

# Generic Environmental Impact Statement for the Village of Montgomery Comprehensive Plan - 2008

## VILLAGE OF MONTGOMERY COMPREHENSIVE PLAN VILLAGE OF MONTGOMERY, NEW YORK



PREPARED BY THE VILLAGE OF MONTGOMERY COMPREHENSIVE PLAN COMMITTEE  
WITH PLANIT MAIN STREET, INC. MAY 22, 2008



Village of Montgomery  
Village Board  
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## I. INTRODUCTION

### A. PROPOSED ACTION.

This document is a Draft Generic Environmental Impact Statement (DGEIS). This DGEIS assesses the potential impacts that may result from implementation of the recommendations contained in the Village of Montgomery's *Comprehensive Plan*. Prepared in accordance with the State Environmental Quality Review Act (SEQRA), the "Proposed Action" examined in this DGEIS is the acceptance or adoption of the Village of Montgomery *2008 Comprehensive Plan* by the *Board of Trustees* of the Village of Montgomery hereafter referred to as the Village Board.

### B. SUMMARY OF DGEIS.

Pursuant to §7-722 of New York State Village Law, a village comprehensive plan, or amendment thereto, is subject to the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. In accordance with NYCRR §617.4(b) (1) of the SEQRA regulations, the adoption of a municipal land use plan constitutes a Type 1 Action. The Village Board is the Lead Agency with regard to the adoption of the proposed *2008 Comprehensive Plan for the Village of Montgomery, Orange County, New York*.

Pursuant to §7-722 of New York State Village Law and NYCRR §617.10(b) of the SEQRA regulations, a village comprehensive plan may be accompanied by a generic environmental impact statement prepared pursuant to the State Environmental Quality Review Act. In accordance with NYCRR §617.10(a) of the SEQRA regulations, generic environmental impact statements may be broader and more general than site- or project-specific environmental impact statements and should discuss the logic and rationale for the choices advanced. Generic environmental impact statements may be based on conceptual information or may include an assessment of specific impacts if such details are available. Further, generic environmental impact statements may present and analyze, in general terms, a few hypothetical scenarios that could and are likely to occur.

NYCRR §617.10(c) of the SEQRA regulations recommends that Generic EIS's and their findings set forth specific conditions or criteria under which future actions will be undertaken or approved, including requirements for subsequent SEQR compliance. In accordance with §7-722 of New York State Village Law, no further compliance with the State Environmental Quality Review Act may be required for site-specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.

Consistent with this, the DGEIS evaluates the various recommendations contained in the *Comprehensive Plan* to varying degrees of specificity. Certain issues, such as the proposed creation of New Urbanism Design Standards for Downtown are evaluated to a more significant degree of specificity since relatively detailed information was available on the areas involved and since the *Comprehensive Plan* was specific as to potential development of the areas involved (e.g., recommended permitted densities and permitted uses).

It is noted that any proposed development discussed in this DGEIS will be subject to its own environmental review under SEQRA when such development is proposed in order to evaluate potential project-specific impacts and to identify necessary project-specific mitigation measures (such as site-specific storm water and traffic improvements). Through that process, the potential impacts described in this DGEIS would be mitigated to the maximum extent practicable. Thus, while those potential impacts have been described conceptually herein, reference to them in this DGEIS is not intended to be a substitute for a site-specific environmental review that will still be required on a case-by-case basis at the time that an application for development approval is submitted. Where appropriate and necessary, the DGEIS recommends when supplemental SEQR review for site-specific impacts, not adequately addressed or analyzed in the DGEIS, should be conducted.

Other recommendations in the *Plan*, such as the recommended mixed-use development area in the vicinity of Railroad Avenue to accommodate a Transit-Oriented-Development [if passenger rail service is re-established along the Wallkill Valley rail line] are more conceptual in nature and would need to be evaluated in greater detail once the feasibility of passenger rail service is decided.

After the DGEIS is accepted by the Lead Agency (Village Board) for public review and circulated to other Involved and Interested Agencies, it is anticipated that a public hearing will be scheduled by the Village Board to discuss the contents of the DGEIS. There will be a comment period of at least ten (10) days after the close of the public hearing, which shall end no sooner than thirty (30) days after circulation of the Notice of Completion of the DGEIS. Upon review of the comments, the Village Board will either prepare a Negative Declaration, thereby ending the SEQRA process, or will order the preparation of a Final GEIS (FGEIS) which would respond to all substantive comments received on the DGEIS. After the FGEIS is accepted by the Village Board and circulated, the Village Board will then prepare and adopt a Statement of Findings. The SEQRA process will then be completed and the Board can make a decision on the Proposed Action itself.

## **C. PURPOSE, NEEDS AND BENEFITS OF THE COMPREHENSIVE PLAN**

A Comprehensive Plan is a document prepared for the Village Board that establishes an overall plan and recommended actions relevant to the current and future needs of the Village. The primary reasons why the Village Board decided to initiate this planning process were:

- The Village's existing Comprehensive Plan was forty years old and did not clearly identify current conditions and current vision, nor did it contain specific initiatives to help achieve that vision;
- The Village Board wanted to have a vision, plan and guidelines for the community to refer to when addressing potential uses and proposed zoning actions within the Village;
- The Village Board wanted a Comprehensive Plan that would help to *protect* the integrity of the village, its historic districts, neighborhoods, downtown business district, cultural & civic institutions, public parks, and other natural resources and
- The Village Board wanted to be pro-active in dealing with regional and inter-municipal issues, protecting its resources, and planning for community and/or service needs.

The Village Board adopted a Vision Statement for the Comprehensive Plan as follows:

“In our Vision for the Village of Montgomery in the future, our community character is preserved, civic pride sustained and quality of life enhanced. In the coming years, we carefully manage new growth and development to *protect* the integrity of our village, its historic districts, neighborhoods, downtown business district, cultural & civic institutions, public parks, and other natural resources; *preserve* historic buildings, open space, a vibrant business community and scenic vistas to and from the Wallkill River; *enhance* the convenience of pedestrian access to services and facilities within our walkable community; *provide* sustainable public infrastructure and services to meet growing community needs in a cost-effective manner; provide housing opportunities for a range of household incomes; and set quality design standards to ensure that new growth and redevelopment enriches our community aesthetics and is in harmony with the existing fabric of the Village of Montgomery.” - *Comp Plan Vision Statement*

The *Comprehensive Plan* is a policy document that is intended to help the community to achieve its vision by providing a blueprint for the community’s future. The *Comprehensive Plan* contains the goals and objectives applicable to various subject matters ranging from quality of life to natural resources to community services, which will guide public and private decision makers in the short and long-term. In addition, the *Comprehensive Plan* identifies numerous specific planning recommendations and implementation strategies that the Village Board, residents, businesses, property owners and/or organizations can initiate to help achieve the future vision for Montgomery. The anticipated benefits of the *Plan* include the implementation of the goals and objectives contained in the document. The overall goals are as follows:

- The preservation of natural, scenic and environmental resources, such as riparian zones along the Wallkill River, water bodies, wetlands, floodplains, aquifers, steep slopes, and scenic viewsheds.
- Preserving the integrity of the Village’s historic districts by following recommended policies outlined in the Comprehensive Plan and the creation of design guidelines for the AHRB.
- Addressing the Village's housing needs through the provision of land use policies that allow for a diversity of housing opportunities for the Village's growing population.
- Maintaining the quality of life in the Village by enhancing and preserving the character of Montgomery’s neighborhoods.
- Maintaining high-quality community services and recreational facilities to meet the growing needs of the community.
- Providing an integrated and efficient transportation, pedestrian and trail circulation network.
- Enhancing the integrity of the Downtown Business District over time by requiring developers to follow New Urbanism design principles for all infill development proposals.

## II. ALTERNATIVES.

SEQRA requires that alternatives to the proposed action be examined as part of the environmental review process. There are two alternatives to the proposed action: the “No Action” alternative and the “Partial Implementation” alternative.

Under the “No Action” alternative, no action would be taken by the Village Board to adopt the *Comprehensive Plan*. This would include no action on the recommendations regarding the creation of *New Urbanism Design Guidelines* for the Downtown Business District or the creation of the *Planned Business Park Floating District* for the I-Industrial District. It would also include no action on other beneficial proposals recommended in the *Plan*, including the proposed preservation of natural resources and strengthening of the Village’s environmental policies. The potential impacts of the “No Action” alternative are evaluated in Part VI, *Evaluation of Alternatives*, in that, wherever possible, the potential impacts of each of the proposed actions are compared either to existing conditions and/or to potential impacts that could result from development in accordance with existing zoning.

Under the “Partial Implementation” alternative, the Village Board would decide to implement some, but not all, of the recommendations in the *Plan*. The potential impacts of the “Partial Implementation” alternative are also evaluated in Part VI, *Evaluation of Alternatives*, in that impacts of each of the proposed actions are compared either to existing conditions and/or to potential impacts that could result from development in accordance with existing zoning. For example, if the Village Board were to decide to not to implement the recommendation to create the *Planned Business Park Floating District*, the impact of the “Partial Implementation” alternative would be represented by the impacts resulting from development permitted under the existing zoning of these properties (as well those potentially resulting from *Plan* recommendations that the Village Board chooses to implement).

## III. OTHER SEQRA ANALYSES.

### A. UNAVOIDABLE ADVERSE ENVIRONMENTAL IMPACTS

The adoption of the *Comprehensive Plan* will, in and of itself, not have any direct unavoidable adverse environmental impacts. However, implementation of certain recommendations contained within the *Plan* (e.g., the redevelopment of properties in the Downtown Business District that conform to New Urbanism Design Guidelines) could have certain adverse environmental impacts that would require mitigation. Implementation of other *Plan* recommendations, however, such as the preservation of natural resources and the riparian zone along the Wallkill River, would be expected to have beneficial impacts to the environment. The potential future development of land would likely result in unavoidable adverse impacts typical of any development, such as: construction-related impacts, construction vehicle traffic on surrounding roadways, localized air quality impacts related to construction vehicle emissions and increased dust levels resulting from construction activity, and increased noise levels near construction sites due to the operation of vehicles and machinery; the clearing of vegetation; the disturbance of soil; the alteration of drainage flow; an increased demand for community services; an increase in solid waste generation, water use and sewage generation; changes in existing views; and an increase in traffic and potential related air quality impacts.

These changes would occur under any zoning designation, whether that currently permitted or as recommended in the *Plan*. However, development planned under zoning designations that encouraged mixed commercial/residential development would have less of an impact because it would reduce vehicular traffic and encourage greater pedestrian movement. Furthermore, the Comprehensive Plan includes an entire Chapter devoted to policies that are intended to provide better protection of the community's natural resources. These policies will help to guide Planning Board decisions so that the potential impacts of proposed developments are fully assessed through the environmental review process for each development proposal.

Again, any proposed development discussed in this DGEIS will be subject to its own environmental review under SEQRA when such development is proposed. Through that process, the potential impacts described above would be mitigated to the maximum extent practicable. While those potential impacts have been described conceptually herein, reference to them in this DGEIS is not intended to be a substitute for a site-specific environmental review that will still be required on a case-by-case basis at the time that an application for development approval is submitted.

## **B. COMMITMENT OF RESOURCES AND EFFECT ON THE USE AND CONSERVATION OF ENERGY**

The adoption of the *Comprehensive Plan* does not irreversibly or irretrievably commit the Village's own municipal resources, nor does it promote the irreversible commitment of any other natural resources. Rather, the Plan's policies promote thoughtful, balanced land use that protects the Village's character and resources, consistent with a reasonable use of land as envisioned in the Plan. However, to the extent that development activity may be encouraged by implementation of the recommendations in the *Plan*, certain resources relating to building and development will be committed. Such resources include, but are not necessarily limited to: timber, concrete, steel, earth, land, labor, and the consumption of fossil fuels in the operation of construction vehicles and equipment. After construction, completed developments will require electricity, water, sewage treatment, solid waste disposal, and fossil fuels.

Typical irreversible and irretrievable commitments of resources associated with development include the commitment of land resources and the associated loss of vegetation and wildlife; manpower for construction of subdivisions; building materials such as wood, concrete, and glass; energy resources such as gasoline, diesel fuel, and electricity; and water for domestic use and irrigation. These resources would be used whether the affected properties are developed as permitted under existing zoning or as recommended in the *Plan*.

Furthermore, the Planning Board will evaluate the specific solid waste and water & sewer impacts of a given land use during its local permit and SEQR review process. Comprehensive Plan policies related to community facilities require that developers identify their water and sewer needs along with mitigation measures necessary to avoid adverse impacts. The Plan recommends that the Village Board adopt a Capital Improvement Program to ensure that the Village can maintain sufficient water and sewer capacity to serve its residents. The Comprehensive Plan also identifies solid waste and recycling policies that the Village can employ to increase recycling and reduce the amount of solid waste going into its waste stream.

Any proposed buildings would be constructed in accordance with the New York State Energy Conservation Code that provides standards and requirements for the incorporation of energy conservation techniques, materials and equipment into building design and construction. Sound construction practices limiting the commitment of energy resources is expected to be maintained.

Overall, the Village Board believes that choosing an appropriate level of land use densities and pursuing quality community objectives, as described in the Plan and supported by the Orange County Plan and Hudson River Valley Greenway will benefit all residents and business owners in the Village of Montgomery.

## **C. GROWTH INDUCING IMPACTS.**

The proposed Plan does not induce growth overall, but rather is a carefully considered, comprehensive set of policies designed to address the future development in the Village and balance its growth. The proposed Plan is not a response to growth, rather it is a future-oriented set of policies designed to address future development and redevelopment in the Village through a set of comprehensive land use policies consistent with §7-772 a of New York State Village Law.

Potential impacts of the *Comprehensive Plan* would result both from projects directly encouraged in the *Plan* and from growth stimulated by those projects. Induced growth of certain uses and services could be expected to result primarily due to the increase in population potentially resulting from implementation of the recommendations in the *Plan*. The creation of a passenger rail station at Railroad Place would likely induce additional growth within the Village by providing a direct passenger rail link between it and the Metropolitan New York area. The *Comprehensive Plan* recommends that if passenger rail service becomes a reality, the area around the station should be rezoned to Mixed-Use to encourage a Transit-Oriented-Development following New Urbanism Design Principles. The rezoning of the area from industrial to mixed use, coupled with passenger rail service, would certainly induce growth. However, this new growth would occur within an existing industrial area along Railroad Avenue where existing infrastructure is largely in place to serve the development that might be encouraged by the new Plan.

The recommended Transit-Oriented-Development (TOD) would result in a high-density mixed-use development that isn't allowed under the existing industrial zoning district. The TOD would likely generate far more traffic within this area of the Village than existing industrial uses – although it would generate less truck traffic than existing industrial uses. However, the TOD would also have a positive impact through the creation of the living-over-the-store housing units that would expand housing opportunities for area residents. The creation of the mixed-use buildings along Railroad Avenue would also expand the Village's tax base. Such an increase in population could be expected to create a proportional increase in the uses and services that serve the population. For example, increased population would expand local purchasing power and would likely increase the demand for goods and services that serve the population, such as places of worship and public and private schools could also be expected to increase proportionally with any increase in population resulting for the recommendations in the Plan.

However, specific projects – including the provision of passenger rail service or a mixed-use development in the vicinity of the new train station – proposed in accordance with the recommendations of the Plan would require their own site-specific SEQRA review.

## IV. POTENTIAL IMPACTS AND MITIGATION MEASURES.

Any zoning, subdivision, aesthetic or environmental regulations developed based on the Comprehensive Plan will have to be in accordance with this Plan. SEQRA issues addressed in the plan will be likely to cover zone changes and amendments in accordance with the Plan, but SEQRA still must be addressed. Any developments that occur must be considered in accordance with the Plan and current or future regulations. Since this GEIS is, by definition, generic and not site – specific, any future development proposal before the Planning Board or Village Board must fully address SEQRA and this document in no way inhibits any future SEQRA action of these boards in regard to future development proposals. Provided below is an analysis of the potential impacts to environmental resources that might result from the implementations of the recommendations in the Plan.

### A. Natural Resource Protection.

Overall, adoption of the 2008 Comprehensive Plan by the Village of Montgomery will have a positive impact on environment by enhancing natural resource protection. The Comprehensive Plan includes an inventory of the Village’s parks and open space as well as a variety of maps that describe areas with environmentally sensitive constraints including steep slopes, hydric soils and water resources. Within Chapter 5.0-Natural Resources, a wide array of methods and tools are outlined to help enhance and conserve natural resources. Among these are: 1) the policy to restrict development on sites that have slopes greater than 15%, 2) the policy requiring that a 100-foot buffer be provided between watercourses and development, 3) the policy limiting development within the 100-year floodplain, 4) the policy requiring Storm Water Pollution Prevention Plans, 5) the recommendation to create wellhead and aquifer protection overlay districts, 6) the policy restricting the cutting of trees in riparian zones, 7) the recommendation to develop a long-term plan for street-tree conservation, and 8) the policy of encouraging Leadership in Energy Conservation and Design (LEED).

No significant adverse environmental impacts are anticipated to result from the preservation of natural resources recommended in the Plan. The recommendations are intended to encourage natural resource protection while providing additional opportunities to link existing open space resources [e.g. the recommendation to create a Wallkill River Linear Park within the preserved riparian zone]. These provisions of the Plan would therefore be beneficial to the environment.

### B. Recreational Resources

The Plan includes an inventory of existing recreational resources in the Village and recommendations for future improvements. It also identifies recreational facilities that are needed in the future based upon population. For example, the Plan recommends that a *Wallkill River Linear Park* be established along the Wallkill River. The linear park would provide better public access to the waterfront and also help to conserve the riparian zone along the river. It could be developed, in part, along Village-owned properties within the Pleasure Ground and Veteran’s Memorial Park. It would, however, also require conservation easements on private lands to create the linear park. If the linear park were developed it would help to protect the riparian zone along the waterfront and enhance recreational resources. The policy recommendation to ensure that *payment-in-lieu of parkland fees* are collected to provided funding to expand the park system to meet future needs will help to ensure that sufficient recreational resources are provided to serve Village residents in the years ahead.

No significant adverse environmental impacts are anticipated to result from these recommendations that will help to ensure that the Village continues to provide recreational resources where they are most needed. These policies will lead to enhanced recreational opportunities for area residents and help avoid overcrowding at existing facilities.

### C. Cultural and Historic Resources

In 1980, the Village took one of the most important steps in protecting its historic resources when it established the Academy Hill-Union Street and Bridge Street Historic Districts. These districts are National Register-designated Historic Districts.<sup>1</sup> The 2008 Comprehensive Plan builds upon these efforts and includes a variety of policy recommendations that are intended to strengthen cultural and historic preservation efforts within the Village. Among these are the Comprehensive Plan policies to ensure that renovations to historic properties respect the original architecture of such buildings, that the Village Board support efforts to list eligible properties on the State and National Register and that a *Certificate of Appropriateness* be required for changes to the exterior of buildings that are in line-of-site of the existing historic districts. These recommended policies are designed to maintain the integrity of the existing historic districts in the context of adjacent areas within the Village. The Comprehensive Plan also recommends a series of subsequent actions that are designed to strengthen historic preservation efforts in the Village. These include the requirement that members of the Architectural & Historic Review Board (AHRB) receive mandatory training each year, that voluntary *renovation guidelines* be developed for properties that are within line-of-site of the historic districts and that *Historic District Design Guidelines* be developed to guide the AHRB's decisions. Finally, the Comprehensive Plan also recommends that the Village "explore the feasibility" of extending the Union-Street-Academy Hill Historic District or creating a Factory Street Historic District. These specific actions would be subject to own environmental review under SEQRA.

The Comprehensive Plan also includes a variety of recommendations intended to enhance existing cultural resources such as the Village Library, Village Museum and Grand Montgomery Chamber of Music & Theatre Series. Some of these recommendations, such as the recommendation to relocate the Village Museum to Wesley Hall are already in the process of being implemented. This move will provide the museum with room for its exhibits and more space to retain its vast catalog of historic resources. It is a move that will make the museum more accessible to persons with disabilities. Moving the museum to the historic Wesley Hall [across the street from the Orange County Firefighters Museum] is a good reuse of this building. Having the museum in Wesley Hall will also help to ensure this historic building is maintained for future generations to enjoy. Keeping the museum within the heart of the Downtown Business District will also provide a cultural anchor that will benefit nearby businesses. It will also complement the Orange County Firefighters Museum by attracting visitors who are likely to visit both museums.

No significant environmental impacts are anticipated to result from these and other recommendations related to cultural and historic resources in the Village. The reuse and preservation of historic structures will enhance the social and economic vitality of the Village thereby reducing the need to disturb undeveloped areas. The recommendation to require members of the AHRB to receive training will help to ensure that the renovation of historic properties is done in an appropriate manner. Furthermore, maintaining the pedestrian oriented pattern of development within the Village will reduce the need for vehicular travel that can help to mitigate traffic congestion. Anticipated impacts from these recommendations are presumed to be positive.

## **D. Transportation**

Transportation impacts due to the recommended policies contained within the Plan will vary. The proposed Planned Business Park Floating District will reduce the potential for additional heavy truck traffic thus having a positive impact. However, the creation of a Transit-Oriented-Development at Railroad Avenue [e.g. a compact mixed use neighborhood center] would result in more intense development and the number of automobile trips generated to and from this area would likely increase. Residents living in the Transit-Oriented-Development, commuters along with workers and customers visiting new retail and office establishments within the new center would generate additional traffic. It is anticipated that the adverse traffic impacts that might result from greater use of this area will be offset, to some degree, by the creation of a pedestrian and bicycle friendly environment that encourages people to walk or ride.

For example, the recommended Pedestrian Circulation Master Plan that is described in Chapter 6.0 – Transportation of this Plan will help to ensure that the new center is integrated into the existing sidewalk and trail circulation system. Another mitigating measure is the Plan policy supporting passenger rail service within this vicinity of the Village. For persons living in the new center, the need for vehicular travel to the metropolitan area would be greatly reduced with the ability to take the train. However, a new train station would also attract riders from the surrounding region that would certainly increase traffic flow and reduce the level-of-service on area roadways during peak commuting hours. A new train station would also require its own parking facilities to accommodate commuters that would increase the amount of impervious surfaces in the area thus requiring additional storm water facilities. Any concrete proposal for passenger rail service would require further SEQRA analysis and coordination with the MTA and the Orange County Transportation Council to ensure that potential adverse environmental impacts are mitigated. If the proposal to re-establish passenger rail services moves forward, it will be subject to its own SEQRA analysis. This Plan supports the concept of passenger rail service provided the environmental impacts are thoroughly assessed and appropriate mitigation measures are put in place. The Plan also includes a variety of transportation policies intended to ensure that the transportation system serves the community into the future. These include traffic calming techniques, the requirement for interconnecting streets, encouraging joint access driveways and the policy that all proposed developments that will generate 500 or more trip-ends of traffic each day, will require a traffic impact study. The Plan also recommends that the Village Board coordinate with NYSDOT and the Valley Central School Board to address existing traffic congestion in the vicinity of the elementary school on Route 211. No significant environmental impacts are anticipated to result from these recommendations related to transportation in the Village.

## **E. Water and Sewer**

The Plan describes the Village's existing water and sewer infrastructure and discusses existing capacities of these systems. The Village's water system has a storage capacity of 515,000 gallons per day and an average demand of 557,000 gpd. The existing demand is 42,000 above the maximum capacity of the Village's existing water system. The Comprehensive Plan policy that developers are required to demonstrate that they can provide sufficient water to satisfy the needs of the proposed development will help to ensure that the Village can sustain a sufficient supply of potable water. The Comprehensive Plan also recommends that, where feasible, wells that are provided on development sites be integrated into the Village's water supply system. Finally, through the SEQRA review process, developers will be required to contribute to the Village's capital facilities fund so that the storage capacity of its water supply system can be expanded to meet current and future needs.

The Village's Waste Water Treatment Plant (WWTP) has a capacity of 500,000 gallons per day with an average daily use of 382,000 gpd. The Plan includes a variety of policies to help ensure that the Village can maintain sufficient capacity to serve its residents while accommodating new growth. For example, the Plan recommends that the Planning Board use the SEQRA process to thoroughly assess new developments to ensure that no single user is placing a strain on the Village's water and sewer infrastructure. Furthermore, the Plan recommends that a *Capital Improvement Plan* be completed and updated every five (5) years to ensure that necessary upgrades are made to serve future needs.

Zoning changes recommended in the Plan could result in a shift in future land uses within the Village. The shift would likely move from fewer heavy industrial users to more light industrial and mixed use commercial/residential developments. It is anticipated the demand for water and sewer services as a result of this shift may vary on a case-by-case basis, depending on the nature of new development that is proposed. The recommended Plan policy to assess performance standards as part of the environmental review process will help the Village to ensure that it maintains sufficient capacity to serve its residents. Where necessary, water and sewer facilities could also be upgraded with developers contributing to the expansion. No harmful impacts are anticipated as a result of Plan recommendations regarding water and sewer service.

#### **F. Aquifer and Wellhead Protection**

The Plan provides an overview of the Village's existing water supply and the capacity of the existing potable water supply system. One weakness of the system is that 56% of the Village's water production is from one well located on Weaver Street. This well is located near the Wallkill River and right on the Village/Town of Montgomery Boundary. The Plan encourages the Village Board to work with the Town of Montgomery to create a wellhead protection and aquifer protection overlay district around these wells. Storm water pollution prevention plan requirements will further ensure that new developments don't impact these wells. Furthermore, the Plan recommends a Planned Business Park Floating District be created for the I-Industrial District that is adjacent to the Village wells on Weaver Street. The PBP District would require more open space, place a cap on the size of industrial/office buildings that would reduce the potential to adversely impact the aquifer that feeds the Village's wells. No significant environmental impacts are anticipated to result from these and other recommendations related to aquifer and wellhead protection. However, taking No Action could have an adverse impact since the recommended policies to protect the Village's wellheads and aquifers would not be enacted.

#### **G. Schools**

Montgomery lies within the Valley Central School District that provides a high quality level of education to approximately 4,032 students. These enrollment figures include students from the Berea Elementary, Montgomery Elementary, Valley Central Middle School and Valley Central High School. Enrollment in the Valley Central School District is increasing. The proposed Plan does not create significant impacts on the Valley Central School District or on its facilities. The Plan calls for greater cooperation between the Village and School Board as it relates to planning for future school needs. Some recommendations in the Plan could increase the variety and number of housing units developed. However, the impact on enrollment within the school district will be assessed in the site-specific SEQRA environmental review of each project. No significant environmental impacts are anticipated to result from these and other recommendations related to schools. However, taking No Action could have an adverse impact since the recommended policies to work with the School District to address future needs would not be enacted.

## H. Housing

The recommendations contained within the Comprehensive Plan will likely increase the number and variety of residential units that can be developed within the Village. Within the MX – Mixed Use district at Railroad Avenue, additional living-over-the-store dwelling units could be developed in the heart of the Village. The Plan recommendations to require that infill buildings within the heart of the Downtown District be at least two stories [New Urbanism Design Guidelines] will likely lead to additional living-over-the-store housing units within the Downtown Business District. The increase in the number of housing units in these areas will lead to an increase in the demand for services, including the demand for personal services, retail goods along with municipal services. However, these housing units will be situated in an area of the Village that is very pedestrian friendly with many of the personal and retail services within walking distance. As a result, persons living in the dwelling developed will be able to easily walk to shops, civic institutions, the new Senior Center at Veteran’s Memorial Park and the Pleasure Grounds Park. An increase in the residential population in these areas will have the positive benefit to local businesses by increasing the demand for local goods and services. The additional demand for municipal services will be offset, to some extent, by the increase in the tax base that will be provided by the new mixed use development. It is more likely, that empty nesters and young professional without children will occupy the living-over-the-store dwelling units. As a result, the potential impact associated with residential development is anticipated to be very modest. Overall, the result of these policies will be an improved and enhanced variety of housing units for Village residents and the addition of new affordable housing units. Furthermore, the site-specific development proposals for any infill development will be subject to its own site-specific SEQRA environmental review.

The increase in the variety of housing opportunities for area residents, coupled with the requirement that each infill development will be subject to its own site-specific environmental review, will ensure that potential adverse impacts are mitigated. No significant environmental impacts are anticipated to result from the housing policies contained within the Plan.

## I. Commercial and Industrial

In developing the Plan, the Committee carefully considered the zoning of certain commercially – or industrial zoned properties – to ensure that future environmental impacts were mitigated and positive community benefits realized. Chapter 11.0-Land Use & Zoning includes an assessment of the Village’s existing Business and Industrial Districts. Specific actions that are recommended within the Comprehensive Plan include the creation of a Planned Business Park (PBP) Floating District for the I-1 Industrial Park District and recommended changes the Village’s Zoning Code with respect to the Table of Permitted Uses. The PBP District would allow for planned unit developments that would provide an opportunity for innovative design of industrial/office/warehouse and flex space uses in the context of a campus setting. This would help to retain natural features on these sites and retain meaningful open space. Key to achieving such goals is placing a limit on the maximum permitted size of buildings and establishing thresholds for the minimum required open space. This would take subsequent action by the Village Board to create a PBP Floating District that transforms these broad objectives into land use law. The adoption of the PBP Floating District will have a positive environmental impact in that it will help to retain meaningful open space while still allowing for light industrial/office development that is necessary to strengthen the Village’s tax base while creating job opportunities for area residents. The PBP District would also help to better protect the Village’s wellheads by providing meaningful open space buffers around the business park.

The Village's Table of Use Regulations for the I-1 Industrial Park District presently lists airports, kennels, dry cleaning plants, fuel oil storage facilities and laundry plants. The Comprehensive Plan recommends that the Table of Use Regulations be revised to delete these uses. Doing so would reduce the likelihood a creating jobs for area residents if such uses were to be established within the Village. However, there has been little interest by such industries to locate in the Village and such uses are incompatible with the historic and residential character of the community. Furthermore, dry cleaning plants and laundry facilities would likely strain the Village's water and sewer infrastructure due to the high volume of water that such uses require. Dry cleaning plants and oil storage facilities, in addition to being incompatible with the residential character of the community, also are land uses with a history of polluting groundwater resources. Prohibiting such uses will provide better protection for the Village's wells and groundwater resources. The restriction on allowing and airport is really a pragmatic decision in that there is physically no place in the Village to locate an airport. Furthermore, the Orange County Airport is located on the south side of the Village on Route 211 and the FAA would unlikely allow another airport so close to the existing one.

No significant environmental impacts are anticipated to result from these recommendations for the commercial and industrial areas within the Village. These changes, coupled with the recommended design standards and natural resource protection will have beneficial impacts to the environment.

#### **J. Community Character**

The Plan places a very strong emphasis on preserving the existing community character of the Village of Montgomery. To achieve this goal, such tools as the adoption of design guidelines, landscaping standards, *street tree conservation plan*, *pedestrian circulation master plan* and mixed-use infill development that follows New Urbanism principals is recommended. The Plan includes very specific recommendations to help guide the Architectural & Historic Review Board (AHRB) in its review of renovations to historic properties. Taken as a whole, these recommendations will lead to reinvestment in the Village's existing building stock, redevelopment of older commercial properties in a manner that better respects the character of the Village, and development of new businesses and residences that are compatible in design to surrounding properties and that enhance the community character of the Village of Montgomery.

No adverse environmental impacts are anticipated to result from these recommended policies. In fact, these policies will help to conserve valuable historic resources, encourage the reuse of existing sites that might have otherwise remained vacant, and help to ensure that the street trees that help to define the quaint small-town feel of the Village are conserved for future generations.

#### **K. Downtown Revitalization**

Chapter 9.0 – Downtown Revitalization is devoted entirely to efforts the Village can pursue to help strengthen the economic and social vitality of its historic Downtown Business District. This Chapter of the Plan includes a discussion of the attributes that make the Downtown Business District attractive along with recommendations for strengthening the business district. Among the recommendations are the need to retain civic and cultural anchors downtown, to promote the business district, to ensure quality design that respects the original architecture of historic buildings and to ensure that new infill buildings complement surrounding buildings while strengthening the integrity of the business district. This Chapter also addresses techniques that business owners can employ to make their merchandise more attractive to consumers and recommends that business owners jointly promote the district.

Chapter 9.0 also includes a brief discussion regarding opportunities to expand off-street parking, grant opportunities that might be available to assist local business owners and improvements that can be made to the streetscape to make it more inviting to customers. Collectively, these recommendations have the potential to strengthen the social and economic vitality of the Downtown Business District. To the extent that they encourage the reuse of existing buildings and/or renovations of historic properties in a manner that protects the historic integrity of these structures – the recommendations are presumed to have positive environmental impacts. The recommendation to establish a New Urbanism District for a portion of the Downtown Business District will help to ensure that the placement and design of infill buildings complements the historic building fabric of the Downtown Business District. The new infill development will occur on sites that are already served by public water and sewer. The location of new infill buildings in the heart of the Downtown Business District will also strengthen the economic vitality of the business district. The likely creation of living-over-the-store dwellings in new mixed use infill buildings will strengthen the social vitality of the Downtown Business District through the new residents that will be living Downtown – frequenting local business and supporting local civic institutions.

No adverse impacts to the environment are anticipated to occur as a result of the recommendations contained in the Plan.

## **V. POTENTIAL IMPACTS AND MITIGATION MEASURES CONCERNING RECOMMENDED ZONING TEXT AND MAP AMENDMENTS.**

### **A. Amend Table of Use Regulations within the Village’s Zoning Law**

The Plan recommends that the Table of Use Regulations for the I-1 Industrial District be modified to limit certain uses that are likely to have an adverse impact on the environment. For example, the Plan recommends that airports, kennels, dry cleaning plants, fuel oil storage facilities and laundry plants be removed from the list of permitted uses within the I-Industry District. Dry cleaning plants and oil storage facilities, in addition to being incompatible with the residential character of the community, also are land uses with a history of polluting groundwater resources. Prohibiting such uses will provide better protection for the Village’s wells and groundwater resources. The restriction on allowing an airport is really a pragmatic decision in that there is physically no place in the Village to locate an airport. Furthermore, the Orange County Airport is located on the just south of the Village on Route 211 and the FAA would unlikely allow another airport within the Village.

The Comprehensive Plan also recommended minor changes to the Table of Use Regulations for the B-1 Neighborhood Business District. Specifically, it recommends that the table be revised to specifically list Bed & Breakfast establishments as special permit uses. It goes on to recommend that the Zoning Law be amended to include special permit standards to regulate such uses. Bed & Breakfast establishments already exist and are the type of business establishments that complement the historic character of the Village. Creating standards to regulate such uses in the context of the Zoning Law will allow such complementary uses to continue while providing standards to ensure that potential impacts related to off street parking, signage and other issues are properly assessed. Doing so will help to protect the historic character of the Village while ensuring that potential adverse impacts are mitigated to the fullest extent practicable.

Finally, the Comprehensive Plan also recommends that dog kennels be deleted from the list of permitted uses within the Village's residential districts. The nature of the Village, with many existing lots as small as 5,000 square feet, make it impractical to mitigate potential impacts often associated with dog kennels. While such uses might have been appropriate forty years ago when there were still large undeveloped properties within the Village, the circumstances have since changed thus demanding that the table of uses also change.

No significant adverse environmental impacts are anticipated to result from these recommendations and, in fact, these recommendations will have a beneficial impact to the environment. The recommended revisions to the Table of Use Regulations will prevent certain inappropriate uses from locating within the Village thereby better protecting the character of the community and its groundwater resources. It will also encourage appropriate land uses such as Bed & Breakfast establishments to be created while putting in place the land use regulations necessary to mitigate potential impacts associated with such uses.

### **B. Creation of Transit-Oriented-Development Mixed Use District**

The existing uses within the I-2 District in the vicinity of Railroad Avenue appear to be compatible with surrounding neighborhoods and remain economically viable. Thus, the 2008 Comprehensive Plan does not recommend rezoning this area of the Village at this time. However, it recognizes that the potential re-establishment of passenger rail service to this area could be a catalyst for change. To that end, the Plan recommends that the existing I-2 Industrial District in the vicinity of Railroad Avenue be replaced within a MX-Mixed Use District to accommodate a Transit-Oriented-Development. The purpose of this recommendation is two-fold: 1) if passenger rail is re-established, the Village Board wants to encourage reuse of industrial buildings and sites in manner that is more compatible with the adjacent historic district, and 2) development of mixed use residential/commercial development could strengthen the Village's tax base and provide additional housing opportunities.

Under the existing I-2 Industrial District, permitted building coverage is 80%, plus additional impervious surface from off-street parking areas. Permitted uses include: warehouses, fuel oil storage facilities, printing and publishing plants, storage yards, etc. The proposed MX-District would also likely allow up to 80% of lot coverage, but would also require green space within the Transit-Oriented-Development. The recommended MX – Mixed Use district provides a unique opportunity to create a mixed-use transit-oriented-development that would enhance the sense of place of this area, strengthen surrounding neighborhoods, enhance the Village tax base, expand housing opportunities, and encourage additional office/commercial development. The reuse of the historic industrial buildings for mixed-use residential/commercial purposes would give new life to these buildings and preserve a unique aspect of the Village's industrial history. Appropriately designed, infill buildings could be used to create a new mixed-use center in accordance with New Urbanism principles.

It is anticipated that development of a mixed-use transit-oriented-development in this area would result in no greater environmental impact than development in accordance with existing zoning. As was noted above, the I-2 zoning would allow large-scale industrial development with 80% building coverage and additional parking coverage that would result in largely impervious sites. While the Plan does not provide specific recommended zoning parameters (e.g. development coverage) for the proposed MX –Mixed Use District, it is not likely that the permitted intensity of development would exceed that currently permitted in the I-2 Industrial District.

As a result, the development pattern under the proposed MX-Mixed Use District would include less impervious surface, more open space, improved pedestrian access, enhanced tax base and the reuse of vacant industrial buildings for mixed residential/commercial uses. These are all perceived to be positive environmental impacts as a result of adopting the recommendations of the Plan. Potential adverse environmental impacts might include additional traffic generation due to increased residential/commercial activity in the vicinity of Railroad Avenue along with commuter traffic associated with the re-establishment of passenger rail service to Railroad Place.

It is noted, however, that any proposed development within the MX-Mixed Use District would still be subject to further environmental review in accordance with SEQRA. Such SEQRA review would involve site-specific review of existing environmental conditions and potential impacts thereto. For example, the Planning Board would need to require site-specific review of drainage, traffic, and other issues to ensure that potential environmental impacts are mitigated. No significant adverse environmental impacts are anticipated to result from these recommendations and, in fact, these recommendations will have a beneficial impact to the environment and the community.

### **C. Creation of New Urbanism District for Downtown Business District**

The existing B-2 Village Business District cover the heart of the Village's Downtown Business District. It does not require a minimum lot size but it does require a minimum lot area per dwelling unit of 2,500 square feet. Permitted uses include banks, billiard parlors, funeral homes, offices, personal service shops, radio and television broadcasting, repair shops for household or personal appliances, restaurants, retail shops, taverns and vocational schools. Special permit uses include churches, dwellings over the first floor, fire stations, inns, institutional uses, nursery schools, public libraries, printing and publishing plants, schools, self-storage facilities and temporary sand and gravel removal operations. The Comprehensive Plan calls for the creation of a New Urbanism District for the heart of the Downtown Business District along with Design Guidelines. The purpose of the recommended action is to ensure that the placement and architectural character of infill buildings complements and reinforces the existing fabric of the Village's Downtown Business District. While the specific parameters of the New Urbanism District are only described in a general nature, they will have a beneficial impact on the community by limiting the likelihood that incompatible development will occur within the Downtown Business District or for that matter inappropriate uses such as self-storage facilities. The New Urbanism principles that require that infill buildings be at least two-stories in the Downtown will likely increase housing opportunities through the creation of living-over-the-store dwelling units. Expanding housing opportunities for area residents is a positive impact.

It is noted, however, that any proposed development within the New Urbanism District would still be subject to further environmental review in accordance with SEQRA. Such SEQRA review would involve site-specific review of existing environmental conditions and potential impacts thereto. For example, the Planning Board would need to require site-specific review of drainage, traffic, and other issues to ensure that potential environmental impacts are mitigated. No significant adverse environmental impacts are anticipated to result from these recommendations and, in fact, these recommendations will have a beneficial impact to the environment and the community.

**D. Creation of Planned Business Park Floating District for I-Industrial Districts**

The recommended creation of the PBP District would allow for planned unit developments that would provide an opportunity for innovative design of industrial/office/warehouse and flex space uses in the context of a campus setting. This would help to retain natural features on these sites and retain meaningful open space. Key to achieving such goals is placing a limit on the maximum permitted size of buildings and establishing thresholds for the minimum required open space. This would take subsequent action by the Village Board to create a PBP Floating District that codifies these broad objectives into land use law. The adoption of the PBP Floating District will have a positive environmental impact in that it will help to retain meaningful open space while still allowing for light industrial/office development that is necessary to strengthen the Village's tax base. The creation of well-designed light industry-office space in this area of the Village will also create job opportunities for area residents. The PBP District would help to better protect the Village's wellheads by providing meaningful open space buffers around the business park located adjacent to the community's wells.

Under the existing I-1 Industrial District, the maximum lot coverage is 30%, however, lot coverage only refers to the area occupied by buildings and accessory buildings. As a result, it is possible that a large warehouse, coupled with off-street parking, could cover a very high percentage of the land area in this vicinity of the community abutting the Village's wells. The large amount of impervious surface could affect the Village's wells by diminishing aquifer recharge (as a result of impervious surfaces) and water quality due to storm water runoff. Development under the existing I-1 District could also adversely affect the character of the southern gateway to the Village by allowing very large industrial buildings with vast parking areas and little green space. While the specific parameters for the Planned Business Park District have not been completed, the intent is to limit the maximum size of industrial buildings to 100,000 square feet, to create design guidelines for the PBP District, to require meaningful open space and screening to mitigate visual impacts. These standards would help to avoid adverse impacts to the character of the community while enhancing environmental protection by requiring more green space than the existing I-1 Industrial District regulations.

It is noted, however, that any proposed development within the Planned Business Park District would still be subject to further environmental review in accordance with SEQRA. Such SEQRA review would involve site-specific review of existing environmental conditions and potential impacts thereto. For example, the Planning Board would need to require site-specific review of drainage, traffic, and other issues to ensure that potential environmental impacts are mitigated. No significant adverse environmental impacts are anticipated to result from these recommendations and, in fact, these recommendations will have a beneficial impact to the environment and the community.

## VI. EVALUATION OF ALTERNATIVES

There are three alternative actions that the Village can pursue. These are:

1. Adopt the Comprehensive Plan as proposed
2. Partial Implementation of the Plan
3. Do not adopt the Comprehensive Plan “No Action Alternative”

Of the available alternatives, the adoption of the Comprehensive Plan as proposed would provide the best combination of appropriately scaled growth, open space and natural resource protection, cultural and historic resource protection, opportunities for growth and the provision of affordable housing that Village residents desire. The Plan, as proposed, balances the Village’s need for growth while preserving its community character.

The adoption of an altered plan would unlikely result in all the goals and objectives of the community being achieved and would inevitably result in compromises that could undermine the intent of the Comprehensive Plan. For example, adopting design standards for historic structures, but not for new infill buildings. Under this scenario, the insensitive design of new structures could adversely affect the context of historic structures. Another example would be adopting the MX – Mixed Use District for Railroad Avenue and not adopting the recommendation for passenger rail service. The Comprehensive Plan was developed in a holistic manner and should be adopted as such.

The last alternative is to simply take “No Action.” This means the Village Board would not adopt the Plan. The Village Board has put considerable effort into developing a plan that balances the need for the community to grow while preserving its cultural, historic, and natural resources. Village residents have put valuable input into the Comprehensive Plan and the document reflects their desires to guide growth and redevelopment within the Village. The 2008 Comprehensive Plan also addresses many items that were not envisioned in the original Comprehensive Plan and issues in the existing zoning regulations that need to be immediately addressed to protect the Village’s character. The “No Action” alternative would mean that recommendations to protect cultural, historic, and natural resources would not be implemented. The “No Action” alternative would mean that opportunities to create additional housing choices for residents would be lost. Finally, the opportunities for future economic development that the Plan would encourage would be lost. Simply stated, the “No Action” alternative could have an adverse impact since existing Village land use regulations are insufficient to protect cultural, historic and natural resources. The benefit of the Comprehensive Plan is that it proposes to grow the Village in a way that enhances its community character and protects its valuable historic, cultural, and natural resources for generations to come.

## VII. CONCLUSIONS AND RECOMMENDATIONS

Adoption of the Comprehensive Plan, as proposed, would best ensure that the residents’ multiple goals for the Village are realized.

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<sup>i</sup> The *National Register of Historic Places* is the United States government's official list of districts, sites, buildings, structures, and objects worthy of preservation. The National Register was established in 1966 with the passage of the National Historic Preservation Act (NHPA). Out of the over one million properties on the National Register, 80,000 are listed individually, the others are contributing members within historic districts.