the 1989 New York Geologic Association Guidebook.

the building.

Bonnie Franson, Planning Board, Chairwoman: Right. And it was that the depth of the exploration didn't go as far down as the depth of the foundation I believe, which is why there was a question. I guess the discussion was about boulders versus bedrock. And so additional information was needed. I think that was the gist of the conversation. So we would want a status on where the geotech was because that was one of those items that we deferred that was substantive in nature but we said we would wait so that we could get to completeness but ensure that that gets integrated into the FEIS.

> **Response 4-28:** *See introductory discussion above. In the event that blasting is required for the building construction, the work will adhere to Chapter 22 of the Town Code and to New York State blasting requirements. The Applicant has prepared a Blasting Plan that* provides the procedures and limitations *for the work, consistent with Chapter 22 of the Town Code. (see Appendix C). Compliance with a blasting plan that is satisfactory to the Town Engineer will be required as a mitigation measure in the event blasting is necessary. Due to data gaps regarding depth to bedrock and shallow groundwater conditions, the project geotechnical engineer has collected additional information as part of the FEIS. An updated Geotechnical Investigation is attached as Appendix E.*

Comment 4-29 Monroe Commons Public Hearing, November 21, 2023:
Bonnie Franson, Planning Board, Chairwoman: So in the best of all worlds with the geotech, the grading, et cetera, we really want to know what the quantities are because we don't want to wind up with all this excess (material) and then a request to put it somewhere on the site. And I think we said this at a prior meeting; if there's excess it has to go somewhere else.

Shawn Arnott, MHE, Engineer to the Planning Board: And where does it go? Does it go somewhere else in the town?

> **Response 4-29:** *The project engineer completed a cut and fill evaluation that indicates that no excess material will need to be exported from the site but that 8,520 cubic yards of material will need to be imported into the site. In the event that certain material cannot be used on-site it will be exported off-site. In no case will excess soil be stored in unstabilized piles on the subject property. As noted in Response 4-4, removal of any excess fill from the site is a required mitigation measure. Excess clean fill can be transferred to other futures construction sites either in the Town of Monroe or to other nearby municipalities. All required permits will be obtained for the proposed locations receiving the excess material from the Monroe Commons site.*

5.0 WETLANDS AND SURFACE WATERS COMMENTS AND RESPONSES

Comment 5-1 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The wetland delineation report identifies the presence of intermittent streams within the delineated wetlands, but the streams are not illustrated on any of the mapping. Further, the total length of intermittent stream within the site has not been identified.

Response 5-1: *Two intermittent/ephemeral streams were noted within the Wetland Delineation Report entering the site from a culvert off of Nininger Road and also from the adjacent property to the northwest. The streams entering from Nininger Road are shown on the delineation map from wetland flags 10 through 54. This area was identified as primarily an excavated ditch that was created to route runoff into the pond. A pile of old excavated soil material from historic on-site grading is located along the edge of the stream and also the bed contained no wetland vegetation (see Figures 5-1 and 5-2).*

During the USACE confirmation visit with Mr. Brian Orzel, the USACE requested that, due to the lack of vegetation, the area be described as a stream. Additional information and data were submitted to the USACE prior to the issuance of the Jurisdictional Determination (JD) letter from the USACE, to obtain a determination that the area was more ephemeral rather than intermittent (emphasis added), and non-jurisdictional under Section 404 of the Clean Water Act. The USACE determined insufficient data relevant to the seasonal fluctuations of the hydrology of the ditch/stream was provided and that several years of data should be provided. At that point, the Applicant decided it was not worth waiting for several years of data and that the area would be considered jurisdictional.

The second stream area enters the site from the northwest from an existing drainage on the adjacent property and is within Area A and from wetland flags 58 through 91. Area A is separated from Area 1 by an existing unpaved road and culvert. From the culvert eastward in the vicinity of wetland flags 72/73 (at the culvert outlet) to 58/91, the area also exhibits the characteristics of an excavated ditch. The soil pile from historic grading and excavation remains to the side of the stream and it contains little to no wetland vegetation. Attached is a graphic showing the locations of the two intermittent/ephemeral streams (see Figure 5-2). The two intermittent / ephemeral streams were not added to the Site Plans, since the wetland area regulate by the USACE is shown on the plans and identified as regulated area. As shown in Figure 5-2, the intermittent / ephemeral streams are within the regulated area, as shown on the Site Plan.

The "streams" on the Site were determined to be ephemeral only. During the various site assessments, delineation of wetlands & WOTUS, and USACE confirmation visit, there was no flow. Photos that were included in the Pre-Construction Notification (PCN), as well as another field visit are provided in Appendix H Supporting Ecological Information. The photos show the condition of the streams during the site visits. The amount of impact to the stream length was accounted for as impact in the PCN and is included in the on-site wetland mitigation. The total length of the ephemeral streams are approximately 825+/- linear feet (see Figure 5-2) (emphasis added). A table summarizing impacts to wetlands and surface water resources and proposed mitigation is provided below. The DEC Environmental Resource Mapper (ERM) had the location, configuration, and classification of the stream incorrect. This was confirmed during the delineation and multiple site visits.

Table 5-1 Wetland / Surface Water Impact and Mitigation			
Resource	***Existing***	***Impact***	***Mitigation***
NetWetland (USACE and Town regulated)	*1.98 ac.*	*0.49 ac.*	*0.9 ac. wetland mitigation SWPPP Invasive Species Mgmt. Plan*
Wetland Buffer (Town regulated)	*6.73 ac.*	*5.78 ac.*	*0.9 ac. wetland mitigation SWPPP Invasive Species Mgmt. Plan*
Intermittent/Ephemeral Stream**	*Approx. 825 lineal ft.*	*Approx. 675 lineal ft.*	*0.9 ac. wetland mitigation SWPPP Invasive Species Mgmt. Plan*
Notes: -The 5.78 acres of regulated buffer impact is considered an unavoidable impact that is being partially mitigated, with no reasonable alternative that would meet the Applicant's goals for the Proposed Project. - The intermittent/ Ephemeral stream not regulated by NYSDEC			

Comment 5-2 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Per the NYSDEC Environmental Resources Mapper, there is a mapped DEC Class C, C stream flowing through the site, but no mention was made of this stream in the DEIS. The scoping document required identification of streams. Need to expand and add to this description in the DEIS

Response 5-2: *See Response 5-1 above. At the time of the delineation and report, the on-site stream was designated by the DEC as a Class D stream. Since then, the DEC has reclassified many streams throughout New York State and this stream was reclassified as a Class C stream. Pursuant to Article 15 Protection of Waters regulations, a Class C stream is not protected under Article 15 and a DEC Article 15 permit is not required for disturbance to the stream. Figure 3 - DEC Mapped Aquatic Resources graphic was updated for the Pre-Construction Notification (PCN) Nationwide Permit to the USACE and 401 Water Quality Certification that was submitted to the DEC. The PCN clearly recognized the stream as a Class C stream. NCES shows on Figure 5-2, the classification, and the approximate location of that stream, based on the field evaluations (see Figure 5-2).*

Comment 5-3 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The USACE did not respond to the Joint Application for Permit within the 45-day timeframe (i.e. they did not have time to review it) so per correspondence from Brian Orzel at the USACE the applicant is allowed to conduct the project in accordance with the NWP and their proposed mitigation measures. However, the Joint Application for Permit was not attached to the DEIS for review to determine completeness and conformance with the State-required 401 Water Quality Certification requirements. Further, based on past experiences, the USACE typically does not like wetland mitigation to occur immediately abutting active roadways.

- Has NYSDEC reviewed the Joint Application for Permit for 401 Water Quality Certification compliance? Please provide documentation of this for review.
- Has an Individual Section 401 Water Quality Certification been obtained from the NYSDEC for the project? The proposed 0.49 acre of jurisdictional wetland impact exceeds the ¼ acre threshold of impacts to Waters of the US listed as a requirement of

  the Blanket 401 Water Quality Certification. Please provide this documentation for review.
- Further, the intermittent streams discussed in the wetland delineation report are not illustrated on any of the mapping, and no stream impacts have been identified. Per the Blanket 401 Water Quality Certification, temporary or permanent impacts to stream beds must not exceed 300 linear feet. Please add these to the mapping.
- We recommend that the wetland mitigation location immediately adjacent to Nininger Road be moved. By being located immediately adjacent to a roadway, this created wetland would receive roadway runoff which has potential to promote invasive species more tolerate of poorer water quality which would likely lower the quality of the wetland. Additionally, wetlands attract wildlife. By placing this wetland mitigation next to the roadway, there is increased potential for wildlife/vehicle incidents.

Response 5-3: *Yes, the PCN was submitted to the USACE for the Nationwide #39 permit and also to the DEC for the 401 Water Quality Certification. The DEC commented on the application and is waiting for SEQRA to be completed by the Lead Agency before issuing the 401 Water Quality Certification. Alysse Devine, Environmental Analyst for the DEC has reviewed the application package and issued Application #/DEC ID: 3-3340-00316/00002. The DEC has indicated that they will issue the 401 WQC once the SEQRA review is complete. Ms. Alysse Devine, Environmental Analyst from the DEC contacted NCES on March 26, 2024 requesting an update of the SEQRA process. She is aware that the FEIS is in review and has indicated that the Department will issue the permit once the SEQRA process is complete. A copy of the application package for the Section 401 Water Quality Certification, is provided in Appendix H.*

Regarding the intermittent/ephemeral stream locations, these have been added to and accounted for in the PCN. The intermittent/ephemeral stream locations are shown on the Site Plan drawings as two linear wetland corridors extending north from the pond. The drainage channels are illustrated in Figure 5-2. Ephemeral man-made ditches are not regulated by the USACE pursuant to Section 404 of the Clean Water Act. However, the acreage of these ephemeral stream corridors was accounted for in the permit and mitigation is proposed for impacts to them.

Regarding moving the wetland mitigation area, the wetland mitigation plan has been approved as part of a US ACOE Nationwide Permit #39 and cannot be moved without restarting the permit process. Due to site constraints such as topography, and hydrology, the wetland mitigation adjacent to Nininger Road cannot be relocated to other areas of the property. The pond and its border of wetland vegetation have received road runoff from Nininger Road for many years and the engineers that designed the mitigation do not anticipate additional flows coming from Nininger Road and negatively affecting the wetland mitigation and existing water body. The Applicant will be responsible for maintaining the wetland mitigation area to meet the permit standards of the USACE Nationwide #39 permit

and the conditions of the wetland mitigation which include monitoring the development of invasive species. Should invasive species become established and permit standards not met, NCES will coordinate with the Applicant on management of the invasives.

Comment 5-4 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
We recommend adding groundwater discharge to the list of functions and values that the existing wetland provides (groundwater seeps were noted). Further, there is no discussion of the functions and values of the protected buffer surrounding the wetland. Please identify.

Response 5-4: *Groundwater seeps were noted in Section 4.3 - Hydrology, of the wetland report. However, the seeps are "at toe-of-slope of the upland ridge that extends along the north side of the wetland. At each discharge location, water was observed seeping out of the surface of the ground or from under exposed rock". These were observations from the Field Technician that assisted with the delineation. Groundwater discharge can be added as a function and benefit of the wetland. The volume of discharge has not been analyzed since there were only limited seeps observed on the hillside, with no significant volume and/or contribution to the wetland.*

The Town of Monroe Upland Buffer that surrounds the wetlands provides certain benefits and functions to the wetland that include the following:

1) *Retention and detention of stormwater flowing into the pond and wetland. The elevation of the pond is determined by the man-made outlet structure and when water levels rise in elevation, the water dissipates and temporarily inundates (floods) the surrounding uplands. As the water recedes, the amount of flooding is reduced until normal, or static, elevations are reached. In essence, the buffers control excess water if and when the wetland floods.*

2) *Reduction of impacts to water quality by slowing the outflow of water from the wetland and pond. As flooding occurs, the buffer would assist in the collection of sediment and any pollutants within the sediment from flowing into downstream waters. This is apparent when after a flooding event the vegetation along the edge of the wetland will be covered with a light coating of sediment.*

3) *Wildlife that is not specifically aquatic utilize the buffer of the wetland for habitat. Amphibians and reptiles use the area for nesting, thermal regulation since they are exothermic and require basking (sunning) to increase their body temperature. These areas can be utilized for egg laying and nesting by reptiles, such as turtles.*

Wetland buffer impacts and mitigation are further described in Response 5-9, below.

Comment 5-5 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):

It is noted that, per request of the Planning Board's consultants, a fourth water sample will be collected at an intermittent stream located near the project entrance, as shown on Figure 5-2. An attempt was made on June 13, 2023, but the stream was dry. Has the applicant collected the requested water sample to satisfy the Planning Board's consultant's request, or has it been determined that the samples collected at Sample Locations 2 and 3 on June 13, 2023, satisfy their request? Please provide any documentation of the fourth sampling and analytical data for review.

Response 5-5: *Location 4, near the project entrance was not identified as a stream or wetland by the NYSDEC or by the project wetland scientist, following numerous site visits (see DEIS Figure 5-2). A second set of surface water samples were collected on June 13, 2023, to provide further baseline water quality data, as described in the DEIS (see pages 5-5 and 5-6). On that date, no water was observed at Location 4, a shallow rocky channel suggested as a sampling point by the Board's consultants. Based on field observations on several dates (January 8, 2023, January 21, 2023 and June 11, 2023) the suggested sampling Location 4 infrequently carries water and is therefore not a representative surface water sampling location.*

Comment 5-6 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The first paragraph under this section indicates that all of the proposed wetland encroachment, consisting of 0.49 acres will be permanent, and off-set by the proposed on-site wetland mitigation. This statement does not account for Town code requirements relating to wetland buffer impacts/protection and mitigation. Please discuss in the FEIS.

Response 5-6: *The avoidance and minimization of impacts to the wetland and surrounding wetland buffer have been achieved through resourceful design. The impacts to the regulated wetland and its buffer are required to meet parking requirements for the buildings and parking areas. The building has been designed to be multiple stories to minimize impacts to the site. Parking has been provided to meet the requirements of the development, but less than the parking required by the Town Code. A waiver for the parking reduction has been requested by the Applicant. A parking structure was not considered practical for the proposed mixed-use development. Additional stories cannot be added to the building, per the zoning code. Wetland buffer impacts have been reduced to the extent possible. The applicant has analyzed alternative plans to minimize the development footprint, and subsequent impact to the Town wetland buffer, as required by SEQRA, and outlined in the Scoping Document (see DEIS Chapter 19.0). These alternatives do not meet the goals and requirements of the applicant.*

Comment 5-7 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
A table showing the direct/indirect impacts to surface waters (i.e. intermittent streams) should be provided.

Response 5-7: *Figures 5-1 and 5-2 have been added to show the location of the intermittent/ephemeral streams (see Response 5-1). Table 5-1 shows the direct and indirect impacts to the intermittent/ ephemeral streams, as well as regulated wetlands and wetland buffers (see Response 5-1). Wetland mitigation is also summarized. A total of approximately 675 lineal feet of intermittent and/or ephemeral streams will be directly and indirectly impacted by the project, as shown in Figure 5-2. These impacts were part of the USACE Jurisdictional Determination and the approved Nationwide Permit #39.*

As discussed in Response 5-1 and 5-3, the on-site stream identified on the ERM is an ephemeral stream by federal definition, see attached photos, and a Class "C" DEC stream and therefore does not require an Article 15 Stream Disturbance Permit from the DEC. Also as previously stated, the area in acres of the impact to the stream was included in the wetland impact summary. Photographs of the stream are provided and the spoil pile from the historic excavation is evident in the photos provided.

Comment 5-8 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Regarding the proposed development in relation to the goals of the Town of Monroe Town Code Chapter 56 (mandates ensuring these impacts are prevented):
Regarding the proposed development in relation to the goals of the Town of Monroe Town Code Chapter 56 (mandates ensuring these impacts are prevented):

- There was no discussion of the potential for litter accumulation within the remaining aquatic resources and adjacent upland habitats post-construction. Litter accumulation will degrade habitat quality and aesthetics. Based on observed characteristics of similar developments in the area, significant litter can accumulate due to uncontrolled littering. This should be addressed as part of the FEIS submission.
- The project proposes to significantly reduce upland forest surrounding the remaining aquatic resources. This will significantly impact the viability of the remaining habitats to support endemic species that are known as "forest interior" species, species that require upland forest for life requisites, and species that require upland forest adjacent to aquatic resources to fulfill life requisites. Species population losses can be expected. Please expand on impacts and potential mitigation to the three types of species listed in this paragraph.
- The project will significantly encroach on the remaining aquatic resources and will reduce or eliminate viability for wildlife species that are sensitive to encroachment. Please expand on the impacts and potential mitigation for this.

Response 5-8: *Regarding litter, the Applicant and Building & Grounds operations at the facility will be responsible for the maintenance of accumulated debris along Nininger Road and within the wetlands. Routine collection and disposal of debris will be integrated into the maintenance plan of the property. Chapter 37- Property Maintenance of the Town Code describes the requirements to maintain property in the Town and avoid litter.*

Due to the open characteristics of the forested community within the property, especially within the Project Area, NCES did not note a significant population of "forest interior" species including large mammals or other species such as small mammals and birds that will be displaced. Daily activity and disturbance from the adjacent properties, one being a clear-cut of all vegetation, and vehicle traffic along Nininger Road appears to have had an effect on wildlife populations on the property. Therefore, NCES does not anticipate a large displacement of wildlife species from the development. Nevertheless, the project will exacerbate the local loss of the forested community by reducing viable habitat and fragmenting the remaining wetland from forested areas to the north by creating barriers that will impede natural wildlife movement. Local wildlife population declines will be exacerbated.

The project will result in the loss of habitat for species that require upland forest adjacent to aquatic resources, specifically amphibian and reptile species such as frogs and snakes, and salamanders/newts. Certain tolerant species, but not all, will adapt to a reduced upland habitat, but a larger, enhanced forested wetland area.

The existing wetlands will expand on the property as a result of the on-site forested wetland creation that is proposed. The existing wildlife species are those that are tolerant of disturbances from noise, light, traffic, construction, and other existing factors. The expanded wetland area surrounding the pond as a result of the wetland mitigation area will increase habitat for indigenous aquatic wildlife such as waterfowl, turtles, frogs, and song birds.

Comment 5-9 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
It was identified that "the proposed development has been designed to avoid the aquatic resources to the greatest extent practical, and to meet the intent of the Town of Monroe Wetlands Law."

- We note that a significant amount of the wetland impact will result from the parking lot construction. Did the applicant evaluate whether the impacts could be reduced further by incorporating a parking garage, or a more creative parking lot shape with pedestrian walkways over the wetlands and tributaries, to reduce area needed for parking? Please expand on/justify how the proposed parking lot configuration was deemed the best alternative.
- There is no discussion of avoiding impacts to the protected buffer surrounding the wetland, or discussion of the loss of the functions and values the buffer provides. In the FEIS, please quantify impacts to the buffer, its functions and values, and identify avoidance and minimization measures incorporated, and proposed mitigation for impacts.

Response 5-9: *The DEIS describes the design of the project, layout and request by the applicant to the Town Board for a waiver to reduce the parking from Code requirements. The proposed plan also includes banked parking (see Section 2.0 Project Description). Section 19.0 Alternatives, describes alternatives considered, which may reduce parking spaces. In the Applicant's opinion, parking has been reduced to the extent possible for the development.*

The minimization of impacts to the wetland and surrounding wetland buffer have been achieved through resourceful design. The impacts to the regulated wetland and its buffer are required to meet parking requirements for the buildings and parking areas. The building has been designed to be multiple stories to minimize impacts to the site. Parking has been provided to meet the requirements of the development, but less than the parking required by the Town Code. A waiver for the parking reduction has been requested by the Applicant. As indicated, a parking garage to reduce the footprint of the proposed surface parking is not practical for the mixed use development. A "No-variance, Zoning Text Amendment or Wetland Permit Application" was evaluated among the Alternatives considered in the DEIS. This alternative involving no direct wetland impact would allow for 10,000 s.f. of mixed use development and would still result in wetland buffer impacts.

Wetland Buffer Impacts and Mitigation

The project engineer has calculated the area of existing wetland buffer and it includes a total of 6.73 acres. The estimated impact/loss of Town wetland buffer will be 5.78 acres, which is considered an unavoidable impact. . The proposed development would result in the conversion of this wetland buffer area into impervious surface and landscaped area.

Buffer Functions were described in Response 5-4, above. The conversion of the buffer to impervious and pervious developed land will result in the following impacts:

1) *Development of the site will result in the loss of natural retention and detention of stormwater flowing into the pond and wetland, or the flood mitigation function of the buffer.*

The proposed stormwater management plan or SWPPP is designed to maintain or reduce the rate of stormwater run-off to downstream design points and would retain stormwater

from storm events and direct stormwater to the pond wetland area through both piped conveyance and through groundwater infiltration. Stormwater management, potential impacts to the wetlands and mitigation measures are further described in Chapter 8.0 Stormwater of the DEIS. Stormwater flow rates to the wetland pond will be maintained through stormwater management.

2) *Reduction of impacts to water quality by slowing the outflow of water from the wetland and pond. As flooding occurs, the buffer would assist in the collection of sediment and any pollutants within the sediment from flowing into downstream waters. This is apparent when after a flooding event the vegetation along the edge of the wetland will be covered with a light coating of sediment.*

   Currently, the wetland buffer provides a water quality function through water flowing through vegetated areas prior to reaching wetland areas. As described in the DEIS, portions of the buffer area have limited vegetation or have been previously disturbed, limiting that function. Stormwater currently flows overland from steeper areas to the wetland areas. Post-development, all stormwater from developed portions of the site will be directed to stormwater management facilities providing water quality treatment, including the removal of sediment and suspended solids, maintaining, or improving water quality conditions for the wetland. The proposed stormwater management facilities, designed according to NYSDEC standards, will help mitigate water quality impacts, but there will be some impacts and degradation of water quality in the aquatic system as a result of this development. The proposed development would result in the loss of habitat for wildlife that is not specifically aquatic to utilize the buffer of the wetland, including amphibians and reptiles use the area for nesting and thermal regulation.

   The proposed wetland mitigation will provide wetland area for certain species including reptiles and amphibians. The buffer area surrounding the pond wetland area would be greatly reduced, impacting certain species currently utilizing that area. As described, the management of invasive species in upland areas would enhance that upland habitat.

   Wetland buffer impacts have been reduced to the maximum extent practicable relative to the Applicant's goals for the Proposed Project. The 5.78 acres of regulated buffer impact is considered an unavoidable impact that is being partially mitigated, with no reasonable alternative that would meet the Applicant's goals for the Proposed Project. The wetland mitigation proposed provides extensive planting to enhance the functions of the existing wetland, and further mitigation is provided by the Invasive Species Management Plan extends to upland area, enhancing those areas by managing invasives and maintaining existing healthy native vegetation.

   The Invasive Species Management Plan provides that a compliance report will be submitted to the USACE at the completion of the mitigation grading, planting, and seeding. This report will be copied to the Town Building Inspector and the Town's wetland consultant. Mitigation monitoring will commence after the first full growing season passes for the establishment of vegetation within the creation area. Post Construction monitoring is proposed for a period of five (5) years. The yearly monitoring reports will be submitted to the USACE, the Town Engineer and the Town's wetland consultant prior to October 31st of each consecutive year.

   The Applicant submits that, consistent with SEQRA, the impacts to wetland buffer areas will be mitigated to the maximum extent practicable relative to the Applicant's goals for the project.

Comment 5-10 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Wetland Mitigation Planting Detail – nursery trees and shrubs are typically not grown in wet conditions. Although these species are generally compatible with wet soils, planting root balls below the proposed wetland grade may risk killing the plantings. We recommend planting so the root balls are at or above the proposed final grade and finish by mounding soils around the root ball. This gives the roots the opportunity to grow down to their preferred soil wetness.

Response 5-10: *Comment noted. The wetland planting plan will be modified.*

Comment 5-11 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The USACE typically requires a 5- to 10-year monitoring period for monitoring wetland mitigation sites to ensure that the mitigation is functioning properly as designed and the native plantings are not being displaced by invasives. Corrections, such as replacement plantings and invasive species management, are typically mandated by the USACOE where needed and monitoring/management can be extended indefinitely until the mitigation site is determined to be in conformance with the mitigation plan.

- Has the applicant confirmed monitoring and management requirements with the USACE/Town, and is the applicant acceptable to the terms? Due to the presence of invasive species onsite already, they are very likely to become established within the wetland mitigation area and likely will only be suppressed by annual/thorough invasive species management. Please expand on what the monitoring and management requirements for the wetland mitigation area will be.

Response 5-11: *As per the PCN, the wetland mitigation monitoring period is for five years once the mitigation area is completed.*

As per standard USACE & DEC wetland mitigation monitoring protocols, if invasive species become established and are greater than 5% aerial coverage, NCES will implement a plan to eradicate/control the species to meet permit standards. An Invasive Species Management Plan has been prepared and is provided as Appendix D. The Plan provides methods to remove and reduce invasive species including the *pulling/removal of the species including the roots, chemical treatment by a certified professional, or the planting of additional plants to control the invasives. NCES has utilized Trillium Invasive Species Management, Inc., of New Paltz, NY to assist with invasive species management at wetland mitigation sites with great success. If needed, NCES will coordinate with Trillium, or another firm, to assist with the management of invasive species at the property.*

The Applicant shall provide the Town's wetlands consultant with an annual report on the effectiveness of the wetland mitigation and invasive species management plans, in addition to the required submission to the USACE.

Comment 5-12 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
A portion of the proposed stormwater management basin is in wetland. Our understanding is that the NYSDEC typically does not allow for this because the area will not pass the percolation test. Is the proposed design in wetland in conformance with NYSDEC regulations? Further, §56-4.B of the Town code states "*It is the intent of the Town of Monroe to regulate activities in and*

around wetlands to ensure that the benefits found to be provided by wetlands as set forth in § 56-3 *herein will not be lost and to protect the important ecological, physical, economic, social and recreational assets. These activities shall include:…..inappropriate siting of stormwater control facilities;…*" Please confirm conformance with NYSDEC and Town regulations in the FEIS.

> ***Response 5-12:*** *According to the project engineer, all of the proposed stormwater management facility locations have been appropriately field tested for drainage capacity, as required by the NYSDEC and are not located in wetlands. As described in the DEIS, the proposed development has been designed to minimize impact to wetlands, but will still result in the impact of 0.49 acres. The Town wetlands permit is an approval that is required for the Proposed Action and is being considered as part of the Site Plan and SEQRA review.*

Comment 5-13 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):

The Landscape Plan proposes planting Callery Pear, which although not on the NYSDEC list of prohibited species, is a known exotic invasive species that has the potential to spread and become problematic. We suggest replacing this species with a native tree species.

> ***Response 5-13:*** *The Landscape Plan has been revised to replace the Callery Pear tree with an alternative native species (see attached updated Landscape Plan).*

Comment 5-14 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):

Per Chapter 56 of the Town code, wetland buffers are subject to the regulations for wetlands. Therefore, mitigation would also be required for wetland buffer impacts. Per Town code, "*the "wetland buffer" shall be determined to be the area generally extending 100 feet horizontally away from and paralleling the wetland boundary but can be greater or less than 100 feet where designated by the approval authority based upon site-specific conditions relating to topography, slopes, soils, etc.".* Based on the current design, a significant amount of buffer and associated benefits to the wetland will be lost, which will further impact the remaining wetland functions and values, and potential for onsite mitigation does not seem achievable due to the extent of proposed development. Please thoroughly address this issue in the FEIS.

> ***Response 5-14:*** *See Response 5-9, above regarding wetland buffer impacts and proposed mitigation. The wetland mitigation plan described in the DEIS is intended to remove invasives and provide plantings in an area that currently has limited vegetation and habitat functions.*
>
> *The Applicant acknowledges that the project will result in wetland buffer impacts. The wetland mitigation proposed provides extensive plantings to enhance the functions of the existing wetland, and further mitigation is provided by the Invasive Species Management Plan extends to upland area, enhancing those areas by managing invasives and maintaining existing healthy native vegetation. The applicant submits that, consistent with SEQRA, the impacts to wetland buffer areas will be mitigated to the maximum extent practicable.*

Comment 5-15 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 5.1, Page 5-4 and 5-5 This section should discuss the NYSDEC Class C stream that flows through the project property.

Response 5-15: *See Response 5-1, above regarding intermittent streams.*

Comment 5-16 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 5.2 As noted in this section of the DEIS, the project intersects intermittent streams flowing through the parcel to the on-site wetlands. The SWPPP does not appear to account for the drainage area associated with the contributing area from the intermittent stream and pond located on property to the North. The SWPPP should carefully consider the existing drainage patterns to account for the existing and proposed flow conditions.

Response 5-16: *The project engineer has accounted for all contributing drainage areas to the site, including the intermittent/ephemeral stream north of the site (see Response 5-1).*

Comment 5-17 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 5.3 As discussed above, the Village adopted a WQPO district. The Village regulations and protected waterbodies impacted under this section of zoning law should be discussed here.

Response 5-17*: As indicated in the comment, the Village of Woodbury property proposed for grading is located in the Water Quality Protection Overlay (WQPO) district, as provided in Chapter 310-31.4 of the Village Zoning Code. The intent of the WQPO district is:*

> It is the policy of the Village of Woodbury to promote the health, safety and welfare of the community by protecting and preserving the streams, water bodies, aquifers and groundwater resources that supply the Village's potable water, including reserve and future supplies, including both public water supplies and potable water for private wells. The intent of the Water Quality Protection Overlay District is to and to control activities that may pollute, degrade or reduce the availability of such surface and ground waters.

The regulations apply to all lands in the Village that contribute to public water supply and from which water flows into streams or water bodies tributary to Woodbury Creek or the Ramapo River. As described in the DEIS, the drainage on the Village property initially flows to the VMG property and then to the project site, to the wetland in the southeast corner of the site, to a culvert under NY Route 17/ US Rt. 6 and eventually to the Ramapo River.

The WQPO district regulations prohibit certain activities in the district related to waste, storage, mining and oil and gas drilling. The regulations also prohibit or limit certain activities in the buffer (within 100 feet) or riparian zone (within 50 feet) of a stream or water body.

The grading activity proposed in the Village of Woodbury is not within 100 feet of any regulated stream or water body in the Village.

Comment 5-18 (Email dated December 3, 2023, Resident, Carol Hawxhurst):
Additionally, it is upsetting to me that the DEC approved that the wetlands can be disturbed by this development. Do we have evidence that the developer, in fact, received approval?

> ***Response 5-18****: The wetlands on the property are regulated by the US Army Corps of Engineers (USACE) and by the Town of Monroe. NYSDEC wetlands are not present on the site. The USACE has approved a Nationwide Permit for the project, and a copy of that permit and correspondence is provided in the DEIS (see DEIS Appendix C). The NYSDEC reviews and approves a 401 Water Quality Certification, connected to the USACE Nationwide wetlands permit. That certification is still under review.*

NEW YORK STATE - DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Map Layers & Legend

Base Map: NYS Aerial with Streets
Classified Water Bodies
Classified Water Bodies
State-Regulated Freshwater Wetlands
Wetland Check-zone

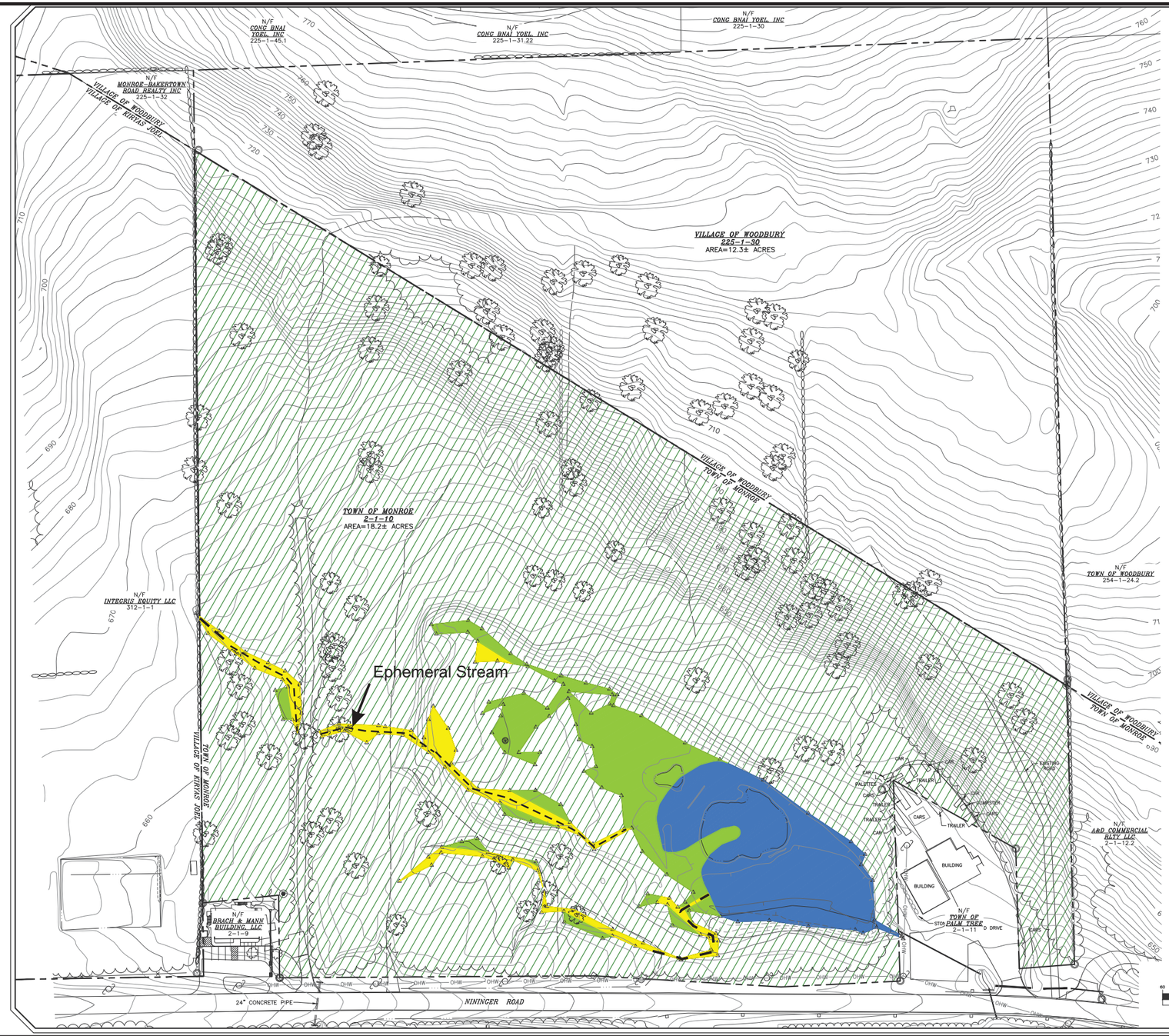
DEC Environmental Resource Mapper –Orange County, N.Y. Scale: None

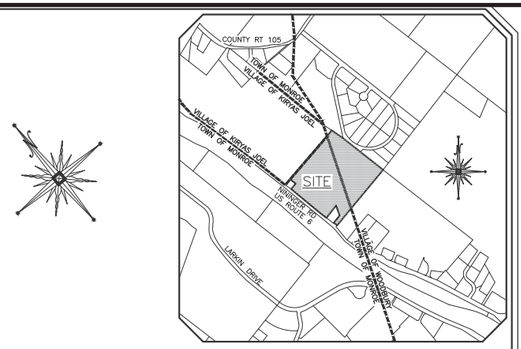
N
W E
S

Figure 5-1:DEC Stream Location Map
Monroe Commons
Town of Monroe, New York
Base Map: DEC Environmental Resource Mapper

File 21032 09-30-2021

Tim Miller Associates, Inc.,10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418





LOCATION MAP
SCALE: 1"=1,000'

LEGEND

- PALUSTRINE FORESTED WETLAND
- PALUSTRINE EMERGENT WETLAND (ephemeral stream)
- OPEN WATER POND
- SUCCESSIONAL SOUTHERN HARDWOOD FOREST

EXISTING ECOLOGICAL COMMUNITIES TABLE

COMMUNITY TYPE	AREA (ACRES)	PERCENTAGE OF PARCEL (%)
PALUSTRINE FORESTED WETLAND	0.76 ±	4.2%
PALUSTRINE EMERGENT WETLAND	0.32 ±	1.8%
OPEN WATER POND	0.91 ±	5.0%
SUCCESSIONAL SOUTHERN HARDWOOD FOREST	16.21 ±	89.1%
TOTALS	18.2 ±	100.0%

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

DATE	DESCRIPTION	INITIALS
2-10-23	PER TMA & NCES COMMENTS	MMS
3-25-21	ORIGINAL PREPARATION DATE	CJP
	REVISIONS	
MAP CHECK DATE: 00/00/00	INITIALED BY: --,--	

PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC
282 GREENWICH AVENUE, SUITE A
GOSHEN, NEW YORK 10924
(845) 294-0606
2 HAMILTON AVENUE
MONTICELLO, NEW YORK 12701
(845) 796-6648
JOSEPH J. PFAU P.E. LICENSE NO. 068945
MICHAEL P. CROSSAN P.L.S. LICENSE NO. 050023
VINCENT A. PIETRZAK, P.E., P.L.S., LEED AP
P.E. LICENSE NO. 076838 P.L.S. LICENSE NO. 050075
N.I.P.L.E. LICENSE NO. 35336
SIGNATURE DATE

MONROE COMMONS
COMMERCIAL SITE PLAN

TOWN OF MONROE – SECTION 2, BLOCK 1, LOT 10
VILLAGE OF WOODBURY – SECTION 225, BLOCK 1, LOT 30
COUNTY OF ORANGE, NEW YORK

PROJECT TITLE

EXISTING ECOLOGICAL COMMUNITIES MAP

DRAWING TITLE

O.C.H.D. SHEET NO.	O.E.C. SHEET NO.	DRAWING NUMBER
N/A. OF N/A.	N/A. OF N/A.	1 OF 1
SCALE 1"=60'	CAD REFERENCE NEW FOOTPRINT	PROJECT NUMBER 98170.01

Figure 5-2: Existing Ecological Communities and Ephemeral Stream Map
Monroe Commons
Town of Monroe, Orange County, New York
Source: Pietrzak & Pfau Enginnering and Surveying, PLLC and North Country Ecological Services, Inc.

6.0 GROUNDWATER RESOURCES COMMENTS AND RESPONSES

Comment 6-1 Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

This Section states that the Applicant is committed to a connection to the Village of Kiryas Joel / Town of Palm Tree municipal water supply, and the Applicant provided correspondence from the Village of Kiryas Joel Village Administrator stating that the Village agrees to supply water for the project at the required level. This was deemed adequate for public and agency review of the DEIS. However, the FEIS must include updated correspondence from the Village of Kiryas Joel confirming that the Village has adequate capacity to service the project, in addition to its agreement to supply water, with analyses as appropriate. Also, the form of the Outside Water User Development Agreement will need to be satisfactory to the Town.

> ***Response 6-1****: The Applicant has obtained a letter from the Village of Kiryas Joel, dated June 18, 2024, confirming that the Village "has agreed to supply water for the Monroe Commons Project up to and including in an amount of 80,000 gallons per day." In this letter, the Village recognizes the anticipated increase in water demand from the Project and expresses its willingness to approve the connection to the Village/Town water system. The Village's willingness to approve the connection and agreement to supply an amount of water that exceeds the Project's current estimated water usage of 58,786 gpd demonstrates that the Village has adequate capacity to service the Project. Additionally, an Outside Water User Agreement will be provided to the Planning Board prior to Final Site Plan approval, further conforming the Village's commitment and ability serve the project with municipal water.*
>
> *As described in the DEIS, the Village has heavily invested in the planning and resources to provide a long term, reliable water supply to the Village. The Village of Kiryas Joel / Town of Palm Tree have long planned for a connection to the Catskill Aqueduct in the Town of New Windsor, to augment their existing well system. A portion of the planned connection has been constructed and is currently in service. The adequacy of water capacity at the time of construction will be confirmed prior to the issuance of a building permit for the project.*

Comment 6-2 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

General Note

As of the date of the DEIS, and as stated within the document and supported by information provided in the respective Appendix B, the Applicant has indicated that it does not intend to use an on-site groundwater source to meet its "estimated" daily water supply demand of 54,210 gallons per day (gpd) or 38 gallons per minute (gpm), but will instead be connecting to the nearby Village of Kiryas Joel and Town of Palm Tree public community water supply. According to Page 3-6 of the DEIS, the Applicant indicates that its proposed connection to the Village of Kiryas Joel and Town of Palm Tree public community water supply will result in it "avoiding the use of increasingly limited groundwater supply in the Town of Monroe, Village of Harriman, and Village of Woodbury". Page 6-5 of the DEIS further states that by using water provided by the Village of Kiryas Joel and Town of Palm Tree, the Development "will not draw on local groundwater resources and will not potentially influence groundwater supplies available for other local water supply wells."

Response 6-2*: Comment noted.*

Comment 6-3 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

No information is included in the DEIS supporting the assumed ability of the Village of Kiryas Joel and Town of Palm Tree existing water supply to be able to meet the additional water-supply demands (54,210 gpd or 38 gpm) of the Development without resulting in an additional demand on the local groundwater resources and nearby private well users. Specifically, documentation regarding the types (e.g., wells, reservoirs, etc.) and capacities of the respective sources(s), and limits and conditions specified by the existing Water Withdrawal Permit currently issued by the New York Department of Environmental Conservation (NYSDEC) to the Village of Kiryas Joel and Town of Palm Tree is not provided in the DEIS. The DEIS does indicate that the Village of Kiryas Joel and Town of Palm Tree water supply is regulated by a NYSDEC permitted withdrawal amount of 2.54 million gallons per day (mgd) with an average day withdrawal of 1.79 mgd. No copy of the NYSDEC permit is provided with the DEIS nor usage data, necessary to support that a water supply surplus exists for the Village of Kiryas Joel and Town of Palm Tree to readily provide to the Applicant to meet its proposed Development demand. A copy of the complete NYSDEC permit should be included as part of the future FEIS to be submitted by the Applicant, along with copies of the Village of Kiryas Joel and Town of Palm Tree's current water demand usage records. The FEIS must demonstrate adequate water capacity for the Applicant's proposed connection to the Village of Kiryas Joel and Town of Palm Tree water supply, including written confirmation from Orange County Department of Health that there is adequate water capacity. Furthermore, the Applicant should include clarification as to the relevance to meeting its proposed water supply demand considering the DEIS statement that "It is anticipated that the connection to the Catskill Aqueduct will occur prior to the occupancy of Monroe Commons, although current water supplies are adequate to serve the proposed building." This statement suggests that the existing supply being made available by the Village of Kiryas Joel and Town of Palm Tree may not be sufficient to meet the Development demand. As with the NYSDEC Water Withdrawal Permit, documentation regarding the adequacy of this future supply to meeting the demands of the Village of Kiryas Joel and Town of Palm Tree, along with that of the Development should be provided in the FEIS.

Response 6-3*: As indicated in the DEIS Chapter 6 – Groundwater Resources, the Village of Kiryas Joel / Town of Palm Tree currently relies on a combination of municipal groundwater wells and groundwater treatment and storage. These wells are located in the Village of Kiryas Joel with additional wells in the Town of Monroe, Town of Woodbury and Town of Cornwall. The Village of Kiryas Joel / Town of Palm Tree have long planned for a connection to the Catskill Aqueduct in the Town of New Windsor, to augment their existing well system. A portion of the planned connection has been constructed and is currently in service. Once the connection to the Catskill Aqueduct is fully in service, the existing well system will be used as a back-up water supply reducing the local demand for groundwater.*

The Applicant has obtained a letter from the Village of Kiryas Joel, dated June 18, 2024, confirming that the Village "has agreed to supply water for the Monroe Commons Project up to and including in an amount of 80,000 gallons per day." In this letter, the Village recognizes the anticipated increase in water demand from the Project and expresses its willingness to approve the connection to the Village water system. The Village's willingness to approve the connection and agreement to supply an amount of water that

exceeds the Project's current estimated water usage of 58,786 gpd demonstrates that the Village has adequate capacity to service the Project. Additionally, an Outside Water User Agreement will be provided to the Planning Board prior to Final Site Plan approval, further conforming the Village's commitment and ability serve the project with municipal water.

The NYSDEC and the Orange County Department of Health are responsible for assuring adequate capacity and water quality for the Village of Kiryas Joel. The adequacy of water capacity at the time of construction will be confirmed prior to the issuance of a building permit for the project

Comment 6-4 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

Without the requested permit limitations and conditions, along with information on the current and projected water supply demands of the Village of Kiryas Joel and Town of Palm Tree, the use of water from these adjoining systems by the Development to not result in impacts to the local groundwater resources and groundwater supplies (e.g., private and community wells) cannot be substantiated. For instance, if the ability of the Village of Kiryas Joel and Town of Palm Tree system to provide water to the Development involves an increase in pumping from their existing supply sources beyond that currently occurring, then impacts on the local water resources and local water supply wells may occur, potentially with measures consistent to what could occur from the use of an on-site supply source (e.g., Well #2). As a result, the FEIS should include an evaluation that identifies and quantifies what these impacts could be, and how they may be mitigated.

***Response 6-4**: The Village of Kiryas Joel relies on multiple groundwater wells located in the Village of Kiryas Joel, the Town of Monroe, Town of Woodbury and Town of Cornwall with an approved NYSDEC permit allowing a withdrawal amount of 2.54 million gallons per day (mgd) with an average daily withdrawal of 1.79 mgd. The estimated water usage for Monroe Commons is 58,786 gpd. As part of the Village municipal NYSDEC Water Supply permit, each Village well was evaluated for its impact on the aquifer, sustainability, and potential impact on other wells.*

The withdrawal of the estimated 58,786 gallons per day from the Village of Kiryas Joel water supply system, which, again, has a NYSDEC permitted withdrawal allowance of 2.54 million gallons per day, will not have a significant impact on the local groundwater resource systems. The Village of Kiryas Joel, has provided a letter dated June 18, 2024, confirming that the Village "has agreed to supply water for the Monroe Commons Project up to and including in an amount of 80,000 gallons per day." The proposed development is anticipated to use water based upon the calculated building uses. As indicated, The Village of Kiryas Joel municipal water system relies upon multiple wells in four municipalities, in different watersheds and in both bedrock and sand and gravel aquifers. As part of the NYSDEC permitting process, each well is evaluated independently to establish the well's sustainable pumping rate, impact on the aquifer and potential impact on other wells. Each well in the Village water supply system has a maximum allowable pumping rate that cannot be exceeded per the municipal water supply permit. Therefore, no single well can be pumped to an amount that would negatively impact the aquifer or other nearby wells.

Comment 6-5 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

The Applicant indicates in the DEIS that since it is planning to use water provided by the Village of Kiryas Joel and Town of Palm Tree it will abandon the reported single existing test well at the Development site (aka Existing Well #2) "to avoid any potential future contamination of the underlying bedrock aquifer" (Page 6-4). As such, the abandonment of the well should be completed as part of the related FEIS activities and documented accordingly. However, as described below, the abandonment of existing Well #2 should be postponed until satisfactory completion of the baseline on-site hydrogeologic and groundwater quality evaluations discussed below are completed for inclusion in the FEIS.

> ***Response 6-5****: Comment noted. Existing Well #2 will be properly abandoned according to NYSDEC requirements. The well abandonment can be made a condition of approval for the Monroe Commons development. A copy of the well abandonment report will be provided to the Planning Board, upon completion.*

Comment 6-6 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

Groundwater Resources and Local Water Supplies

Section 6.0 and its subsections as provided in the completed DEIS, address general and limited site- specific aspects of the groundwater resources (overburden/unconsolidated and bedrock) of the Development site and corresponding proposed mitigation measures. The general hydrogeologic conditions reported for the area inclusive of the Development site are based on the Applicant's review of published data [supported by geologic maps available from a New York Geological Association Guidebook and the Orange County Water Authority (OCWA), neither of which have legends that describe the geologic materials shown on the respective maps], and a report summarizing a site- specific geotechnical engineering evaluation of the proposed Development property. In addition, the DEIS includes the Water Well Completion Report (provided in Appendix D) reportedly for the on-site well (existing Well #2) drilled in January 2019 as supporting information regarding the groundwater conditions in the bedrock at one location at the proposed Development site.

> ***Response 6-6****: Comment noted. The DEIS and FEIS reference: 1) published technical studies of regional (Orange County) geologic and hydrogeologic conditions, 2) local well data based upon well drilling data reported to the NYSDEC, 3) a well completion report from an off-site adjacent water supply well and 4) a detailed Geotechnical Report based upon 20 on-site test borings, 19 test pit locations, and 10 standpipe piezometers providing a detailed assessment of onsite subsurface conditions. The DEIS provided both general and site specific geologic and hydrogeologic information.*

Comment 6-7 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

As stated above, the completed DEIS indicates that the Applicant will be using a future connection with the public supply serving the nearby Village of Kiryas Joel and Town of Palm Tree, because Well #2 "did not provide water sufficient for the development." According to the Water Well Completion Report, the driller indicates that Well #2 could support a "stabilized discharge" rate of 10 gpm as part of a 6- hour test (Appendix D). No pumping test data developed as part of their yield evaluation was provided with the DEIS, nor interpretation of the encountered

conditions provided by a hydrogeologist. As previously discussed, Well #2 should be used to obtain additional hydrogeologic and groundwater quality information prior to its being abandoned as part of the FEIS activities in order to help fill data gaps regarding assessing the impact of the proposed Development on the on-site and nearby groundwater resources (wetlands, pond and stream baseflow, etc.) and off-site supply wells (e.g., Brach and Mann well at 254 Nininger Road).

***Response 6-7**: The Water Well Completion report provided in the DEIS was for the Brach and Mann Well at 254 Nininger Road adjacent to the site and not for on-site Well #2. The well log prepared for the on-site Well #2 has been provided by Frey Well Drilling and is attached in Appendix E. A limited two-hour "air lift" test of the well provided a sustained yield of 15 gallons per minute. The standing water level was not recorded for Well #2 in the Well Log.*

Since the project is no longer relying on bedrock wells for water supply, a sustained pumping test for Well #2, or groundwater quality testing was not completed or warranted. Shallow groundwater conditions in the overburden, above the bedrock, are described in the updated Geotechnical Investigation Report (Appendix E). The project geotechnical engineer has provided an Interpretation of Groundwater Hydrology, and this report is provided in Appendix E.

According to the report, "the native soils are predominately glacial till, most of which is densely consolidated, with a significant silty clay, clay or silt fraction, resulting in relatively low hydraulic conductivity and low water capacity. Layers of more highly-permeable soils were encountered in some of the borings, notably in boring B6, near the south end of the project area, where an approximately fifteen-foot section of dense to very dense layered silt, fine sand and silty sand was encountered deep in the till.

"The site appears to have groundwater hydrology which is simple in the broad context, but complex in detail, due to the variations in soil texture and density and the discontinuous nature of the soil layers in the till and related soils. The groundwater flow pattern is understood to generally follow the surface topography, moving south and southeast from the high areas toward the wetland. Along Nininger Road, the natural groundwater movement direction is toward the southeast, with the presence of the embankment tending to reduce this seepage, particularly in the shallower soils".

Further description of on-site and local hydrogeologic conditions is provided in the Interpretation of Groundwater Hydrology report (Appendix E).

The proposed development and stormwater runoff from the development is not expected to impact the Brach and Mann well, since it was constructed to NYSDEC requirements, with a sealed casing into bedrock. The proposed mixed-use commercial development is not expected to impact the bedrock aquifer, given the depth to bedrock and the glacial till materials overlying bedrock. According to the Geotechnical Investigation, The soils encountered in the borings consisted mostly of dense to very dense layered till with a clayey to silty texture, with some sandy to gravelly till, and with some medium-dense to dense clayey to fine-sandy glaciolacustrine deposits within the till. The presence of layers of dense till material would slow or inhibit the migration of shallow groundwater to the bedrock aquifer and any nearby wells, including the Brach and Mann well. In addition, no hazardous materials will be stored on site and there will be no on-site use of petroleum, solvents, or hazardous materials.

Comment 6-8 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

In particular, the use of fertilizers, road de-icing, and concentrated parking of vehicles in an area proposed for the installation of concentrated stormwater disposal intended to recharge the overburden aquifer will need to be addressed in the FEIS by way of background site-specific hydrogeologic and groundwater quality data. Besides the on-site groundwater resources, which without additional hydrogeologic data can only be assumed to include a hydraulic connection between the overburden and bedrock, the potential for impact from the proposed Development on the Brach and Mann well is assumed to exist given its stated proximity of 360 feet from Well #2 (Page 6-4 of the DEIS).

> ***Response 6-8****: See Response 6-7 regarding potential project impacts to the Brach and Mann well. Site specific groundwater quality data for the shallow overburden aquifer was not specified in the Scoping Document. The site specific Geotechnical report with 20 on-site test borings, 19 test pit locations, and 10 standpipe piezometers provided site specific hydrogeologic conditions for the shallow overburden aquifer (see DEIS Appendix D).*
>
> *The Brach and Mann well was installed according to NYSDEC permit requirements. According to the well completion report, 80 feet of overburden lie above the bedrock surface. The well log for on-site Well #2 indicates the depth to bedrock at 494 feet overlain by layers of gravel and dense clay. The proposed development and stormwater runoff from the development is not expected to impact the Brach and Mann well. A hydrologic connection between the overburden aquifer and the bedrock aquifer is likely given the local geology. The soil borings completed at the site confirm the presence of layers of dense till material which would slow or inhibit the migration of shallow groundwater to the bedrock aquifer. The proposed mixed-use commercial development is not expected to impact the bedrock aquifer, given the depth to bedrock and the lack of potential hazardous materials on-site (no on-site storage or use of petroleum, solvents, or hazardous materials).*

Comment 6-9 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

As previously indicated, the complete DEIS is absent information regarding the long-term pattern of groundwater levels throughout the Development site (not just as measured once at one location in the bedrock at Well #2 or the “standpipe piezometers” temporarily installed in selected test pits completed as part of the Applicants geotechnical engineering evaluation) such as would be expected under seasonal variations. The DEIS does not address groundwater flow direction, and hydraulic interaction with the local wetlands and pond by actual groundwater elevation mapping with the ability for establishing long-term trends under pre-development conditions. Such information could be supplemented and/or refined in part through monitoring and short-term testing of existing Well #2 prior to it being abandoned. These long-term trends and related background conditions are important when establishing impacts on groundwater quality and quantity as they relate to the prosed installation of on- site stormwater management facilities and the corresponding on-site wetlands and off-site supply wells. Furthermore, given the proposed connection to the nearby Village of Kiryas Joel and Town of Palm Tree water supply, which is expected to include nearby water supply wells, the establishment of such trends may be important if effective mitigation measures related to groundwater recharge and groundwater quality impacts resulting from the proposed Development are warranted.

Response 6-9*: The project geotechnical engineer has provided an Interpretation of the on-site Groundwater Hydrology, and this report is provided in Appendix E, prior to the Geotechnical investigation. Shallow (overburden) groundwater levels were measured at 10 test pit locations in February and March of 2023, and at 6 of the original 10 locations in February 2024. These data provide for a limited characterization of overburden groundwater level variations over the targeted one-year period. Water depth measurements in standpipe piezometers is provided in the table below.*

Water Depth Measurements in Standpipe Piezometers											
Date	P9	P10	P11	P12	P13	P14	P15	P16	P17	P18	P19
2/2/2023	8.73	3.02	>7.3	>9.3	2.85	3.50	4.69	6.92	7.17	>4.75	0.5
3/6/2023	8.29	2.15	>7.3	9.00	2.23	3.42	4.73	7.06	6.79	>4.75	-
2/7/2024	-	3.51	-	-	3.44	-	5.58	8.08+	7.68	>4.75	-
Surface Elev., Feet	667	667	641	642	654	651	648	648	646	642	631
Min. Water Depth, feet	8.29	2.15	-	9.00	2.23	3.42	4.69	6.92	6.79	-	0.5
Highest Water Elev.	658.7	664.9	<633.7	633.0	651.8	647.6	643.3	641.1	639.2	<637.3	630.5

The locations of the test pits and standpipe piezometers are provided in the Soil Boring and Test Pit Locations Map in Appendix E and in Figure 6-1 Groundwater Elevation Diagram. Shallow groundwater levels ranged from approximately 2.2 to 9.0 feet in depth. Water levels were generally consistent over three measurements. The measurements were taken during the winter months when high-groundwater levels often prevail. Measurements were not collected during summer months. Further discussion of on-site shallow groundwater conditions are provided in the Interpretation of Groundwater Hydrology (Appendix E).

Existing groundwater recharge and flow directions are described in Interpretation of Groundwater Hydrology Report. "The primary source of groundwater entering the project area (recharge area) is the relatively steep slope which begins along the east side of the proposed building and extends well off-site to the north. Groundwater enters this slope as rain and snowmelt and moves primarily in the upper five feet of the soil profile, which has a slightly loosened structure due to frost, soil creep and bioturbation. When these shallow soils are wet, some of the groundwater moves into the denser, deeper soils, where its movement is generally slow, downward and outward toward the face of the slope. There are occasional layers, lenses or veins of fine sand or similar higher-permeability soils within the till, which control the groundwater movement locally, and when they intercept the surface, either naturally or during excavation, can produce springs.

The groundwater flow pattern is understood to generally follow the surface topography, moving south and southeast from the high areas toward the wetland. The measured high water table elevations were used to prepare a Groundwater Elevation Diagram (Figure 6-1) that shows approximated groundwater levels in the areas measured. As

shown in the diagram groundwater levels in the overburden varied by more than 30 feet across the area measured, and the overall on-site groundwater flow direction in the shallow overburden is towards the on-site wetlands and related surface-water features. Groundwater elevations are likely to be higher in the northeastern and northwestern parts of the site, corresponding to topography. Along Nininger Road, the natural groundwater movement direction is toward the southeast, from higher elevations along the roadway towards lower elevations in the existing wetland pond.

Following development and the introduction of impervious surface the existing shallow groundwater flow patterns on the site will be altered. The geotechnical engineer has indicated "the primary source of groundwater entering the project area is the relatively steep slope which begins along the east side of the proposed building and extends well off-site to the north." The steep slope above the proposed parking area and building, including land in the Village of Woodbury will remain unpaved pervious surface allowing precipitation on the slope to continue to recharge groundwater.

DEIS Figures 8-1 Existing Drainage Conditions and 8-2 Proposed Drainage Conditions show the upgradient off-site contributing areas to surface water drainage. This area can also be assumed to provide for groundwater recharge for the site through infiltration. As shown in Figure 8-2 Proposed Drainage Conditions (provided at the end of this Chapter), Subcatchment areas 1SA, 1SB, 10 S and 1SE are upgradient of the pond and include approximately 25.34 acres. Post-development in this area will continue to recharge groundwater above the pond wetland. The proposed vegetated swale located along the Village of Woodbury property line will be pitched to drain to both to the north-northwest and the south-southeast with a drainage divide at the northeast building corner (see Utility Plan 3 and Utility Plan 5 – Drawings 7 and 9 of the Site Plan). Stormwater in the northern portion of the swale will be directed to a storm drain that eventually flows to the infiltration basin along Nininger Road and the existing wetland pond. This drainage will both infiltrate to shallow (overburden) groundwater or be directed to the wetland pond by pipes (stormwater overflow).

The collection of groundwater level data in the overburden will be part of the Proposed Project's wetland mitigation plan, to establish the effectiveness of the stormwater recharge. The groundwater level monitoring will be done for a period of five (5) years, consistent with the wetlands mitigation plan and the Invasive Species Management Plan monitoring. Stormwater in the southern portion of the swale will be directed to a storm drain that flows directly into the existing wetland pond (see Utility Plan 6 – Drawing 10 of the Site plan).

Post-development, stormwater from impervious surface will be directed to stormwater management facilities and allowed to infiltrate into on-site soils and glacial till unconsolidated material above the bedrock aquifer. Stormwater management is described in further detail in DEIS and FEIS Section 8.0 Stormwater Management. Stormwater will be directed to either infiltration basins or to underground storage chambers and allowed to infiltrate to the unconsolidated glacial till material above the bedrock. The Landscape Plan shows a water feature in the landscaped area south-southwest of the building. This surface water feature will essentially be an artificial pool and will not affect natural groundwater conditions at the site. The water feature will initially be filled with a water truck and occasionally refilled. The feature will be lined and there will be no mechanism for groundwater recharge. Therefore, the project is not

expected to substantially reduce the overall groundwater recharge volume that currently occurs on-site.

Under existing conditions, surface water and shallow groundwater contribute to the onsite wetlands. Following development, both surface water and groundwater will continue to contribute to the pond wetland area. As described in the DEIS (page 5-8), surface water drainage to the wetland area in the southern portion of the site will be altered by the development. Post development, stormwater from impervious surface will be directed to two surface infiltration basins and two subsurface stormwater detention/infiltration chambers.

Stormwater will continue to recharge the wetland area on-site through infiltration near the wetland. The two infiltration basins are located within 50 to 60 feet of the wetland mitigation area and will continue to provide groundwater baseflow to the wetland. Overflow from the two infiltration basins will be piped to two locations at the edge of the pond. The southwestern basin will discharge between two existing intermittent stream channels. The northeastern basin, which collects drainage from the hillside at the northeastern portion of the site, will discharge to a location at the northeast side of the pond (see Utility Plan 4). Two subsurface stormwater chambers are also proposed to be located within approximately 50 feet of the wetland providing shallow groundwater contribution to the wetland.

Following development, the stormwater contribution to the remaining forested wetland will be through a combination of shallow groundwater discharge and from stormwater practice and overflow at two surface discharge points. As described in the Stormwater Management Chapter 8.0, the introduction of impervious surface, vehicles and de-icing materials has the potential to impact water quality at the site, both surface water and eventually groundwater. Water quality for the wetland and downstream surface water courses will be maintained by the proposed stormwater management practices, described in DEIS and FEIS Chapters 8.0 Stormwater Management.

Comment 6-10 Letter 11, Frank Getchell, NY PG, Sr. Technical Leader, Weston & Sampson Monroe Commons Complete DEIS-Comments Regarding Proposed Analyses and Mitigation Measures, December 14, 2023):

The initial sampling of the on-site pond during the DEIS activities (December 2022) indicated the occurrence of an anomalous elevated total dissolved solids (TDS) concentration and elevated specific conductivity value which may reflect localized existing groundwater discharge and/or runoff influences. Information regarding background groundwater recharge (overburden and bedrock) and groundwater quality relative to the on-site pond is absent from the DEIS. Without the corresponding groundwater elevation and flow direction characterization, the potential source(s) and resulting influences related to the proposed Development cannot be adequately characterized or mitigated if warranted. This information and supporting data should be included with the FEIS in support of any proposed mitigation measures.

***Response 6-10**: The NYSDEC has no standards for total dissolved solids (TDS) or Specific Conductance, and these values can only be compared to other scientific studies and field results. Such values can vary due to multiple variable field conditions. It is the applicant's opinion that the elevated level of total dissolved solids (TDS) in Sample S-2 collected in January 2023 was an anomalous result, and not representative of existing surface water quality conditions. The surface water Sample S-2 collected on June 13,*

2023 in the same location as the January sample had a TDS level of 74 mg/L. The Scoping Document for the DEIS specified surface water quality sampling, which was completed and documented in the DEIS. The Scoping Document did not specify the collection of shallow overburden aquifer water quality sampling.

845 275-7732 PATTONGEOTECH.COM

APPROXIMATE SOIL BORING
AND TEST PIT LOCATIONS
SHOWN ON A PARTIAL COPY OF DRAWING
'EXISTING CONDITIONS,' BY PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC, OF
GOSHEN, N.Y. DATED NOV. 22, 2022

REPORT NORTH

BORINGS, FEB. 2024

BORINGS, FEB. 2023

TEST PIT

TP AND PERC TEST

BOTTOM-OF-BOREHOLE ELEVATION AND DEPTH: BBH EL 639.5 8.5' REF
'REF' INDICATES REFUSAL.

CROSS-SECTION LINE E F

Dig Safely. New York Call 811 before you dig

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

MONROE COMMONS
TOWN OF MONROE, ORANGE COUNTY, N.Y.
SOIL BORING AND TEST PIT LOCATIONS - EXISTING SITE PLAN

PROJECT NUMBER
23108

REV.	DATE	BY
1	2/25/2024	KLP
0	3/26/2023	KLP

SCALE AS NOTED

B-101

630

Groundwater Elevation Contour in Overburden with Flow Direction

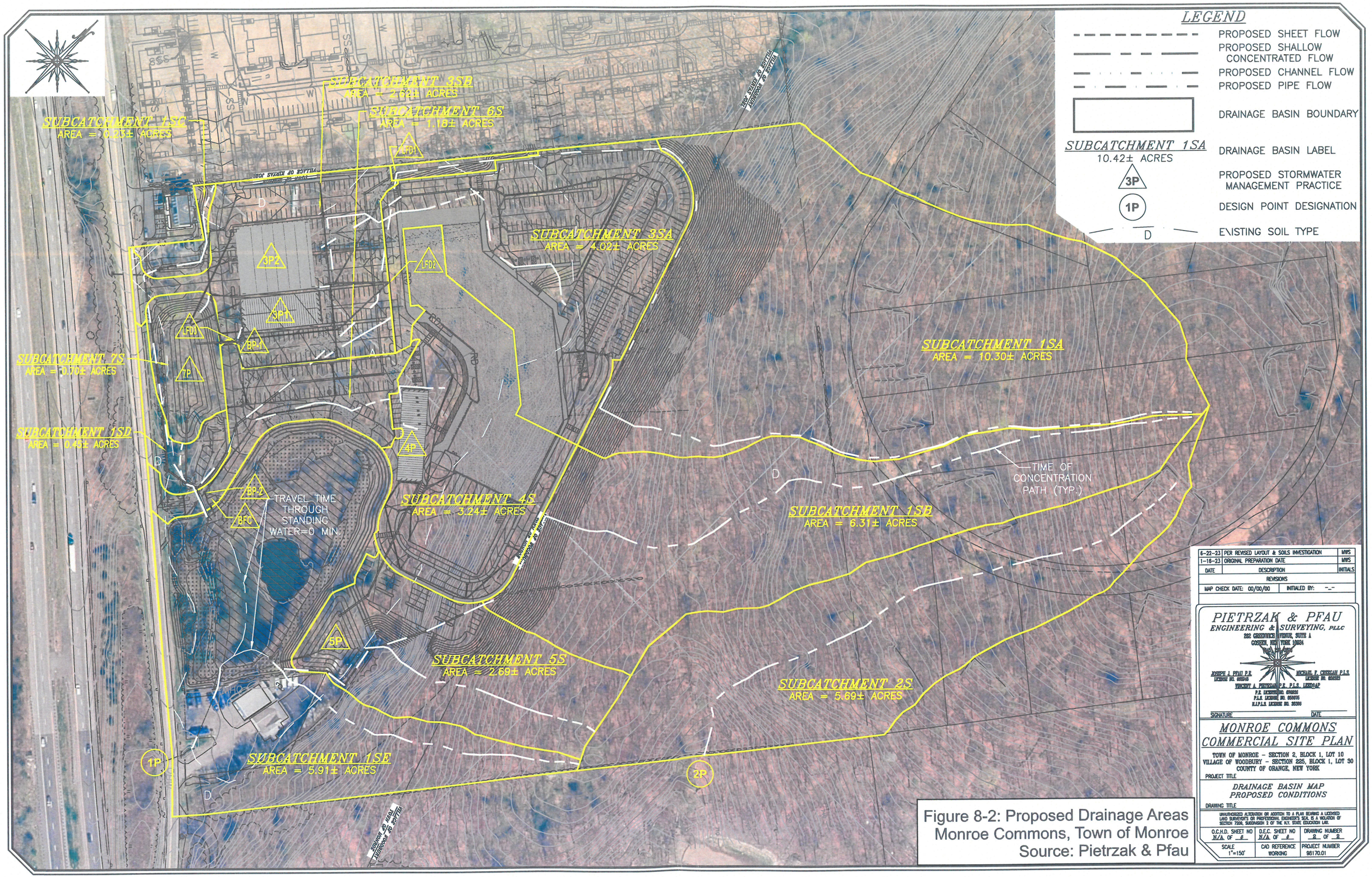
P-12
633.0

Standpipe Piezometer Location and
Groundwater Elevation on March 6, 2023
(Note The only measurement for P-19 was on Feb. 2, 2023)

Figure 6-1: Groundwater Elevation Diagram
Monroe Commons
Town of Monroe, Orange County, NY
Source: Kevin L. Patton,P.E. and Pietrzak & Pfau Engineering and Surveying, PLLC, 2024

File 2095 Fig XX TMA 10/11/02

Tim Miller Associates, Inc.,10 North Street, Cold Spring, New York 10516 (845) 265-4400 Fax (845) 265-4418



6-22-23	PER REVISED LAYOUT & SOILS INVESTIGATION	MWS
1-16-23	ORIGINAL PREPARATION DATE	MWS
DATE	DESCRIPTION	INITIALS
	REVISIONS	
MAP CHECK DATE: 00/00/00	INITIALED BY: -.-	

PIETRZAK & PFAU
ENGINEERING & SURVEYING, PLLC
282 GREENWICH AVENUE, SUITE 1
GOSHEN, NEW YORK 10924
(845) 294-3700
JOSEPH J. PFAU P.E. LICENSE NO. 059540
MICHAEL P. CHRISTIAN P.L.S. LICENSE NO. 050035
VINCENT A. PIETRZAK P.E. P.L.S. LICENSE P.E. LICENSE NO. 070931 P.L.S. LICENSE NO. 050075 N.J.P.L.S. LICENSE NO. 35386

SIGNATURE DATE

MONROE COMMONS
COMMERCIAL SITE PLAN

TOWN OF MONROE – SECTION 2, BLOCK 1, LOT 10
VILLAGE OF WOODBURY – SECTION 225, BLOCK 1, LOT 30
COUNTY OF ORANGE, NEW YORK

PROJECT TITLE

DRAINAGE BASIN MAP
PROPOSED CONDITIONS

DRAWING TITLE

O.C.H.D. SHEET NO	D.E.C. SHEET NO	DRAWING NUMBER
N/A OF 8	N/A OF 8	2 OF 8
SCALE 1"=150'	CAD REFERENCE WORKING	PROJECT NUMBER 98170.01

Figure 8-2: Proposed Drainage Areas
Monroe Commons, Town of Monroe
Source: Pietrzak & Pfau

7.0 VEGETATION AND WILDLIFE COMMENTS AND RESPONSES

Comment 7-1 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Applicant has not met the Town tree inventory code by not identifying which trees will be removed vs. which are staying. Please provide a tree inventory showing this information.

Response 7-1: *The project engineer has updated the Tree Survey to include all trees having 6 inches caliper at DBH or greater. The Tree Survey plan set now includes nine (9) sheets to show all trees on site and those trees to be removed and those to remain. The charts provided on the Tree Survey include: tree type, tree diameter at breast height (dbh), total number of tree species, and whether the tree will be removed. The Tree Survey chart also includes the total number of trees to be removed in the Town/Village of Woodbury. The tree numbers have been assigned based on the survey points taken in the field. Point #1 was an unusable survey point and discarded, therefore there is no Tree #1.*

Comment 7-2 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The results letter of the NCES tree survey (dated December 18, 2019) is missing from Appendix E so we cannot review/evaluate it to determine compliance with Town of Monroe Chapter 57 zoning regulations. Note the DEIS text states that the letter identifies tree species and diameter and potential bat roost trees with species and diameter, but there is no mention of whether it documents "condition of tree" or "whether they qualify as landmark, native, protection or specimen tree" as required by the scoping document and Town Code. Please provide the assessment and complete mapping for our review.

Response 7-2: *See Response 7-1. The Tree Survey has been updated to provide the information required by Chapter 57 of the Town Code. The condition of the trees are noted in the comprehensive Tree List provided with the December 18, 2019 letter by NCES (see Appendix H – Supporting Ecological Information). Trees are identified as "damaged" or as "dead." All other trees, if not noted, were in healthy good condition. "Heritage Trees" (greater than 24-inches) are identified in the tree list. The NCES tree survey shows that no "Landmark" or "Specimen" trees were observed on the site.*

The trees on the site, specifically the Town of Monroe portion, were of the age class, size and caliper that indicates that, with the exception of the property boundaries, are second generation growth and that the property had been cleared at one point in time. The larger diameter trees were found along the steep slope, where the Town of Monroe/Woodbury line is, as along sloped ground agricultural use was limited. There were no orchards or unusually large trees at landmarks such as property corners.

Tree mitigation is provided by the Landscape Plan and by the Wetlands Mitigation Plan which provides tree and vegetation plantings enhancing the wetland area. For the retaining wall slopes surrounding the wetland, the Northeast Upland Native/Naturalized Wildflower Mix that was shown on the 2/13/24 version of DWG L-2 will be provided on the final landscape plans.

Comment 7-3 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
USFWS correspondence is missing from Appendix E. Please provide it for review to confirm whether it included a federal bird list for the area or was it limited to threatened/endangered species? Obtaining the birds list will help to identify birds known in the area for which habitat suitability/impact evaluations can be performed.

Response 7-3: *The USFWS correspondence that was obtained and dated December 13, 2022 as part of the endangered species evaluation and for the PCN did not identify any bird species in the area for which habitat suitability/impact evaluations should be performed. This correspondence is included in Appendix H – Supporting Ecological Information. A list of birds that may utilize the property based on the community types and species present is provided in Appendix H. Appendix H also provides a list of birds observed on the site during at least ten (10) site visits over a year and on-half period. The two bird lists provide a thorough assessment of birds observed and potential visitors to the site.*

Comment 7-4 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Several wildlife species were noted as observed or possible to occur onsite.
Of the ten site visits conducted by NCES, only one (June 29, 2018) was conducted during the general NYS breeding bird survey window. Without breeding bird surveys, it is impossible to determine if the site currently supports birds listed as rare or declining, and how the proposed development may impact those species and the viability of the habitat for breeding/rearing young. The proposed project will result in a significant loss of habitat that is a continuation of a trend in the area. The loss of natural habitat is significant and will continue to reduce natural populations. This is a trend that is widespread throughout the region and should be considered as a town-wide impact. Consideration should be given to creating some habitat onsite to help offset this impact.

Response 7-4: *The proposed project will result in the loss of 17.7 acres of existing trees and vegetation on the combined 30.5 acre Town of Monroe and Village of Woodbury properties. Following development, 12.8 acres of the existing vegetation and habitat will remain undisturbed, including 9.8 acres in the Village and 3.0 acres in the Town of Monroe. This retained area includes the existing wetland area, which will be enhanced with a proposed wetland mitigation area 0.9 acres in size. As described in the DEIS, the wetland mitigation plantings and the proposed removal of invasive species will enhance the area surrounding the wetland, providing habitat to indigenous species of wildlife, including birds.*

Comment 7-5 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Bog turtle habitat assessment: the Wetland 1 data sheet (dated 11/20/2019) does not indicate the presence of springs/seeps and it concludes that the hydrology and vegetation criterion are not met; however, the wetland delineation report identifies that groundwater seeps were observed in several areas, and photographs 5 and 6 show open-canopy emergent wetland (suitable vegetation) and indicated the presence of a groundwater weep (seep) (suitable hydrology). Although we don't disagree with the conclusions of the bog turtle assessment, this contradictory text may want to be revisited.

Response 7-5**:** *Based on the wetland evaluation conducted by NCES, the wetland on-site does not meet the criteria to be considered Bog turtle habitat. Groundwater seeps from a clay soil and rock interface should not be confused with groundwater upwelling or significant influence within muck soils that Bog turtles require. The soils within the wetland are a mineral clay soil with significant sedimentation from the created pond. No calcareous soils or calciphyte typical vegetation were noted during the field visit that would indicate a lime stone/soil base with mucky soils present to support Bog turtles. Therefore, the Phase 1 Habitat Analysis performed by NCES appropriately concluded that the site and its wetland do not support Bog turtles.*

Comment 7-6 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Bat roost trees – The DEIS text indicates that all potential roost trees, along with their species and dbh, were recorded on the Existing Conditions Plan; however, this information is lacking from that plan. Please add this information to the plan.

Response 7-6: *See Response 7-1. The Tree Survey has been updated to identify all trees, 6-inches or greater on the plan. The project wetland scientist identified all potential bat roosting trees, their location, size, species and condition. A list of potential bat roosting trees is provided in Appendix D. The vast majority of these potential roost trees are either dead or damaged. Dead and damaged tree species of a variety of species may provide bat habitat. Given the large number of dead and damaged trees on-site, a large number of trees could potentially support roosting. Certain oak, locust, green ash and shagbark hickory trees in healthy condition could potentially support bat roosting. Due to the potential for trees on the site to provide summer roosting habitat for listed bat species, tree cutting will occur during the November to April window established by the DEC and FWS.*

Comment 7-7 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
Small whorled pogonia – Habitat characteristics are simply described as "moist woods," and NCES concluded that suitable habitat was not found onsite. Please provide a better description of the limiting factors for small whorled pogonia habitat. Also please provide a discussion on how the onsite habitats do not provide suitable habitat for this plant. If your information cannot definitively conclude that suitable habitat is not present, a survey for the plant during its vegetative/flowering stage would be warranted.

Response 7-7: *Small Whorled Pogonia (Isotria medeoloides) is a perennial wildflower that possesses 1 or 2 yellowish flowers found on a stem that rises above a whorl of 5 or 6 green leaves (Niering and Olmstead, 1979). This plant is a member of the Orchid family (Britton and Brown, 1970). Small whorled pogonia grows to a height of only 4 to 10 inches (Niering and Olmstead, 1979). Small whorled pogonia is typically found in moist woods and flowers in May-July (Newcomb, 1977).*

According to information provided by the USFWS website, "Small whorled pogonia can be limited by shade. The species seems to require small light gaps, or canopy breaks, and generally grows in areas with sparse to moderate ground cover." In addition, the USFWS also indicates that the "…orchid typically grows under canopies that are relatively open or near features that create long-persisting breaks in the forest canopy such as a road or a stream. It grows in mixed-deciduous or mixed-deciduous/coniferous forests that are generally in second or third growth successional stages."

During the site assessments, no Small Whorled Pogonia were identified. While this plant typically blooms in mid-June (Britton and Brown, 1970), the plant possesses a seed stalk and capsule, which are identifiable until seed dispersal in mid-October (Mass, ESP, 1993).

No Small whorled patagonia was found on the Monroe Commons property and the habitat is not conducive to its establishment. The "moist woods" that are surrounding the wetland, as reported by the USFWS, are too dense with shrub and herbaceous species growth to be considered viable habitat for the species. Moist woods are one factor that is required for its growth, but the dense growth of shrubs and herbaceous plants, and dense overstory by trees does not allow for adequate light penetration to the ground to adequately promote

its growth. In addition, the clay and silty soils surrounding the pond are moist only during the spring and when other hydrologic factors allow for soil saturation, such as after rain events and the temporary increase in the water elevation of the pond. As a result of an assessment of all of the limiting factors for this species, NCES does not consider the area surrounding the pond, or elsewhere on the subject site, adequate for Small whorled pogonia.

Comment 7-8 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The Applicant has not provided a discussion of impacts to species assemblages due to the proposed project as required by the scoping document.

Response 7-8: *Ecological communities are associations of species that are typically found in the same location at the same time. Species "assemblages" are similar to ecologic communities and can be defined as species that share a habitat or taxonomic features[1].*

The DEIS, while specifically not referencing the term "assemblages", thoroughly described the ecological communities found on the project site based upon over ten (10) field visits by the project ecological consultant. Ecological communities are identified, mapped and described in the DEIS as: Successional southern hardwood forest, Eutrophic pond, Palustrine forested wetland, and Palustrine emergent wetland.

Comment 7-9 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The DEIS states: "Wildlife that currently inhabit or utilize the site will be required to relocate to adjacent, undeveloped forested uplands…."

We note that this will likely result in further impacts to species due to the limited carrying capacity of the remaining undeveloped lands and will increase competition between the species occupying them. This is further exacerbated by the previous significant habitat loss adjacent to the project and heavy development pressure in the Town. The likely result is population decline of species due to loss of habitat. Cumulatively, these losses of habitat are causing worldwide population declines. This is a trend that is widespread throughout the region and should be considered as a town-wide impact. Consideration should be given to creating some habitat onsite to help offset this impact.

Response 7-9: *As previously discussed, the approximately 12.8 acres of existing vegetation and habitat that will remain undisturbed within the Town of Monroe and the Town/Village of Woodbury, the undisturbed wetlands, and the wetland mitigation area will provide habitat to species of wildlife already existing within this geographic location. The Landscape Plan was developed to include native pollinator species and was refined and modified through multiple meetings with the Town's Landscape Architect.*

Comment 7-10 Letter 3, CHA, Monroe Commons DEIS Technical Review, December 4, 2023):
The DEIS states: "The proposed project landscaping will provide food and cover for local and transient bird species."
We note that many of the trees and shrubs on the planting plan are non-native or cultivars, and research shows that although these may provide food, they are less preferred and may provide less nutritional value than native plants. We therefore recommend replacing with native species with proven food value for native fauna.

[1] https://www.nature.com/scitable/knowledge/library/characterizing-communities-13241173/

Response 7-10: *The proposed Landscape Plan has been developed in close consultation with the Town's consulting landscape architect, with multiple revisions to provide appropriate plantings and vegetation. Native species were generally selected. Certain plants are hardier and more tolerant of the variable conditions in a landscaped environment. The Wetlands Mitigation Plan provides all native species. For the retaining wall slopes surrounding the wetland, the Northeast Upland Native/Naturalized Wildflower Mix that was shown on the 2/13/24 version of DWG L-2 will be provided on the final landscape plans.*

Comment 7-11 Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

According to Section 7.3 of the Scope, measures that would be implemented to avoid or mitigate potential significant adverse impacts on vegetation and wildlife must be included in the DEIS. Invasive species management is an important aspect of mitigating these adverse impacts. Invasive species are great at taking over disturbed sites and crowding out and suffocating desirable native vegetation. For the FEIS, the applicant needs to draft a mitigation and monitoring plan to remove existing invasive species and to prevent them and other noxious weeds from taking over the site, both in new planting areas and within existing woods and wetlands to remain. There needs to be assurance that existing woodlands to remain will continue to look like the thriving existing woodlands and not a mass of invasive vines that often take over and overwhelm existing vegetation when sites are disturbed. In connection with the mitigation and monitoring plan, the FEIS should provide a seeding and maintenance schedule for seed mixes because meadows and wetlands need a specific kind of maintenance to grow in well and proliferate before invasive species and noxious weeds can take over.

Response 7-11: *An Invasive Species Management Plan has been prepared and is provided as Appendix D – Invasive Species Management Plan. The Plan calls for annual inspection and monitoring in the wetland mitigation area for a period of five years. Any new invasive species found will be recommended for management, which may include its removal. Inspection and monitoring will include undisturbed upland areas 30-feet inside the new wood-line, separating existing native vegetation and landscaped area for the project. The invasive species inspection includes the parcel subject to clearing and grading in the Village of Woodbury.*

Comment 7-12 Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):

The submitted Tree Survey does not conform to current town codes. The tree survey conforming to current codes must be submitted as part of the FEIS. It should be noted that amendments to the town tree preservation codes may be forthcoming and the applicant should also be prepared to meet the amended codes as part of the FEIS if necessary. Only trees to be removed with a DBH of 24" or more have been quantified, but not totaled, in the chart on the survey. The code requires quantification of trees to be removed with a DBH of 6" or more. Per Town Code subsection 57-84, tree replacement is required on a one-to-one basis or on a basis acceptable to the planning board. This needs to be addressed for the FEIS. If all relevant trees to be removed are not quantified in the FEIS, it cannot be properly determined whether the tree replacement requirements have been sufficiently met. According to the tree preservation code subsection 57-83A, cutting down, killing, or otherwise destroying or committing any act which will lead to the eventual destruction of trees, including, but not limited to, use of invasive plant

species, poisoning, tree topping, and damage including filling to the critical root zone more trees with a diameter at breast height (DBH) of six inches or greater, or destruction of a cluster of four or more trees with a DBH of eight inches each within a five-hundred-square-foot area, or treed areas of any DBH on slopes of greater than 30%. "All trees that are identified and described above that are proposed to be removed shall be clearly detailed on such map."

Response 7-12: *See Response 7-1. The Tree Survey has been updated to provide the information required by Chapter 57 of the Town Code. The Applicant is aware that the Town of Monroe Town Board is considering proposed amendments to the Town's Tree Preservation Law. The Applicant has submitted comments to be considered by the Town Board in connection with the proposed amendments, the intent of which the Applicant believes and understands to be to ensure that appropriate measures are in place relating to trees that do not by their requirements render large projects financially infeasible in the Town. If an amendment to the Tree Preservation Law is indeed adopted by the Town Board, the Applicant will work with the Planning Board to prepare an adequate mitigation plan for tree removal to accommodate the development of the Monroe Commons project. The Applicant will be required to comply with the Tree Preservation Law in effect at the time of final approval*

The Tree Survey prepared by the project engineer indicates that a total of 1966 trees with 6-in caliper at DBH or greater will be removed as a result of the development. The Landscape Plan provides a total of 195 deciduous trees to be planted with a caliper greater than 2.5 inches. A total of 476 deciduous and evergreen trees of various sizes are proposed to be planted on the property.

The Applicant is committed to meet other requirements of the Town's Tree Preservation Law (Chapter 57, Article XX), including, but not limited to, the following:

- *As required under Town Code § 57-84(C)(6), required buffers, open space and trees to be saved will be protected during construction. Limits of disturbance and grading will be demarked in the field with either erosion control fencing or construction fencing. Vegetated areas to remain undisturbed will be clearly marked on the Site Plans as part of Final Site Plans.*
- *As required under Town Code § 57-84(C)(8), designated buffer zones of at least 15 feet will be provided along all perimeters of the tree stands to be protected, as well as critical root zones around existing trees, where trees will not be removed or disturbed. These designated buffer zones will be shown on the Final Site Plans.*
- *As required under Town Code § 57-84(E). the number and type of trees that will be added to the property (or added elsewhere in the Town of Monroe), is provided above and shown on the Final Site Plans.*

Comment 7-13 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

The DEIS states that the Town Code requires a tree inventory for trees over 24" in diameter (see DEIS pages 7-3 – 7-4). In actuality, the Town's Tree Preservation Law (Chapter 57, Article XX) requires the Applicant to "[d]detail, within the proposed area of disturbance, tree stands as to density and general genus (*i.e.*, oak, pine, etc.) and identify the number and species of individual trees having six inches caliper at DBH." (Town Code § 57-84.C.4). The FEIS must include a tree plan that complies with the requirements of Town Code Chapter 57, Article XX, including identification of all trees having 6 inches caliper at DBH and all other requirements in Town Code § 57-84.C.

Under Town Code § 57-84.E, the Applicant shall detail the number and type of trees to be replaced on a one-to-one basis or other such basis with a fee in lieu of replacement.

Notwithstanding the above, the Applicant should be aware that the Town Board is considering amendments to the Tree Preservation Law and must be prepared to demonstrate compliance with any such changes in the law.

Response 7-13: *See Response 7-1 and 7-12, above.*

Comment 7-14 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

The applicant should minimize any potential impacts on the Indiana Bat and the Northern Long-Eared Bat, as the DEIS indicated that this species may be located on this site. The applicant should limit tree clearing to be between November l and March 31 to minimize any potential negative impacts on the Indiana Bats and the Northern Long-Eared Bats that may be located at this site.

Response 7-14: *Comment noted. The Applicant is committed to restricting tree removal to the DEC required period between November 1 and March 31 to minimize any potential impacts to listed bat species.*

8.0 STORMWATER MANAGEMENT COMMENTS AND RESPONSES

Comment 8-1 Letter 4, KALA Monroe Commons DEIS Substantive Comments, December 4, 2023):
Section 2.4 of the scope requires the applicant to describe "any green and sustainable technologies proposed for the mixed-use building, parking and landscaping areas, including but not limited to best management practices for water conservation and stormwater management, and alternative sources of energy." Section 8.2 of the Scope requires that any green infrastructure measures be included to cleanse stormwater and surface runoff on the landscaping plan. As part of using green infrastructure to reduce water consumption, turning plant islands into vegetated swales or using irrigation from stored stormwater will help provide the water trees need to survive in these difficult to survive areas. In a meeting with project Landscape Architect Steve Esposito, summarized in a memo submitted to the board dated August 21, 2023, it was discussed that the landscape architect was working with project engineers to develop a curbing/parking island design for delivering parking lot runoff to plantings in the parking islands. However, this development is not mentioned in the DEIS. This design should be addressed through the FEIS submission.

> ***Response 8-1:*** *The project Landscape Architect and Engineer collaborated to include drop curbs with 5 foot by 5 foot stone aprons every 40 feet in the planting islands between parking areas, where the movement of stormwater did not negatively affect the proposed stormwater mitigation design. These drop curbs are provided between Parking Lots 1 through 4, the Second Floor Parking Lots A & B, and the Third Floor Parking Lot. These drop curbs will accomplish the goal of watering the proposed tree plantings in these difficult to survive areas. The proposed drop curbs are provided on the updated Site Plans.*

Comment 8-2 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Our office has reviewed the Stormwater Pollution Prevention Plan provided for the project. Our review comments for the project are attached hereto.

> ***Response 8-2:*** *Comment noted.*

Comment 8-3 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 4.3 identifies that the applicant will be requesting a waiver from the NYSDEC beyond the 5 acre limit under the Stormwater SPDES General Permit. Our office notes that the request should be solicited to the Town's Stormwater Management Officer as the Town of Monroe is a MS4.

> ***Response 8-3:*** *Comment noted. The 5-acre disturbance limit waiver request will be solicited from the Town's Stormwater Management Officer in writing via the revised draft MS4 SWPPP Acceptance Form which has been revised to identify the waiver request for soil disturbance greater than five (5) acres at any one time. The justification for this waiver request is outlined in the SWPPP prepared for the project, which states "due to the size and scope of the proposed project and the required land grading to accomplish the construction, a waiver from the maximum five (5) acre disturbance limit is being requested during the earthwork portion of the project".*

Comment 8-4 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 8.1 – For the FEIS, the applicant should include a full list of soil, erosion and sediment control measures utilized on the site and include the construction sequencing pursuant to the NYS SPDES General Permit.

Response 8-4: *The full list of soil, erosion, and sediment control measures utilized on the site are provided within the revised Stormwater Pollution Prevention Plan and draft Notice of Intent for coverage under Stormwater General Permit for Construction Activity, and are as follows:*

- *Filter fabric silt fence*
- *Permanent and temporary seeding mixtures*
- *Slope stabilization*
- *Dust control*
- *Temporary diversion swales*
- *Check dams*
- *Channel stabilization*
- *Sediment traps*
- *Stabilized construction entrances*
- *Tree protection*
- *Concrete truck washouts*
- *Storm drain inlet protection*
- *Mulching*
- *Topsoiling*
- *Permanent stormwater diversion*
- *Land Grading*
- *Retaining Walls*
- *Rock Outlet Protection*

The Erosion Control and Construction Sequencing is detailed in the Stormwater Pollution Prevention Plan and on the updated Site Plans, and is as follows:

Prior to any site disturbance, the developer and contractors will thoroughly review and become familiar with the approved erosion control plan. The installation of erosion control measures will begin with the most downstream device, then working upstream. When installing erosion control measures, the sequence will generally be as follows:

- *A meeting with municipal representatives, including the town and/or village engineer, as well as project and site contractors, project manager, and foreman will take place a minimum of one week prior to construction.*

- *The Owner or Operator will maintain a copy of the NOI, NOI acknowledgement letter, SWPPP and inspection reports at the construction site. The documents will be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock that is accessible during normal working hours to a person performing a compliance inspection.*

- *Prior to commencing construction activities, the limits of clearing and grading will be marked. Filter fabric sedimentation barriers (silt fence) will be placed along the downgrade perimeter of the site and any other areas where silt fence is indicated as to be installed "prior to construction" on the approved plans. Installation will begin at the downstream portions of the site then working upstream.*

- *Stabilized construction entrances will be built in the areas shown on the approved plans and anywhere a construction access road intersects a public thoroughfare. Stabilized entrances will be built in accordance with the stabilized construction entrance detail.*

- *Upon completion of clearing and grubbing activities, topsoil will be stripped and stockpiled from all areas to be disturbed. Stockpiled topsoil will be stabilized by temporary seeding and surrounded with a perimeter silt fence.*

- *Temporary erosion control devices will be installed prior to commencing earth moving activities. This includes sedimentation traps or basins, Type "B" diversion swales (with check dams if applicable), and silt fence. Installation will begin at downstream portions of the site then working upstream.*

- *Immediately after completion of rough grading, remaining temporary erosion control devices will be installed as specified on the approved plans. This includes any remaining silt fence and Type "A" diversion swales (with check dams if applicable). Areas not requiring further earthwork will be fine graded, topsoiled, and stabilized as early as possible.*

- *Any proposed storm drainage will be installed and incorporated into the erosion control as specified on the approved plans. Storm drainage components will be protected from siltation as indicated. The proposed underground detention and infiltration chambers will not be put 'online' until all upstream areas have achieved final stabilization, defined as a dense and vigorous vegetative cover established over the contributing pervious drainage area.*

- *Upon completion of construction activities, remaining areas will be fine graded, topsoiled, and stabilized. Permanent vegetation and landscaping will be established.*

- *Temporary erosion control devices will be removed once upstream areas have been permanently stabilized. Removal of temporary erosion control devices will begin with the most upstream portions of the site then working downstream. Temporary sedimentation traps and/or basins will be removed, re-graded, and stabilized last. Any sedimentation basins that are planned to be used as a forebay for a stormwater management device will be cleaned and reshaped to the proposed dimensions shown on the approved plan at this time, if any.*

- *Upon completion of the removal of temporary erosion control devices and establishment of all upstream areas with dense and vigorous vegetative cover, the underground detention and infiltration chambers will be connected to the drainage system as indicated on the plan set.*

- *All newly seeded vegetative cover will be maintained. Washouts or poorly growing areas will be corrected as they occur.*

Comment 8-5 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 8.3 notes a request for a waiver of the 5 acre disturbance limit. In the FEIS, the applicant should provide justification for the waiver.

Response 8-5: *See Response 8-3, above. The justification and requirements attached to the 5-acre disturbance limit waiver are detailed in the Stormwater Pollution Prevention Plan prepared for the project. Due to the size, scope, and proposed grading related to the project proposal, a waiver from the 5-acre disturbance limit will be required for the proposed project.*

Comment 8-6 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 8.3 – For the FEIS, identify the pretreatment percentage and best management practices for pretreatment for each of the stormwater management practices. Volumes of each should also be provided.

Response 8-6: *The pretreatment percentage of the Water Quality Volume (WQv) is dependent on the best management practice proposed for each drainage basin. This project proposes an underground infiltration chamber system on native soils demonstrating high infiltration rates (22 and 23 inches per hour). Due to the high infiltration rate, this practice will require 100 percent of the WQv for pretreatment. In addition, the truck loading area of the proposed building is tributary to the infiltration chamber system and requires an initial pretreatment of the WQv volume from this small area. This pretreatment is accomplished with hydrodynamic separators, which are approved proprietary practices.*

The remaining WQv for the project is addressed with verified proprietary practices consisting of underground filter chambers. As the New York State Stormwater Design Manual (January 2015) does not provide guidance on the required pretreatment to these devices, a hydrodynamic separator designed to treat 100% of the WQv is proposed for pretreatment of the stormwater prior to entering the underground filter chambers.

The required Water Quality Volume for the overall project has been calculated to be 1.231 acre-feet. The proposed Stormwater Pollution Prevention design provides a Water Quality Volume of 1.302 acre-feet, which is in excess of the calculated required volume.

Comment 8-7 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 8.3 includes the pre versus post development peak discharge flows. For the FEIS, the applicant should also include water quality and runoff reduction volumes for each for the site.

Response 8-7: *The required and provided Water Quality Volume and Runoff Reduction Volume are as follows:*

Table 8-1 ***Monroe Commons Commercial Site Plan***		
	Total Water Quality Volume (WQv) (acre-feet)	*Minimum Runoff Reduction Volume (RRv) (acre-feet)*
Required	*1.231*	*0.369*
Provided	*1.302*	*0.620*

Comment 8-8 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Revisions to this section may be necessary based on comments on other pertinent sections. Applicant should review this section following other updates to the DEIS for consistency (i.e., SWPPP).

Response 8-8: *Comment noted. The Applicant has endeavored to ensure consistency throughout this document.*

Comment 8-9 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

All of the requirements of the General Permit (GP-0-20-001) regarding exceedance of five (5) acres of disturbance should be discussed in the SWPPP and in the DEIS. This includes preparation of a phasing plan, showing required cut and fills. The phasing plan should identify contributing areas to drainage improvements and focus on stabilization and restoration coinciding with drainage areas defined in the SWPPP.

Response 8-9: *The revised Stormwater Pollution Prevention Plan includes a revised discussion under Section XI Erosion and Sediment Control on the waiver from the maximum five (5) acre disturbance limit and all of the requirements of General Permit GP-0-20-001, including the Erosion Control Phasing Plan provided in the updated Site Plan. This phasing plan takes tributary drainage area into account for the design and outlet of erosion control devices such as sediment traps, etc.*

Comment 8-10 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

We recommend SWPPP Acceptance Form identify the waiver for exceedance of 5-acres disturbance.

Response 8-10: *The draft MS4 SWPPP Acceptance Form provided in the revised Stormwater Pollution Prevention Plan has been revised to identify the waiver request for soil disturbance greater than five (5) acres at any one time.*

Comment 8-11 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

North of the project site, there is a pond with what would appear to be intermittent or seasonal flows that drain to and through the project site to the on-site wetlands. This drainage pattern does not appear to be discussed in the DEIS nor is it addressed in the SWPPP. Construction of the project would intersect the natural drainage way and if not managed could impact development of the property and adjacent's. The applicant should discuss their intent for rerouting and mitigating this drainageway.

Response 8-11: *The natural outlet from the pond mentioned in this comment is an intermittent stream that flows onto the adjoining Veyoel Moshe Gardens (VMG) project located in the Village of Kiryas Joel/Town of Palm Tree. The outflow from this pond is addressed in the stormwater design of the VMG project. The study area for the Monroe Commons project is limited to the upland area tributary to the northwest property corner shared with Section 255, Block 1, Lot 32. In addition, the tributary area to the proposed project parcel is routed through a grassed swale, and 30-inch HDPE pipe sized to pass the extreme storm event (100-year storm), as shown in the HydroCAD output of the revised Stormwater Pollution Prevention Plan. Last, the engineer for VMG was consulted regarding needed drainage tie-in points between VMG and Monroe Commons. DMHA-3A has been provided and designed to carry a possible flow of 19 cubic feet per second, which would be the extreme storm outflow of the VMG stormwater management facility in this area.*

Comment 8-12 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

The applicant proposes an intricate network of post construction stormwater management facilities. This should be carefully reviewed by the Town during site plan development to ensure they will function properly. The County DPW should be consulted on proposed drainage improvements which ultimately discharge to an existing culvert located at the outlet of the on-site wetland, which runs through the Village of KJ sanitation department and to the culvert passing underneath Nininger Road.

Response 8-12: *Comment noted. The Town and County DPW have reviewed and commented on the proposed project's post construction stormwater management facilities.*

Comment 8-13 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

The SWPPP/DEIS should address the Town maintenance easement, agreement, and performance guaranty (Town Code Ch. 46, §46-23, 25, and 26) required for post-construction stormwater management to ensure all facilities are kept in proper working condition.

Response 8-13: *Section XII (Stormwater Infrastructure Maintenance) of the revised Stormwater Pollution Prevention Plan provides a discussion of post-construction inspection, maintenance, and performance guaranty in accordance with Town of Monroe Code Chapter 46.*

Comment 8-14 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):

The soil tests for the infiltration basins do not appear to be correct, as the elevation of the ground water is over 3 ft. above the elevation of the infiltration tests. Applicant's engineer to discuss how the infiltration tests were performed in the ground water that was above the infiltration test. As per the NYSDEC Stormwater Design Manual in the FAQ, a minimum of four (4) infiltration tests and deep tests must be performed for each infiltration basin.

Response 8-14: *It was noted that in the reports for the stormwater infiltration tests, the elevation of the groundwater in some cases was higher than the test elevation. This typically occurs because the piezometers measuring the groundwater depths were offset from the test locations. The sloping ground and discontinuous soil layers result in uneven groundwater levels, as discussed later in this report. Additionally, at test locations P14 and P15, the groundwater level in the test pipes had stabilized above the original pre-soak head elevation; these locations were tested by increasing the head above the stabilized level, which provides an accurate measurement of the soil's hydraulic conductivity, which should be similar to other soils in the vicinity.*

Ultimately, the only soils utilized for infiltration are located in the vicinity of the proposed underground infiltration chamber system #4P. These tests are identified as Test Number P11 and P12, and demonstrate groundwater depths of >7.3 feet and 9 feet.

The document referenced in this comment is entitled "Frequently Asked Questions About Technical Requirements of the SPDES General Permit (GP-02-01) for Stormwater Discharges from Construction Activities, Version 2.0" dated October 7, 2004. The current New York State Stormwater Design Manual, dated January 2015 supersedes many of the technical requirements provided in the 2004 document. The current design manual states "The minimum geotechnical testing is one test hole per 5000 sf, with a minimum of two borings per facility (taken within the proposed limits of the facility)." As the proposed footprint of the underground infiltration chamber system is less than 10,000 square feet, the 2 infiltration tests and 2 deep tests conducted meet the minimum geotechnical testing requirements.

Comment 8-15 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):

Show that the proposed infiltration basins have the required 3 ft. of separation to ground water. If the site is located in a sole source aquifer, the required separation is 4 ft. Show that this site is not located in a sole source aquifer.

Response 8-15: *Based on research of the sole source aquifer in the surrounding area, it was determined that the proposed project is located within the Ramapo River Basin Aquifer Systems Sole Source Aquifer. The soils testing conducted on the parcel showed that one area of the parcel provides suitable soil for an infiltration basin on a sole source aquifer. This basin is shown on the updated Site Plan as Proposed ADS Stormtech MC-4500 Chamber System #4P, which is designed with a bottom stone invert elevation of 639.00'. The geotechnical investigation in this area showed a depth to ground water of >7.3 feet and 9 feet (elevation 633.7' and 630.0' respectively). This area maintains the required 4-foot separation to ground water in a sole source aquifer.*

Comment 8-16 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Show the soil test locations on the grading and/or utility plan.

Response 8-16: *The soil test locations are provided on the updated Site Plan and can be found on Utility Plan 5.*

Comment 8-17 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Revise the soil and boring test pit location plan to show the correct proposed layout.

Response 8-17: *As the project proposal layout and infrastructure design continues to be revised, the boring test pit location has been provided on an Existing Conditions plan in the soils investigation report.*

Comment 8-18 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide the study area plan to a measurable scale, maximum 1" = 100'.

Response 8-18: *The drainage basin mapping (study area plan) is provided at a scale of 1" = 150' so the entire area can be shown on one sheet. Additional maps broken down into a larger scale have been added to the SWPPP appendix to aid in review.*

Comment 8-19 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
The HydroCAD model has a basin called out as "3P2 ADS Landman HDPE N-12 60 Inch" but this is not shown on the plans. Revise the HydroCAD model and the plans so they are consistent with each other.

Response 8-19: *The HydroCAD model and updated Site Plans have been compared and revised where necessary for consistency.*

Comment 8-20 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide pretreatment for all of the proposed infiltration systems. Show them on the plans and provide details for all proposed pretreatment units.

Response 8-20: *Pretreatment for all water quality devices, including the underground infiltration chamber system, has been provided on the updated Site Plans with manufacturer details included.*

Comment 8-21 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide details for all of the proposed stormwater facilities, such as the proposed underground chambers, pretreatment methods, outlet structures, etc.

Response 8-21: *Details for all of the stormwater facilities including the underground infiltration and detention chambers, pretreatment structures, filter structures, outlet structures, etc. have been provided on the updated Site Plans.*

Comment 8-22 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
It appears that the boring test #1 is the closest test to Chamber System 4P. The boring tests shows refusal at 8'-1/2" and mottling at 2 ft. Applicant's engineer to discuss how the Chamber System 4P meets the NYSDEC Stormwater Design Manul requirements for an infiltration basin.

Response 8-22: *Boring B1, near proposed Chamber System 4P, met refusal at 8.5 feet and soil mottling was observed in the first sample, from the surface to two feet depth. Refusal in this boring probably occurred on a boulder, as they are common in this area. Soil mottling can indicate periodically saturated conditions, but can have other causes and can also be very localized; boring B1 was also at the base of a slope, where wet conditions would be expected, while the proposed P4 practice is closer to the top of a descending slope, with better drainage. Piezometers installed in the 4P area indicated that groundwater is deep; it was at 9.0 feet depth at TP12, and was more than 7.3 feet deep (bottom of the pipe) in TP11.*

Comment 8-23 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
The NYSDEC Stormwater Design Manual classifies loading bays at hot spots. These hot spots cannot be direct to infiltration basins without prior treatment, such as an oil water separator. Revise the plans to be in conformance with the Design Manual.

Response 8-23: *An additional drainage basin (Subcatchment 4HS) has been delineated for the Stormwater Pollution Prevention design. The proposed drainage infrastructure for this drainage basin is tributary to a verified proprietary practice, ADS Barracuda S3 unit which is sized to treat 100% of the Water Quality Volume for this basin. This area is then directed to a second pretreatment device and the underground infiltration chamber unit, receiving multiple levels of water quality treatment as required.*

Comment 8-24 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Call out all of the proposed basins on the plan with the same name as in the HydroCAD model.

Response 8-24: *The updated Site Plan and revised HydroCAD model have been revised to provide consistency to aid in review.*

Comment 8-25 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide an emergency spill way for all of the proposed detention basins.

Response 8-25: *Emergency spillways in the downhill berm of each of the proposed dry detention ponds have been provided and notated on the updated Site Plans.*

Comment 8-26 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide access to all of the proposed basins.

Response 8-26: *Access has been provided to proposed Dry Detention Pond 7P off of the Proposed Lower VMG Access Drive. Access has been provided to proposed Dry Detention Pond 5P off an existing encroaching gravel drive through the adjoining parcel Section 2, Block 1, Lot 11 owned by the Village of Kiryas Joel/Town of Palm Tree. The project applicants are currently securing an access easement from the owners of this parcel.*

Comment 8-27 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide the contour areas for the proposed dry detention ponds in the HydroCAD model. Verify that Pond 5P has the correct storage volumes.

Response 8-27: *The contour area for each of the proposed dry detention ponds have been provided in the revised SWPPP. These calculations verified that Dry Detention Pond 5P has the correct storage volumes.*

Comment 8-28 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Provide level spreaders that meet the New York State Standards and Specifications for Erosion and Sediment Control. Show the level spreads to scale on the plan.

Response 8-28: *Level spreaders meeting the New York State Standards and Specifications for Erosion and Sediment Control have been designed for all outlet pipes and provided on the updated Site Plan to scale, with a detail and sizing information chart.*

Comment 8-29 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Revise the plan and HydroCAD model so that all of the outlet structures for each basin are the same in the model and on the plans.

Response 8-29: *The HydroCAD model and updated Site Plans have been reviewed and revised for consistency where required.*

Comment 8-30 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
The sum of the provided Water Quality volumes in Appendix 10 is less than the required water quality volume. Revise the plans and the model to be in compliance with the NYSDEC required Water Quality volume.

Response 8-30: *See Response 8-6 and Response 8-7. The Water Quality Volume and Runoff Reduction Volume provided are in compliance with the NYS Stormwater Design Manual.*

Comment 8-31 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
The provided runoff reduction volume shown in Appendix 10 is more than the provided water quality volume. This does not appear to be correct. Applicant's engineer to discuss.

Response 8-31: *The provided Runoff Reduction Volume has been revised with the revised Stormwater Pollution Prevention Plan. The provided Runoff Reduction Volume has been calculated as the provided volume in the Proposed ADS StormTech MC-4500 Chamber System #4P, from the stone invert of 639.00' to the lowest outlet invert of 643.75'. This calculates to a provided Runoff Reduction Volume of 0.620 acre-feet, which is shown in Appendix 10 of the revised SWPPP.*

Comment 8-32 (Letter 10, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road November 2023):
Additional comments may be required as more information is provided.

Response 8-32: *Comment noted.*

Comment 8-33 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
It is noted that stormwater runoff from the project site is tributary to a County owned and maintained culvert. This office has reviewed the SWPPP for erosion and sediment controls and peak flow attenuation and finds the design to be generally acceptable. (Informational).

Response 8-33: *Comment noted.*

Comment 8-34 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
This office will require, subject to OCDPW permit closeout that a certification by a licensed professional engineer be provided stating that all underground stormwater management practices have been constructed and installed in accordance with the approved site plan. (informational)

Response 8-34: *Comment noted.*

Comment 8-35 (Letter 13, Jason Brenner, Assistant Engineer, NYSDOT, Monroe Commons SEQR 20-120, January 30, 2024):
When water leaves the site where is the next downstream drainage structure and can it handle the runoff from the site?

Response 8-34: *The capacity of the existing stormwater drainage infrastructure is determined based on the tributary flow, measured in cubic feet per second. The project Stormwater Pollution Prevention Plan and drainage infrastructure are designed to provide the appropriate stormwater mitigation to ensure a zero net increase in the peak flow runoff from the site. The following chart details the project analysis of Design Point 1, which is the area tributary to the existing culvert flowing under Nininger Road. As can be seen in*

the chart, the peak flow runoff is matched or decreased for each design storm studied, therefore, there will be no negative impact to downstream drainage infrastructure.

Table 8-2
Monroe Commons Commercial Site Plan Design Point 1 (Pond 1P)

Storm Event	***Pre-Developed Peak Flow (cfs) Q out***	***Post-Developed Peak Flow (cfs) Q out***	***Change (cfs)***	***Change (%)***
1 Year	*7.84*	*6.88*	*-0.96*	*-12.24*
10 Year	*46.69*	*45.78*	*-0.91*	*-1.95*
100 Year	*138.83*	*132.59*	*-6.24*	*-4.49*

9.0 TRAFFIC AND TRANSPORTATION COMMENTS AND RESPONSES

Comment 9-1 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-1, Section 9.1 – Study Area and Methodology: In the FEIS, provide the study peak hours in addition to the study peak periods.

Response 9-1: *The weekday AM peak hours are generally 8:00 AM to 9:00 AM. The weekday PM peak hours are generally 5:00 PM to 6:00 PM. The weekend Sunday peak hours are generally 1:00 PM to 2:00 PM.*

Comment 9-2 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-2, Section 9.1 – Study Area Intersections: In the FEIS, provide a description of number of lanes and turning lanes at each approach for all study intersections.

Response 9-2: *This information can be found in the detailed Traffic Impact Study under Chapter II but summarized below.*

1. *CR 105 (Bakertown Road)Austra Parkway – The eastbound Bakertown Road approach provides a shared left/through lane and an exclusive right turn lane, while the westbound leg of Veyoel Moshe Gardens (VMG) provides an exclusive left turn lane and a shared through/right lane. The northbound CR 105 approach provides a separate left turn and a shared through/right lane, while the southbound CR 105 approach provides a separate left turn lane with a shared through/right lane.*

2. *CR 105 (Bakertown Road)/CR 64 (Nininger Road) – The northbound CR 105 approach provides a separate through and right turn lane, while the southbound approach of CR 105 provides a separate left and through lane. The westbound approach of CR 64 provides a separate left and right turn lane. Daj Boulevard connector will add an eastbound approach to the intersection with left, thru, and right turn movements also adding left, thru, and right turn movements to the existing approaches.*

3. *CR 105 (Bakertown Road)/Freeland Street/Spring Street – The northbound Freeland Street (CR 105) approach provides a separate left and a shared through/right turn lane, while the southbound approach of CR 105 provides a shared left/through and a right turn lane. The westbound approach to the intersection is a driveway for a childcare center with one approach lane for left/through/right moves. The eastbound approach of Spring Street provides a separate left turn lane, a shared left/through lane which are controlled by the signal, and a separate right turn lane under yield control.*

4. *CR 64 (Nininger Road)/CR 95 (Dunderberg Road) – The southbound Dunderberg Road approach provides a separate left and right-turn lane. Nininger Road provides a single lane for shared travel movements on the eastbound and westbound approaches. The VMG project proposes to widen the eastbound approach to provide an exclusive left turn lane. The proposed widening is expected to be complete next winter/spring - before Monroe Commons is completed.*

5. *CR 64 (Nininger Road)/NY Route 32 Access – The eastbound CR 64 (Nininger Road) approach provides a single lane for shared travel movements while the westbound and southbound approaches each provide a single lane entering the roundabout and a channelized right turn lane. All approaches to the roundabout operate under yield sign control.*

6. *CR 64 (Nininger Road)/NY Route 32 – The northbound NY Route 32 approach provides an exclusive left turn lane, and four through lanes while the southbound NY Route 32 approach provides four through lanes and a separate right turn lane. The eastbound CR 64 (Nininger Road) approach provides two right turn lanes, with all other movements prohibited.*

7. *NY Route 17 Westbound Ramps/NY Route 32 – The northbound NY Route 32 contraflow approach provides a shared left/through lane as well as two additional through lanes while the southbound NY Route 32 approach provides four through lanes and a separate right turn lane. The westbound NY Route 17 off-ramp provides an exclusive left turn lane and two separate right turn lanes.*

8. *NY Route 17 Eastbound Ramps/NY Route 32 – The northbound NY Route 32 approach provides three through lanes and a separate right turn lane while the contraflow southbound NY Route 32 approach provides an exclusive left turn lane, a shared left/through lane and two through lanes. The eastbound NY Route 17 off-ramp provides separate left and right turn lanes.*

Comment 9-3 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Section 9.1 – Accident Analysis: Table 9-1 summarizing segment crash history indicates that the crash rate for County Route 105 slightly exceeds the Statewide average, and the crash rate for Route 32 is approximately three times the Statewide average. Improvements should be proposed in the FEIS for these high crash corridors that exceed the Statewide average at locations where the Proposed Project will be adding additional vehicle trips.

> ***Response 9-3:*** *The segment of Route 32 encompasses the new interchange and includes a period under which the interchange was being constructed. This likely influenced the crash rate. The study area segment is also very short (1/4 mile) which lends itself to high rates. Given that the interchange was recently completed, NYSDOT may still be evaluating its performance relative to pre and post construction period crashes. The Monroe Commons development is not expected to change the post-construction crash rates nor would it be responsible to make further improvements to this new interchange.*

Comment 9-4 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-7, Section 9.1 – Accident Analysis: Provide a detailed description of the fatal crash in the FEIS, including location, crash type, and contributing factors.

> ***Response -9-4:*** *One fatal crash occurred on CR 105. Vehicle one was heading southbound on CR 105 it crossed the double yellow line approximately 250 ft south of Durant Dr striking northbound vehicle head on. The contributing factors include failing to maintain lane and failure to keep right.*

Comment 9-5 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-8, Section 9.2 – Future Without the Proposed Project: In the DEIS (Section 9.2) paragraph 1 states that traffic was grown by 0.5% per year. Appendix G, Chapter 2, Section A of the TIS states that traffic was grown by 1.0% per year. Review and provide clarification in the FEIS and revise the volumes and analysis if needed to reflect the 1.0% per year growth rate.

Response 9-5: *The 1.0% that was used in the analysis is correct and the DEIS should reflect such.*

Comment 9-6 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-9, Section 9.2 – Future Without the Proposed Project: The FEIS should provide a description of known changes to the study intersections and roadways, public transportation routes and stops, pedestrian facilities, and bicycle facilities adjacent to the Project Site that are expected to occur in the future without the Proposed Project.

Response 9-6: *There are several planned and potential changes in the area transportation system in the area. Several changes are expected to be completed before the completion of the Monroe Commons project. The following describes those changes unrelated to the Monroe Commons project:*

1. *CR 105/Bakertown Road/Austra Pkwy*
   - *Westbound CR 105 - Add separate right turn lane - Work by Highview Estates*
   - *Southbound Bakertown Road – Add separate left, thru, and right turn lanes – Work by the Village of KJ*
   - *Signal modifications and timing improvements – Work by Village of KJ*
   - *Work above assumed to be completed in the next 10 to 14 months*

2. *CR 105/CR 64 (Nininger Road)/Daj Connector*
   - *Replace traffic signal – Work by the Village of KJ*
   - *Eastbound Daj Connector Road - Work by the Village of KJ*
   - *Northbound CR 105 - Add a left turn lane - Work by the Village of KJ*
   - *Work above assumed to be completed in the next 12 to 18 months*

3. *CR 64 (Nininger Rd)/CR 95 (Dunderberg Rd)*
   - *Eastbound approach (CR 64) - Add left turn lane - Work by VMG*
   - *Signal modifications – Work by VMG*
   - *Work above assumed to be completed in the next 10 to 14 months*

Comment 9-7 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-16, Section 9.3 – Capacity/Level of Service Analysis: For the FEIS, prepare a comparison table of the No Build and Build scenarios and highlight all lane group and intersection impacts for each peak hour.

Response 9-7: *See Table 9-7 below.*

Table 9-7 – Levels of Service

Intersection		Control	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
			2024	2024	2024	2024	2024	2024	2024	2024	2024
			No-Build	Build	Imp.	No-Build	Build	Imp.	No-Build	Build	Imp.
CR 105/Bakertown Road/Austra Pkwy											
CR 105 EB	L[L]	S	F (370) 1.74	**F (466) 1.96**	D (35.6) 0.91	F (365) 1.73	**F (>500) 2.17**	E (65.7) 1.01	F (186) 1.33	**F (293) 1.57**	B (17.8) 0.73
	[T]TR		B (13.1) 0.46	B (13.2) 0.46	B (16.1) 0.3	B (15.1) 0.57	B (15.3) 0.57	C (20.7) 0.38	B (14.2) 0.52	B (14.3) 0.52	B (11.9) 0.31
CR 105 WB	L		B (19.0) 0.02	C (21.8) 0.17	B (11.9) 0.14	B (19.0) 0.02	C (21.1) 0.12	D (36.6) 0.19	B (19.0) 0.02	C (20.8) 0.11	C (21.1) 0.13
	[T]TR		F (148) 1.24	F (161) 1.27	C (30.3) 0.78	F (82.0) 1.06	F (96.3) 1.1	D (47.9) 0.85	E (56.4) 0.95	E (60.0) 0.97	C (22.0) 0.6
VMG Driveway NB	L		C (31.6) 0.25	D (36.0) 0.3	B (17.9) 0.12	C (25.3) 0.15	C (26.0) 0.17	C (20.5) 0.1	C (24.5) 0.11	C (24.6) 0.13	C (20.2) 0.1
	TR		C (24.4) 0.23	C (25.1) 0.37	C (27.7) 0.47	D (35.1) 0.69	**E (61.7) 0.96**	C (29.4) 0.66	C (31.9) 0.6	D (37.8) 0.76	C (27.3) 0.65
Bakertown Rd SB	[L]		--	--	C (26.1) 0.53	--	--	E (78.3) 0.91	--	--	D (54.6) 0.78
	LT		F (104) 1.1	**F (217) 1.38**	B (19.1) 0.72	F (370) 1.72	**F (>500) 5.63**	A (8.2) 0.36	F (159) 1.21	**F (449) 1.89**	A (8.5) 0.37
	R		F (99.4) 1.13	**F (179) 1.33**	B (13.1) 0.7	C (23.5) 0.8	D (36.7) 0.93	A (8.6) 0.41	B (14.3) 0.67	B (19.0) 0.77	A (5.7) 0.39
			F (143)	**F (198)**	C (24.0)	F (133)	**F (367)**	D (35.8)	E (71.1)	**F (126)**	B (18.4)
CR 105/CR 64											
Nininger Rd WB	L[L]	S	E (66.2) 0.96	E (79.4) 1.02	D (47.6) 0.89	F (81.2) 1.03	**F (124) 1.16**	D (53.8) 0.92	E (67.7) 0.97	**F (85.6) 1.04**	D (46.5) 0.9
	R		B (18.8) 0.49	B (21.8) 0.6	A (9.0) 0.62	C (21.8) 0.52	C (30.9) 0.76	C (24.1) 0.81	B (19.4) 0.47	C (23.1) 0.6	A (9.1) 0.62
CR 105 NB	T		E (58.8) 0.92	E (59.4) 0.92	D (37.4) 0.86	F (89.0) 1.06	F (89.0) 1.06	D (47.3) 0.93	E (62.5) 0.95	E (63.3) 0.96	C (33.4) 0.86
	R		A (4.6) 0.3	A (5.3) 0.34	A (5.3) 0.38	A (5.9) 0.44	A (6.6) 0.47	A (7.0) 0.51	A (5.8) 0.45	A (6.7) 0.48	A (5.9) 0.52
CR 105 SB	L		F (284) 1.54	**F (459) 1.94**	D (44.3) 0.91	F (268) 1.49	**F (419) 1.85**	E (66.5) 0.95	F (187) 1.3	**F (308) 1.59**	D (49.3) 0.9
	T		C (22.9) 0.66	C (22.9) 0.66	B (10.1) 0.67	C (23.5) 0.69	C (22.8) 0.67	B (10.5) 0.65	C (21.0) 0.6	C (20.8) 0.59	A (9.0) 0.6
			E (79.2)	**F (122)**	C (24.5)	E (75.9)	**F (110)**	C (31.6)	E (57.1)	**F (80.5)**	C (24.0)

Key: X (Y.Y) – LOS and seconds of delay
Z.ZZ – Volume to Capacity Ratio (V/C)

Table 9-7 continued

Intersection		Control	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
			2024	2024	2024	2024	2024	2024	2024	2024	2024
			No-Build	Build	Imp.	No-Build	Build	Imp.	No-Build	Build	Imp.
CR 105/Spring St/Day Care Center Dwy											
CR 105 EB	L	S	D (54.2) 0.77	D (54.8) 0.78	D (54.8) 0.86	D (53.8) 0.75	D (53.8) 0.76	D (50.4) 0.84	D (53.8) 0.74	D (53.6) 0.74	D (54.2) 0.86
	LT		D (51.9) 0.74	D (52.0) 0.75	D (49.8) 0.83	D (51.6) 0.73	D (51.5) 0.73	D (46.5) 0.81	D (51.5) 0.71	D (51.2) 0.71	D (48.8) 0.83
	R		A (0.4) 0.11	A (0.4) 0.11	A (0.4) 0.1	A (2.8) 0.16	A (2.7) 0.16	A (0.5) 0.14	A (2.1) 0.15	A (2.1) 0.15	A (0.5) 0.13
Learning Experience Dwy WB	LTR		C (30.9) 0.25	C (31.2) 0.25	C (34.9) 0.47	D (46.6) 0.35	D (47.2) 0.36	D (54.0) 0.66	D (44.2) 0.3	D (44.8) 0.31	D (37.0) 0.51
Freeland St NB	L		E (62.9) 0.39	E (63.5) 0.39	D (42.7) 0.37	E (63.8) 0.48	D (64.5) 0.48	E (59.6) 0.62	E (61.9) 0.45	E (62.5) 0.46	E (66.2) 0.67
	TR		D (42.6) 0.89	D (47.8) 0.93	C (32.2) 0.9	D (36.0) 0.83	D (38.8) 0.86	C (27.7) 0.85	C (29.6) 0.74	C (31.3) 0.76	C (24.4) 0.82
CR 105 SB	LT		D (44.0) 0.77	D (53.4) 0.87	B (17.5) 0.38	F (359) 1.72	**F (448) 1.92**	C (31.9) 0.87	F (151) 1.24	**F (189) 1.33**	C (26.4) 0.81
	R		B (15.9) 0.59	B (17.1) 0.61	A (2.7) 0.34	E (64.9) 1.02	E (78.1) 1.06	A (2.8) 0.51	D (44.9) 0.93	D (50.0) 0.96	A (3.0) 0.51
Overall			D (39.4)	D (43.2)	C (28.1)	F (140)	**F (170)**	C (27.2)	E (73.0)	**F (85.6)**	C (25.1)
CR 64/CR 95 (Dunderberg Rd)											
CR 64 EB	L	[S]	F (>500) 2.52	F (>500) 2.71	D (43.8) 0.89	D (36.2) 0.7	**E (60.9) 0.9**	C (26.9) 0.74	C (29.1) 0.62	D (37.5) 0.72	B (13.7) 0.58
	T		F (98.0) 1.16	**F (151) 1.28**	B (19.1) 0.87	A (4.9) 0.48	A (6.7) 0.61	A (9.0) 0.68	A (4.1) 0.4	A (4.7) 0.47	A (7.0) 0.56
CR 64 WB	TR		F (277) 1.55	**F (400) 1.83**	C (32.8) 0.91	F (110) 1.17	**F (161) 1.29**	C (20.1) 0.85	E (60.3) 1.04	**F (97.7) 1.14**	B (18.5) 0.82
CR 95 SB	L		F (115) 1.07	F (115) 1.07	D (48.5) 0.7	D (49.3) 0.53	D (49.3) 0.53	C (29.2) 0.41	D (48.8) 0.5	D (48.9) 0.5	C (23.1) 0.35
	R		D (47.4) 0.93	**F (142) 1.21**	B (14.1) 0.56	C (20.2) 0.51	C (26.5) 0.6	B (17.4) 0.52	B (14.4) 0.44	B (19.7) 0.51	B (12.9) 0.44
Overall			F (246)	**F (328)**	C (28.6)	E (63.8)	**F (88.5)**	B (17.5)	D (37.3)	**E (56.1)**	B (14.4)
CR 64/NY Route 32 Access (Roundabout)											
CR 64 EB	LT	R	A (8.0) 0.837	A (8.7) 0.906	--	A (6.8) 0.612	A (7.0) 0.752	--	A (6.7) 0.525	A (6.7) 0.599	--
CR 64 WB	TR		A (7.1) 0.242	A (7.7) 0.26	--	A (4.1) 0.324	A (4.9) 0.373	--	A (3.7) 0.244	A (3.9) 0.263	--
NY Route 32 Access SB	LR		A (4.4) 0.548	A (4.6) 0.661	--	A (9.8) 0.844	B (17.4) 0.951	--	A (5.5) 0.692	A (6.9) 0.777	--
Overall			A (6.6)	A (6.9)	--	A (7.5)	B (11.1)	--	A (5.5)	A (6.2)	--

Key: X (Y.Y) – LOS and seconds of delay
Z.ZZ – Volume to Capacity Ratio (V/C)

Table 9-7 continued

Intersection		Control	AM Peak Hour			PM Peak Hour			Sunday Peak Hour		
			2024	2024	2024	2024	2024	2024	2024	2024	2024
			No-Build	Build	Imp.*	No-Build	Build	Imp.*	No-Build	Build	Imp.*
CR 64/NY Route 32											
CR 64 EB	R	S	F (84.6) 1.05	**F (122) 1.18**	--	F (316) 1.62	**F (407) 1.83**	--	F (227) 1.43	**F (289) 1.57**	--
NY Route 32 NB	L		F (393) 1.79	**F (>500) 2.16**	--	F (>500) 2.06	F (>500) 2.26	--	F (>500) 2.29	F (>500) 2.53	--
NY Route 32 SB	TTTT		A (5.3) 0.26	A (5.3) 0.26	--	A (7.7) 0.38	A (7.7) 0.37	--	A (5.3) 0.26	A (5.3) 0.26	--
	R		A (3.5) 0.15	A (3.9) 0.17	--	A (4.8) 0.18	A (5.1) 0.19	--	A (3.4) 0.14	A (3.6) 0.15	--
Overall			F (114)	**F (175)**	--	F (208)	**F (266)**	--	F (220)	**F (275)**	--
NY Route 17 WB Ramps/NY Route 32											
NY Route 17 Off-Ramp WB	L	S	C (23.9) 0.61	C (22.0) 0.58	--	B (15.9) 0.5	B (15.6) 0.49	--	B (18.8) 0.52	B (18.0) 0.5	--
	R		B (17.7) 0.52	C (21.2) 0.61	--	F (297) 1.59	F (309) 1.62	--	E (70.1) 1.06	**F (95.0) 1.12**	--
NY Route 32 NB	TTT		A (9.8) 0.51	A (8.9) 0.51	--	A (6.2) 0.54	A (6.1) 0.55	--	A (7.8) 0.5	A (7.4) 0.5	--
NY Route 32 SB	TTTT		B (12.6) 0.63	B (13.8) 0.68	--	C (21.2) 0.92	C (24.9) 0.96	--	B (11.8) 0.61	B (12.5) 0.65	--
Overall			B (12.9)	B (13.5)	--	E (67.4)	E (70.9)	--	C (21.6)	C (26.4)	--
NY Route 17 EB Ramps/ NY Route 32											
NY Route 17 Off-Ramp EB	L	S	B (15.1) 0.53	B (16.1) 0.56	--	C (27.1) 0.7	C (27.5) 0.71	--	C (20.4) 0.49	C (21.0) 0.51	--
	R		D (39.7) 0.83	D (39.4) 0.83	--	C (23.1) 0.6	C (23.1) 0.59	--	C (20.6) 0.52	C (20.9) 0.52	--
NY Route 32 NB	TTT		B (15.3) 0.5	B (15.2) 0.51	--	B (14.0) 0.69	B (13.9) 0.68	--	B (13.4) 0.6	B (13.4) 0.6	--
NY Route 32 SB	TTT		A (7.1) 0.41	A (6.9) 0.43	--	A (9.4) 0.57	A (9.6) 0.6	--	B (10.0) 0.48	A (9.2) 0.51	--
Overall			B (14.0)	B (13.9)	--	B (13.9)	B (13.9)	--	B (13.1)	B (12.8)	--

Key: X (Y.Y) – LOS and seconds of delay
Z.ZZ – Volume to Capacity Ratio (V/C)
** Adaptive signals on NY Route 32 can respond to changes in traffic volumes to potential mitigate some LOS impacts*

Comment 9-8 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Appendix G Table 4.3 shows increases in delay in the Build with Improvements scenario at the Route 64 and Route 32 Access intersection, which are defined as impacts. The westbound approach degrades from LOS A to LOS D in the AM peak hour and from LOS A to LOS F in the

PM peak hour. Revise the mitigation measures to avoid impacts at this intersection or identify these as unavoidable adverse impacts in the FEIS.

Response 9-8: *The impact at this intersection is unmitigated; however, the 2024 Build with improvement LOS values (at the roundabout) include a redistribution of vehicles from the CR 64/NY Route 32 signalized intersection. A 60% reduction in the signals northbound left turn traffic was assumed to show that a shift in traffic pattern could improve the intersection LOS. The change in traffic pattern assumed that a portion of vehicles attempting to turn left from NY Route 32 onto CR 64 (at the signal) would instead take the right turn to the eastern roundabout to CR 64. This redistribution improves the conditions as the signalized intersection but results in an impact at the roundabout. On the road, the Applicant expects drivers will self-regulate the condition and use the signal when traffic is light and redistribute as the delay at the signal increases, choosing the alternative route and returning to the most convenient option as conditions allow.*

The signals are part of the adaptive signal system which allows the signal timing to float and alter based on trends and traffic data fed back into the system. This will mitigate traffic impacts in off-peak and near-peak conditions, but may not be able to accommodate certain peak levels of traffic. Those impacts may in fact be unmitigable, however, the Applicant notes that the traffic generally includes a number of conservative assumptions which may result in an analysis of worse conditions than realized.

Comment 9-9 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Appendix G Table 4.3 shows an unmitigated impact at the Route 17 westbound ramps and Route 32 intersection, westbound right turn during the Sunday peak hour. Identify this impact as an unavoidable adverse impact in the FEIS and provide an explanation of why this impact cannot be mitigated.

Response 9-9: *The impact is unmitigated as no known improvements to the diverging diamond interchange could mitigate the traffic impacts given the limiting bridge widths. Signal timing adjustments are expected to occur naturally (via the adaptive signal control). But due to the unique community characteristics, the ITE trip generation and distribution estimates are expected to conservatively, if not overestimate the impacts on Route 32.*

Comment 9-10 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-22 and 23, Section 9.3 – Sight Distance Analysis: Provide a discussion on sight distance for the specific site driveways, including maintaining a sight triangle clear of plantings and obstructions and providing sight distance diagrams as part of the FEIS showing any potential obstructions.

Response 9-10: *Excerpts of the site plan are provided with sight triangles shown to highlight areas that must be kept clear of vegetation or sight restrictions. See Figures GNP-12, 13, and 14. Additional details and notes will be added during site plan review.*

Comment 9-11 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Figure 9-3 – This figure identifies two potential bus shelter locations within the parking lot. Consider moving the potential bus stop/shelter location closer to the entrance of the building.

Response 9-11: *The shown bus stop locations are intended to provide flexibility to the transit agency to accommodate different services, such as local and regional services. These will be confirmed with Orange Transit/Kiryas Joel Transit operators during the site plan approval process but shouldn't have any effect on any SEQR findings.*

Comment 9-12 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Page 9-25 and 26, Section 9.4 – Conclusions, Recommendations, and Mitigation Measures: Indicate the responsible party and involved parties (e.g., NYSDOT, Orange County, etc.) for each mitigation measure, including identifying whether the Applicant is responsible or if the Applicant will provide a financial contribution to a specific party to implement the mitigation measure.

Response 9-12: *Several mitigation measures are listed below with the associated responsible party. All improvements involve the OCDPW as the primary permit issuer. All improvements must be completed prior to issuance of certificate of occupancy for the* project*. Refer to conceptual Figures GNP-1 to 11 (attached following this chapter). Also see Response 9-66. Any fair-share contribution is subject to agreement by OCDPW and shared with other projects proposed in the area. Should those projects not be approved, and/or should a fair-share contribution not be worked out, the Applicant will be fully responsible for constructing those improvements.*

1. *CR 105/Bakertown Road/Austra Pkwy*
   - *Eastbound approach (CR 105) - Add second left turn lane. [Monroe Commons]*
   - *Westbound approach (CR 105) - Add separate right turn lane. [Highview Estates]*
   - *Southbound approach (Bakertown Road) - Change left/thru lane to a left only lane and add a thru lane. [Village of KJ]*
   - *Signal timing improvements. [Village of KJ]*
   - *The work above is assumed to be completed in the next 10 to 14 months.*

2. *CR 105/CR 64 (Nininger Road)/Daj Connector*
   - *Southbound approach (CR 105) - Add a second left turn lane. [Monroe Commons – fair-share contribution]*
   - *Eastbound departure approach (CR 105) – Add second receiving lane departing the intersection. [Monroe Commons – fair-share contribution*]*
   - *Pedestrian accommodations (landing, button, indications, crosswalk) crossing each road [Monroe Commons]*
   - *Signal timing improvements. [Village of KJ]*
   - *Eastbound Daj Connector [Village of KJ]*
   - *Northbound add a left turn lane. [Village of KJ]*
   - *The work above is assumed to be completed in the next 12 to 18 months.*

3. *CR 105 (Bakertown Road) /Spring Freeland/Day Care Center Drwy*
   - *Signal timing improvements. [Monroe Commons]*
   - *The work above is to be completed prior to the certificate of occupancy.*

4. *CR 64 (Nininger Road)/West and East Site Driveways*
   - *Widen Nininger Road to provide an eastbound left turn lane and westbound right turn lane into the east driveway. [Monroe Commons]*
   - *Signalize the east driveway. [Monroe Commons]*
   - *Provide right in/right out at the west driveway. [Monroe Commons]*
   - *The work above is to be completed prior to the certificate of occupancy.*

5. *CR 64 (Nininger Rd)/CR 95 (Dunderberg Rd)*
   - *Westbound approach (CR 64) - Add an exclusive though lane or, alternatively, add an exclusive right turn lane. [Monroe Commons]*
   - *Eastbound approach (CR64) – Add left turn lane [VMG]*
   - *Signal timing improvements. [Monroe Commons]*
   - *The work above is assumed to be completed in the next 10 to 14 months.*

6. *CR 64 (Nininger Road)/NY Route 32 Access (Roundabout)*
   - *No changes.*

7. *CR 64 (Nininger Road)/NY Route 32 (Signal)*
   - *No changes.*

8. *NY Route 17 WB Ramps/NY Route 32*
   - *No changes.*

9. *NY Route 17 EB Ramps/NY Route 32*
   - *No changes.*

Comment 9-13 (Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023):

Because of the connections to the adjacent VMG development, consideration should be given to consolidate the site driveways along CR 64/Nininger Road.

> ***Response 9-13:*** *Per OCDPW comments, this driveway will be restricted to rights in/rights out only, thus compromising between providing a full access driveway and eliminating the access point. This driveway does provide options for transit service and helps balance the demand of car traffic using VMG as a cut-through to/from this commercial development.*

Comment 9-14 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023): Existing Conditions-Study Area and Methodology

The traffic study evaluated key intersections and addressed the Weekday AM, PM, and Sunday peak periods. A Design Year of 2024 was utilized in the analysis. Note, that considering the current date, it is recommended that as discussed further below, that some additional traffic counts be collected for both Weekday and Sunday at the NYS Route 32 intersection to reflect the new NYS Route 32/NYS Route 17 diverging diamond interchange and also to include projections to reflect a more realistic future Design Year.

Response 9-14: *The traffic counts were gathered from a number of different sources including the Exit 131 NYSDOT study. All the data was factored and adjusted to develop the baseline 2019 "Existing" volumes to account for post interchange construction and pre-pandemic volumes. These base volumes were reviewed and approved by the lead agency's traffic consultant before proceeding with the future condition analysis.*

Comment 9-15 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023): Existing Conditions-Study Area Roadways

The traffic study evaluated eight (8) intersections plus the site driveways along Nininger Road. These intersections were outlined in the Scoping Document, Section 9.1. A description of each of the intersections is also provided in the document.

Response 9-15: *Comment noted.*

Comment 9-16 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):
Existing Conditions- Pedestrian and Bicycle Facilities

Additional information regarding existing and future pedestrian traffic, especially along Nininger Road, should be expanded in this section of the document.

Response 9-16: *Pedestrian activity on Nininger Road is generally low given the distance to trip generators east of Kiryas Joel. As VMG continues construction and Monroe Commons is completed, there will be more pedestrian demand in the area. The primary area will be within VMG given the road and sidewalk system provided. No sidewalks are provided on Nininger Road across their frontage. Given the speeds of Nininger Road and the lack of shoulders, continuing sidewalks east from the village needs to be a cautious consideration. The likelihood of hitchhikers could increase if sidewalks are provided and encourage more people to walk directly on Nininger Road. Alternatively, the Applicant is willing to explore an off-road path connecting the project to Woodbury Junction. Regardless, this will be a consideration that OCDPW will need to advise on. Presently, the project proposes to create and utilize internal pedestrian connections as the safest option for pedestrian movements. Additionally, the Applicant has committed to land dedication of a six-foot shoulder along Nininger Road to allow a sidewalk to be constructed in the future in collaboration with OCDPW.*

Comment 9-17 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):
Existing Conditions- Traffic Volume Factoring

The traffic volumes were collected primarily during 2019 and were utilized together with some 2017 data to develop the base traffic volume conditions. Note, that the

NYS Route 17/NYS Route 32 interchange was reconstructed after this. Thus, new traffic volumes should be collected and coordinated with other studies in the NYS Route 32 corridor to provide a more realistic indication of existing conditions. Note that the existing conditions analysis indicates Levels of Service "E" and "F" during the AM Peak Hour at CR 105/Bakertown Road as well as CR 64 and CR 95 intersections (see further discussion below).

Response 9-17: *The traffic counts were gathered from a number of different sources including the Exit 131 DOT study. All the data was factored and adjusted to develop the baseline 2019 "Existing" volumes to account for post interchange construction and pre-pandemic volumes. These base volumes were reviewed and approved by the lead agency's traffic consultant before proceeding with the future condition analysis.*

The existing operating conditions at CR 105/Bakertown Road and CR 64/CR 95 are overall LOS E and F and will continue to operate as such through the No-Build and Build conditions. Additional geometry improvements are proposed as part of other projects and Monroe Commons. See also Response 9-12.

Comment 9-18 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023): Existing Conditions- Sunday Peak Hour Traffic Conditions

The study indicates that Sunday peak hour traffic volumes are approximately 15% lower than the Weekday PM peak; however, this may not necessarily hold true for the NYS Route 32 corridor and a Sunday evaluation should be expanded to specifically evaluate this peak time period as specified in the Scoping Document.

Response 9-18: *Base volumes were approved by the town's traffic consultant. The 15% reduction in Sunday peak hour traffic volumes was based on a comparison of 2021 turning movement counts at the CR 105/Nininger Rd intersection. We aren't aware of any available weekend data to compare weekday to Sunday; therefore the 15% reduction is a relatively small change and any results based on the 15% assumption should be comparable.*

Comment 9-19 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):
Existing Conditions- Accident Analysis

Accident data and analysis was presented for the area roadways covering a 3-year period between 2017 and 2019. These data were pre-Covid conditions and would be the best representative of conditions along the Nininger Road corridor but not necessarily the NYS Route 32/NYS Route 17 interchange area. Therefore, new data should be provided for that area to reflect the new roadway configuration.

Response 9-19: *See Response 9-3.*

Comment 9-20 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Future Without the Proposed Project-

The traffic study includes the traffic generated by numerous other proposed developments in the area including those in the Village of Kiryas Joel, Town/Village of Woodbury, Town of Monroe, Village of Goshen, and Town of Chester. Note, that LEGOLAND is listed in the Village of Goshen, but this is now open and operating and would be included in any of the new traffic counts suggested as referenced above. Based on the projects considered for Woodbury, it should be noted that several modifications have occurred to the various projects and absent from the list are the Woodbury Centre projects, the Turner Road Hotel proposals, Rushmore Estate Development, the Highland Mills Senior Housing project. Also, the current Woodbury Common Expansion is slightly different than that listed in the report. Similarly, the Gardens at Harriman now includes a mixed-use development. The study should be updated to reflect any differences in the current proposals. In the Village of Kiryas Joel, there are some other pending projects that are not listed, and this should be verified with the Village of Kiryas Joel, to make sure that all projects are included in the traffic projections.

The analysis of the various intersections indicates numerous intersections operating at poor Levels of Service under future No-Build conditions and any improvements and the responsibility for completing such should be identified.

Response 9-20: *Some other development projects were known at a conceptual level but had not progressed to a point in which traffic estimates were prepared, e.g. Gardens Harriman Station hasn't submitted any new documents since a scoping session in 2017, nor has been approved. As such, it wasn't included in the "other developments". In Kiryas Joel, 16 projects were included in consultation with Brach & Mann, consultants to the Village, which includes several projects that have not even broke ground. Although some modifications to some other developments may have occurred, the Applicant does not expect those to have a significant effect on the analysis results, assuming they mitigate their respective impacts. A conservative background growth rate was used to accommodate potential changes in other development projects and other future developments. See Response 9-12 regarding expected improvements.*

Comment 9-21 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

Trip Generation

The Applicant's study provides a discussion of trip generation estimates based on localized data of similar facilities. Note, that in comparison to the Institute of Transportation Engineers (ITE) data, these traffic volumes appear low but were developed to reflect the local character based on other similar area facilities. It is recommended that a sensitivity analysis be undertaken with the more conservative ITE traffic volumes as was specified in the Adopted Scoping Document (page 23); even understanding the location and potential different characteristics of this site.

Response 9-21: *Trip generation was based on ITE 11th edition per the direction of the Lead Agency's traffic consultant. Local trip generation was included as a comparison to ITE trip generation rates which was 35% to 79% higher than local rates for the AM and PM peak hours respectively, and comparable to Sunday rates.*

The sensitivity analysis includes the addition of Daj Boulevard to the CR 105/Nininger Rd intersection. It also accounts for traffic redistribution for the addition of Chust Road connection to CR 105.

The unique travel characteristics of the Kiryas Joel/Palm Tree community includes local person walking trips (not driving) and the KJ transit line which will help reduce the vehicle traffic generation of the site.

Comment 9-22 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

Trip Distribution

Trip distributions were based on existing traffic patterns and appear to be reasonable.

Response 9-22: *Comment noted.*

Comment 9-23 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

Trip Assignment

Based on the trip assignments contained in the report, it is recommended that additional intersections along NYS Route 32 be evaluated including the Woodbury Commons/Central Valley School Access Drive as well as the NYS Route 17/Locey Lane/Woodbury Centre Access.

Response 9-23: *Traffic to and from the north on Route 32 will be less than 22 trips in any of the peak hours or less than 0.6% of the overall volume on the road in an area that provides five to six through lanes with additional left and right turn lanes. To the south of the NY-17 interchange, project traffic is estimated up to 113 trips and make up about 2.5% on a segment that provides six through lanes with additional left and right turn lanes. These low percentage values are conservative assumptions. The additional traffic added by the project distributed across the geometry provided is not expected to have any significant impact. Given this and the scope of the approved scoping document, adding intersections to the analysis is not considered necessary.*

Comment 9-24 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-2024 Build Traffic Volumes

The Build traffic volumes should be updated to reflect a more realistic future design year and

also reflect current traffic conditions at the NYS Route 32/NYS Route 17 interchange area as previously noted.

Response 9-24: *The scope and forecast design year were approved by the Lead Agency's traffic consultant. According to NYSDOT count station 830026 (Route 17 in front of Woodbury Centre), AADT in 2019 was estimated at 39,810 vehicles per day (vpd) but was last reported (actual) in 2022 as 23,493 vpd. Similarly, to the north (station 830066) near Midland Ave, the estimated AADT in 2019 was 19,533 vpd whereas the 2022 estimate is 18,292 vpd. Drawing from these trends, the actual traffic volumes for the 2024 design year are expected to also be lower than what would have been projected, meaning the volumes used may still be valid for several more years, before growth finally exceeds that having been projected based on pre-pandemic levels. The conservative future traffic volumes based on the growth rate and additional background developments are sufficient to represent 2026 traffic volumes without any significant changes in the recommendations that are contained in the FEIS, which have been reviewed by the Town's consultants and OCDPW.*

Comment 9-25 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project- Capacity/Level of Service Analysis

The study provides a comparison of No-Build to Build conditions at the various intersections and concludes that there will be minor increases in delay. Based upon a review of Table 9.9, the Build in comparison to the No-Build table indicates that there are some significant differences. A separate table showing a comparison of the No-Build to Build Levels of Service including volume to capacity ratios and delay increases should be prepared to better understand the impacts of the project traffic. Also, a separate table should be provided for the higher sensitivity analysis scenario recommended.

Response 9-25: *Table 9-7 has been expanded to include V/C ratios. See Response 9-21.*

Comment 9-26 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

School Impacts

Addressed except for NYS Route 32 school driveway intersection.

Response 9-26: *NYS Route 32/School driveway intersection was not studied given the adopted scoping document. However, based on the discussion in Responses 9-23 and 9-24, the Applicant does not expect there to be any significant impacts.*

Comment 9-27 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

Transit, Pedestrian, and Bicycle Modes

The study addresses this in general but more information on future pedestrian movements and potential need for sidewalks along Nininger Road should be addressed.

Response 9-27: *See Response 9-16.*

Comment 9-28 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Potential Impacts of Proposed Project-

Sight Distance Analysis

Sight distances are evaluated at the site driveways and recommends that at the western driveway that left turn exits be prohibited due to the vertical curve constraints. This restriction should be reflected on the site plan including appropriate channelization along with the signing restrictions to control this movement. OCDPW will likely have their own detailed comments on this.

Response 9-28: *Comment noted. See Figures GNP-12, 13, and 14 for the proposed access control and sight lines (attached following this chapter). See Response 9-10.*

Comment 9-29 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

Several mitigation measures are outline in the traffic study. However, other than the access related improvements and provision of a left turn lane at Nininger Road and Dunderberg Road, the responsibility for completing such improvements is not identified. This should be further clarified in the document. Otherwise, certain impacts could be left unmitigated.

Response 9-29: *See Response 9-12*

Comment 9-30 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

The study identifies improvements at the site driveways on Nininger Road. Input should be obtained from OCDPW on the adequacy of the recommended improvements at the Nininger Road main driveway and other locations.

Response 9-30: *OCDPW will be a permitting agency and will have to review and approve the site driveway access and improvements as per November 21, 2023 OCDPW Review 20-0027. See Responses 9-55 to 9-58.*

Comment 9-31 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

Relative to the access, we agree with the left turn exit restriction at the westerly driveway and it may be necessary to also include a channelization island. This will be determined by

OCDPW as part of their review. At the easterly access drive, in addition to the left turn lane on Nininger Road, due to the high traffic volume making a right turn into this entrance, a separate right turn lane should also be provided on the westbound approach. Also, accommodations for full signalization and pedestrian controls should be made at this intersection.

Response 9-31: *See Figures GNP-1 through 3 for the conceptual access improvements (attached following this Chapter). Most of the westbound traffic entering the site will do so at the first driveway they encounter (the east driveway); therefore, an additional right turn lane would provide little benefit. The eastern site driveway will be signal controlled and pedestrian accommodations (crosswalks, push buttons, indications) will be provided subject to review by the OCDPW.*

Comment 9-32 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

It is anticipated that pedestrian activity will increase significantly in the area and consideration of sidewalks along the Nininger Road corridor should be provided and coordinated with OCDPW.

Response 9-32: *See Response 9-16.*

Comment 9-33 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

The truck turning diagrams indicate vehicles turning into the opposite lane when entering the site. This needs to be adjusted to accommodate these movements safely.

Response 9-33: *The site access points have been designed to minimize wetland impacts. As such, the entrance plan can accommodate delivery trucks but will require off-tracking. Given these conflicts, tractor trailer delivery will be scheduled for off-peak periods when there is minimal traffic exiting the site.*

Comment 9-34 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

The cross connections to the Veyoel Moshe Gardens development are critical between the two developments to minimize traffic increases on the Nininger Road corridor and these connections should be ensured as part of the final site plans.

Response 9-34: *Comment noted. The cross connections for vehicles and pedestrians will reduce the trip demand on Nininger Road. Vehicle cross connections are shown on the site plans and include vehicle and pedestrian connections from Monroe Commons to VMG at Beer Sheva Street and Maglentiz Street, with additional pedestrian connection between VMG buildings at Austra Parkway. Pedestrian connections include crosswalks, ramps, and sidewalks.*

Comment 9-35 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

The Emergency Services Organizations (ESO's) responsible for this site should be contacted to ensure their accessibility and any concerns relative to circulation and/or access to the 4-story building, etc.

Response 9-35: *Fire access has been provided around all four sides of the building as demonstrated on the attached Fire Truck Movements figures, following this chapter. These movements are based on the fire apparatus vehicle information provided by the Monroe Fire Department. Sign off will be required by Emergency Services Organizations.*

Comment 9-36 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

The provision of a separate left turn lane at the intersection of Nininger Road and Dunderberg Road will be critical to the operation and to ensure that through traffic is not impeded.

Response 9-36: *Comment noted. A design plan has been completed by VMG and reviewed by OCDPW. Completion is expected prior to Monroe Commons and is expected to be a condition of approval.*

Comment 9-37 (Letter 9, Philip Grealy, Ph.D. P.E., Colliers Engineering & Design, Monroe Commons Commercial Site Plan, Village of Woodbury, Orange County, New York, November 30, 2023):

Conclusions, Recommendations and Mitigation Measures-

NYSDOT should be contacted as an interested agency, especially as it relates to the NYS Route 17/NYS Route 32 interchange area and the NYS Route 32/Nininger Road intersection.

Response 9-37: *All DEIS materials have been circulated to NYSDOT and comments were received on January 30, 2024. See comments 9-59 to 9-62.*

Comment 9-38 (Letter 12,James Banville, Resident Monroe, New York, December 14, 2023):

Precisely where will the two Monroe Commons entrances/exits onto Nininger Road exist with respect to the hill and curve on Nininger Road?

Response 9-38: *The site driveways are located between the KJ Sanitation Department and the new office building at 254 Nininger Road. The centerline of the main driveway is 567 feet east of the centerline of the #254 driveway, and the secondary driveway is 167 feet east of the #254 driveway.*

Comment 9-39 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

Will the curve be straightened and/or hill be flatten to some extent as part of the Nininger Road improvements for better line of line of sight necessary for these entry points?

Response 9-39: *No alignment changes will be made to Nininger Rd but restrictions will be made to the west site driveway based on sight distance limitations. All other sight distance guidelines are met.*

Comment 9-40 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

Will any additional traffic lights be installed at the Monroe Commons entry point(s)? Let's take an accounting of traffic lights on Nininger Rd as follows: at Route 105, at Veyoel Moshe Gardens entrance, potentially at Monroe Commons 220 Nininger Rd, at Central Valley Line Road and at Dunderburg Road. I realize that not all of these lights are currently operational but when they are, let's be smart on how they are timed. Take into consideration different times of day and certain days of the week; particularly on Friday's between 1:30PM to 4:00PM! Think of Rt 59 in Spring Valley during midday. If you are unaware, give it a try sometime. Is this the traffic pattern we're gunning for in Monroe?

Response 9-40: *A new traffic signal is proposed at the eastern driveway for Monroe Commons. It will be approximately 1600 feet (0.3 miles) east of the VMG traffic signal, and 3800 feet (0.7 miles) west of the Dunderberg Road signal. The signal timing is expected to be adjusted to generally favor Nininger Road traffic.*

Comment 9-41 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

The description provided in the article regarding when Moshe Gardens would make improvements to Nininger Road including the timetable of when the additional traffic light will be installed is far too vague; “as Moshe Gardens reaches certain building thresholds.” This is a qualitative response. This timeline must be quantitative and specific not necessarily by a defined calendar date, but by something that is measurable such as 50% of the units of Moshe Gardens are inhabited. All contracts or development agreements must have this verbiage now and moving forward and be legally binding!

Response 9-41: *According to the OCDPW Plan approval for VMG, the road improvements at CR 105/Bakertown Road, Nininger Road/Dunderberg Road, and the*

pedestrian bridge are required to be completed prior to the issuance of the 801st certificate of occupancy (CO). The improvements on Nininger Road at Road F (aka SM Rosner Road) were to be complete before the 1st CO. The construction phasing likely changed since this approval, as the improvements to CR 105/Bakertown Road were completed first. The SM Rosner Road improvements are largely done, but the signal has not been activated since the road entrance has been limited to construction access. The pedestrian bridge and Dunderberg Road improvements are still scheduled for completion before the 801st CO, which is anticipated to be sometime near the end of 2024 or early 2025.

Comment 9-42 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

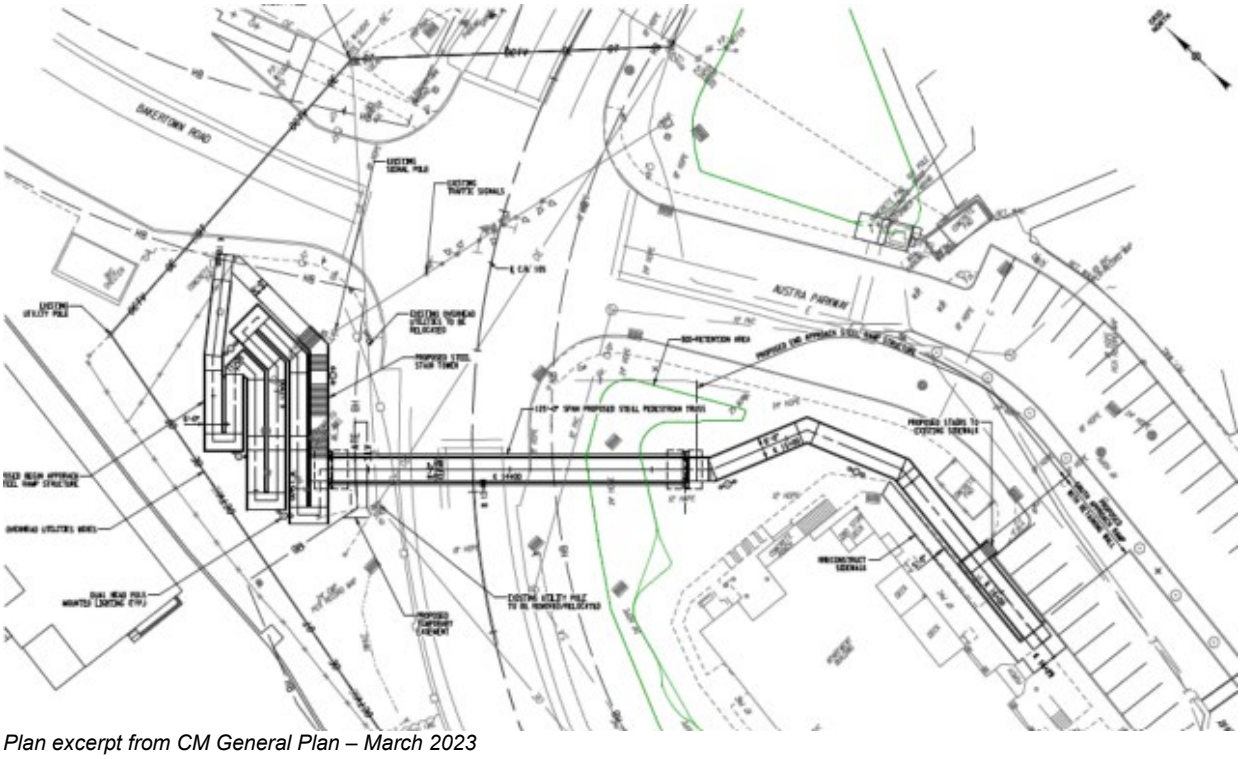
The traffic light at the Route 105 and Spring Street intersection should have the timing modified so that during the closed hours of the daycare/school, the green light to exit the daycare would ONLY illuminate based upon a pressure sensor in the driveway. For several years cars in all other directions between the hours of 6pm-6am have had to wait for the rotation of a green light for the daycare when there's absolutely no cars waiting to exit. Think of the gasoline and carbon emissions that would be saved!

Response 9-42: *The Applicant will contact the OCDPW in regard to improving the vehicle detection capabilities at this intersection.*

Comment 9-43 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

Is the pedestrian bridge over Nininger Road and Route 17 into Harriman Commons considered part of the Monroe Commons project or Moshe Gardens? The explained start time of the pedestrian bridge was quite "squishy" in the article ("… after 800 units are completed"). If it is based on contractual agreement, there must be a more definitive explanation and description for the start of the pedestrian overpass project. This endeavor makes sense to me since it will allow consumer access without the need for additional vehicles on the roadways. How many units have been completed to date? Is there a plan to cease further development of Moshe Gardens until the pedestrian bridge has been completed, or verbiage that Moshe Gardens development continues in tandem as long as significant progress is made in constructing the pedestrian bridge? Where exactly will that pedestrian bridge start and end?

Response 9-43: *The pedestrian bridge is part of the VMG project and is due to be constructed prior to the issuance of the 801st certificate of occupancy for VMG, which is anticipated around next winter or early spring 2025. The pedestrian bridge will extend from the SW corner of CR 105/Austra Parkway to the NW corner of CR 105/Bakertown Road. See the plan excerpt below from Creighton Mannings design submission to OCDPW.*



Plan excerpt from CM General Plan – March 2023

Comment 9-44 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

Regarding existing traffic, congestion in the neighboring area and a suggestion on how to address said congestion, on Route 105 from the daycare at the Spring Street intersection through and just past Bakertown Road, there should be two lanes in both directions for that stretch of road. The appropriate markings such as arrows should be painted on the roadway and on street signs for right turn only, straight ahead or left turn only.

Response 9-44: *Refer to concept improvement GNP-1 through GNP-11. Several improvements are planned from Nininger Rd to Bakertown Rd. No improvements are planned for the Spring Street area, but vehicle detection improvements are recommended so that the day care driveway does receive a green light when there is no traffic or when the center is closed.*

Comment 9-45 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):

To address anticipated, traffic congestion, the entire extent of Nininger Road should be two lanes in each direction with the appropriate markings on the road surface and signage such as arrows painted in the lanes for right turn only, left turn only or straight ahead.

Response 9-45: *The current plan for Nininger Rd is to add capacity at the intersections at which stops and turns will take place. If Nininger Rd were to be commercially developed*

on both sides of the road with numerous driveways and intersections, multiple lanes from end to end may be warranted. As proposed, Nininger Road will have fewer driveways per mile than Route 17M, which provides one lane in each direction with turn lanes at most signalized intersections.

Comment 9-46 (Letter 12, James Banville, Resident, Monroe, NY December 14, 2023):
Since there is concern about rapid access for emergency vehicles, my suggestion is to create an additional (fifth) lane on Nininger Road painted "emergency vehicles only" similar to the bus lane on the Tappan Zee Bridge. There's a distinct possibility that this lane gets blocked by unauthorized vehicles so another option is to section this lane off by a guardrail and have a bar gate that can be operated by emergency vehicles, similar to what is used at Woodbury Commons or near TGI Friday's.

Response 9-46: *Emergency vehicle access is accommodated by two driveways on Nininger Rd and two driveways from VMG. Widening Nininger Road for a third, emergency only access lane is unwarranted. If access is a concern of the emergency response services, the long-term practical solution would be to add larger shoulders to Nininger Road. In the present condition, there appears to be adequate room for drivers to yield and pull to the right around the project site.*

Comment 9-47 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: Relative to the DOT, where are they on any review? The county, has there been coordination with them? It would have been circulated but I know that as part of the FEIS process and before we get to completion of the FEIS and we get to the findings, in general we'd like to have something from the county saying, they agree, they disagree, where do they stand on those mitigations? Because they'll have to get incorporated into the findings.

Response 9-47: *The DEIS has been circulated to NYSDOT and comments were received on January 30, 2024. See comments 9-59 to 9-62.*

Comment 9-48 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: So there's two accesses. One to the west, one to the east. The one to the west that's more restricted, that's the one with the sight distance limitations. Did you say an out only or it's an in and out?

Response 9-48: *Refer to Figure GNP-12; this driveway will be restricted to right-in/right-out only.*

Comment 9-49 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: So my question, and this relates to VMG, the drives that come into that development, are they full access so that anyone can come in and out of that development? So this gets to my question about accesses then into this project. With the two connections that exist into the project from VMG and the fact that they also have an access from Nininger, do you really need two or is one sufficient because of the two connections you have to the adjoining project? Do you really need those two access points onto Nininger?

Response 9-49: *See Response 9-13.*

Comment 9-50 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: The Brach Mann – Brach and Mann building that adjoins your property has a little mini access next to it. In the best of all worlds it would be nice if they tied into this project if possible so they come out of one access point. So I didn't know whether there had been any discussions or thoughts about seeing whether they could be coordinated somehow just because it seems kind of – it's this one little access point is going to be in between two, probably, you know, fairly major intersections, so I'd like that explored if possible.

Response 9-50: *The Monroe Commons site is just under its impervious surface limit based on the designed stormwater mitigation. The additional connection could exceed its limit. In addition, the B&M building would be connected to a limited access driveway.*

Comment 9-51 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: When you talked about the daycare center, that intersection, and you said that that left turn I think into the daycare may bottle up some of the traffic there, was there going to be then a proposal to add a left turn lane in or some improvement there as part of this project or who would be responsible for anything that might happen there? So I guess as part of the mitigation then it's going to be important in the FEIS to be clear on who's responsible for what. Is it something that Monroe Commons is going to do? Or is it something that they'll do a fair share? Or, and I guess that's part of all the coordination with the county but we'll want to definitely know who's responsible for it.

Response 9-51: *All the roadway improvement projects will be coordinated with County and will require their approval and issuance of a highway work permit. See Response 9-12 for proposed improvements and responsible party.*

Comment 9-52 (Monroe Commons Public Hearing, November 21, 2023):
Dylan Penn, Planning Board Member: I have a similar question because you mentioned there wasn't any planned direct permits required from DOT as a direct impact to this project. But the basis of your traffic assessment was derived from several road improvements along all of your control points there. So something I just wanted to correlate and see how we would handle.

Bonnie Franson, Planning Board, Chairwoman: And that was another improvement besides the one by the daycare is over by the high school. If there's going to be improvements there, to that intersection to make it function well, when does that get done relative to this project? What is the timing? And is it needed for this project? Because obviously that's very important to us. That's our main, you know, our major school district and access has to be adequate to be able to get in and out of that intersection and not to have to get stuck backed up in traffic. So that will be very important in terms of our review.

Response 9-52: *Improvements related to the project are typically made conditions of approval and their triggers and completions are often tied to certificate of occupancies, such that the Applicant cannot occupy the building without the improvements completed. See Response 9-12 for proposed improvements and responsible party.*

Comment 9-53 (Monroe Commons Public Hearing, November 21, 2023):

Pat Shea, Planning Board Member: I was thinking about this project today as I was approaching Larkin Drive. It took me a long time to get just to Larkin Drive going north. But it was a complete parking lot at Nininger Road, 105, going down to the village. Nothing was moving. This was around I guess 11 o'clock. It was kind of unusual to see it that backed up at that time. We have a problem now. I can't imagine a fire truck or an ambulance trying to get through there today. And that's the way it is now. I think the extension of Nininger Road across 105 would certainly help. I know that there was an initiative at one point to extend Larkin Drive through there. I don't know if that's still a possibility or not.

Bonnie Franson, Planning Board, Chairwoman: Does the DEIS touch upon a long-term discussion about taking Larkin and bringing it out toward the Village towards 17, that interchange. But also on the other side another through road on the KJ side. Does the EIS touch upon those improvements at all or whether they're even real?

Response 9-53: *The Village of Kiryas Joel is developing plans for adding signals to intersections and widening Bakertown Road to improve traffic flow. Those projects could be going to construction in 2024.*

The Daj Boulevard connector road (a fourth leg to the CR 105/CR 64 intersection) is also proposed by the village. This would effectively extend a parallel road - Nininger Road (CR 64) to Daj Boulevard to Quickway Road to Forest Road – on the north side of Route 17. The connector road is under design and could potentially go to construction in late 2024.

A parallel road project on the south side of Route 17, long known as the Larkin Drive extension, was identified in the Southeastern Orange County Traffic and Land use Study – 2005. In more recent documents, namely the 2040 Long Range Transportation Plan (published in 2015), the project was estimated to cost $33 million but no funding was established. The idea was dropped from the county's 2045 (published 2019) and 2050 (published 2023) Long Range Transportation Plans.

Comment 9-54 (Monroe Commons Public Hearing, November 21, 2023):
Bonnie Franson, Planning Board, Chairwoman: I think the big bottleneck is 105 by the police headquarters area and I think there's something much more long-term that's needed there coming into the Village.
Pat Shea, Planning Board Member: Yes. I agree. And, you know, you have the traffic light at 105 and the road going into the village. And then you have another, you know, stop sign. It's – that was a big backup today.

Response 9-54: *See Response 9-53.*

Comment 9-55 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
Several improvements to area intersections are noted in the DEIS to mitigate project generated traffic impacts. These potential improvements should be accompanied by concept level site plans (at minimum) to evaluate feasibility and constructability.

Response 9-55: *Concept level plans have been prepared and are referenced on Figures GNP-1 through GNP-11.*

Comment 9-56 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):

A concept level site plan should also be provided for improvements to be made along County Road 64 at the site entrance driveways.

Response 9-56: *Concept level plans have been prepared and are referenced on Figures GNP-1 through GNP-11.*

Comment 9-57 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
It is noted that the site plan provided shows the design of two (2) internal driveway connections to the Veyoel Moshe Gardens (VMG) project, however there appears to be significant discrepancies between the Monroe Commons design and the approved VMG site plan in the County file dated April 5, 2021.

Response 9-57: *As of May 2023, the internal southeast portion of the Veyoel Moshe Gardens (VMG) project was revised to accommodate the access drive connections between the Monroe Commons and VMG projects. This design has been coordinated between the two projects and is on-going.*

Comment 9-58 (Letter 1, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, November 21, 2023):
This office will retain a traffic consultant to assist with our review and evaluation of proposed improvements to County owned/maintained roads and infrastructure. (informational)

Response 9-58: *Comment noted.*

Comment 9-59 (Letter 13, Jason Brenner, Assistant Engineer, NYSDOT, Monroe Commons SEQR 20-120, January 30, 2024):
Since the site does not have direct access to a state-owned roadway a highway work permit will not be required by NYSDOT.

Response 9-59: *Comment noted.*

Comment 9-60 (Letter 13, Jason Brenner, Assistant Engineer, NYSDOT, Monroe Commons SEQR 20-120, January 30, 2024):
For the accidents on Table 9-2 have the Applicant engineer split the crashed on Route 32 for each intersection studied. Additional accident data from 2020 to 2023 should be added for review.

Response 9-60: *Comment noted. Table 9-60 (below) includes the Route 32 intersections shown separately from the corridor. In addition, 2020-2023 data was requested and also summarized below.*

Table 9-60 – Route 32 Crash Summary

Location	Classification					Collision Type									
	Non-Reportable	Property Damage	Injury	Fatality	Total	Rear-End	Left turn	Right turn	Right-Angle	Overtaking/Sideswipe	Head-On	Other	Not Entered/Unknown	Total	Crash Rate (Statewide Average) C/MVM
NY Route 32 (Intersections and Segments)	13	154	32	0	199	61	15	9	11	69	1	23	10	**199**	**18.26**
	7%	77%	16%	0%	100%	30%	7%	5%	6%	35%	<1%	12%	5%	**100%**	**(5.53)**
NY 32/Nininger Rd (Intersection)	3	38	11	0	52	14	3	4	4	18	0	6	3	**52**	**1.17**
	6%	73%	21%	0%	100%	27%	6%	8%	8%	35%	0%	12%	6%	**100%**	**(0.32)**
NY 32/NY 17 WB (Intersection)	2	16	5	0	23	5	3	1	1	10	0	2	1	**23**	**0.45**
	9%	70%	22%	0%	100%	22%	13%	4%	4%	43%	0%	9%	4%	**100%**	**(0.56)**
NY 32/NY 17 EB (Intersection)	2	7	3	0	12	4	0	0	0	5	0	3	0	**12**	**0.27**
	17%	58%	25%	0%	100%	33%	0%	0%	0%	42%	0%	25%	0%	**100%**	**(0.56)**
2020 – 2023															
NY Route 32 (Intersections and Segments)	0	75	9	0	84	27	1	1	3	23	2	20	7	**84**	**7.71**
	0%	89%	11%	0%	100%	32%	1%	1%	4%	27%	2%	24%	8%	**100%**	**(5.04)**
NY 32/Nininger Rd (Intersection)	0	32	3	0	35	11	0	1	1	10	0	11	1	**35**	**0.79**
	0%	91%	9%	0%	100%	31%	0%	3%	3%	29%	0%	31%	3%	**100%**	**(0.43)**
NY 32/NY 17 WB (Intersection)	0	25	4	0	29	10	1	0	2	8	0	4	4	**29**	**0.57**
	0%	86%	14%	0%	100%	34%	3%	0%	7%	28%	0%	14%	14%	**100%**	**(0.64)**
NY 32/NY 17 EB (Intersection)	0	16	1	0	17	3	0	0	0	5	2	5	2	**17**	**0.39**
	0%	94%	6%	0%	100%	18%	0%	0%	0%	29%	12%	29%	12%	**100%**	**(0.64)**

Comment 9-61 (Letter 13, Jason Brenner, Assistant Engineer, NYSDOT, Monroe Commons SEQR 20-120, January 30, 2024):

In the traffic impact study there show a significant number of new left turning traffic from Route 32 to County Route 64 in the build. Majority of this traffic is from the 26 new developments in the area of Monroe. However in the build with improvements show a significant decrease in delay with no real mitigation other than traffic will figure out delay over time. If queueing does back up to the future build additional lanes may need to be built on Route 32 to accommodate future traffic.

Response 9-61: *Agreed, if queuing of the northbound left turn lane is excessive the lane could be closed to force traffic to take the northbound right turn to Nininger Road Extension and use the roundabout to cross under Route 32. In addition, the adaptive traffic control systems will have some positive impact on reducing delays by adjusting signal timings.*

Comment 9-62 (Letter 13, Jason Brenner, Assistant Engineer, NYSDOT, Monroe Commons SEQR 20-120, January 30, 2024):
In the next submission provide the queueing information for the intersection for the build and build sensitivity analysis.

Response 9-62: *Table 9-62 (below) summarizes the queuing for the Route 32 NB left turn movement in the Build and Build with Improvement scenario, i.e. redistribution of traffic. Minimal queuing changes occur between the build and the build with improvements movements during all peak hours except for the northbound left turn. There is about a 25 to 35 percent reduction in northbound left turn queue lengths. The northbound left turn lane length is 160 feet. The eastbound right turn lanes are 480 feet long. The southbound right turn lane length is 230 feet and the southbound thru lanes extend over 500 feet.*

Table 9-62 – NY-32/CR 64 Intersection Queuing

Build (Build W/Improvements)				
	SBT	SBR	NBL	EBR
AM	75 (75)	44 (30)	901 (310)	322 (322)
PM	124 (124)	54 (42)	769 (207)	652 (652)
SAT	78 (78)	39 (35)	884 (266)	501 (501)

Comment 9-63 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
The Applicant should specify which mitigation measures identified in Section 9.4 (page 9-25) will be implemented as part of the project. For example:

- 2 states "Potential mitigation options include widening Nininger Road to provide a center left turn lane to allow stopped vehicles waiting to turn left to not impede through traffic. A 'no left turn' restriction out of the west site driveway could also be implemented, and left turns out of the site can be accommodated by the east site driveway, particularly if a traffic signal is provided."
- 3 states "Development of a new connector road between Daj Boulevard and CR-105 at Nininger Road is recommended to increase the points of access to and from the village," and 3 and 4 discuss how such connector and geometry improvements will improve traffic conditions.
- 5 discusses signal timing adjustments and widening to improve delays at the CR 105/Spring St (CR105)/Day Care Center Dwy intersection.
- 6 states "it is recommended that Nininger Road be widened to provide a center left turn lane and a traffic signal be installed at the East Site Driveway."
- 7 discusses "the implementation of a traffic signal at the intersection of CR 64/CR 95" and "the implementation of signal timing improvements and widening the westbound approach for a separate through/right turn lane."

Response 9-63: *This Chapter (9.0 Transportation) describes proposed traffic improvements proposed by others and mitigation measures to be implemented and funded by the Applicant. Response 9-6 describes the proposed No-Build improvements by others and Response 9-12 describes all proposed improvements to intersections evaluated in the DEIS Traffic Study, including proposed mitigation measures by the Applicant.*

Comment 9-64 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
The FEIS should specify what traffic improvements will be implemented as part of the project, and how the Applicant has been coordinating with OCDPW, etc. with respect to such improvements.

Response 9-64: *See Responses 9-12 and 9-63, above. All proposed traffic improvements will be reviewed and approved by OCDPW. The Town will be copied on all relevant correspondence with OCDPW, and relevant correspondence with OCDPW to date is included in Appendix I.*

Comment 9-65 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

As discussed at the November 21, 2023 Planning Board meeting, the Applicant should identify any improvements to the high school intersection.

Response 9-65: *See Response 9-12 above. Improvements proposed for the CR-64 (Nininger Rd.) and Dunderburg Road, which provides access to the Monroe – Woodbury school campus, include a new westbound through lane, a new eastbound left turn land and signal timing improvements. Conceptual design drawings for those improvements are provided at the end of this Chapter.*

Comment 9-66 (Letter 17, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, March 19, 2024):
It is the understanding of this office that County Road improvements are identified as mitigating measures in the FEIS and that some improvements are to be constructed by the Developer (Monroe Commons) and some improvements are to be constructed "by others". The improvements have been listed in the attached table. The County requests that the project Applicant/design professional confirm the accuracy of the table provided.

Response 9-66: *See Response 9-12. The Applicant has reviewed the County's table and notes the following changes:*

1. *Responsible Party – "Shared Responsibility": The Applicant suggests this be a shared responsibility with other projects contributing to traffic in the area.*
2. *Improvement –"Add exclusive through lane or, alternatively, an exclusive right turn lane. The project's traffic impacts are mitigated with the addition of a westbound exclusive through lane or, alternatively, the addition of an exclusive westbound right turn lane, the responsibility to which is the Applicant. The Applicant is requesting that the County/Town consider mechanisms to complete this project including bonding of County Road improvements that are not already being constructed by another entity (developer or municipality). In the event any improvements to be completed by another entity, or any shared responsibility improvements, are not completed as anticipated, the Applicant will be responsible for constructing them .*

Intersection	*Location*	*Improvement*	*Responsible Party*	*Current status with County*
CR 105 / Bakertown Rd / Austra Parkway	Eastboound Approach (CR 105)	Add second left turn lane	Monroe Commons	SEQR-FEIS/Involved Agency
	Westbound Approach (CR 105)	Add separate right tune lane.	Highview Estates	Review/permitting
	Southbound Approach (Bakertown Rd)	Add thru lane. Change left/thru to left only.	Village of Kiryas Joel	Permitting
CR 105 / CR 64 (Nininger Rd) / Daj Connector	Eastbound Approach (Daj)	Daj Connector	Village of Kiryas Joel	Review
	Eastbound Departure (CR 64)	Add second thru lane. 1	Monroe Commons	SEQR-FEIS/Involved Agency
	Westbound Approach (CR 64)	Add thru lane. Extend right turn lane.	Village of Kiryas Joel	Review
	Soutbound Approach (CR 105)	Add second left turn lane. 1	Monroe Commons	SEQR-FEIS/Involved Agency
	Northbound Approach (CR 105)	Add left turn lane.	Village of Kiryas Joel	Review
CR 64 (Nininger Road) / Monroe Commons Driveways	Eastbound Approach (CR 64)	Add left turn lane @ East Driveway	Monroe Commons	SEQR-FEIS/Involved Agency
	Westbound Approach (CR 64)	Add right turn lane @ East Driveway	Monroe Commons	SEQR-FEIS/Involved Agency
	Intersection	Traffic Signal @ East Driveway	Monroe Commons	SEQR-FEIS/Involved Agency
CR 64 (Nininger Road) / CR 95 (Dunderberg Road)	Eastbound Approach (CR 64)	Add left turn lane.	VMG	Review/permitting
	Westbound Approach (CR 64)	Add thru lane. 2	Monroe Commons	SEQR-FEIS/Involved Agency

Comment 9-67 (Letter 17, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, March 19, 2024):
This office will not be able to provide a concept approval without concept plans that show a certain level of constructability of the improvements proposed. The concept plans provided should be modified to include geometry of travel lanes (lengths and widths), arrival/departure taper lengths, pedestrian facility improvements, and County right-of-way boundaries will need to be provided and shown on a concept plans.

> ***Response 9-67:*** *Acknowledged. Design plans were submitted to the County on June 5, 2024. The County reviewed those plans and provided comments dated June 17, 2024. Those comments were addressed in a submission by the Applicant on July 12, 2024 and a response was received from the County DPW on July 16, 2024 indicating it has found the responses and revisions provide by the Applicant and their engineer to be satisfactory. The design plans will be further progressed as the project proceeds through the detailed site plan and highway work permit process.*

Comment 9-68 (Letter 17, Anthony Trochiano, P.E., Principal Engineer, Orange County Department of Public Works, Monroe Commons DEIS, March 19, 2024):
The transportation consultant should consider potential impacts of additional pedestrian volumes along County Road 64 coming from the Daj Connector Road, Woodbury Villas, and existing/proposed (Bald Hill) residential developments south of NYS Route 17. Sidewalk and/or other shoulder improvements should be considered.

> ***Response 9-68:*** *Acknowledged. Also see Response 9-16. This issue has larger implications than the proposed project and should involve intermunicipal conversations with Monroe, KJ/PT, Woodbury, the County and other project applicants. Presently, the project proposes to create and utilize internal pedestrian connections as the safest option for pedestrian movements. Through the detailed design of off-site improvements, a widened shoulder will be reviewed with the OCDPW along the site frontage.*

Comment 9-69 (Letter 14, Alan Sorenson, AICP, Jennifer L, MacLeod, AICP, Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
We appreciate the proposed vehicular connections and pedestrian connections to the adjoining residential development (Veyoel Moshe Gardens) which is currently under construction. Additionally, we appreciate the provision of public buses for the anticipated customers and employees of this proposed project, as it helps reduce potential vehicular traffic in this area and allows individuals without access to a car to access this site. The vehicular connections, pedestrian connections and public bus access will help to redirect some vehicular and pedestrian traffic away from County Route 64 and County Route 105.

Response 9-69: *Comment noted.*

Comment 9-70 (Letter 14, Alan Sorenson, AICP, Jennifer L, MacLeod, AICP, Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Applicant has considered the traffic impacts on the intersection of Nininger Road and State Route 32
South (p. 9-2). However, the Applicant should also consider the potential impacts at the intersection of State Route 32 North and Nininger Road / Route 32 North access circle.

Response 9-70: *See Response 9-23*

Comment 9-71 (Letter 14, Alan Sorenson, AICP, Jennifer L, MacLeod, AICP, Senior Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Decennial Census of 2020 showed that the County had grown 7.6% in the ten years since the prior
Decennial Census, with much of that population growth driven by growth in the Monroe-Palm Tree-
Woodbury area in the southeastern area of the County. The Village of Woodbury grew at an annualized rate of approximately 0.74% per year, the Villages of Harriman and Monroe both experienced an annualized average of 1.2% growth per year, and the Village of Kiryas Joel grew at an annualized rate of 6.33% per year. The proposed improvement designs that account for 0.5% annualized growth (p. 9-8) are likely to be very quickly outdated and overwhelmed. Thus, we advise the Town of Monroe that the proposed improvement designs should account for a minimum of 1.5% growth on an annual basis.

Response 9-71: *Based on comments received from the Town's consultants, the background growth rate in the traffic study used 1.0% - the DEIS misstated that 0.5% was used. The inclusion of a 1% growth rate and 26 other development projects considered in the background analysis is believed to accurately represent the anticipated growth in the area.*

Comment 9-72 (Letter 14, Alan Sorenson, AICP, Jennifer L, MacLeod, AICP, Senior Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The Town should require a right only turn out of the western driveway for the proposed site to minimize the potential for vehicular accidents at this site, as there is not enough sight distance to safely turn left out of this site. Table 9-11 indicates that the recommended sight distance for a left turn from this driveway is 665 feet and this location only allows for a sight distance of 455

feet (p. 9-23). Additionally, a center turn lane on County Route 64 for the proposed driveways should be required to help reduce traffic delays and potential vehicular accidents in this area.

Response 9-72: *See Responses 9-13 and 9-31.*

Comment 9-73 (Letter 14, Alan Sorenson, AICP, Jennifer L, MacLeod, AICP, Senior Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):

The Applicant indicates that the intersection of County Route 64 and State Route 32 will go from "an overall LOS A/B during all peak hours" to an "LOS F in the No-Build and Build conditions" (p. 42 of the Draft Traffic Impact Study). The Applicant continues by stating "it is noted that there is projected to be a significant increase in volumes on the northbound left turn movement. It is likely that as traffic increases over time, delays will balance themselves as some drivers will find it quicker to make a right turn off of NY Route 32 into the Nininger Road Extension roundabout (near Woodbury Commons) and pass under NY Route 32 and through the other Nininger Road roundabout" (p. 42 of the Draft Traffic Impact Study). However, this does not take into account that some vehicles will be exiting State Route 17 eastbound and will not be able to easily and/or safely access the roundabout near the Woodbury Commons, particularly during times when traffic is heavy. Thus, additional alternatives should be considered to ensure that traffic turning left onto County Route 64 (Nininger Road) does not back up onto State Route 32.

Response 9-73: *See Responses 9-61 and 9-62.*

Comment 9-74 (Letter 16 dated December 3, 2023, Resident, Paulette Browne):

I am writing about the proposed Monroe Commons and I am not for this project. The Traffic on Dunderberg or Nininger, whichever end you are on, is horrendous. With the exception of the Jewish Shabbat, each and every day I could be on that 3 mile road for up to 30 minutes. (I am Jewish so this is not an anti-semitic remark, it's reality.) I dread having to drop any of the grandkids off at the Middle School because of the traffic on that road. Please do not approve the project. I am not sure what the Town Board is even thinking to even address such projects. I live off Freeland Street and at times it takes me 20-30 minutes just to get to Rt. 17, the highway. Monroe has had it and with no new roads, where do they expect the traffic to go- up in the air?

Response 9-74: *The Applicant is proposing traffic improvements to Nininger Road as well as other off-site intersections to improve existing traffic conditions, as summarized in Response 9-12. Improvements proposed for the CR-64 (Nininger Rd.) and Dunderburg Road, which provides access to the Monroe – Woodbury school campus, include a new westbound through lane, a new eastbound left turn land and signal timing improvements. Conceptual design drawings for those improvements are provided at the end of this Chapter.*

Comment 9-75 (Letter 15 dated December 3, 2023, Resident, Carol Hawxhurst):

I am very concerned with the proposal of the Monroe Commons. The traffic already is going to increase significantly once the huge development in process off of Nininger Road is completed. School buses, parents who are dropping off and taking their children to school, school staff members, commuters, and other travelers will be greatly impacted by the Monroe Commons massive housing and business development. Buses need to get the children to and from school on time and safely. This is not going to benefit anyone in our community. Thank you for all the work you do and I am hopeful that you receive many more emails from residents expressing their concerns about this proposed project.

Response 9-75: *Monroe Commons is a proposed mixed-use commercial development and will involve no residential uses. The Applicant is proposing traffic improvements to Nininger Road as well as other off-site intersections to improve existing traffic conditions, as summarized in Response 9-12.*

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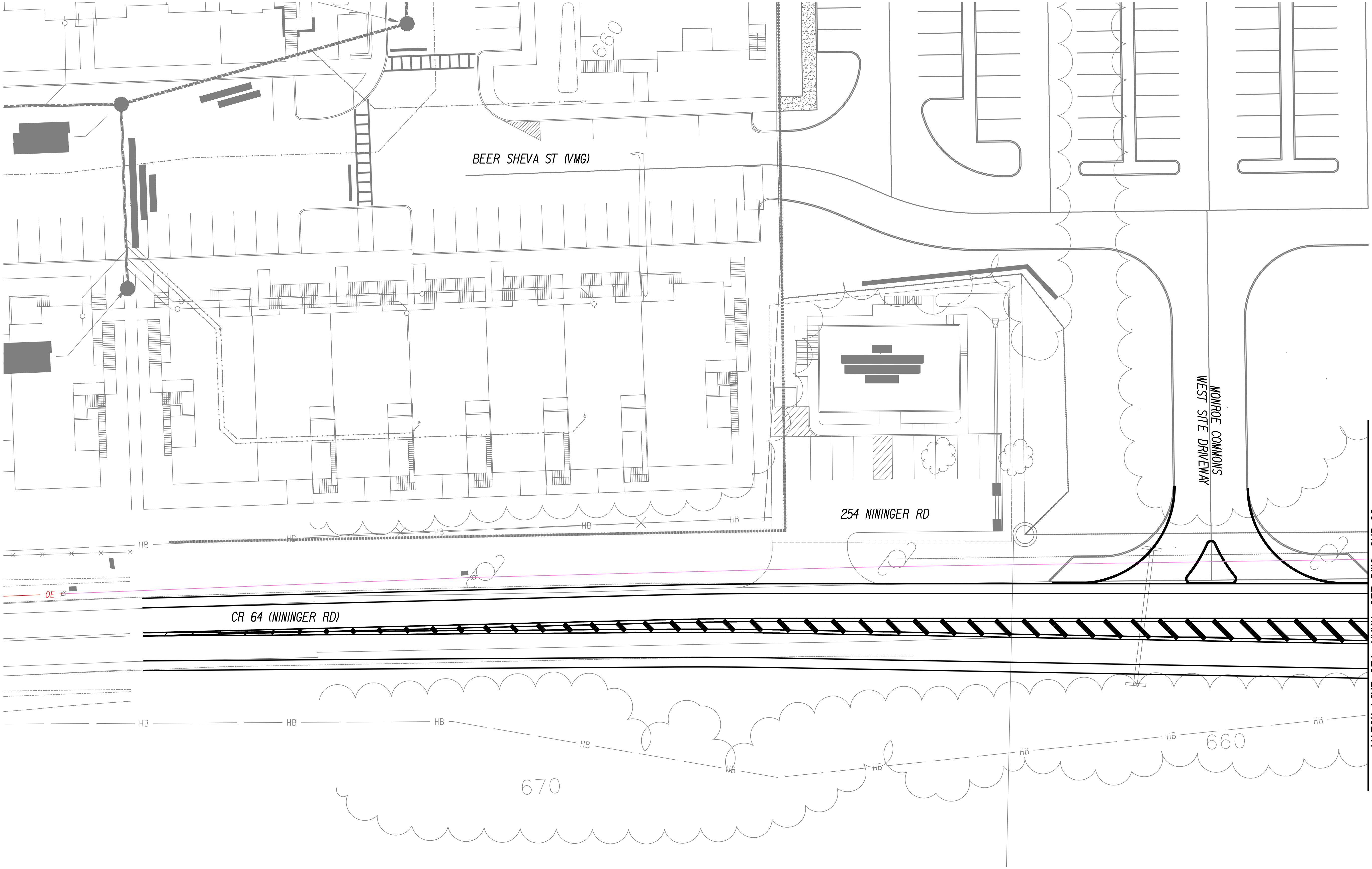

NOTE:

1. ALL PROPOSED ROADWAY LANE ADJUSTMENTS ARE TO BE DONE BY MONROE COMMONS.

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED | DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

GNP-01

SHEET NUMBER ## of 10

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DATE: 2/X/2023

GRID NORTH

MONROE COMMONS EAST SITE DRIVEWAY

THE PROPOSED TURN LANE MAY IMPACT THE PROPOSED WETLAND MITIGATION AREA

MATCH LINE STA. XXXX, SEE DWG, GNP-01

MATCH LINE STA. XXXX, SEE DWG, GNP-03

CR 64 (NININGER RD)

GULLY

GULLY

HB HB HB HB HB HB HE

640

650

PROPOSED SIGNAL CONTROL - PED ACCOMMODATIONS TO BE DETERMINED THROUGH OCDPW REVIEW

NOTE:

1. ALL PROPOSED ROADWAY LANE ADJUSTMENTS ARE TO BE DONE BY MONROE COMMONS.

20 0 20 40 60 80′

1" = 40′

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR:

MONROE NININGER LLC

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE:	JANUARY 2024	CM No.: 118-005	SCALE:	AS NOTED	DESIGNED:	XX	DRAWN BY:	XX	CHECKED:	XX

GNP-02

SHEET NUMBER ## of 10

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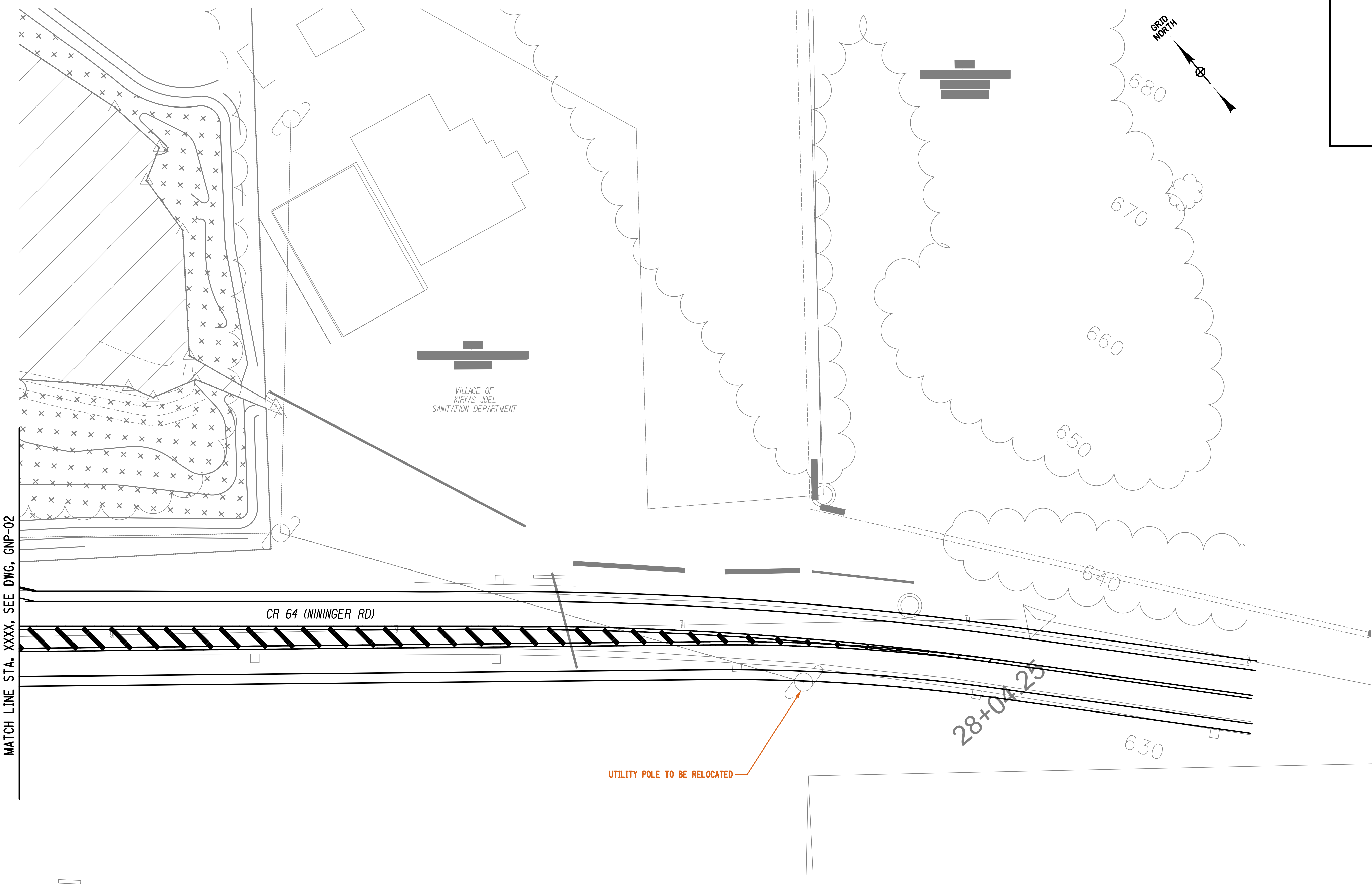

NOTE:

1. ALL PROPOSED ROADWAY LANE ADJUSTMENTS ARE TO BE DONE BY MONROE COMMONS.

PROGRESS PRINT NOT FOR CONSTRUCTION
DATE: 2/X/2023

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-03

SHEET NUMBER ## of 10

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GRID NORTH

SEWER MANHOLE
RIM=598.25'
A)8" PVC IN=594.73'
B)8" PVC OUT=594.80'

SEWER MANHOLE
RIM=598.25
INV.IN=594.73
INV.OUT=594.80

8" PVC

CR 64 (NININGER RD)

DOUBLE YELLOW LINE

POTENTIAL AREA OF
RIGHT-OF-WAY IMPACTS

AFEE

SWALE

STONE BUILDING

STONE WALL

MATCH LINE STA. XX+XX, SEE DWG. GNP-05

NOTES:

1. THE PROPOSED WESTBOUND THROUGH LANE IS TO BE DONE BY MONROE COMMONS.

20 0 20 40 60 80'
1" = 40'

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR:
MONROE NININGER LLC

DESIGNED: XX
DRAWN BY: XX
CHECKED: XX

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024
CM No.: 118-005
SCALE: AS NOTED

GNP-04

SHEET NUMBER ## of 10

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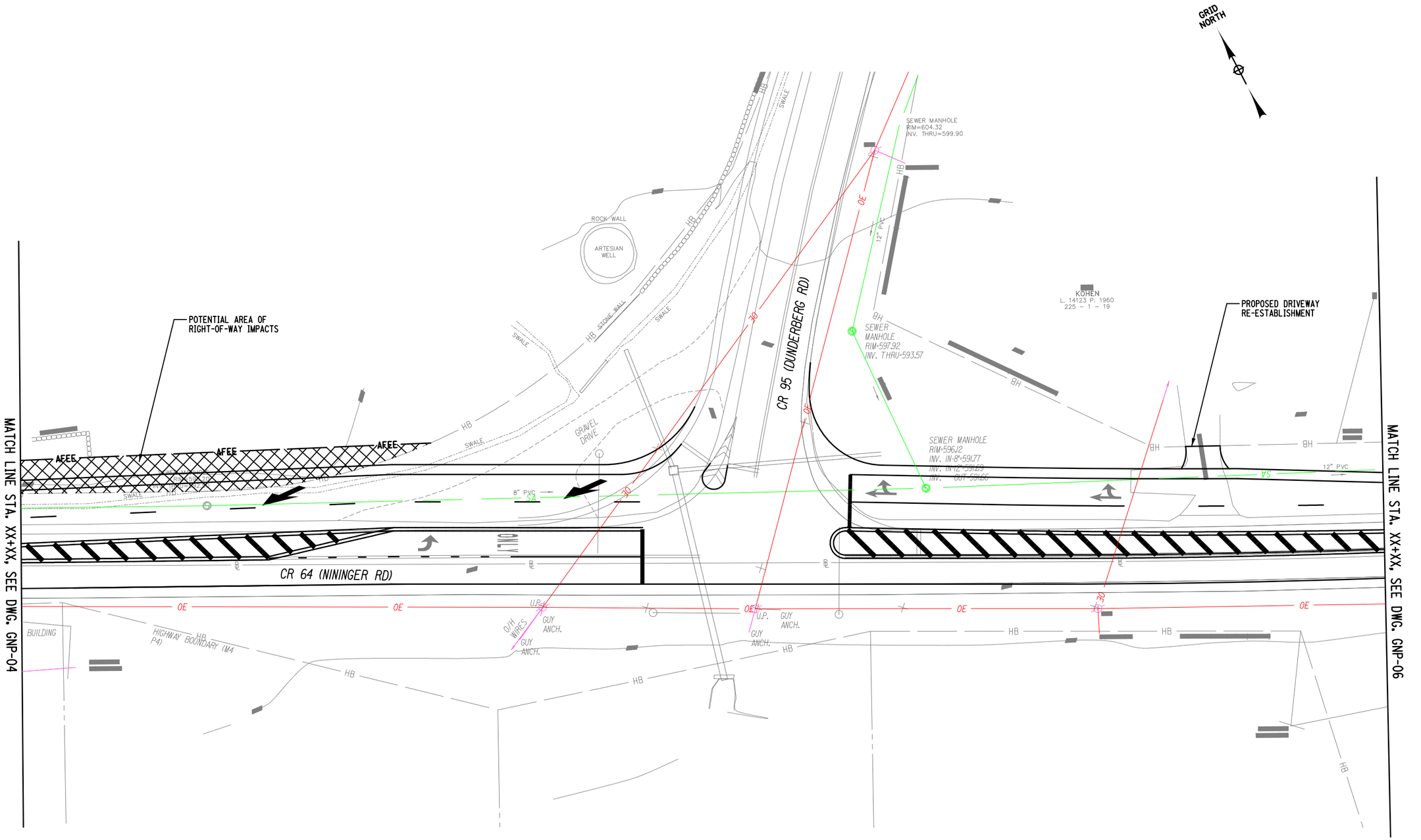

NOTES:

1. THE PROPOSED EASTBOUND LEFT TURN LANE IS TO BE DONE BY VEYOEL MOSHE GARDENS.
2. THE PROPOSED WESTBOUND THROUGH LANE IS TO BE DONE BY MONROE COMMONS.

20 0 20 40 60 80′
1" = 40′

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR:
MONROE NININGER LLC

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-05

SHEET NUMBER ## of 10

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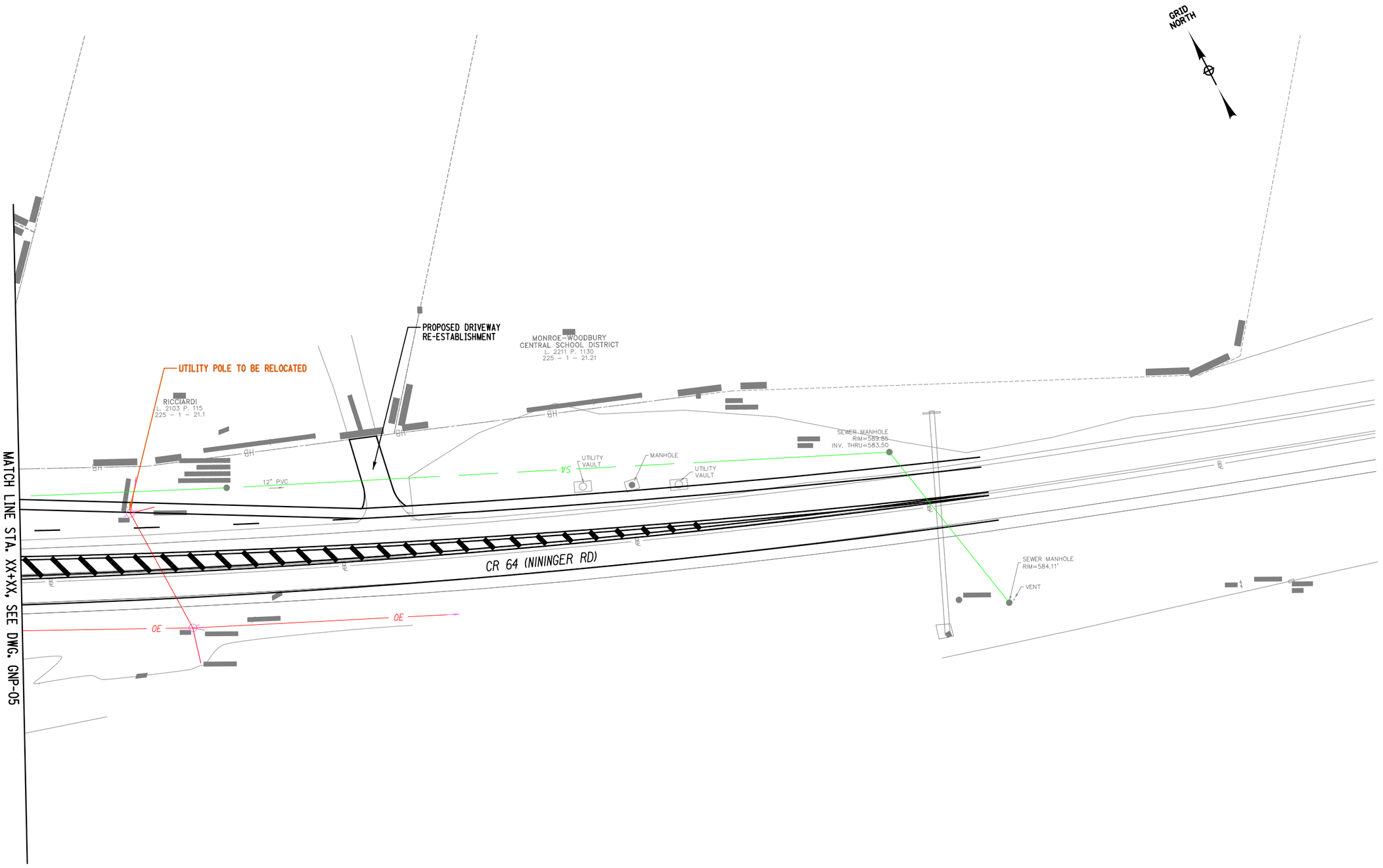


NOTES:

1. THE PROPOSED WESTBOUND THROUGH LANE IS TO BE DONE BY MONROE COMMONS.

20 0 20 40 60 80′
1" = 40′

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

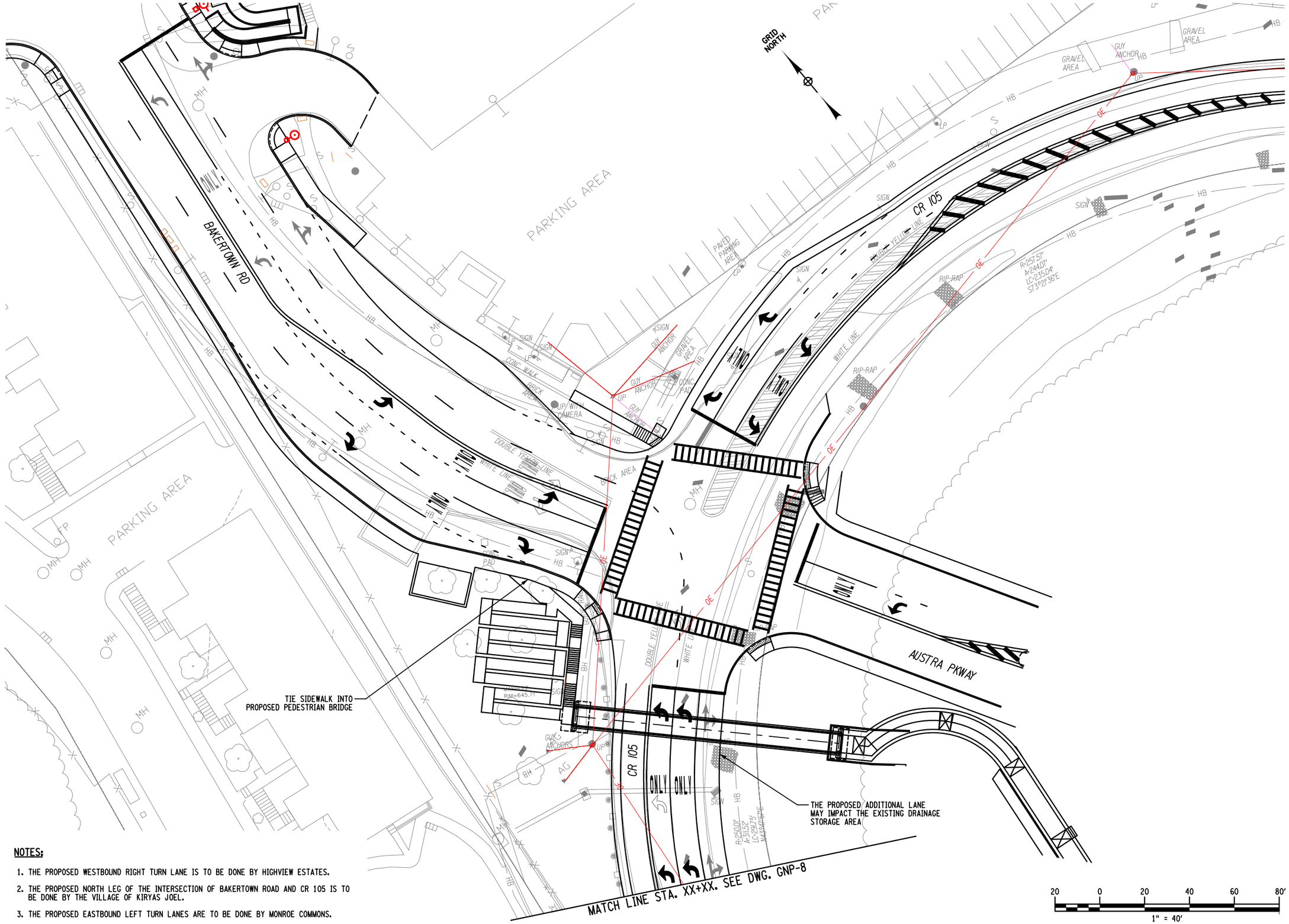
MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-06

SHEET NUMBER ## of 10



NOTES:

1. THE PROPOSED WESTBOUND RIGHT TURN LANE IS TO BE DONE BY HIGHVIEW ESTATES.
2. THE PROPOSED NORTH LEG OF THE INTERSECTION OF BAKERTOWN ROAD AND CR 105 IS TO BE DONE BY THE VILLAGE OF KIRYAS JOEL.
3. THE PROPOSED EASTBOUND LEFT TURN LANES ARE TO BE DONE BY MONROE COMMONS.

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

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NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

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DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-07

SHEET NUMBER ## of 10

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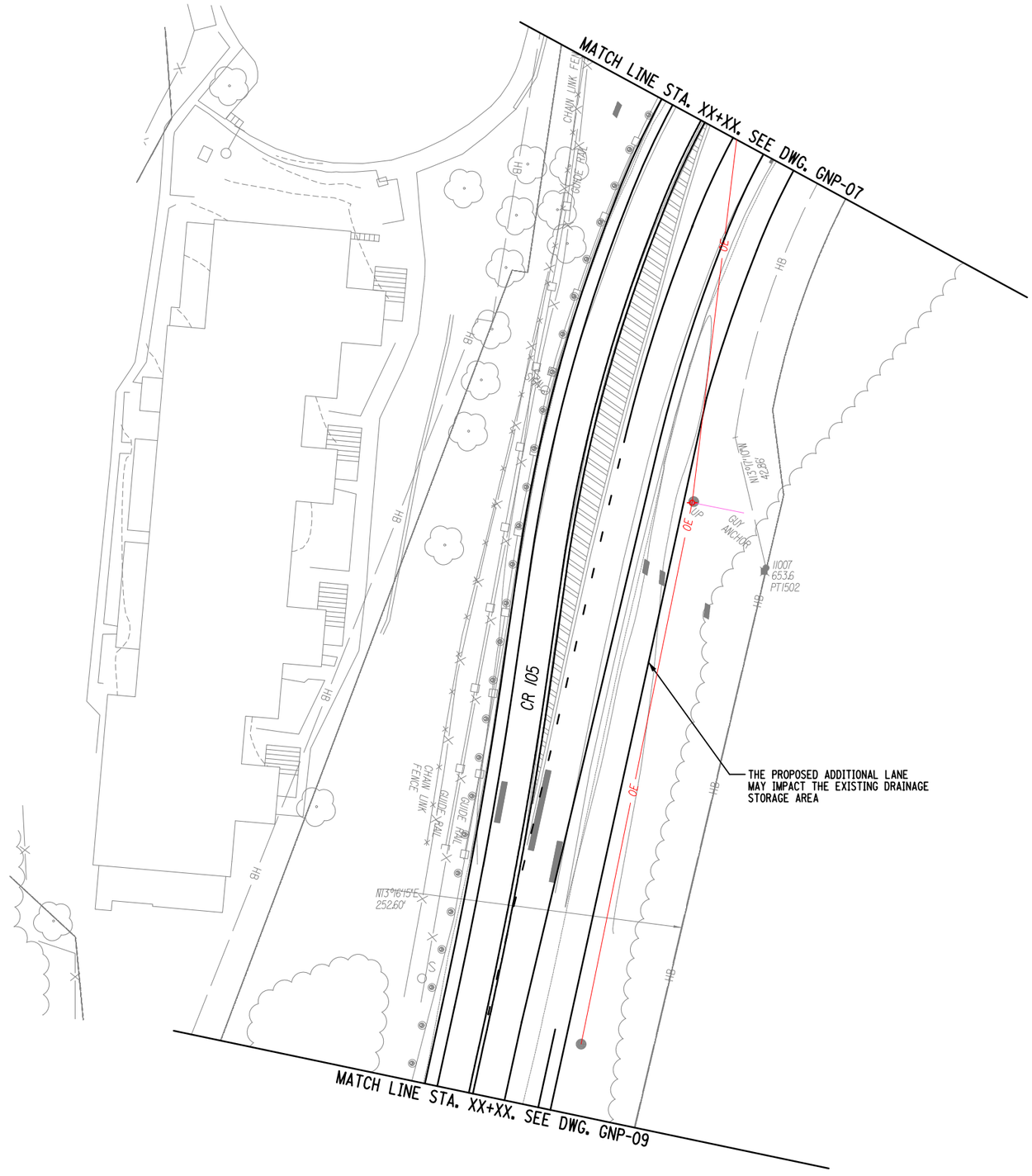
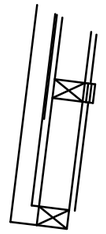


GRID NORTH



NOTES:

1. THE PROPOSED NORTHBOUND LEFT TURN LANE EXTENSION IS TO BE DONE BY TBD.

20 0 20 40 60 80′
1" = 40′

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX
DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-08

SHEET NUMBER ## of 10

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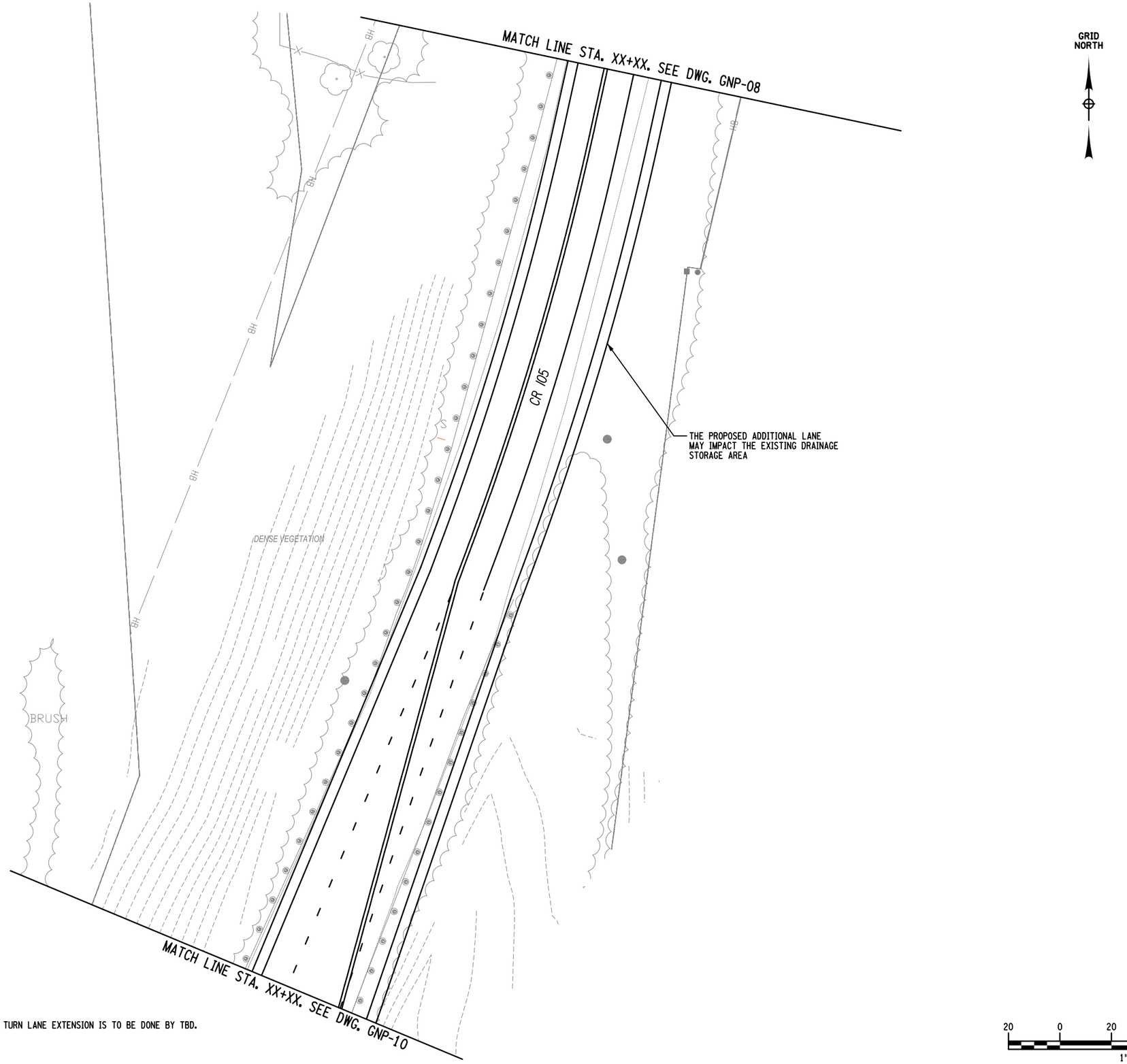


NOTES:

1. THE PROPOSED NORTHBOUND LEFT TURN LANE EXTENSION IS TO BE DONE BY TBD.

20 0 20 40 60 80′
1" = 40′

NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

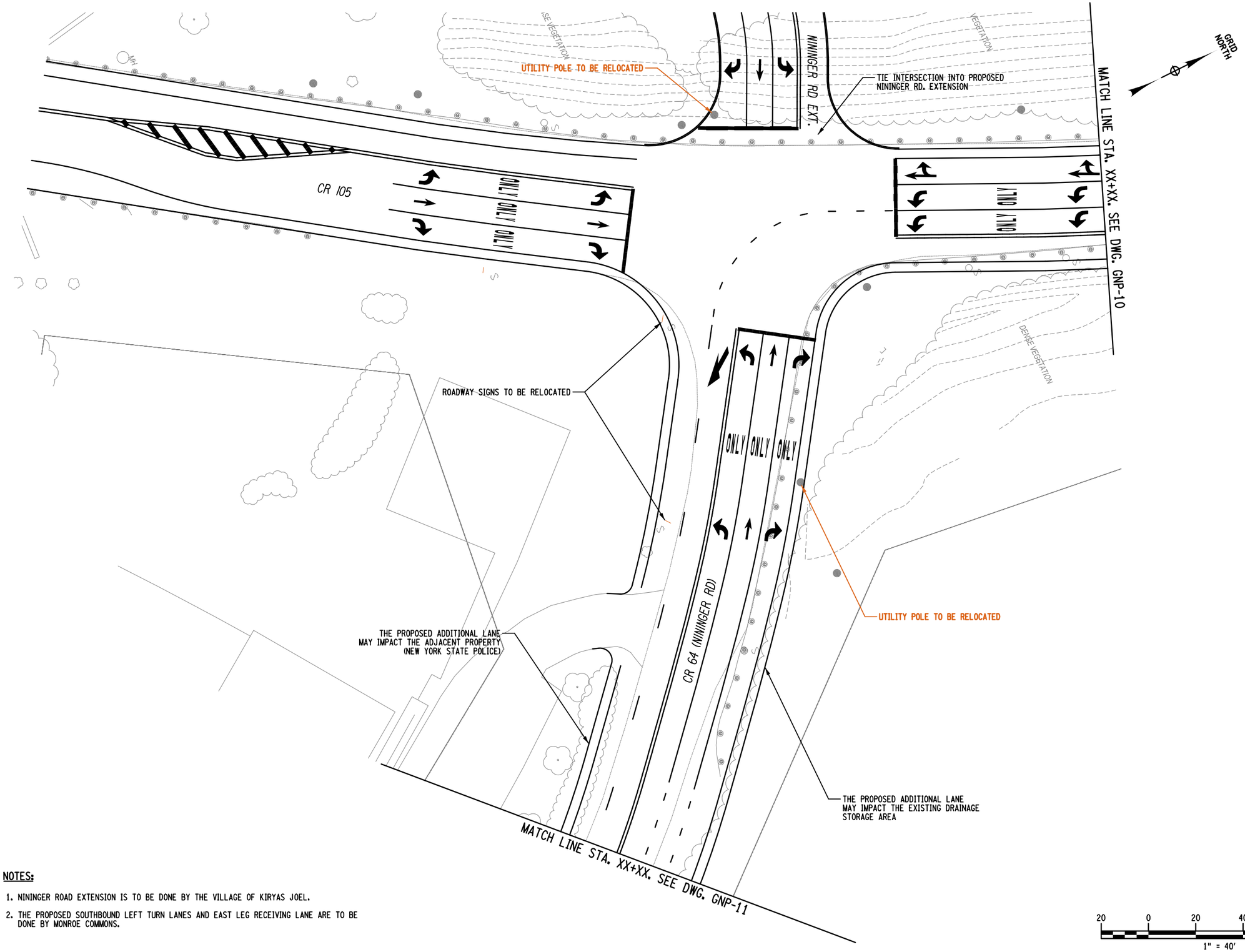
MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED | DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

GNP-09

SHEET NUMBER ## of 10



NOTES:

1. NININGER ROAD EXTENSION IS TO BE DONE BY THE VILLAGE OF KIRYAS JOEL.
2. THE PROPOSED SOUTHBOUND LEFT TURN LANES AND EAST LEG RECEIVING LANE ARE TO BE DONE BY MONROE COMMONS.

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NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR: MONROE NININGER LLC

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-10

SHEET NUMBER ## of 10

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NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR:
MONROE NININGER LLC

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX
DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-11

SHEET NUMBER ## of 10

Note: PLANTINGS, SIGNS, AND OTHER OBSTRUCTIONS SHALL BE MAINTAINED BELOW SIGHT LINES FOR DRIVERS EXITING THE SITE DRIVEWAYS

20 0 20 40 60 80'
1" = 40'

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NO.	REVISION	DATE	BY

Creighton Manning

PREPARED FOR:
MONROE NININGER LLC

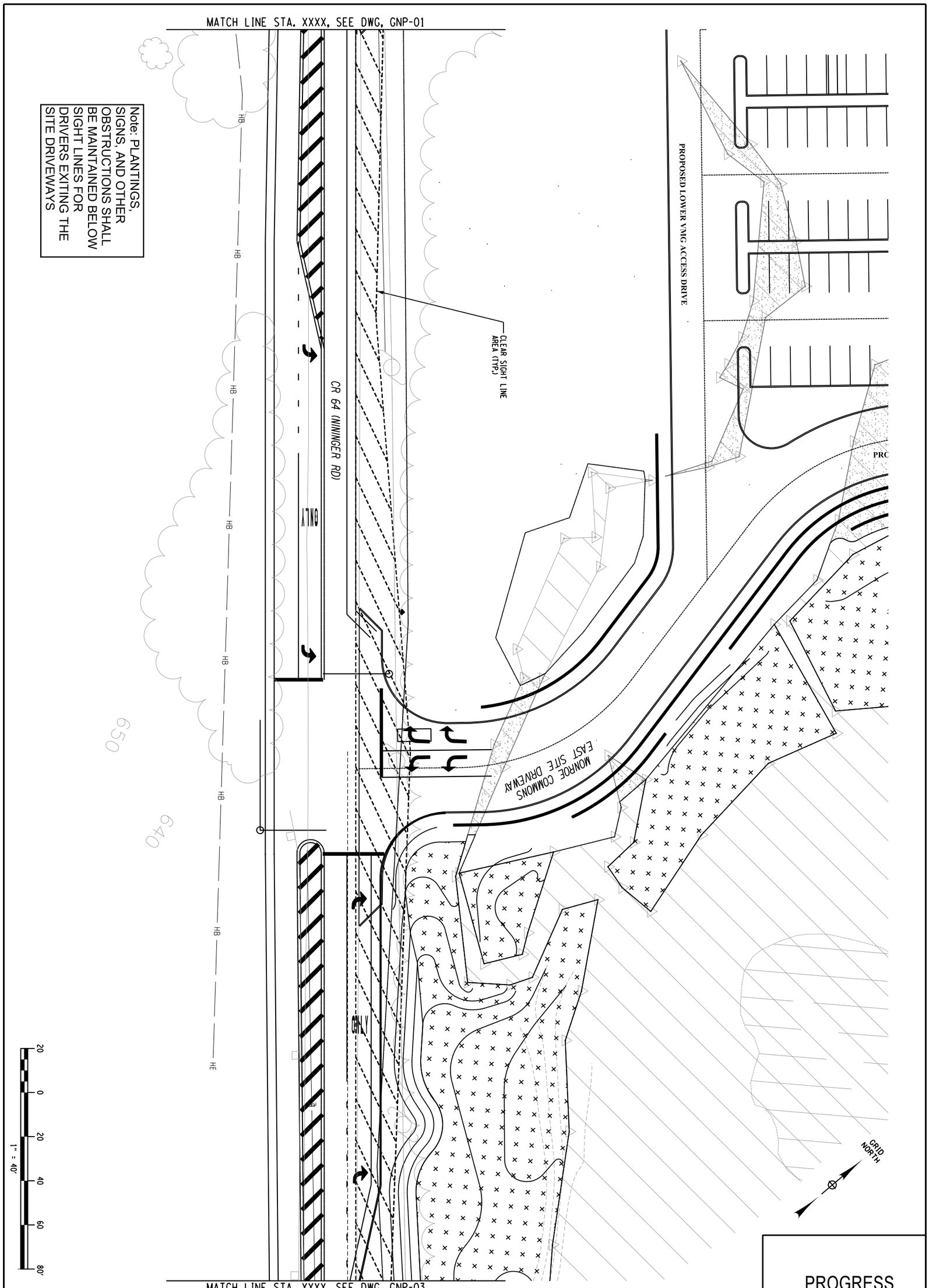
MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN
(SIGHT DISTANCE)

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX
DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

GNP-12

SHEET NUMBER ## of 10



GNP-13

SHEET NUMBER ## of 10

MONROE COMMONS TOWN OF MONROE
ORANGE COUNTY, NEW YORK

CONCEPT IMPROVEMENT PLAN
(SIGHT DISTANCE)

DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED

Creighton Manning

PREPARED FOR:
MONROE NININGER LLC

DESIGNED: XX | DRAWN BY: XX | CHECKED: XX

NO.	REVISION	DATE	BY

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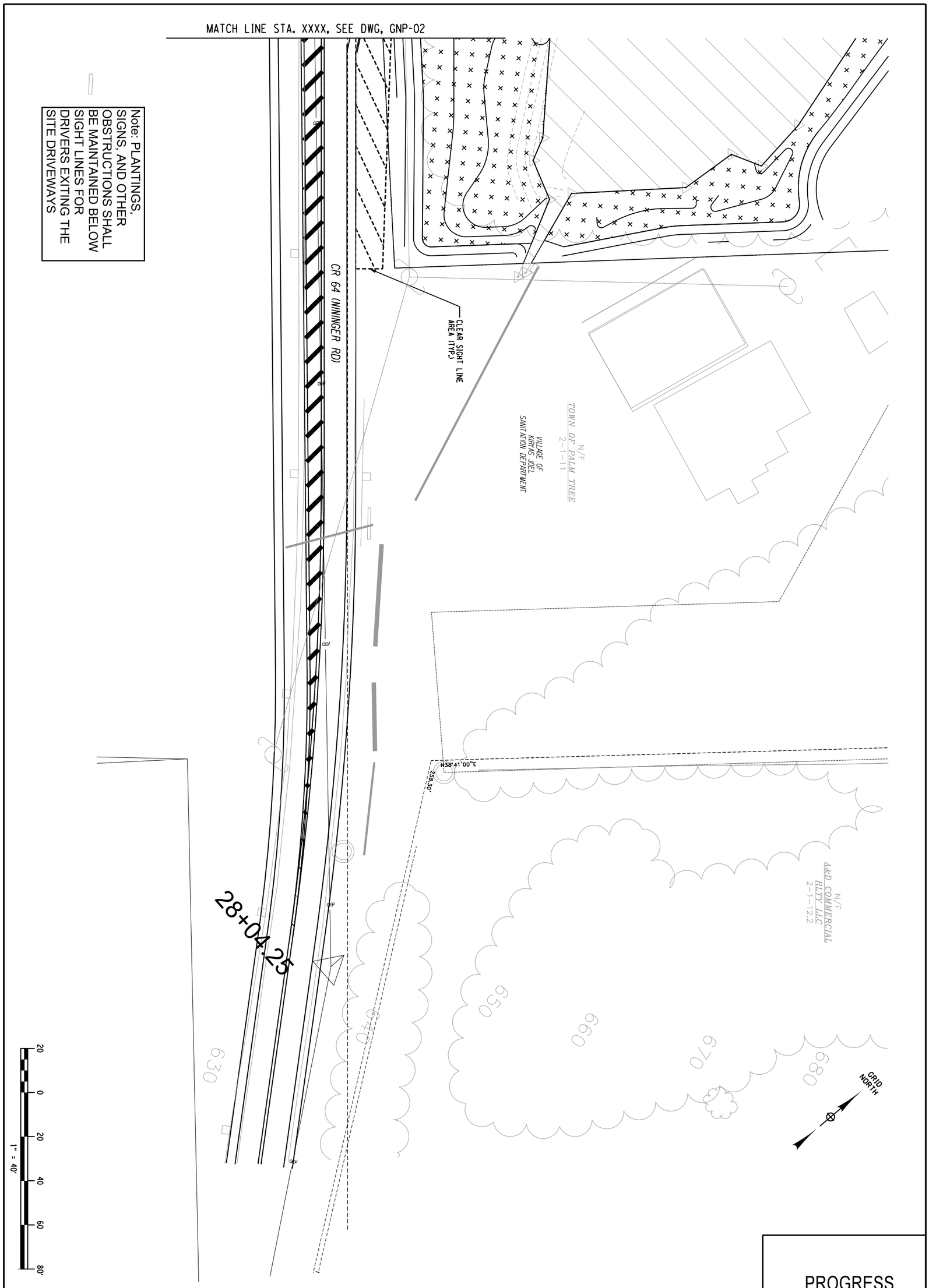


SHEET NUMBER ## of 10	**GNP-14**	MONROE COMMONS TOWN OF MONROE ORANGE COUNTY, NEW YORK	Creighton Manning	NO.	REVISION	DATE	BY	PROGRESS PRINT NOT FOR CONSTRUCTION	
		CONCEPT IMPROVEMENT PLAN (SIGHT DISTANCE)	PREPARED FOR: MONROE NININGER LLC						
		DATE: JANUARY 2024 | CM No.: 118-005 | SCALE: AS NOTED	DESIGNED: XX | DRAWN BY: XX | CHECKED: XX					DATE: 2/X/2023	

10.0 HISTORIC AND CULTURAL RESOURCES COMMENTS AND RESPONSES

No comments were received on 10.0 Historic and Cultural Resources section.

11.0 COMMUNITY FACILITIES AND SERVICES COMMENTS AND RESPONSES

Comment 11-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Page 11-9, Section 11.3.5 – Potential Impacts Solid Waste: Reference is made to an estimated 19 tons per month of solid waste from the project, and a 3:1 ratio of non-recyclable to recyclable materials. The text goes on to indicate that the expected generation would be 13 tons of solid waste and 6 tons of recyclable materials, but this results in a 2:1 ratio. The FEIS should clarify the assumptions.

> ***Response 11-1:*** *The sentence should be revised to read; "the expected generation would be approximately 17.7 tons of solid waste and 5.9 tons of recyclable materials."*

Comment 11-2 (Letter 7, Jennifer L, MacLeod, AICP, Senior Planner, Orange County Department of Planning, Monroe Commons DEIS, November 30. 2023):

The applicant indicates that there will be "little to no impact" to the State Police "emergency responses or responses directed onto Route 17 given its separate access to the highway" (p. 9-22). However, the applicant should also indicate if there will be any impacts on the State police's ability to respond to emergencies in other areas of the project site, including the Woodbury Commons, Harriman Commons, and the Monroe-Woodbury school campus that contains the high school, middle school, and Central Valley Elementary. Although these areas are served by local police forces, it is possible that they may need back up support in the event of an emergency.

> ***Response 11-2:*** *Mutual aid responses could be expected under certain situations. Nininger Road will have sections widened at the site driveway and Dunderberg Road intersection which will assist in allowing vehicles to pull over, out of the way of emergency responders.*

12.0 FISCAL AND ECONOMIC IMPACTS COMMENTS AND RESPONSES

Comment 12-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Page 12-15, Section 12.3 – Current and Projected Assessed Value of the Project Site: The Applicant should indicate whether there was any coordination with the Town's Assessor's Office regarding the $39.9 million market value estimate. While it is not necessary to coordinate with the Assessor's Office for purposes of this assessment, the FEIS should identify the source of estimate, and disclose that actual property taxes would be based on a market value established by the Town's Assessor's Office.

In addition, to help establish reasonableness of $39 million market value estimate, how does it compare to other comparable uses on a per square foot basis? It is understood that age and quality of product heavily influence value, limiting true comparables. In the absence of this benchmarking, the Applicant can consult with AKRF staff prior to submission of the FEIS and provide additional information regarding the assumptions used for the income-based approach to valuation.

> ***Response 12-1:*** *The Projected Assessed Value of the Project Site is based upon an analysis of typical rental values for the intended leases of the Monroe Commons Property. These values have been reviewed by AKRF staff and found to be reasonable. Actual future Assessed Values and future property taxes owed will be established by the Town Tax Assessor based upon values at the time of occupancy and will be subject to market conditions at that time.*

Comment 12-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Page 12-17, Section 12.3 – Municipal Costs Associated with the Proposed Project: In estimating that $51,833 of the tax levy is spent on municipal services to commercial establishments, why is the commercial assessed valuation ($15.3M) divided by the Town's total assessed valuation (AV), rather than total non-residential AV? AKRF's understanding of the ratio is to draw out the cost of commercial uses from the $776,887 non-residential costs.

> ***Response 12-2:*** *The subject text on DEIS pages 12-17 and 12-18 may be revised as follows;*
>
> *In this instance, per the Town's 2022 assessment roll, the total assessed valuation of the Town is $229,573,419, of which $182,220,248 or 79.4% is residential development.*
>
> *The Town's total budget is $9,778,189, of which $3,771,248 is raised by the property tax levy, thus $2,994,371 ($3,771,248 x 79.4%) of the tax levy is spent on residential services, leaving $776,877 for all other services including commercial.*
>
> *Commercial assessed valuation equals $15,317,000 which represents 6.7% of the Town total assessed valuation, thus it is estimated that approximately $252,674 ($3,771,248 x 6.7%) of the tax levy is spent on Commercial services. Per the US Census, there are 5,825 total jobs in the Town. Based upon data from the US Census on the Map program, approximately 60% of the total jobs are commercial. The cost per employee is estimated to be approximately $71 per worker.*

As stated earlier, the proposed Monroe Commons development previously included approximately 189,062 square feet of leasable commercial space, used for the analysis, and was anticipated to generate a range of 624 to 682 full-time employees. Based on a per employee expenditure of $71, the additional costs to the Town of Monroe were projected to range from $44,304 to $48,422. As presented in Table 12-5, the revenues to the Town from the proposed Monroe Commons would increase by $133,515 to an estimated $134,524 annually, thus the project would have resulted in a net benefit to the Town between $86,102 and $90,220.

Based upon the change in anticipated uses, between the DEIS and the FEIS, the project now totals approximately 189,056 square feet of leasable commercial space and is anticipated to generate approximately 767 full-time employees (see discussion in Chapter 1.0 Introduction). Based on a per employee expenditure of $71, the additional costs to the Town of Monroe are projected to be up to approximately $54,457. The tax revenues to the Town from the proposed Monroe Commons would increase by $140,728 to an estimated $141,736 annually, thus the Project will result in a net benefit to the Town between $87,279.

Comment 12-3 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
Clarification is needed regarding the applicant's reference to the "Village of Monroe's annual budget" and the "Village's tax rate" within section "12.3 Potential Impacts of the Proposed Project" (p.12-15), as this project is located in the Town of Monroe, but not the Village of Monroe.

Response 12-3: *The reference to the Village of Monroe on Page 12-5 was in error. The text should read "According to the Town of Monroe's annual budget, the Town's tax rate includes…"*

13.0 NOISE COMMENTS AND RESPONSES

Comment 13-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Since measured noise levels are presented in Table 13-4 for the weekday AM time period, this time period should be included in the analysis presented in Table 13-5 (and subsequent results tables) as part of the FEIS. If there is some reason not to include this time period (e.g., traffic data were not developed for this time period), that should be described in the FEIS.

Response 13-1: *Traffic generated by the Monroe Commons development is not expected to generate substantial trips in the a.m. peak period since the retail portion of the development will not be open in the peak a.m. period. Activity at the mixed-use development is expected to be highest during weekday p.m. peak periods and on Sunday p.m. peak periods. Therefore, a.m. peak periods were not selected for analysis. Noise measurements were collected in the a.m. peak periods to coincide with the traffic analysis and as a basis for comparison.*

Comment 13-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

The Low Volume Road Tool utilized for the DEIS assumed a 50-foot distance from receiver for all calculations and the analysis then applied a 3 dB per doubling of distance to project the noise to specific receptors. For the FEIS, separate calculations for each receptor in each time period and each scenario (i.e., existing, No Build, Build) should be provided individually.

Response 13-2: *Table 13-6A has been updated to show estimated noise levels for each receptor, at weekday p.m. peak and Sunday p.m. peak periods for: existing and No-Build conditions. Table 13-7A now shows existing, No-Build and Build conditions for the peak time periods, and provides a comparison of existing, No-Build and Build conditions.*

The Low Volume Road Tool was used to estimate noise loss over distance, at weekday p.m. peak and Sunday p.m. peak periods for: existing and No-Build and Build conditions. Those calculation are provided in FEIS Appendix J – Noise Supporting information. The Low Volume Road Tool has a distance limitation of 500 feet and therefore it could not be applied to Location 1 (On-site: 750 ft. from source) or Location 3 (Catskill High Rail: 800 ft. from source). The tool could be used to estimate noise loss over distance at Location 4; Dunderburg Road), and as comparison to the noise loss calculations made in the DEIS and FEIS for Locations 1 and 2 (see Table 13-7A).

Comment 13-3 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

The FEIS should provide a source for the vehicle mix percentages shown in the Low Volume Road Tool calculations.

Response 13-3: *The vehicle mix (cars, medium trucks, and heavy trucks) percentages were those provided in the Traffic Impact Study (see Appendix G to DEIS). In the DEIS, a vehicle mix for the peak hour periods was provided by the traffic engineer Creighton Manning. Those numbers could not be documented, and therefore the vehicle mix percentages shown in the Low Volume Road Tool calculation were updated to the vehicle classifications provided in the Traffic Study. The vehicle mix percentages are provided in*

FEIS Appendix J – Noise Supporting information. The vehicle mix for the peak hour period was not used, and instead a daily average was used (weekday and Sunday)

The update to the vehicle mix raised existing (source) vehicle noise by 0.1 dBA in the PM peak period and 0.2 dBA in the Sunday peak period, between the DEIS and the FEIS noise estimates. This change is considered insignificant.

Comment 13-4 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Table 13-5 appears in Section 13.2, "Future Without the Proposed Project," but includes "Estimated Build Noise Level." For clarity of results, the Build noise levels should have been held for section 13.3. Table 13-5 should be updated for the FEIS.

Response 13-4: *Table 13-5A has been updated, as provided below, to remove the Build noise levels. Revised Table 13-5A has also been updated to indicate "Source" noise levels or the noise levels produced by traffic.*

Comment 13-5 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, Table 13-5 should also be updated to include the incremental difference between Existing and No Build noise levels.

Response 13-5: *The difference between existing and No-Build conditions is provided in Table 13-5A.*

Comment 13-6 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, Table 13-6 (or some other table) should clearly present No-Build noise levels (and increment between No-Build and Existing) for each noise receptor location during each analysis time period. The current presentation in the DEIS does not allow the reader to easily follow from measured existing levels to estimated existing levels to No-Build levels.

Response 13-6: *An updated Table 13-6A is provided below and compares the difference between the existing noise levels and estimated No-Build levels, at each receptor location*.

Comment 13-7 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Section 13.3, "Potential Impacts of the Proposed Project" does not clearly present Build noise levels (and increment between Build and No-Build) for each noise receptor location during each analysis time period. This should be addressed through the FEIS and the Build noise levels should include all components of project-generated noise (vehicular traffic, mechanical equipment, parking lot).

Response 13-7: *See Response 13-2, above. Table 13-6 shows a comparison between existing and No Build condition* for each noise receptor location during each analysis time period. *Table 13-7A now shows existing, No-Build and Build conditions for the peak time periods at each location, and provides a comparison of existing, No-Build and Build conditions.*

As described in Response 13-2, the Low Volume Road Noise Tool has a distance limitation of 500 feet and could not be applied to Locations 1 and 3. The FHWA tool was used to estimate existing, No Build and Build conditions at Location 4 on Dunderburg Road. The Road Noise Tool values compared closely to the calculated values by TMA

(within 0.1 dBA). Therefore, the calculated noise loss over distance calculations for Locations 1 and 3 appear reasonable.

The Planning Board's noise consultant recommended that cumulative noise be calculated for the build condition, including noise from vehicular traffic, parking lot and mechanical equipment. Cumulative noise would only apply to receptor Location 1, at the property line with the VMG development since both mechanical and parking lot noise levels were below 50 dBA at the property line. The residences at Catskill High Rail (Location 3) are approximately 700 feet from the Monroe Commons property line and therefore would not be affected by either parking lot or mechanical equipment noise. The Monroe Woodbury Schools property is greater than one-half mile from the site.

Noise values are added logarithmically. The PM peak period cumulative noise values include:

Vehicle noise: 60.3 dBA
Parking lot noise: 47.5 dBA
Mechanical Equipment noise: 50 dBA (est,)

The cumulative Build condition PM peak noise level at Location is estimated to be 60.9 dBA. The noise level is below the 65 dBA HUD standard for residential uses.

Comment 13-8 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023
The parking lot noise analysis methodology is based on a very limited data set from outside the U.S. For the FEIS, the Applicant should provide justification for using this methodology, including provision of examples of New York State environmental review documents that accepted this methodology in the past if possible. Alternatively, the Applicant may use the FTA's generally accepted methodology as was suggested in the completeness comments.

Response 13-8: *The DEIS utilized a German government study for the analysis of parking lot noise for the proposed development. As suggested by the Planning Board's noise consultant, Federal Transportation Administration (FTA) Transit Noise and Vibration Impact Assessment Manual (September 2018) was used to analyze future parking lot noise and its potential impact to sensitive receptors. A summary of the analysis is provided in Appendix J – Noise Supporting information.*

The center of the main western parking lot was used as the "source" location, as recommended by the FTA manual. A Figure showing the "source" for parking lot noise and the receptor is provided in Appendix J. These peak noise levels were adjusted for the distance to the VMG property line estimated as 210 feet. Using the FTA Manual calculations, the noise loss over distance resulted in a sound level of 47.5 dBA for the p.m. weekday peak and 46.2 dBA for the Sunday peak. These parking lot noise levels are substantially lower than those estimated in the DEIS, based upon the German government study.

Table 13-5A Existing and Estimated Future Traffic Noise Levels							
Time Period	**Existing Trips**	**No-Build Trips***	**Build Trips***	**Existing Noise Level dBA** LAeq-1 hr.	**Estimated Existing Noise Level dBA** LAeq-1 hr.	**Estimated No-Build Noise Level dBA** LAeq-1 hr.	**Estimated Incremental Increase in Noise Level dBA** LAeq-1 hr.
PM Peak	835	1915	2391	**June, 2023** Loc.2 - 70 Loc. 5 – 72.6**	68.9	72.5	+3.6
Sunday 1:00 to 2:00	708	1644	1958	**Jan., 2023** Loc. 2 - 67.0 Loc. 5 - 66.3 **June, 2023** Loc. 2 – 67.9 Loc. 5 – 71.8**	67.7	71.3	+3.6

Note: * Trips are based upon TIS estimates for Nininger Road. Road segments east and west of the site are averaged.
** - Measured June noise levels at Location 5 potentially influenced by monitoring location (see discussion above).
Estimated noise levels were calculated with FHWA *Low Volume Road Tool using traffic volumes*.

Table 13-6A
Comparison of Existing to Estimated No-Build Condition Noise Levels (dB)

	PM Peak Period			***Sunday Peak Period***		
Location	**Existing Condition Noise dBA**	**Estimated No-Build Condition Noise dBA**	**Estimated Change**	**Existing Condition Noise dBA**	**No-Build Condition Noise dBA**	**Estimated Change**
Nininger Rd. (Noise Source)	68.9	72.5	+3.7 dBA	67.7	71.3	+3.6 dBA
Location 1 (on-site)	56.8**	60.8	+4.0 dBA	52.9**	59.6	+6.7 dBA
Location 3 (Catskill High Rail)	57.4**	60.4	+3.0 dBA	54.8**	59.2	+4.4 dBA
Location 4 (Dunderburg Rd)	58.5** **59.5**	63.0 **63.1**	+4.5 dBA **+3.6 dBA**	56.6** **58.5**	61.8 **61.8**	+5.2 dBA **+3.3 dBA**

** - Existing noise levels provided are a logarithmic average of noise measurements collected (LAeq-1 hr.) on Sunday January 8, 2023 and June 11, 2023 and Monday January 9, 2023 and June 12, 2023.
Bold – value estimated with FHWA *Low Volume Road Tool* at 400 ft.

Table 13-7A
Comparison of Existing, No-Build and Build Condition Noise Levels (dB)

	PM Peak Period				***Sunday Peak Period***			
Location	**Existing Condition Noise dBA**	**Estimated No-Build Condition Noise dBA**	**Estimated Build Condition Noise dBA**	**Estimated Increase No-Build to Build**	**Existing Condition Noise dBA**	**No-Build Condition Noise dBA**	**Build Condition Noise dBA**	**Estimated Increase No-Build to Build**
Nininger Rd. (Noise Source)	**68.9**	72.5	73.5	+1.0 dBA	**67.7**	71.3	72.1	+0.7 dBA
Location 1 (on-site)	56.8**	60.8	61.8	+1.0 dBA	52.9**	59.6	60.3	+0.7 dBA
Location 3 (Catskill High Rail)	57.4**	60.4	61.4	+1.0 dBA	54.8**	59.2	59.9	+0.7 dBA
Location 4 (Dunderburg Rd)	58.5** **59.5**	63.0 **63.1**	64.0 **64.1**	+1.0 dBA **+1.0 dBA**	56.6** **58.5**	61.8 **61.8**	62.5 **62.6**	+0.7 dBA **+0.8 dBA**

** - Existing noise levels provided are a logarithmic average of noise measurements collected (LAeq-1 hr.) on Sunday January 8, 2023 and June 11, 2023 and Monday January 9, 2023 and June 12, 2023.

Bold – value estimated with FHWA *Low Volume Road Tool* at 400 ft.

14.0 AIR QUALITY COMMENTS AND RESPONSES

Comment 14-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Section 14.1: The FEIS should confirm that the 1997 8-hour ozone standard has been revoked by EPA, and Orange County is in attainment for the 2015 and 2008 8-hour ozone standards.

> ***Response 14-1:*** *Comment noted. It is confirmed that the 1997 8-hour ozone standard has been revoked by EPA, and that Orange County is in attainment for the 2015 and 2008 8-hour ozone standards.*

Comment 14-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the stationary screening performed for the natural gas and electric heating and cooling systems should disclose the distance between the Project Site and the nearest building of similar or greater height identified in the analysis (on the VMG property), the minimum setback measured from the extent of the Project Site that the exhaust stack location would be required to meet in order to ensure the 275 feet distance is maintained, and confirm the exhaust stack would be located above the height of the existing residences to the east/northeast of the Project Site.

> ***Response 14-2:*** *Comment noted. The nearest* proposed *residential building is on the VMG site and is approximately 135 feet from the northwest façade of the proposed Monroe Commons building. In order to maintain a 275-foot separation distance between the exhaust stack and the nearest adjoining building, the stack will need to be 140 feet from the northwest façade. The exhaust stack will be located above the height of adjoining residential buildings on the VMG site.*

Comment 14-3 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the mobile source intersection screening analysis should be performed using the 2024 Build conditions (without improvements) as reported in Chapter 9, "Traffic and Transportation," to confirm that the recommended traffic mitigation measures are not required to mitigate potential air quality impacts.

> ***Response 14-3:*** *Most improvements included within the "Build with improvements" scenario include modifications being performed by others and not project-related mitigation measures, (i.e., those improvements will be implemented by others, regardless of the project). Chapter 9.0 Transportation and Traffic describes the applicant's participation in on-site and off-site traffic improvements and those improvements that are to be implemented by others. The applicant is committed to implementing traffic mitigation measures to minimize traffic-related impacts. The applicant is coordinating with NYSDOT and OCDPW to implement the traffic mitigation measures. Therefore, the mobile source intersection screening was performed for the "Build with improvements" condition to demonstrate there will be no anticipated air quality impacts with the traffic improvements committed specifically for the project.*

Comment 14-4 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the mobile source intersection CO screening assessment should disclose the percent change in speed and the percent change in vehicle emissions at intersections with predicted LOS D or worse in the 2024 Build condition in order to demonstrate that the relevant

Capture Criteria will be met.

Response 14-4 *The following tables summarize the anticipated speed changes between the 2024 No Build and 2024 Build with improvements condition for the 2024 Build with improvements peak hour(s) where LOS D or worse is predicted and average speeds are less than 30 mph. In general, average speeds are anticipated to improve significantly with improvements made by others and measures being implemented as part of the Proposed Project. There are 3 approach legs where speed reductions are anticipated to be greater than 20%, as shown in the tables below.*

Table 14-1
Summary of Speed Changes – CR 105/Bakertown Rd/VMG Driveway
2024 No Build and 2024 Build with Improvements

Approach Leg	2024 No Build Speeds Average Speeds (mph)			2024 Build with Improvements Average Speeds (mph)			Change in Speed		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
EB	N/A	3	N/A	N/A	15	N/A	N/A	400%	N/A
WB	N/A	4	N/A	N/A	12	N/A	N/A	200%	N/A
NB	**N/A**	**6**	**N/A**	**N/A**	**4**	**N/A**	**N/A**	**-33%**	**N/A**
SB	N/A	1	N/A	N/A	7	N/A	N/A	600%	N/A

Notes:
"N/A" indicates that the predicted LOS is C or better in the future year 2024 Build with improvements condition. Therefore, no speed changes were compared.
Bold font represents intersection approach legs where greater than 20% reduction in speeds is anticipated where speeds are less than 30 mph.

Table 14-2
Summary of Speed Changes – CR 64/NY Route 32
2024 No Build and 2024 Build with Improvements

Approach Leg	2024 No Build Speeds Average Speeds (mph)			2024 Build with Improvements Average Speeds (mph)			Change in Speed		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
Rt 32 SB T/R	30	25	30	30	26	30	0%	4%	0%
Rt 32 NB L	0	0	0	1	2	1	N/A	N/A	N/A
CR 64 EB R	**5**	**1**	**2**	**3**	**1**	**2**	**-40%**	**0%**	**0%**

Notes:
"N/A" indicates that the predicted LOS is C or better in the future year 2024 Build with improvements condition.
Bold font represents intersection approach legs where greater than 20% reduction in speeds is anticipated where speeds are less than 30 mph.

Table 14-3
Summary of Speed Changes – NY Route 17 WB Ramps/NY Route 32
2024 No Build and 2024 Build with Improvements

Approach Leg	2024 No Build Speeds Average Speeds (mph)			2024 Build with Improvements Average Speeds (mph)			Change in Speed		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
Rt 17 WB Off	N/A	0	N/A	N/A	0	N/A	N/A	N/A	N/A
Rt 32 NB	N/A	28	N/A	N/A	28	N/A	N/A	0%	N/A
Rt 17 WB Off	N/A	7	N/A	N/A	7	N/A	N/A	0%	N/A
Rt 32 SB	**N/A**	**9**	**N/A**	**N/A**	**7**	**N/A**	**N/A**	**-22%**	**N/A**

Notes:
"N/A" indicates that the predicted LOS is C or better in the future year 2024 Build with improvements condition.
Bold font represents intersection approach legs where greater than 20% reduction in speeds is anticipated where speeds are less than 30 mph.

The following table presents the change in emissions between 2024 No Build and Build with improvements conditions for all intersections operating at LOS D or worse under the 2024 Build with improvements condition. As shown in the table, an increase in emissions greater than 10% at the intersection of NY Route 17 WB Ramps with NY Route 32 is predicted.

Table 14-4
Summary of Overall Intersection Emissions Changes at Worst Operating Intersections
2024 No Build and 2024 Build with Improvements

Intersection	Emissions Change (grams)		
	No Build Emissions	Build w/ Improvements Emissions	Change
County Route 105/ Bakertown Road/ VMG Driveway (PM Peak)	8851	5980	-32%
CR 64/NY Route 32 (AM Peak)	5077	4122	-19%
CR 64/NY Route 32 (PM Peak)	8883	7682	-14%
CR 64/NY Route 32 (Sunday Peak)	7440	6193	-17%
NY Route 17 WB Ramps/NY Route 32 (PM Peak)	13018	14920	15%

As discussed within the Traffic Impact Study, the intersection of NY Route 17 WB Ramps with NY Route 32 operates with adaptive signal control. In other words, the signal timing adjusts based on observed volume through the intersection during the peak hours. According to the project traffic engineer, the signal timings could vary cycle by cycle based on the observed volumes. Additionally, traffic projections to/from Route 32 and on/off Route 17 intersections are conservative and likely higher than what will actually occur. Therefore, traffic mitigation measures are not recommended for the intersection, and it is unlikely that the low speeds used to calculate intersection emissions would occur in reality. With the adaptive signal control, delays could be reduced, translating to increased speeds and lower overall intersection emissions than conservatively estimated.

The volume thresholds provided within the TEM were developed using MOBILE5b, which is an outdated USEPA emissions model. The queue emissions factors provided in Table 3c for signalized intersections are significantly higher than idle emission factors yielded

with USEPA's current MOVES model. The free flow emission factors are also higher. To use the table, we assume the lowest available queue emission factor of 100 grams/hour and lowest free flow emission factor of 2.5 grams/mile, which provides a volume threshold of 4,000 vehicles. This volume threshold is applicable at any approach leg for signalized intersections, according to the TEM. The tables below summarize the approach volumes at each of the signalized intersections where LOS D or worse is predicted and average speeds are less than 30 mph. As shown in the tables, none of the approach volumes exceed the volume threshold of 4,000 vehicles identified in Table 3c of the TEM. Therefore, further modeling is not warranted.

Table 14-5
Summary of Intersection Approach Traffic Volumes – CR 105/Bakertown Rd/VMG Driveway
2024 Build with Improvements

Approach Leg	Traffic Volumes		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
EB	979	790	681
WB	175	493	404
NB	797	1007	856
SB	634	594	517

Table 14-6
Summary of Intersection Approach Traffic Volumes – CR 64/NY Route 32
2024 Build with Improvements

Approach Leg	Traffic Volumes		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
EB	624	1009	832
WB	394	148	117
NB	1679	2872	2335
SB	1241	1642	1274

Table 14-7
Summary of Intersection Approach Traffic Volumes – NY Route 17 WB Ramps/NY Route 32
2024 Build with Improvements

Approach Leg	Traffic Volumes		
	AM Peak Hour	PM Peak Hour	Sunday Peak Hour
EB	NA	NA	NA
WB	1045	1947	1635
NB	1213	1810	1510
SB	1975	2455	1933

Comment 14-5 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the mobile source intersection PM screening assessment should rely on NYSDOT and EPA guidance for projects that would require a $PM_{2.5}$ hot-spot analysis as presented in Chapter 14. If additional screening is performed using the *CEQR Technical Manual* $PM_{2.5}$ screening procedures, the number of heavy-duty vehicle traffic or its equivalent in vehicular emissions should be determined for each intersection, as described in Section 210 of Chapter 17, "Air Quality," of the *CEQR Technical Manual*.

Response 14-5: *PM screening based on NYSDOT and EPA guidance was used to evaluate the potential for significant adverse impacts from project-generated truck trips. CEQR HDDV screening volumes were used as a reference in the DEIS for further justification that no PM hot-spot analysis would be required. However, the CEQR criteria are not relied upon for our conclusions.*

Comment 14-6 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the mobile source intersection PM screening assessment should qualitatively discuss the generated truck traffic that would be routed to the loading area on the eastern portion of the Project Site, and the potential bus transit routes that may be located on site to accommodate transit needs (as discussed in Chapter 9, "Traffic and Transportation").

Response 14-6: *Truck trips to/from the loading area on the eastern portion of the site would be generated by linens/laundry delivery, delivery of office supplies, retail related deliveries, and miscellaneous deliveries via FedEx/UPS/Amazon. Daily deliveries associated with laundry/linens deliveries, retail and miscellaneous deliveries are estimated at approximately 11 trucks per day, equating to less than 1 truck per hour since it is unlikely that all deliveries would occur at the same time. In addition, 2 truck trips per week are anticipated for office supply deliveries. Therefore, project-generated truck traffic is not anticipated to result in significant adverse air quality impacts.*

Comment 14-7 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the emission modeling for the parking analysis should be performed using the latest county-specific information for use in the MOVES emission model, as provided by New York State Department of Environmental Conservation (NYSDEC). The MOVES input files (MRS files), county- specific database inputs, MOVES vehicle emissions output, and MOVES vehicle activity output should be included in and updated Appendix J, "Air Quality References."

Response 14-7: *National defaults were used in the emissions modeling, which is considered conservative. Since this project is not subject to CEQR review, there is no requirement to update the emissions modeling using NYSDEC's county-specific database.*

Comment 14-8 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the emission modeling for the parking analysis should be updated to no longer use the "speed < 2.5 mile per hour" speed bin emission factors to estimate idle emission factors. Additional emissions modeling should be performed to obtain the idle emission factors directly from vehicles that would operate in the proposed surface parking lot as obtained using the MOVES3.

Response 14-8: *The idle emission factors from MOVES3 output in grams/veh-hour are less than the scaled emission factors used in the parking lot model for idling using the "speed < 2.5 miles per hour" speed bin. For CO, the analysis assumes an idle emission factor of 10.4 grams/veh-hour, while the CO idle emission factor from MOVES is 0.86 grams/veh-hour. For PM2.5, the analysis assumes an idle emission factor of 0.00977 grams/veh-hour, whereas the PM2.5 idle emission factor from MOVES is 0.00964 grams/veh-hour. Therefore, the analysis is conservative and does not need to be updated.*

Comment 14-9 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

For the FEIS, the parking analysis should qualitatively (or semi-quantitatively) discuss emissions from the generated truck traffic that would be routed to the loading area on the eastern portion of the Project Site, and the potential bus transit routes that may be located on site to accommodate transit needs (as discussed in Chapter 9, "Traffic and Transportation").

Response 14-9: *See response to comment 14-6. Similar to truck deliveries, it is anticipated that potentially one to two buses per hour would circulate through the project site and therefore, would not result in significant adverse air quality impacts.*

Comment 14-10 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

The parking analysis in the DEIS is based on the use of the CAL3QHC dispersion model. The American Meteorological Society/EPA Regulatory Model (AERMOD) is EPA's required near-field dispersion model for regulatory applications, and no longer accepts the use of CAL3QHC model for PM analyses. For the FEIS, the Applicant should provide justification for using this methodology. Alternatively, the Applicant may use either EPA's AERMOD dispersion model or the screening methodology as described in the Air Quality Appendix of the *CEQR Technical Manual*. Any spreadsheet calculations or modeling input/output files should be included in an updated Appendix J, "Air Quality References."

Response 14-10: *CAL3QHC was used in screening mode to evaluate both CO and PM concentrations from the proposed parking areas. Use of CAL3QHC in screening mode is conservative and allowable based on CEQR Technical Manual guidance. Section 321.2 indicates emissions may be modeled as line sources in CAL3QHC or CAL3QHCR. CAL3i, which is FHWA's graphical user interface (GUI) for CAL3QHC was used to develop the parking lot model. The screenshot below illustrates the link and receptor geometry used in the model. Georeferenced coordinates were not used, but the setup is meant to replicate traveling and idling throughout the extents of the parking lot by recreating the arrival traveling distance, idle time, and departure travel distance. Specifically, as detailed within the air quality chapter of the DEIS, the analysis assumed 621 vehicles enter the lot and travel approximately 900 feet, idle for 60 seconds, per CEQR Technical Manual guidelines, make a right and travel approximately 900 feet down and back again. The arrival and departure traveling distances were determined based on the distance from the entrance on Nininger Road to the edge of the rear second- and third-floor parking lot in the northwest corner of the site. This distance is approximately 900 feet and was meant to represent a worst-case travel distance, since most cars would not enter and travel to the last parking space. Conservatively, the analysis assumes vehicles travel a total of 3,600 feet (i.e., 900 feet north, make a right turn and travel 900 feet east, turn around and travel 900 feet west, then travel 900 feet south back to the entrance). In addition, rather than traveling emissions spread out over the entire lot, the analysis assumes the emissions are concentrated along the four free flow links directly adjacent to modeled receptors.*

Based on Appendix E of the Traffic Impact Study, a minimum of 436 spaces is recommended to accommodate projected parking demand, and the maximum provided paved spaces is 621. Therefore, the parking dispersion model assumes that the maximum number of vehicles would enter, idle, and exit every hour. This assumption is very conservative, since the parking demand assessment for the project estimates that parking

lots would be approximately one-third empty with 621 spots constructed. With one queue link modeled, all idling was assumed to occur directly adjacent to receptors, which is also conservative, since idling would theoretically be spread out over the dimensions of the surface lots.

MOVES emission factors for 5 mph speed were used to estimate traveling emission rates, while idle emissions were conservatively scaled from 2.5 mph speeds. Actual idle emissions from MOVES are lower. USEPA modeling defaults were used, assuming 1.0 m/s at Class 4 stability for meteorological conditions across the 36 wind directions. Receptors were automatically generated using the CAL3i interface, consistent with USEPA guidance. As illustrated in the screenshot below, their placement is conservative at USEPA's default wake zone distance since many lie within the actual parking lot.

Maximum concentrations were scaled using USEPA factors to derive 1-, 8-, and 24-hour averaging periods. Concentrations were then added to background values for each pollutant and averaging period and compared to the NAAQS. Maximum concentrations from the conservative modeling approach and receptor placement result in maximum on-site concentrations. Off-site concentrations would be much lower. As shown in the table below, predicted concentrations are approximately 12 to 13 percent of the total CO concentration and approximately one percent of the total PM2.5 concentration. Resultant concentrations from proposed surface parking lots are low, and therefore, no exceedances of the applicable NAAQS are anticipated using the more refined AERMOD dispersion model.

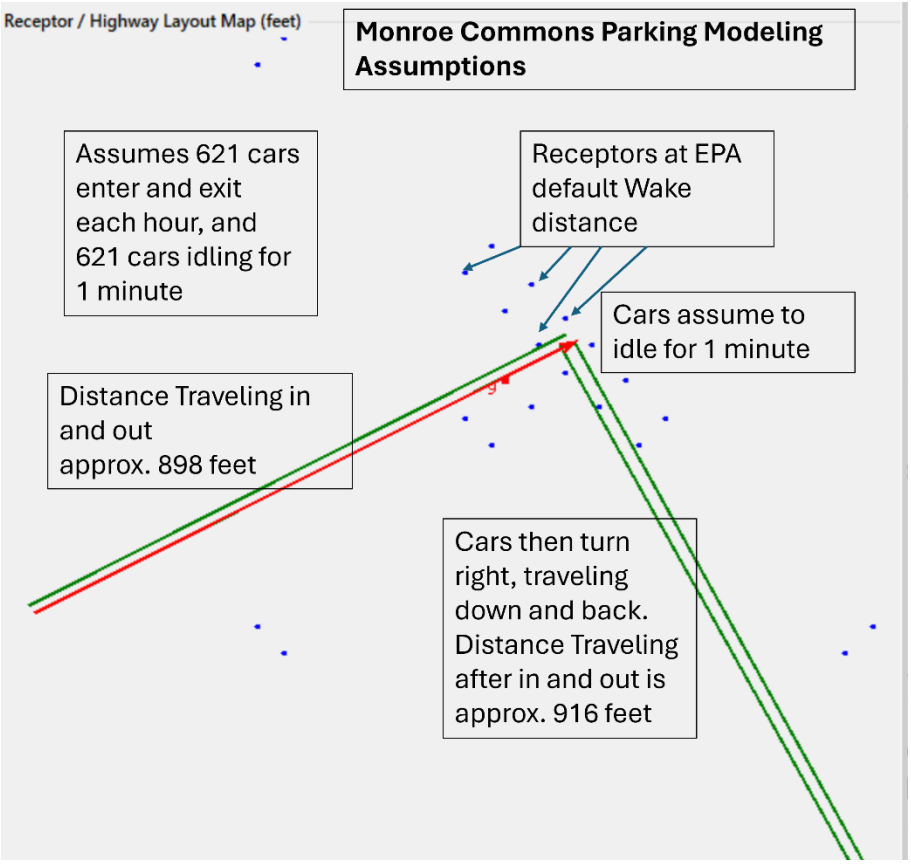


Table 14-8 Mobile Source Surface Parking Assessment Results						
Pollutant	Averaging Time	Background Concentration	Maximum Modeled Concentration	Total Concentration	NAAQS	Parking Area Percent of Total Concentration
CO	1-hour	2.0 ppm	0.3 ppm	2.3 ppm	35 ppm	13%
	8-hour	1.6 ppm	0.21 ppm	1.81 ppm	9 ppm	12%
$PM_{2.5}$	24-hour	17.8 µg/m^3	0.12 µg/m^3	17.92 µg/m^3	35 µg/m^3	1%
	Annual	6.2 µg/m^3	0.03 µg/m^3	6.23 µg/m^3	12 µg/m^3	0.5%

15.0 VISUAL RESOURCES AND COMMUNITY CHARACTER COMMENTS AND RESPONSES

Comment 15-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Refer to Comment #3 above (FEIS comment 2-3) regarding the project's architecture, lighting and landscaping being subject to conditions imposed by the Planning Board's eventual decision on the site plan. During the public hearing held on November 21, 2023, the Planning Board Chair expressed concern about the white color presented for the building and inquired about the possibility of a more earth-toned color palette for the architecture.

> ***Response 15-1:*** *The Applicant understands the Planning Board's intent to have the building visually blend in with background trees and earth-tones. The proposed white stucco and cast stone treatment is intended to replicate a natural limestone or marble appearance. No unnatural or garish colors are proposed to make the building stand out in the landscape. The Applicant has explored other architectural treatments, and found that contemporary architecture typically includes lighter color. The building will be set back a minimum of 480 feet from Nininger Road and therefore will not be a prominent visual feature from Nininger Road or NYS Route 17. The extensive landscaping proposed in parking areas and at the building entrances will also soften the appearance of the building from Nininger Road and NYS Route 17.*

Comment 15-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Page 15-6, Section 15.2 Potential Impacts – Site Lighting: The DEIS acknowledges the Town Code's requirements (57-21.6 C(6)) on site lighting, which state the following: *"Illumination from light fixtures shall not exceed 0.05 footcandle on adjacent residential property, or 0.1 footcandle on adjacent business property, as measured along the shared property boundary at ground level. A maximum uniformity ratio (average to minimum) of 4:1 shall be achieved for all lit areas".* The DEIS also acknowledges that the Town Code provides the Planning Board with discretion to impose conditions or waivers related to the lighting code. Based on review of the current lighting plan, compliance with Town Code footcandle level requirements may not be achievable at the shared property line with the VMG residential development (where future construction will result in residences abutting the property line), or the shared property line with the Village of Woodbury parcel (which is a vacant wooded slope). It appears that there are other standards also not being met (height of light fixtures, 4:1 uniformity ratio, etc.). The text of the DEIS does not fully disclose these conditions. The FEIS should be clear with regard to the lighting levels at the property lines and the uniformity ratio across the site. If full compliance with all of the Town's lighting standards will not be met, the FEIS should elaborate on the specific waivers the Applicant will be requesting from the Planning Board on lighting. In doing so, the FEIS should list each of the standards found at 57-21.6 C and whether the project's lighting plan will comply.

> ***Response 15-2:*** *The project lighting consultant, Damin Sales, has revised the Lighting Plan to more fully conform to the Town of Monroe Code requirements (57-21.6 C(6) – Lighting). The updated Lighting Plan is attached. As shown on the plan, the lowest isoline illuminance (Fc) value has been reduced to 0.1 footcandles. The luminescent watts and total watts for pole mount lights have been substantially reduced for most locations (see Sheet 6 of 7). The number of light fixtures has been reduced from 80 to 66 (see Sheet 7 of 7). The most significant change in lighting is the reduction of pole height from the previous range of 20 to 39 feet, to a range of 20 to 25 feet. This change will reduce glare from the parking lot, from the downward directed lights, since the fixtures will be closer to the ground.*

Following these revisions, the Lighting Plan still results in some light spillage above the Code requirement of: "Illumination from light fixtures shall not exceed 0.05 footcandle on adjacent residential property, or 0.1 footcandle on adjacent business property, as measured along the shared property boundary at ground level". The Code requirement is not feasible for the Applicant to achieve given that lighting poles to illuminate parking spaces and driveways are located close to or at the property line. The Applicant acknowledges that light spillage will occur at the two driveway entrances on Nininger Road and near the two shared driveways with the VMG development. This lighting is necessary for vehicle and pedestrian safety.

The height of the poles has been reduced to the extent practical to 25 feet, not meeting the Code requirement of 20 feet, maximum.

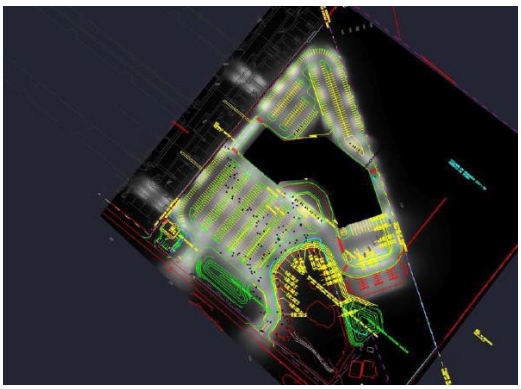
Town Code Section 57 -21.6C(12) grants the Planning Board the authority to waive the requirements set forth in Section 57-21.6C "[w]here site conditions warrant exceptions to the strict application of [the] lighting standards" and the Planning Board, "determines that the waiver shall not violate the purposes of this [Section 57-21.6]." Based upon the revised lighting plan and efforts to "minimize light pollution in the Town" (see Town Code § 57-21.6A), the Applicant respectfully requests a waiver from the Planning Board for relief from the following lighting requirements in the Code:

> *§ 57-21.6C(3): The maximum height of the fixture shall not exceed 20 feet, and*
>
> *§ 57-21.6C(6): Illumination from light fixtures shall not exceed 0.05 footcandle on adjacent residential property, or 0.1 footcandle on adjacent business property, as measured along the shared property boundary at ground level.*

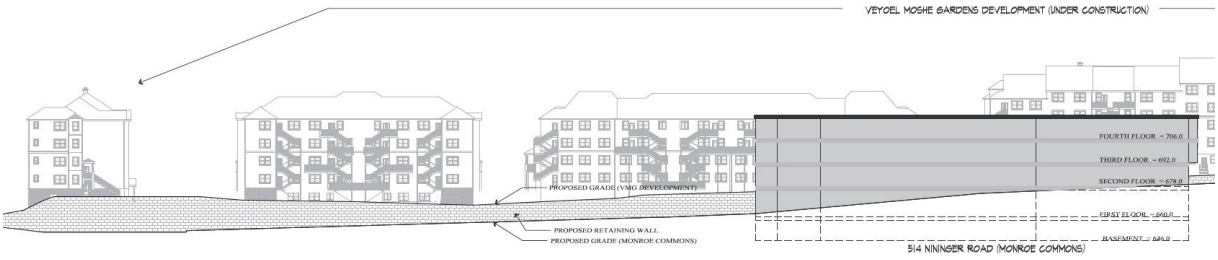
The Applicant has represented that site conditions warrant exceptions to the strict application of these standards in order to provide the necessary lighting for vehicle and pedestrian safety, and that the waiver will not violate the purposes of Town Code § 57-21.6 as the proposed Lighting Plan provides safety lighting for the mixed-use development while minimizing light pollution and lighting impacts to adjoining properties to the maximum extent practicable.

Comment 15-3 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Page 15-6, Section 15.2 Potential Impacts – Site Lighting: While a lighting plan has been provided, the DEIS is not specific regarding the extent/duration of nighttime lighting necessary for the project's operations. Due to the proposed hotel use (and based on the nighttime lighting image presented in the DEIS – see below) it can be assumed that the parking lot will be lit overnight. This should be clarified in the FEIS.



If the parking lot will be fully lit during the overnight hours, the four-story multifamily buildings proposed on the eastern extent of the VMG development (not yet constructed) will be more susceptible to commercial parking lot lighting during the overnight hours when compared to other areas of the VMG site. The images below from the DEIS illustrate the conceptual line of sight available from the eastern VMG units, which will be at a higher finished grade than the project site.



According to the landscaping plans, a row of evergreen plantings (specifically Green Giant Arborvitae) is proposed along the western boundary of the project site. This species of evergreen is commonly used for screening. However, the effectiveness of such a screening for nighttime lighting is questionable for this site due to the grade change, proposed retaining wall separating the properties, and the higher elevation of the upper floors of the residential structures to the west, especially during the project's early operation when the evergreen plantings are at their install heights. The DEIS notes that light poles within the parking lot will be either 30 or 39 feet in height (it should be noted that the Town Code limits height of light fixtures to 20 feet). The FEIS should be specific about the height and number of poles that would be visible from the west facades of the future VMG buildings that will have direct views to the project's parking lot. Images

of/specifications for the proposed lighting fixtures should be provided, to confirm that they will be downward-facing and dark-sky compliant, with appropriate glare shields to minimize nighttime glare on adjacent residences to the maximum extent practicable.

Response 15-3: *See Response 15-2 above. Updates to the lighting plan have reduced the intensity of the lighting, the number of pole mounted lights, and the height of the tallest light poles from 39 feet to 25 feet. These modifications are intended to minimize light pollution and the potential impacts of lighting to the VMG residential development to the maximum extent practicable. The proposed lighting fixtures and specifications are shown on Sheet 6 of the Lighting Plan. The mounting height of fixtures is shown on Sheet 7 of the Lighting Plan. All lighting poles along the shared property boundary with the VMG property are 20 feet in height. A total of nine poles, 25-feet in height are proposed for the main southern parking lot. Six poles, 25-feet in height are proposed for the northern parking area, serving the hotel and office uses. Specifications for the proposed light poles and fixtures are provided in Appendix G – Site Plan Supporting Information. The lighting specifications for poles and fixtures have been added to the Lighting Plan.*

Comment 15-4 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023
Page 15-9, Section 15.3 Mitigation Measures, Lighting: Refer to comment above regarding more specificity on the parking lot lighting and measures that will minimize impacts to the adjacent VMG buildings.

Response 15-4: *Comment noted. Please see Response 15-3, above.*

Comment 15-5 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.6.13, Page 1-36 Village Code requires properties subject to Ridge Preservation have non- reflective windows. Applicant should discuss if this is the intent.

Response 15-5: *The proposed building is located in the Town of Monroe and therefore not in the Ridge Preservation District in the Village of Woodbury. The provisions of the Village of Woodbury's zoning plan pertaining to ridge preservation promote the protection of ridgelines within the Village by providing standards, restrictions, and guidelines for approving structures within the Area. See Village of Woodbury Zoning Plan, §§ 310-13(B)—(C). No structures are proposed to be constructed on Village Lot 255-1-30. Thus, the Ridge Preservation provisions do not apply to the structures of the proposed project. See Comment Response 3-8.*

Comment 15-6 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):
Section 1.6.13, Page 1-36 Further, with respect to site lighting, the light spillage along the northern property line (Village) should be reduced to 0.1-footcandles, which is a typical requirement by the Village Planning Board. Current levels range up to 16- footcandles. Although the property in the Village is currently undeveloped, if development was proposed in the future the projected light levels from the proposed development could have impact on the same.

Response 15-6: *See Responses 15-2 and 15-3 above. The Lighting Plan has been revised to further reduce light spillage along the project site's boundaries to the maximum extent practicable.*

Comment 15-7 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 15.2 and 15.3 The lot is located West of the WP3 subdivision that was approved with a 200- ft open space buffer along the Western edge of the subdivision. It would appear this buffer would preclude visibility of the lot to be graded. We recommend the DEIS discuss visibility of the proposed project from this nearby residential community. It is noted photos from Catskill High Rail are provided, but it is not clear where on the roadway these are taken and depending on the location, the cardinal direction and view towards the subject property changes. Applicant to confirm.

Response 15-7: *The visibility of the project site from the WP3 subdivision and the Catskill High Rail are described in the DEIS, designated as View 3. A figure has been provided to show the View 3 location, on the Catskill High Rail. The view is from the intersection of Catskill High Rail and Pullman Route. The location was selected in consultation with the Lead Agency and their consultants during the SEQRA Scoping process. As shown in the Figure, approximately 700 feet of mature woods will remain between the westernmost residences on the Catskill High Rail and the closest location of project grading and tree removal in the Village of Woodbury.*

Comment 15-8 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 15.3 The Village of Woodbury requirements for ridge preservation requires the use of non-reflective windows. Although building construction will not occur within the Village, the DEIS should discuss this consideration and intent to comply.

Response 15-8: *Please see Response 15-5, above.*

Comment 15-9 (Monroe Commons Public Hearing, November 21, 2023):

Bonnie Franson, Planning Board, Chairwoman: I have been expressing that I'm not a big fan of the white façade. If anything we like things to be more earthtone colors in tune with the environment. So in the best of all worlds I would prefer to see something that's a different color. We see a lot of development from our scenic viewpoints here in the Town of Monroe looking over toward that area and it just all sticks out. And so we really want to try and get something and I think I've been pretty consistent in saying something that fits into the environment.

Response 15-9: *Please see Response 15-1, above.*

16.0 UTILITIES COMMENTS AND RESPONSES

Comment 16-1 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 16.1.3 - The FEIS should discuss the need for an Orange County Department of Health water main extension approval.

> ***Response 16-1:*** *The comment is correct that a water main extension permit will be required from the Orange County Department of Health. The DEIS describes the proposed connection to the Kiryas Joel / Town of Palm Tree water system on the VMG property. A water main extension permit from Orange County Department of Health will be required for the connection.*

Comment 16-2 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The applicant should review the memorandum from Brooker Engineering dated 7 February 2023. The elevations assumed do not align with the elevations of the building on the grading plans dated 25 July 2023.

> ***Response 16-2:*** *Comment noted. The Site Plans were revised between February 2023 and July 2023. The discrepancy will be reconciled as part of the final Site Plan review process.*

Comment 16-3 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The memorandum from Brooker Engineering dated 7 February 2023 utilizes the average water demand for the shopping center development. The applicant's representative should evaluate the various uses throughout the building as shopping center is not the only use proposed. This may affect the water demand.

Response 16-3: *Comment noted. Water demand estimates have been revised to reflect modifications to the uses and square footage in the proposed building. Water use and sewer demand calculations are generally based upon uses and building square footage. Hotel water use is based upon 130 gallons per day per room. The difference in water usage from 39 rooms (5,070 gallons) to 75 rooms (9,750 gallons) is an increase of 4,680 gallons per day, resulting in a water demand of 58,786_gallons per day for the total project. This volume is an 8.4 percent increase of the 54,210 gallons per day total project water demand described in the DEIS. The project utilities engineer has updated the project's estimated daily water use by confirming the building's proposed uses, areas and employees, as applicable to estimate water uses. The updated water uses are provided in Estimated Daily Water Use Report by Mehandes Engineering dated June 3, 2024 (see Appendix G). The updated water estimates are based upon the architectural plans and the Table of Areas, on Sheet 1 of the Site Plan drawings.*

Comment 16-4 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
The memorandum from Brooker Engineering dated 7 February 2023 identifies the fire flow based on a shopping center. The applicant's representative should review and revise if necessary the fire flow demand given the other uses on the site.

Response 16-4: *Comment noted. Updated fire flow demand estimates are provided in Appendix G - Site Plan Supporting Information.*

Comment 16-5 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 16.1.3 & 16.1.4 – The FEIS should identify the fire flow availability for the site.

Response 16-5: *As described in the DEIS, the project proposes to connect to the Village of Kiryas Joel / Town of Palm Tree water supply system. The water mains installed on the VMG property have sufficient pressure and capacity to serve the VMG residential development. A memo confirming water pressure for the proposed building is provided in Appendix G - Site Plan Supporting Information. The fire flow availability for the Monroe Commons property will be confirmed during the final site plan review process, in consultation with the VMG owners and the Village of Kiryas Joel / Town of Palm Tree. Moreover, the adequacy of the Village of Kiryas / Town of Palm Tree's water capacity will be confirmed prior to the issuance of a certificate of occupancy for the Project.*

Comment 16-6 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 16.2.1 identifies that the sewer lines proposed in the VMG development adjacent to the parcel are not yet installed. The FEIS should discuss how the development will proceed should these lines not be installed at the time the Monroe Commons project has been completed.

Response 16-6: *The Applicant indicates that sewer lines have now been installed throughout the VMG property, in advance of further residential development. Detailed plans for the connection to off-site sewer lines will be provided as part of final site plan review and approval.*

Comment 16-7 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 16.2.4 – The FEIS should discuss the alternative measure should the waste water capacity at the Harriman waste water treatment plant not be available at the time of the completion of the construction of the Monroe Commons facility.

Response 16-7: *The proposed Monroe Commons development proposes a connection to OCSD #1 and to utilize the Harriman Waste Water Treatment Plant. The Applicant will apply for a Sewer Use Permit from the Orange County Department of Public Works following the conclusion of the SEQRA process. An application for a Sewer Use Permit can only be applied for following the conclusion of the SEQRA process.*

Comment 16-8 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 16.3.3 identifies the potential electric and gas usage for the site during operation. Written correspondence from the service provider should be included in the FEIS noting if any upgrades to either service are required for the proposed construction.

Response 16-8: *The Orange and Rockland Project Manager contacted on August 22, 2023 indicated that an application for service needs is typically provided to Orange and Rockland following the initial (preliminary) Site Plan approval. Similar to other agency permits and approvals, the application for service needs will be submitted to Orange and*

Rockland following the conclusion of the SEQRA process, and an application cannot be submitted prior to the conclusion of SEQRA. The Applicant file the application for service with Orange and Rockland during the Site Plan review process and coordination with Orange and Rockland and a proposal to provide service to the project can be a condition of Site Plan approval.

Comment 16-9 (Letter 14, Alan Sorensen, AICP, Jennifer MacLeod, AICP, Orange County Department of Planning, Monroe Commons DEIS, November 30, 2023):
The area of the project is known to have issues in obtaining water and treating wastewater. The Town should ensure that sufficient water and wastewater capacity exists to support this project.

Response 16-9: *Comment noted. The estimated water demand for the current plan is 58,786_gallons per day. The Applicant has obtained a letter from the Village of Kiryas Joel, dated June 18, 2024, confirming that the Village "has agreed to supply water for the Monroe Commons Project up to and including in an amount of 80,000 gallons per day." This letter further states that the Village recognizes the anticipated increase in water demand from the Project and expresses its willingness to approve the connection to the Village/Town water system. The Village's willingness to approve the connection and agreement to supply an amount of water that exceeds the Project's current estimated water usage of 58,786 gpd demonstrates that the Village/Town has adequate capacity to service the Project. Additionally, an Outside Water User Agreement will be provided to the Planning Board prior to Final Site Plan approval, further conforming the Village's commitment and ability serve the project with municipal water.*

The estimated wastewater treatment demand for the current plan is similarly 58,786_gallons per day. As of May 31, 2024, the 12-month average combined wastewater flows from OCSD #1 and the Moodna Communities into the Harriman Sewage Treatment Plant was 5,609,500 gpd and the remaining treatment capacity was 390,500 gpd (see Figure 16-1, below), which is sufficient for the project.

Figure 16-1 Existing Flow into the 6.0 MGD Harriman Sewage Treatment Plant, May 2024 (Source: Orange County Department of Public Works – Division of Environmental Facilities and Services)

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -
DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES
EXISTING FLOW INTO THE 6.0 MGD
HARRIMAN SEWAGE TREATMENT PLANT
REPORT DATE OF May 2024

	2023 JUN	JUL	AUG	SEP	OCT	NOV	DEC	2024 JAN	FEB	MAR	APR	MAY	Total	12 MONTH AVG. ENDING 31-May-24	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
RAIN IN INCHES	5.32	12.03	4.43	13.47	4.38	2.53	10.08	8.03	1.80	7.44	4.91	3.03	74.42			
VILLAGE OF CHESTER	376,096	571,283	441,202	652,210	409,569	373,413	566,042	534,278	385,739	504,783	485,889	406,925		441,709	347,000	(94,709)
TOWN OF CHESTER	246,454	379,990	266,690	400,705	323,922	301,574	436,643	419,401	291,942	404,172	395,558	280,686		322,254	410,000	87,746
TOWN OF MONROE	192,660	218,106	194,369	230,802	209,675	204,292	229,234	311,584	179,013	298,016	188,513	89,151		204,689	133,000	(71,689)
V. OF S. BLOOMING GROVE	257,867	424,971	336,939	450,900	359,939	315,467	498,681	454,616	352,479	484,390	465,500	323,745		366,812	490,000	123,188
VILLAGE OF WOODBURY	816,998	1,275,657	934,459	1,373,198	1,092,952	962,033	1,608,525	1,632,404	1,138,929	1,510,381	1,455,795	1,025,748		1,150,111	1,030,000	(120,111)
MOODNA TOTAL	1,890,075	2,870,007	2,173,659	3,107,815	2,396,057	2,156,779	3,339,125	3,352,283	2,348,102	3,201,742	2,991,255	2,126,255		2,485,575	2,410,000	(75,575)
OCSD#1	2,329,925	3,910,993	2,592,341	4,219,185	3,363,943	2,913,221	4,263,875	4,002,717	2,683,898	3,691,258	3,515,745	2,764,745		3,123,925	3,590,000	466,075
HSTP TOTAL	4,220,000	6,781,000	4,766,000	7,327,000	5,760,000	5,070,000	7,603,000	7,355,000	5,032,000	6,893,000	6,507,000	4,891,000		5,609,500	6,000,000	390,500

Village of South Blooming Grove = Village of South Blooming Grove PS + Unmetered Service Area (40,100 gpd).
Village of Woodbury = FMS-01 V-Woodbury Flow Meter located MH L1-6 + Umetered at 660 gpd (2 SFH Units at 330 gpd/Unit).
Town of Chester = Surry Meadows PS + Walton Lake Estates PS + Lake Hill Farms PS + King Tract PS + Sugar Loaf PS#1 + Unmetered Oxford Heights Service Area (41 Units @ 400 gpd/unit = 16,400 gpd).
Village of Chester = 3A PS - Surry Meadows PS - Sugar Loaf PS#1 - Unmetered Oxford Heights Service Area (41 Units @ 400 gpd/unit = 16,400 gpd) + V-Chester Water Plant Backwash Water.
Town of Monroe = Meter FMS-03 (MBJOMC Meter @ MH R47) - (LHF PS + WL PS + KT PS + V-C Water Plant BWW) + T-M Unmetered 33 Units @ 400 gpd/Unit = 13,200 gpd (Based on Cromwell Hill Road for 9 Units and Seven Oaks Road for 24 Units).
Village of Woodbury - 30,400 GPD of treatment capacity leased by Village of Woodbury from OCSD#1's allocation shown.

H:\HSTP\Plant Flow\REPORT May 2024.xls

17.0 CONSTRUCTION IMPACTS COMMENTS AND RESPONSES

Comment 17-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:
Page 17-1 – Construction Schedule: The DEIS assumes a 16-month construction duration commencing in Fall 2023 and completing in late 2024. The FEIS should provide a more realistic start date and completion date for construction, given the status of the project's review by the Town and its consultants. Best available information on the project's construction schedule as it relates to the anticipated schedule for the build-out of the adjacent VMG development (particularly the eastern end of the VMG site) should also be provided. The VMG site represents the closest off-site residential receptor site to the project's construction activities.

> ***Response 17-1:*** *The Monroe Commons construction is now anticipated to begin in the Fall of 2024 and be completed in 16 months-time, in the Spring of 2026. The northern portion of the VMG development is built and occupied and utilities have been installed throughout the site. Internal driveways on the VMG site near the shared property boundary with Monroe Commons will be completed by September 2025, prior to when the Monroe Commons driveways and parking areas are prepared to be paved. The shared driveways can be completed prior to the VMG development being fully completed. According to the Applicant, construction representatives from VMG could not provide an exact date as to when VMG will be fully complete or operational. The applicant will closely coordinate with the owners of the VMG development for the construction of the shared driveways and sidewalks. Both parties have a mutual interest in coordinating this construction. Access to Nininger Road and the Monroe Commons site is not dependent upon VMG driveways.*

Comment 17-2 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

Page 17-1, Section 17.2 – Traffic and Transportation: In the FEIS, confirm that construction traffic would also be limited during the school arrival time to the maximum extent practicable, to avoid conflict with the nearby Monroe-Woodbury High School and Middle School campus.

> ***Response 17-2:*** *Construction traffic will be limited to the extent possible during the morning arrival times, as well as afternoon dismissal times at the Monroe-Woodbury High School and Middle School campus. Material deliveries will be scheduled for the middle of the day, when school traffic is limited.*

Comment 17-3 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

Construction Period Erosion and Sediment Control: Comments on this component of the Construction Impacts chapter are to be provided through separate correspondence to the Planning Board from MHE Engineering, D.P.C. (Shawn Arnott, P.E. - Consulting Engineer to the Planning Board).

> ***Response 17-3:*** *Comment noted.*

Comment 17-4 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

Page 17-5, Construction Period Noise: This section of the DEIS states the following: "It is likely that the majority of grading and site work will be completed prior to the construction of nearby residences on the VMG property." For the FEIS, it would be helpful if the sponsor/builder of the

adjacent VMG project could provide the Applicant and the Town with the anticipated schedule for completion of the VMG project (best available information at this time) so that the proposed project's impact assessment accounts for the presence of nearby receptors as accurately as possible.

Response 17-4: *See Response 17-1, above.*

Comment 17-5 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

Construction Period Blasting: Comments on this component of the Construction Impacts chapter are to be provided through separate correspondence to the Planning Board from MHE Engineering, D.P.C. (Shawn Arnott, P.E. - Consulting Engineer to the Planning Board).

Response 17-5: *Comment noted.*

Comment 17-6 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

As noted above, the Planning Board had previously instructed the Applicant to submit a supplemental geotechnical investigation report that adequately addresses any need for blasting on the Site. The supplemental report will require review and comment by the Planning Board's Consulting Engineer prior to submission of the FEIS. The Applicant must address comments made on this report as part of the FEIS.

Response 17- 6: *See Chapter 4.0 Geology, Soils and Topography regarding the potential for blasting and a discussion of the Blasting Plan prepared for the project, in the event blasting is required for construction.*

Comment 17-7 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023:

Construction Period Hazardous Materials/Human Health: Comments on this component of the Construction chapter are to be provided through separate correspondence to the Planning Board from Weston & Sampson, PE, SL, LA, Architects PC (Frank Getchell, PG - Senior Technical Leader, Water).

Response 17- 7: *Comment noted.*

Comment 17-8 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):

Section 17.1 notes that the construction of the project will begin in fall of 2023, completed by 2024. This should be updated pursuant to an updated schedule and presented in the FEIS.

Response 17-8: *Please see response 7-1, above. The applicant will closely coordinate with the owners of the VMG development for the construction of the shared driveways and sidewalks. Both parties have a mutual interest in coordinating this construction.*

Comment 17-9 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):

Section 17.2 - As previously discussed in items above, The FEIS should review the net imported materials to understand if the select materials have been included in this calculation.

Response 17-9: *The cut and fill estimates provided in the DEIS (Page 4-7 Soils, and page 17-2) were based upon existing grades to finished grades and material balance. As indicated in the DEIS, a net fill of approximately 8,520 cubic yards will be imported to the site to complete the construction. Since the finished grades assume the placement of crushed stone and asphalt for parking areas and driveways, that material has been factored into the overall material balance. A portion of the 8,520 will include soil, topsoil for plantings, crushed stone and asphalt.*

Comment 17-10 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 17.2 under traffic and transportation identifies potential mitigation to construction impacts by avoiding construction related traffic during school dismissal time. In the FEIS, the applicant should identify how this will be regulated. Additionally, the applicant should consider mitigations to arrival time of school/construction related traffic.

Response 17-10: *See Response 17-2 above. Estimates of the number of construction workers and material deliveries for different phases of construction are described in the DEIS Section 17-2 Construction Period Impacts and Mitigation. The applicant anticipates that construction workers will arrive at the project site generally between 6:30 and 8:00 a.m., as is typical for the construction industry. Estimates of construction worker trips range from 8 to 30 trips during peak periods. Although these worker trips may coincide with the a.m. school arrival times, no significant adverse impact to school traffic are anticipated since some workers may carpool and 8 to 30 trips in the peak hour is a small percentage of overall a.m. traffic. As indicated in Response 17-2, material deliveries (concrete, metal, lumber), will be scheduled for late-morning and midday periods, which do not coincide with school arrivals and departures. The responsibility for scheduling deliveries will be the project construction manager. Specific time restrictions on deliveries can be part of the Findings Statement and a condition of final Site Plan approval.*

Comment 17-11 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 17.2 – The FEIS should identify the location of where the proposed onsite parking for employees will be given the number of workers that will be on site per day.

Response 17-11: *Construction worker parking areas are shown on Sheet 14 and 15 Erosion Control Plan of the site plan drawings. Staging areas 1 through 4 will be used for construction worker parking. Initially, only eight construction worker vehicles are anticipated for site grading and clearing (see DEIS Section 17.2). Those worker vehicles can be staged directly east of the Brach and Mann building, where there is an existing open level area. Between 20 to 40 workers will be on-site during building construction, with an estimated 20 to 30 vehicles onsite at one time.*

Comment 17-12 (Letter 7, MHE, Monroe Commons Site Plan-Special Permit/Wetlands Permit Nininger Road DEIS, December 5, 2023):
Section 17.2 - The issue of blasting should be updated in the FEIS pursuant to pending geotechnical studies.

Response 17-12: *The potential for blasting and a Blasting Plan prepared for the development, in the event blasting is required, is described in Chapter 4.0 Geology, Soils and Topography.*

Comment 17-13 (Letter 8, Natalie D. Barber, P.E., H2M. Architects + Engineers, Village of Woodbury Engineer, DEIS Technical Review Comments, November 29, 2023):

Section 1.6.15, Page 1-40 Construction hours in the Village of Woodbury are limited to weekdays 7A to 6PM (versus 7A to 9P proposed). Further, construction is not permitted on Saturdays or Sundays. Clearing and grading operations in the Village should not occur outside these timeframes and we recommend the more restrictive noise ordinance be applied to the proposed project since it borders the municipal line.

Response 17-13: *The applicant will adhere to the most stringent requirements between the Town of Monroe and the Village of Woodbury for all construction in either municipality. Construction will be limited to between 7:00 AM and 6:00 PM on weekdays (Village of Woodbury) and no construction would occur on Saturday and Sunday (Town of Monroe).*

18.0 POTENTIAL IMPACTS OF PROPOSED HI ZONING TEXT AMENDMENTS COMMENTS AND RESPONSES

Comment 18-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Table 18-2, Potential Impacts of Proposed HI Zoning District Text Amendments: For the currently developed HI-zoned parcels identified for the assessment (2, 3, 6-9), the "Building Lot Coverage (%)" appears to only address coverage from buildings and does not reflect the Town's definition of lot coverage, which this application is requesting to modify for the HI district (from 65 percent to 75 percent). The Town's definition of lot coverage reads as follows:

"The percentage of the lot area that is occupied by the area of buildings, structures and all impermeable and/or compacted surfaces, including but not limited to parking lots, access and circulation drives."

If Table 18-2 is revised for the FEIS to reflect the correct definition of lot coverage, the numbers shown are likely to increase for parcels 2, 3, and 6-9 due to the sizeable amount of impermeable surfaces (parking and driveways) these lots contain in addition to the primary building. As a result, the average of 15 percent applied to parcels 4 and 5 may need to be increased to reflect a more accurate average across the zone, and this can serve to illustrate that the Applicant's request to increase the maximum lot coverage for the HI zone by an additional 10 percent will not deviate substantially from current conditions on the already developed parcels, strengthening the no impact conclusions.

> ***Response 18-1:*** *The DEIS assessed existing development on developed lots in the HI zoning district by estimating existing building sizes through GIS aerial photographs and did not estimate parking lot coverage due to the difficulty of measuring parking and driveways from photographs. Building coverage was a reasonable method to compare existing development and estimate future development and potential impacts, including employees and water demand. The Applicant acknowledges that the Town's definition of lot coverage includes all impermeable surfaces including parking lots and driveways. If lot coverage is increased on a portion of lots in the HI Zoning District from 65 to 75 percent, it would result in a potential increase in impervious surface, the proportional loss of trees and vegetation, and an increase in the volume of stormwater that would require treatment. This incremental increase in impervious surface is limited by the size of the vacant parcels in the HI Zoning District. Undeveloped parcels 4 and 5, in the HI zoning district are 1.72 and 0.76 acres in size, respectively. Therefore, an additional 10 percent coverage on these lots will not result in significant adverse impacts related to an increase in impervious surface, and loss of existing vegetation.*

Comment 18-2 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

The FEIS should elaborate on appropriate mitigation measures for future development/redevelopment of parcels in the HI District to mitigate the impacts of the proposed zoning amendments, including but not limited to, any appropriate landscaping or other requirements that should be incorporated into the proposed zoning amendments.

> ***Response 18-2:*** *Specific mitigation measures for the future development/ redevelopment of parcels in the HI District will be implemented based upon the specific site conditions and zoning issues involved in those site plan proposals.*

Appropriate mitigation measures may include landscaping along the road frontage to screen and soften views into the affected parcel(s), architectural features to reduce visual impacts, land banked parking, and water saving features for the buildings. These mitigation measures can be proposed and implemented during site plan review of those future projects. Additionally, the Town Board can incorporate specific landscaping, architectural, land banked parking, water saving features for the buildings, or other requirements into the proposed zoning amendments prior to adoption as deemed appropriate.

19.0 ALTERNATIVES COMMENTS AND RESPONSES

Comment 19-1 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):
This Section does not present an alternative development with terrain adaptable parking and simply indicates that the current proposal incorporates the goals of this alternative. The Planning Board should discuss the Applicant's presentation in this regard and determine whether further analysis should be provided in the FEIS.

Response 19-1: *The Planning Board is satisfied with the Applicant's presentation and is not requiring further analysis in this regard.*

20.0 UNAVOIDABLE ADVERSE IMPACTS COMMENTS AND RESPONSES

Comment 20-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

Refer to Chapter 9.0, comment 9-9 Comment 23 above and the unavoidable adverse impact at the Route 17 westbound ramps and Route 32 intersection, westbound right turn during the Sunday peak hour. The FEIS should disclose this unavoidable impact.

Response 20-1: *Comment n*oted. *See Response 9-9 regarding the project's Unavoidable Adverse Impacts to the Route 17 westbound ramps and Route 32 intersection, westbound right turn during the Sunday peak hour.*

No known improvements to the diverging diamond interchange could mitigate the traffic impacts given the limiting bridge widths. Signal timing adjustments are expected to occur naturally (via the adaptive signal control). But due to the unique community characteristics, the ITE trip generation and distribution estimates are expected to conservatively, if not overestimate the impacts on Route 32.

21.0 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES COMMENTS AND RESPONSES

No comments were received on Chapter 21.0 Irreversible and Irretrievable Commitment of Resources.

22.1 GROWTH INDUCING ASPECTS COMMENTS AND RESPONSES

Comment 22-1 Letter 2, AKRF, Inc. Monroe Commons DEIS Review, November 29, 2023

By addressing Comment 18-1 provided on Chapter 18, the topic of growth inducement as a result of the Applicant's requested zoning change should be clarified as part of the FEIS. While the conclusions presented in the DEIS should not change, the square footage, workers, and water/sewer demand referenced may need to be increased for HI-zoned parcels 4 and 5 as a result of using a higher average lot coverage number.

> ***Response 22-1:*** *Comment noted. The response to comment 18-1 discusses the potential increase in lot coverage on DEIS designated parcels 4 and 5, by an additional 10 percent, consistent with the Town's definition of Lot Coverage (see Response 18-1). An additional 10 percent coverage on these lots will not result in significant impacts related to an increase in impervious surface, and loss of existing vegetation. This change in coverage is not expected to result in any growth inducing impacts.*

Comment 22-2 (Letter 5, Ashley N. Torre, Esq., Naughton & Torre Monroe Commons DEIS, December 1, 2023):

The Applicant should provide further analysis on the potential for attracting additional residential growth. At the Planning Board meeting on August 15, 2023, the Applicant indicated that this Section would address the growth-inducing aspects *qualitatively*, rather than *quantitatively*. There were discussions about looking to County unemployment trends in discussing where employees are likely to live, and why it is not likely that they will move nearby and create additional residential growth. The Applicant should provide further analysis in this regard in the FEIS.

The DEIS states that the development is not anticipated to have significant growth- inducing impact on adjoining municipalities, but does not contain adequate analysis to support this statement. As noted above, at the Planning Board meeting on August 15, 2023 there were discussions about looking to County unemployment trends in discussing where employees are likely to live and why it is not likely they will move nearby. The Applicant should provide further analysis in this regard the FEIS.

> ***Response 22-2:*** *Chapter 12.0 – Fiscal and Economic Impacts of the DEIS provided a detailed assessment of existing employment data for residents of the Town of Monroe and for existing employers in the Town. According to the DEIS (page 12-11):*
>
> *"Retail Trade" is the number one employer in the Town employing 1,476 workers in total. This sector is also the third largest sector of employment for residents of the Town of Monroe, employing 961 residents. Therefore, at least 515 individuals work in the Retail Trade in the Town of Monroe who are not residents. "Health care and Social Assistance" and "Educational Services" are the top two sectors employing residents; however, most of those jobs are located outside the boundary of the Town".*
>
> *Figure 12-10 Job Sector Relationships, shows that retail businesses employ the largest percentage of Monroe residents, as compared to other employment sectors. Monroe Commons is a mixed use development and will employ retail workers, hotel workers and provide office space. It is anticipated that the majority of Monroe Commons business owners will have connections to the Kiryas Joel / Town of Palm Tree community and will*

employ members of the community. The development is not expected to result in significant residential growth to support the development, but rather will serve the growing community of Kiryas Joel / Town of Palm Tree and will employ its residents.