



# MONTGOMERY 20/20 VISION



A Plan for the Town of Montgomery through 2030

Adopted July 1, 2021







## Acknowledgments

The Town of Montgomery gratefully acknowledges the members of the Comprehensive Plan Committee made *20/20 Vision: A Plan for Montgomery through 2030* possible and all the residents and stakeholders who contributed their time and provided input during a very difficult time.

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This Comprehensive Plan was prepared in accordance with Section 272-a of the New York State Town Law.



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## A. Introduction

The Town of Montgomery is a complex community primarily centered upon three Villages and several smaller hamlets - the most defined of which is Coldenham. The three Villages serve as the center of social, recreational and cultural activity and residents generally identify with one of the three based on their postal mailing address (with the exception of a small area at the extreme east of the Town, which is served by the Rock Tavern Post Office).

Despite this, the Town of Montgomery still has a strong community identity; the unincorporated Town is more than just land connecting the Village communities. It is a source of commonality among residents wherever they may reside within the Town providing identity as a true place with shared experiences of living, working, learning, and playing. In a sense, it is a place of places.

This may be due in part to the settlement history of the Town. Unlike many communities in the Hudson Valley, the unincorporated areas of the Town were settled first as farmland with the Villages of Walden and Montgomery being developed around mills constructed to support the surrounding farming community.

Foremost among shared attributes contributing to the Town identity is the Valley Central School District. The Town of Montgomery comprises the majority of the District and the District encompasses almost the entire Town, the exceptions being a small area along the northwestern boundary of the Town located in the Pine Bush School District and a very small portion at the extreme north of the Town located in the Wallkill Central School District.

Another source of common identity is the common community gateway from Interstate 84 at Exit 28 (formerly 5). In 2008, the opening of exit 32 (formerly 5A) provided a secondary gateway primarily used by residents of Walden and the Coldenham area, but most traffic originating west of the Town still arrives home via Exit 28. This gateway area extends to the commercial area along Hawkins Drive and to a lesser extent the commercial area at Scott's Corner which provide a common community retail environment shared by most Town residents in addition to Village commercial areas.

The strong, successful industrial and distribution areas along Neelytown Road, Bracken Road and more recently Route 747/Stone Castle Road is part of the Town identity, and perhaps one of the most identifiable by non-residents. These areas provide a shared positive benefit to Town residents in the form of lower Town taxes - the fourth lowest among 21 Orange County Towns and 27% below the County average. The truck traffic, environmental and visual changes generated by these areas provides a more challenging aspect to Town identity, especially in the areas around the interchanges.

One of the strongest areas of commonality that contributes to Town identity, is the large volume of open space that provides a hard edge to the settled areas of the Town. Stewart Forest, Orange County Airport, active farmland, meadow and forested lands surround the Villages, generally separating the Villages from each other and from the commercial and industrial areas of the Town. The Town actively encourages cluster subdivisions in outlying areas that preserve open space and rural character. This open space not only provides a sense of space and openness, but also opens up views of the Wallkill River, Shawangunk Ridge and other scenic vistas.





In drafting this plan, it is important to understand the role that the Town of Montgomery plays in the lives of its residents, and to ensure that the best elements of its identity are preserved. As the community grows, it will be important to continue to foster the Town as a place of places, where adequate opportunities exist for all residents to live, work, learn and play.

## Settlement of the Town

Prior to European contact, the area now known as the Town of Montgomery was settled by the Wolf tribe of the Leni Lenape nation. By virtue of the remoteness of the area from New York Island and occasional wars and conflicts between the Lenape and area settlers, the area remained relatively free of settlement pressure through the end of the 17th century. With land grant reforms instituted at the turn of the 18th century, the area became a frontier where enterprising yeomen, through the work of their labor, could own land, construct farms and homesteads, live with relative autonomy and self-determination, and leave the fruits of their labor to their posterity. This enterprising spirit would bring settlement by people of primarily Dutch, English, Scots, Irish, and Palatine German origin. Farmland was cultivated on an increasing scale and today the Town still identifies itself as, “A Historic Farm Community.” Mills were constructed along the banks of the Wallkill River, most notably at Ward’s Bridge, which would later become the Village of Montgomery, and at High Falls of the Wallkill, which would later become the Village of Walden.

Montgomery would be granted township status on March 7, 1788, just 12 years following the birth of the United States and just 5 years following the end of the American Revolution. Its boundaries at that

time includes parts of present-day Crawford and Hamptonburgh. The Village of Montgomery would be incorporated in 1810 and the Village of Walden in 1855. By Maybrook would be the last Village to be incorporated in 1926.



*Golden Mansion built in 1767 - Photo Credit: Metropolitan Museum of Art*

By the 1790s, the Township had a population of 3304 free white men, women, children, 17 free others, and 236 enslaved persons. The effects of the gradual Emancipation Act of 1799 are seen in the 1830 census where the population of 3885 included 144 free black men, women and children, mostly engaged as household servants and farm laborers.



Hydropower fueled the industrial development of the Town's two Villages in the 19<sup>th</sup> century. Three textile mills would be started in Walden in the first half of the century. A paper mill and yarn mill would locate in the Village of Montgomery in the second half of the century. The present-day City Winery inhabits the site and former buildings of the Crabtree & Patchett Worsted Yarn Mill, which was founded in 1880.



*Wallkill Worsted Mill by A.K. Smeden - Photo Credit: Collection of William and John Crabtree*

The Wallkill Valley Railroad was extended in the second half of the 19<sup>th</sup> century through the Village of Montgomery to Walden, where 12 factories would be constructed. Major industry included three pocketknife manufacturers which employed over 1,000 people. Regional transportation access would become a major economic catalyst for the Town, which today identifies itself as the “Transportation Hub of the Northeast.” The construction of the Hudson Valley Connecting Railroad linking the Graham Line of the Erie Railroad to the Poughkeepsie Railroad Bridge, would give rise to Orange Junction. By 1910, the junction would become the largest

switching terminal in the northeast and the westernmost terminus of JP Morgan's New York, New Haven and Hartford Railroad, where that railroad would interconnect with several other regional rail systems. The Village of Maybrook would spring up to provide homes and services to rail workers at Orange Junction, which would later be referred to as the Maybrook Yard.

Most freight travelling from New England and New York City to locations west of the Hudson River passed through the Maybrook Yard. Around the turn of the twentieth century, rail traffic could interconnect with the Erie Lackawanna, Penn Central and New York Central Railroad which included the former Wallkill Valley Railroad. Rail service would decline after the 1950s and traffic on the Maybrook Line would completely cease following a devastating fire on the Poughkeepsie Railroad Bridge in 1974.

Through the 1970's, Montgomery had developed largely as an agricultural and manufacturing community fueled by the waters of the Wallkill River and its tributaries and by the railroad; residents were largely employed locally. Starting in the 1950s, the exodus of white families of mostly European descent from New York City and other regional urban communities fueled 50 years of double-digit population and housing growth through 2000. Montgomery and its Villages, in the face of declining industry would begin to transition to bedroom communities for people commuting to New York City and other inner suburbs.

Two changes to commuter rail service enhanced the viability of commuting from Montgomery to New York City: first the relocation of the Erie & Lackawanna Terminal from Pavonia with ferry connection to NYC to Hoboken with faster, more reliable PATH train connection in





1958; and secondly, rerouting of MTA rail service from the more southerly Main Line through Monroe, Chester and Goshen to the more northerly Graham Line through Vails Gate in 1988, just a ten minute drive to the Villages of Montgomery and Maybrook.



*Maybrook Junction – Photo Credit: Village of Maybrook*

Several forces culminated in the late 1970s and early 1980s to drastically alter the trajectory of the Town’s non-residential development patterns. These included:

- Declining railroad use after destruction of the Poughkeepsie railroad bridge for train use.
- The opening of Interstate 84 providing regional access in a location centrally located between Albany, New York City, Hartford and Scranton.

- The adoption of zoning and subdivision regulations designed to preserve the rural outlying areas of the Town and direct nonresidential growth toward the Town’s new interchanges and along the Town’s several State and County Roads.
- The establishment of the Town of Montgomery Industrial Development Agency, which would become a force for attracting large employers to the Town’s selected growth centers.

In the 140 years between 1820 and 1960, population would double from 5,541 to 11,672. It would take only 50 years to double again through 2010 with 22,606 persons.

Through the Town’s history of settlement, there has clearly been strong interrelationship between the three villages and the lands surrounding them. Farms gave rise to mills, which brought railroads, which fueled industry. Today the Villages provide centers of commerce, housing and culture to residents of the Town, and the Town provides employment, tax revenue, open space and recreation to the Villages.

Enterprise has been the hallmark of the Town of Montgomery’s settlement. The original colonists seeking a better life; the harnessing of hydropower along the Wallkill River for mills; the founding of numerous factories relying on new technologies during the industrial revolution; the construction of the Hudson Valley Connecting Railroad and the establishment of the Town as a regional leader for warehouse and distribution businesses all depended on women and men with vision, perseverance and daring. In the same spirit of enterprise, this plan will attempt to set the table for the next generation of growth while protecting the Town’s outstanding natural and cultural resources and ensuring the quality of life for all of Montgomery’s residents.



For additional historic discussion on how the Town developed, see Volume 2, Chapter 5.

## What is a “Comprehensive Plan”?

A comprehensive plan is a document prepared by a local government that looks at the interrelated functions of a community, establishes aspirations based on public and stakeholder input and establishes strategies to achieve those aspirations by coordinating the efforts of local government staff, departments and regulatory boards, and to a lesser extent, those efforts of higher layers of government such as the County, State and Federal governments. At its core, a comprehensive plan is a document that sets a destination for a community and maps a course to get there.

A comprehensive plan is not required under New York State law. However, New York State law requires that zoning, if adopted by a Town, be in harmony with a "well considered plan." Generally, all actions of the Town Board, departments and regulatory boards should be consistent with the Comprehensive Plan. New York State legislative statutes enacted since 1993 have required local and state government review of local actions to determine whether they are consistent with the Comprehensive Plan. Additionally, other government agencies, whether they be adjoining communities or higher levels of government, must consider the policies and goals of the Comprehensive Plan when considering actions that may impact the Town.

Before the Town Board adopts a new plan or any amendments to the existing plan, the Town must hold a public hearing to allow for comments from Town residents and other interested parties. This

updated Comprehensive Plan will be subject to the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the New York State Environmental Conservation Law.

Once the plan is adopted by the Town Board, it will remain on file in the Town Clerk's Office and Orange County Planning Department. The adopted Comprehensive Plan shall be reviewed for relevance **REGULARLY** to ensure the document continues to adequately meet the needs of the Montgomery.

This plan sets forth goals and objectives for the unincorporated areas Montgomery but against a structure that considers the interrelationship with the Villages of Maybrook, Montgomery and Walden.

This plan balances the three “E”s of sustainability – environment, economics and social equity. Balancing economic development and environmental protection while retaining and fostering the highest quality of life for the Town's residents is of the greatest importance in this planning effort. Chapter L of the Plan summarizes sustainable policies and measures proposed or promoted throughout the plan.

## Regional Location

The Town is situated in the northern portion of Orange County, New York and is bordered by the Town of Shawangunk in Ulster County to the north, the Town of Newburgh to the east, Town of Crawford to the west and the Towns of New Windsor, Hamptonburgh and Wallkill to the south. The Town and its Villages have over 10 miles of riverfront on the Wallkill River and cover an area of approximately 51.3 square miles.



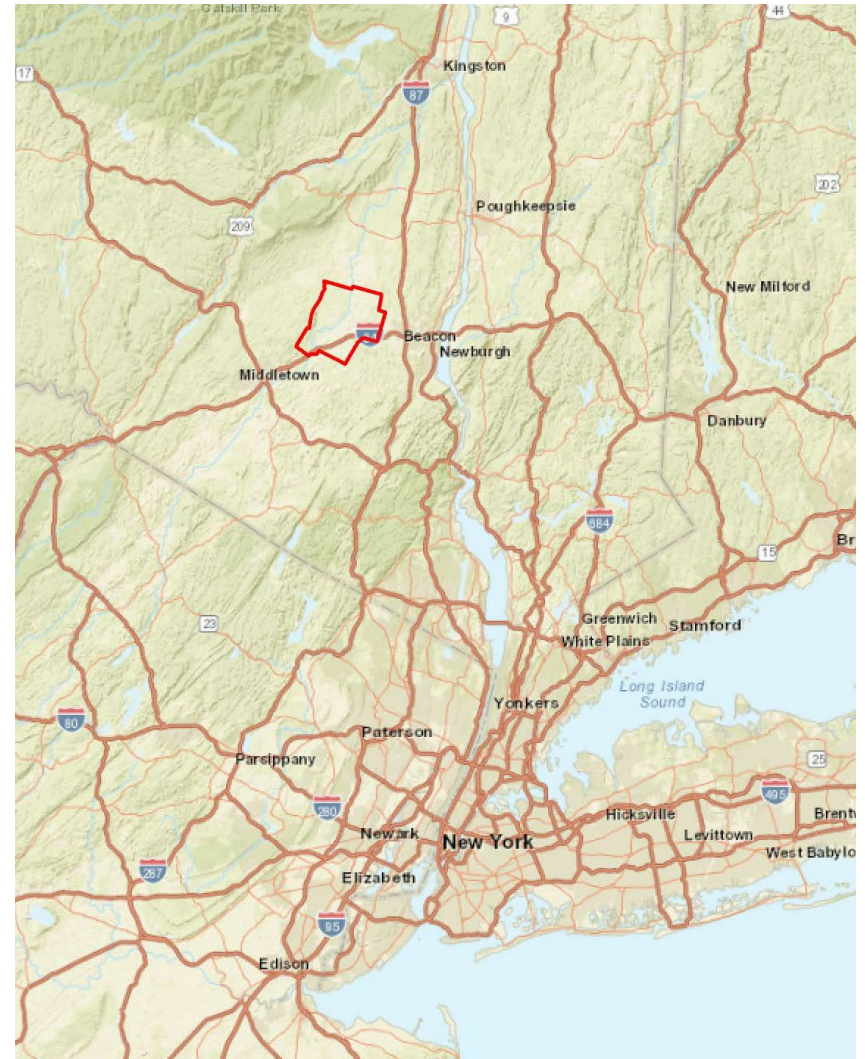
Several major transportation corridors traverse the Town and connect it with the larger Hudson River Valley region. Interstate 84 (“I-84”) runs east-west through the southerly half of the Town. NYS Route 17K runs east-west through the center of the Town, NYS Route 52 runs east-west through the northerly half of the Town, and NYS 208 runs north-south bisecting the Town. State Routes 416 and 211 originate within the Town of Montgomery and provide access to State Route 207 near the hamlet of Campbell Hall and to future Interstate 86 near Middletown respectively (route 211 also continues past Middletown to US Route 209 near Otisville).

## Town Planning History

The Town first adopted a Comprehensive Plan in 1965. The 1965 Master Plan resulted in updated and revised zoning regulations in 1971. With assistance from the Orange County Planning Department, new subdivision regulations intended to implement the provisions of the 1965 Master Plan were adopted in 1976.

During the early 1970s the Town, prompted by significant regional and local changes, including the pending completion of Interstate 84, undertook update of its 1965 Master Plan. This resulted in the 1977 Plan which lowered densities in rural areas and set the stage for concentrated industry along Bracken Road, Stone Castle Road and Neelytown Road.

As a result of rapid growth in the industrial and distribution sectors, the Town again undertook a review of its Plan in the mid- to late-1980s. The 1988 Master Plan included various projections of population and economic growth. The 1988 Plan focused on physical development improvements to transportation, community facilities and utilities.



*Figure 1: Regional Location*

The 1988 Plan provided recommendations for land development, zoning and protection of environmental resources. Key recommendations included:





- Focusing new residential growth adjacent to Villages and in the Wallkill River corridor between Montgomery and Walden and centered in Scott’s Corner.
- Preservation of active farmland through transfer and purchase of development rights (PDR).
- Expansion of commercial and industrial development areas at further distances from interchanges – notably along Route 17K, and along Route 211.
- Reduction of rural outlying residential agricultural areas of the town from one-acre to two-acre zoning.

In December 2003, the Town again undertook the preparation of a Draft Comprehensive Plan. The Draft 2003 Plan was prepared in reaction to the “piecemeal erosion” of important agricultural, recreational, scenic, historical and natural attributes. The 2003 plan put more focus on the preservation of agricultural lands and natural resources and suggested discouraging residential development in areas that lacked infrastructure. Key recommendations of the draft 2003 plan included:

- Elimination of as-of-right multifamily districts and further density reduction of single-family zoning to as low as one dwelling unit per four acres.
- Creation of “incentive” multifamily districts adjacent to the Villages that would require preservation of open space, affordable housing or farmland preservation or payment-in-lieu, and possibly requiring annexation and intermunicipal agreements.
- Establishment of a Town-wide open space and farmland preservation plan.

- Rezoning of PDR lands to recognize and enhance development protections.
- Exclusion of additional environmental constraints from lot area requirements.
- Rural lot access standards for common driveways and flag lots.
- Discouraging new regional retail.
- Recommendations relative to promoting pedestrian friendly development in the Villages.
- Support of agribusiness.
- Buffers to separate agricultural and industrial uses from residential.
- Promote additional architectural design standards.
- Study of a trails and greenway system.
- A sewer policy requiring expansion and upgrades to existing facilities prior to new facilities being constructed.
- Development of additional public water supply sources.
- Potential consolidation of Town and Village emergency services.
- A new public park in the north part of the Town – Plains Road.
- Additional conversion of former railroad beds to “rail-trails.”

The Plan was adopted by the Town Board in 2004. Shortly after completion, zoning amendments were adopted eliminating multifamily uses from the unincorporated Town as recommended but without also adopting recommended “incentive zoning” that would have allowed multifamily options adjacent to the Villages subject to provision of incentives. The Comprehensive Plan and zoning amendments were ultimately declared null and void by the New York Supreme Court of Orange County in 2006 and the Appellate Department, Second Division



in 2008 which found and affirmed that the Plan and zoning amendments were exclusionary. This decision was based among other factors upon the 2003 Plan having not adequately considered the regional housing needs of the Town and having eliminated multifamily housing as a permitted use anywhere in the unincorporated Town. Despite much of the Plan having relevance beyond the elimination of multifamily, the remaining parts of the plan were never re-adopted.

Beginning in 2007, the Town undertook a series of studies, which lead to a limited Comprehensive Plan amendment in 2010. The purpose of the 2010 amendment was primarily to react to the opening of Exit 32 off Interstate 84, and the opening of Route 747, providing a direct link between the east part of the Town, Interstate 84 and Stewart International Airport. The Plan also addressed key issues elsewhere in the town. Key recommendations of the 2010 update included:

- A new Conservation Land Use Area over existing constrained lands and buffering of construction from the Wallkill River.
- A new Ridge Preservation in the West part of the Town.
- Suburban residential densities supported by community septic connecting the three Villages with densities of up to 3.5 units per acre adjacent to the Villages and near Scott's Corner, and lower densities of 1-3 acres along Routes 17K and Route 208 in areas that are not sewered.
- Extension of the suburban residential density west to Coldenham in the event that sewer service becomes available in that vicinity.
- Discouragement of competing commercial districts just outside Village boundaries, with the exception of office and limited

retail use at Scott's Corners, Allard's Corners, Coldenham and along Route 208 and Route 52 on the outskirts of Walden.

- Limiting regional retail to Scott's Corners and expansion of Hawkins Drive.
- Interchange commercial supporting regional travel and local industry at the Interstate Interchanges.
- Intentional maintenance of an excessive supply of industrial land in order to provide greater site flexibility.
- Abandonment of a plan for a linear public park along the Wallkill River in favor of private easements supporting public access.
- Expansion of sewerage to Scott's Corners.
- Eliminate the Gateway Law in favor of increased lot widths along all state and county roads and Stone Castle Road.

Although the plan was adopted, many of the recommended zoning amendments remained unadopted, particularly: the conservation land use area, the ridge preservation area, and elimination of competing commercial districts and regional retail. Several housekeeping changes to the zoning were made, as was a change in the zoning designation of the land near to the intersection of Routes 17K and 747.

## Impetus for Vision 20/20

It is a commonly accepted best practice for a community to revisit its Comprehensive Plan every five to ten years. The Town was due to undertake an updated of its Comprehensive Plan in 2019. It hadn't examined its plan in nine years and had not adopted a comprehensive re-examination in more than 30 years.



As previously mentioned, the character of the Town of Montgomery has drastically shifted since suburbanization in the second half of the 20<sup>th</sup> century. This character shift has been accompanied by a shift in resident sentiment and public priorities. With the decline of industry in the Villages, improved transportation access, technology improvements, and housing growth, the Town’s population has shifted from predominantly agriculture and blue-collar employment to a mix that is now dominated by 67% white collar workers, largely engaged in office, clerical, administrative, sales, professional, and technical employment. With this transition has come a more diverse array of views and priorities especially in regards to the balancing of economic development, environmental protection, social equity and quality of life, than were likely reflected in the 1988 and preceding plans.

Clashing viewpoints are reflected in the voided 2004 Plan, which attempted to severely curtail residential growth. These clashing viewpoints also became apparent with significant vocal opposition to the United Natural Foods Distribution center proposal in 2013, driven by members of the teachers and trade unions, local residents adjacent to the proposed site, the timing of school district tax increases due to cuts in State funding, and the award of a PILOT negotiated through the County IDA as opposed to the Town IDA. Growing dissatisfaction with large distribution centers and trucking terminals has continued and culminated most recently with two contentious site plan applications for distribution centers of more than 1M square feet each – Project Sailfish (Amazon) at the east end of Town and Medline just south of the Village of Montgomery.

Figure 2: Employment Classification, Unincorporated Town 2019



Source: ESRI 2019

The tensions between differing viewpoints on the balancing of conservation, quality of life and economic development has been a consistent factor in the development of this plan. The Town Board ensured that differing viewpoints would be represented in the Committee charged with this Plan’s preparation and that the Plan would involve extensive public outreach. Rather than avoiding differing viewpoints, the Town has charged the CPC to build consensus and prepare a plan that results in a balancing of economic, environmental, quality of life and social equity interests.

## COVID-19 Global Pandemic

It is appropriate to note that this plan was prepared in the midst of the Coronavirus Disease 2019 (COVID-19) global pandemic. At the time of completion late in 2020 and early in 2021, the pandemic was raging across the United States, especially mid-western states with more than 18.3 million cases and 320,000 COVID-19-related deaths nationally, and more than 870,000 cases and 36,000 deaths in New York State.





The virus was first identified by the World Health Organization (WHO) on January 9, 2020 as a pneumonia-like sickness seeming to originate in Wuhan China. A global health emergency was issued by the WHO on January 31, 2020 and by the Center for Disease Control on February 3, 2020. The first case in the United States emerged on January 21, 2020 and in New York State on March 1, 2020. The number of reported infections doubled and even tripled from one day to the next during the early days of March. On March 7, the Governor of New York declared a State of Emergency and on March 13 the President of the United States Declared a National Emergency. By March 18, the Governor issued Executive Orders requiring businesses to cut workforces by 50% and the number of reported infections in the State exceeded 3,400. By March 20, all non-essential businesses would be closed. By April 1, there would be more than 83,000 cases and 2,300 deaths in New York State.

The virus would present clear challenges to government operations, including preparation of a Comprehensive Plan. It would also result in a drastic transformation of social and cultural norms. Government would first close and then transition to on-line meetings conducted via the internet. By June, the virus spread would significantly diminish and New York State would have some of the lowest transmission rates among the nation through the Summer and early Fall. In-person meetings incorporating social distancing would return in June, but by December the Town would return to on-line only meetings.

Nationally and locally, unemployment skyrocketed with businesses forced to close. Despite executive orders allowing for outdoor dining and despite New York's low summer transmission rates, the travel, tourism and restaurant industries were hit hard. Public and private

schools were closed, and students transitioned to remote learning from home. Nursing homes were forced to quarantine with the virus's



morbidity rate highest among the elderly.

*The Covid-19 virus significantly altered how Town Board meetings were conducted, seen here is Fire Chief Robert Reynolds (2<sup>nd</sup> from left) being honored at a Town Board meeting. Photo credit: Walkill Valley Times*

In the first six months of the pandemic, national and local food shortages were experienced as well as shortages on consumer goods such as antibacterial cleaners and toilet paper. Meat and produce were difficult to find and prices increased substantially in the early days. Locally, some farmers were able to increase retail sales, but others also had to dump milk, unable to get the product processed and to market. On the flipside, gas prices dropped precipitously as did airfare, as families obeyed stay-at-home orders, or avoided quarantine restrictions that were required for out-of-state travel.



Many residents of New York City, which was hit hardest in the early days of the pandemic, fled to more rural areas, purchasing new homes, or relocating to weekend homes on a permanent basis. This drastically increased home prices regionally and resulted in unexpected increases to school district enrollment in some districts throughout the region with large amounts of seasonal residences. Valley Central School District which anticipated steady enrollment decline from 2016 through 2025<sup>1</sup>, experienced an increase of approximately 50 students from 4,136 for the 2018-19 school year<sup>2</sup> to 4,184 in June of 2020. This has since fallen to 4,074 by more than 100 mostly elementary students in October of 2020<sup>3</sup>, at least suggesting that the school district may have seen temporary enrollment increases from families fleeing more urban areas in the early days of the pandemic.

Brick and motor retail, which was already declining due to increased internet sales year-over-year, was also hit hard, with many national chains and local stores closing their doors permanently. Office parks and Class-A office buildings, which were similarly already in decline nationally, were also impacted as some employers invited their workers to remain in work-from home arrangements permanently.

## The Process

The Town of Montgomery undertook preparation of the Comprehensive Plan in the Fall of 2019. The Town Board interviewed

potential members and formed a Comprehensive Plan Committee (CPC), comprised of representatives of various neighborhoods throughout the town and from varying backgrounds. It also ensured that members of the Planning Board, Zoning Board and Conservation Advisory Committees were appointed.

The Town entered into a contract with Nelson, Pope & Voorhis, LLC (NPV) in March of 2020 to assist with the preparation of a new Comprehensive Plan. The consultant undertook a comprehensive inventory and analysis of existing conditions and previous planning policies. Officials in the Villages were contacted for interviews, as were department heads, committee chairs and representatives of the County. Emergency service providers were contacted for comments by mail. Due to the constraints imposed by the COVID-19, responses were not received from all providers and not all officials were able to be interviewed. The information provided by those that were, as well as the existing conditions inventories and analyses were provided to the CPC in the form of several reports, for review and comment by the CPC. Edited versions of the reports have been compiled in Volume 2 of this document.

CPC meetings were scheduled to start with a kick-off meeting on April 15. The original schedule of 18 months was compressed to meet twice per month as opposed to once per month in order to draft a complete plan in approximately 8 months and adopt it in 12 months – an

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<sup>1</sup> Western Suffolk BOCES Office of School Planning and Research. *Long Range Planning Study – Valley Central School District 2016-17*.

<sup>2</sup> NY State Education Department. *Student Information Repository System – Enrollment*.

<https://data.nysed.gov/enrollment.php?year=2019&instid=800000040264> accessed January 28, 2021.

<sup>3</sup> Valley Central School District Office of Pupil Services. *Enrollment Report– October 7, 2020*.



aggressive timetable. Ultimately the CPC would meet 14 times over 10 months. The first three would be via an online meeting platform. All others were at in-person meetings at Town Hall and live-streamed for the public on Facebook live – an online platform.

The CPC conducted four (4) public outreach meetings in September 2020. As September approached, it was clear that Executive Orders would only allow public gatherings of no more than 50 people. Additionally, common public sentiment was still uncomfortable with meeting in person. In response to this fact and in order to gather the widest possible input, the CPC designed a process that would consist of visioning meetings to be held in person and on-line at the same time. Additionally, the meeting would be held in two venues at opposite ends of the Town, on two different dates and times – one weekday evening and one weekend morning. These public outreach meetings were publicized through social media, press releases and distribution of postcards by CPC members throughout the Town. Village representatives were also contacted and asked to help publicize the events, especially those events scheduled within Village boundaries. These public meetings included:

### Workshop 1 - Visioning Meeting (September 9, 2020)

This meeting was conducted for the purpose of collecting background data, views and opinions from community residents and stakeholders. Given that this was the first public meeting in the Comprehensive Planning process, the purpose of this meeting was to identify public and stakeholder sentiment regarding existing conditions within the Town and hold a visioning session intended to share ideas and discover areas of shared values.



*Presentation from first public visioning meeting was provided to both the in-person audience and live-streamed via Zoom meeting.*

This meeting was held at the Coldenham Fire House on Wednesday September 9, 2020 at 6:00 PM and online via Zoom. The meeting consisted of a 10-minute presentation explaining the purpose of the meeting and providing a framework for the workshop procedure including ground rules. Following the presentation in-person attendees broke into two groups and a third group of on-line attendees. A member of the CPC facilitated each group through a 55-minute Strengths, Weaknesses, Opportunities and Threats (SWOT) exercise. After identifying the top three results for each category, each group reported results back to the main group and attendees voted on what they felt were the most critical issues. In-person and online voting were separate for this public meeting. The in-person meeting was attended by 16 persons in addition to the CPC members, while the online meeting had 4 members in attendance.





## Workshop 2 - Visioning Meeting (September 12, 2020)

This meeting was conducted for the purpose of collecting more background data, views and opinions from community residents and stakeholders who were unable to attend the first Visioning Workshop. The second meeting was held at Montgomery Senior Center on Saturday, September 12, 2020 at 11:00 AM and online via Zoom. Similar to the first meeting, the second meeting consisted of a 10-minute presentation followed by small group breakout discussions both online and in-person, followed by reporting of results and voting by attendees on what they felt were the most critical issues. At this meeting, the on-line meeting was able to report back to the in-person group; on-line and in-person groups were able to vote on the same compiled list. The in-person meeting was attended by 8 members of the public in addition to the CPC members, and the online meeting had 8 members in attendance.

## Workshop 3 and 4 - Open House Meetings

These meeting were held simultaneously at two locations (at the Walden Firehouse and the Maybrook Senior Center) on September 16, 2020 to gather feedback from the community on a range of issues and conceptual initiatives identified by the CPC in response to public input received at previous visioning meetings. Each workshop consisted of six stations relating to the following topics: local commercial development; affordable housing; places of significance; priority conservation; traffic; and sustainability. Five Comprehensive Plan Committee (“CPC”) members and some assisting Town staff were available at each location to facilitate discussions at the various stations. The outcomes of the workshop were then recorded and

tabulated. In total, 19 people participated at the Maybrook public workshop and 13 people participated at the Walden public workshop.



*Walden Public Workshop – Note the Social Distancing and wearing of masks. Photo Credit: Sarah Singer.*

## Public Survey

The in-person meetings were preceded by the release of an on-line survey on September 3, 2020. Paper surveys were advertised as available from Town Hall, and a printable version was made available on the Town website. Additionally, paper survey copies were made available at the in-person meetings. This survey was held open through October 7, 2020. During that time 671 persons completed the online survey, and two paper surveys were received.





Open Space and Agriculture received strong support in public outreach – Photo Credit: Matthew Rainaldi (Top) Molly Crist (Bottom)

## B. Vision

Long range planning begins with a community's vision for its future. It describes Montgomery's values and aspirations and a shared image of how it wishes to evolve over the next 10 years and beyond. A vision considers the attributes of a community that make it unique – its environmental and cultural fabric - and is forward looking, positive and affirmative. The Vision Statement on the next page provides a succinct statement against which all policies and proposals can easily be tested and is further divided into a series of Goals and Objectives around which the recommendations of this plan are arranged.



Word cloud describing the subject matter most raised during visioning meetings.



## Vision Statement

The Town of Montgomery constitutes the fabric connecting and surrounding the Villages of Maybrook, Montgomery and Walden and the Hamlet of Coldenham. It shall remain comprised of mostly farmland/preserved open-space, rural low-density residential clustered neighborhoods and appropriately located industry and retail centers. The small-lot and walkable mixed-use settlement pattern within the Villages will be supported and protected by promoting an appropriate density of residential growth adjacent to Villages; limiting opportunities for competing retail and residential centers in more remote areas of the unincorporated Town; and insuring appropriate physical buffers or farmland/open space transitions between settled areas and large-floorplate development. The Town will respect the self-determination of its Villages by complementing the land use pattern of the Villages along intermunicipal boundaries to allow for reasonable growth including through potential future annexation where appropriate. Farmland and open space buffers shall be encouraged beyond immediately adjacent areas.

The Town's sense of place will be preserved by respecting the rural character of unincorporated areas. Historic and scenic resources will be preserved by avoiding out-of-context development in adjacent areas. The scale and character of rural roads will be maintained but enhanced to allow safer transportation by pedestrians and cyclists. Working farmland will be preserved and supported not only for its contribution to character, but also for local food security, water quality, air quality and fiscal health of the Town.

Appropriate locations for new mixed-use commercial/residential settlements or significant regional retail centers will be entertained only in large planned integrated Town Center or Lifestyle Center-style development with nearby access to State or Federal highways. Outside of these areas, new commercial development will be concentrated around adequate crossroads in the Town. Larger crossroads will provide an opportunity for larger format retail and commercial, while smaller-scale "corner-store" local convenience will be welcome at the crossroads of rural arterials.

Industrial, office and economic employment centers will be prioritized in three existing areas: in and around Neelytown Road south of Interstate 84; along Bracken Road; and along Route 747/Stone Castle Road. The Town will engage existing users in these key economic areas to remedy existing substandard environmental and traffic conditions and support appropriate future growth. Future expansion of any industrial, office and economic employment centers that generates significant traffic will be targeted along the active railroad line east of Maybrook and other areas with close access to Interstate 84 interchanges and that avoid impacts to existing residential settlements. Aviation-related business will be encouraged on and around the Orange County Airport, and more remote areas reserved for economic development will be limited to High-Tech/Low-Impact non-residential development.

The quality of life of residents will be improved through the stewardship of air, ground and surface water, and preservation of ecological habitat. Through its support for evolving green technologies, green infrastructure and sustainable "smart growth" principles, the Town will contribute to global efforts to slow the pace of climate change.





## Goals

Based on the Vision Statement, the plan promotes the following specific goals. Each broad goal is further broken into several more concrete objectives, presented throughout this comprehensive plan.

Goal 1: [Chapter D] Ensure the benefits of working agricultural uses and ecological preserves including maintaining rural character, open space preservation, local food security, and fiscal benefits.

Goal 2: [Chapter E] Improve the diversity of housing options providing a range of options that are viable for individuals and families of varying economic means through all phases of life.

Goal 3: [Chapter F] Enhance the range of available recreational opportunities.

Goal 4: [Chapter G] Allow for the continued development of job-creating, low-impact commercial and industrial use in appropriate locations.

Goal 5: [Chapter H] Improve the movement of people and goods through the Town and increase transportation safety.

Goal 6: [Chapter I] Increase stewardship of environmental resources and address the challenges of global climate change by both mitigating increased storm severity and temperatures and ensuring that policies are promoted that result in reduction of greenhouse gas emissions.

Goal 7: [Chapter J] Identify and protect those elements of community character that impart a unique sense of place, especially historic and scenic resources.

Goal 8: [Chapter K] Coordinate with utilities, Villages, Orange County and New York State to provide the upgraded facilities and infrastructure necessary to achieve the desired Vision.

Goal 9: [Chapter M] Implement Vision and Goals of this Plan in a judicious manner and update Plan regularly.



## C. Land Use Plan

### Existing Conditions

The majority (32%) of the existing unincorporated Town of Montgomery is used for agricultural purposes. Despite this, agricultural land comprises only 5% of the total assessed value. The next largest land use by land area within the Town is residential, which comprises 28% of land area of which 25% is for single-family residential. Residential land use comprises more than half (54%) of the assessed value within the Town. Vacant land, open space, parks and recreation comprise 26% of land within the unincorporated Town, and similar to agricultural land comprises only 5% of assessed value. Approximately 7% of land is used for commercial or industrial uses which comprise 30% of assessed value. Warehouse, storage, and distribution constitutes only 4% of land but contributes to 22% of assessed value. Lastly, 6.6% of land and 6.7% of value within the unincorporated Town is used for government, institutional, utility and infrastructure use.

Generally, the land use pattern within the Town is arranged around the three Villages and Coldenham, which generally lie north (Walden), west (Montgomery), south (Maybrook) and east (Coldenham) of the approximate geographic center of the Town at Scott's Corners. All three Villages serve as centers of retail, recreation and culture to their respective areas of surrounding unincorporated Town.

Coldenham is more of a rural crossroads with a few retail, service and restaurant uses than a true a community center. The area surrounding this crossroads generally identifies with the historic hamlet of Coldenham. The hamlet had its own post office until the turn of the

20<sup>th</sup> century, which may have cemented the area's identity more than other historic hamlets within the Town.

The Village of Walden has a traditional development pattern that locates higher densities of residential, local convenience, and community service uses in a traditional development pattern with a centrally located mixed-use downtown and with increasingly less-dense housing as one moves further from the community core.

The Villages of Montgomery and Maybrook have less in the way of a centralized commercial district. Montgomery and Maybrook have smaller populations than Walden and are closer to highway commercial at Exit 28 and Scott's Corner, which limits the market for retail in the downtown. Montgomery's downtown is limited to the corner of Route 211 (Union Street) and 17K (Ward Street). Maybrook's original downtown along Main Street was eliminated after the closure of Maybrook Junction, when vacant ground-story storefronts were converted to residences. A small strip center at the south end of the Village now serves the function as the Village's downtown. Maybrook has adopted incentive zoning provisions to encourage re-establishment of a new mixed-use downtown in the vicinity of their former downtown.

Route 208, which connects Walden to Maybrook and Route 17K, which connects Montgomery to Coldenham intersect at Scott's Corners. Routes 17K and 208 serve as principal arterials within the Town. Consumer retail and service establishments dot the sides of these roads intermittently nearer to the Villages and hamlet and gaining in commercial density at Scott's Corners and again north of Interstate 84. The latter, along with the adjacent Hawkins Drive, serves as the



principal retail area of the Town which includes a grocery store, pharmacy, banks/credit unions, and several fast-food restaurants.

Just off these arterials, three employment center corridors exist along Neelytown Road (north of Maybrook), Bracken Road (south of Scott's Corners) and Route 747/Stone Castle Road (east of Coldenham). These areas allow for a range of industrial and heavy commercial uses and are currently dominated by warehouse and distribution. The construction of the Medline distribution center marked the first significant expansion of large warehouse/distribution uses beyond these three corridors.

A full breakdown of land use and zoning including an existing land use and zoning map can be found in Volume 2, Chapter 3.

## Existing Zoning

The current zoning local law divides the Town into seven residential districts; nine business and industrial districts; three special districts for biomass, mining and planned adult communities; and three environmental overlays for floodplains, water supply protection and building heights along airport approaches.

Generally, land is used consistently with its existing zoning. Notable exceptions are farms located throughout the Town that are zoned OB, B-1 and B-4, which do not permit agricultural use and Stewart State Forest, which is zoned for industrial use.

A buildout analysis was conducted to determine the most intensive development that could reasonably be anticipated to occur in the Town under existing zoning at full buildout (defined as no remaining vacant land in the Town).

It is unlikely that the Town will be fully built-out in the foreseeable future, and this build-out exercise is intended to serve as a baseline for environmental review of the policy recommendations herein. It also provides a point of comparison between existing zoning and proposed zoning.

Based on this analysis, the following additional development would be possible:

- 23.6M square feet of warehouse/trucking terminal space.
- 3.4M square feet of general industry.
- 3.2M square feet of retail/personal service.
- 900k square feet of manufacturing.
- 400k square feet/1,000 hotel guestrooms.
- 275k square feet of restaurant.
- 11,900 multifamily units.
- 400 senior multi-family units.
- 100 two-family units.
- 125 mobile homes.
- 3,800 single-family homes.

As stated previously, the 23.6M square feet of warehousing and trucking terminals, and the 11,900 multifamily units are the maximum that could be constructed under existing zoning. There is concern based on this data that excessive construction under current zoning may exceed the Town's current road capacity as well as its water and sewer capacity and potentially result in significant impacts to traffic, noise, air quality, the environment and community character.

Generally, the land zoned for industrial and business use seems to well exceed market demand for the foreseeable future. This observation



was made in the 2010 plan as well, which recommended maintaining the supply in order to support flexibility for site selection.

Unfortunately, not all the remaining vacant land that is zoned for business and industrial use is ideally suited for it. With the exception of the areas northeast of Maybrook, remaining industrial land is located increasingly distant from the Interstate 84 interchanges, and in the case of the remaining industrial land surrounding the Orange County Airport, closer to the Village of Montgomery. Both of these limitations make the remaining lands less suited for industrial use particularly, that which generates truck traffic.

There are also several business and industrial districts located scattered throughout the Town. It is likely that these districts are predominantly “legacy” districts that remain from when an establishment or business was in existence at the time the original zoning map was drafted. Several of these nodes of non-residential districts are located along the State and County highways. While many of these districts may have been mapped for existing non-residential use, many are much larger than the limited existing uses, leading to instances where vacant or agricultural land is zoned for non-residential use despite remote locations.

The apparent oversupply of multifamily zoning is based on a seemingly innocuous provision of the current code that allows “dwelling units over or in rear of first floor non-residential uses.” This provision is allowed in four business zoning districts including the very large OB District (between the Village of Montgomery and Interstate 84) and considerable IB District (along Route 17K at east of Town).

The OB District was originally envisioned for campus-style office parks as a buffer between the Village and the higher intensity industrial lands along Neelytown Road to the South. Unfortunately, the market for large scale “Class A” office space has been declining nationally and regionally for more than a decade, and the recent pandemic has likely weakened it further. Multifamily residential use would likely be highly marketable in comparison to office park or the other currently permitted uses including brick and mortar retail and personal service.

The provision allowing multifamily mixed-use buildings could result in the construction of approximately 11,900 apartments in a community that along with its Villages currently has 8,177 occupied housing units. This is clearly not the scale of development that is intended, and an alternative mechanism should be considered to allowing these types of dwellings simply by special use permit.

Lastly, it is noted that the number of zoning districts in the Town seems to be excessive with minimum distinction between various districts. The code itself is difficult to use, and in a format that is not consistent with the codification practices of the surrounding communities. The Town should review its code, and comprehensively revise it to make it more accessible to applicants and the public, and to update it to incorporate general best practices.

## Proposed Conceptual Land Use Plan

The Conceptual Land Use Plan prescribes the land use policy preferences of the Town for its various geographic areas. These policy preferences are intentionally general and present the general land use pattern that the Town wishes to pursue on an area-wide basis. There may be existing areas that are inconsistent with the land use plan, that





are nonetheless viable and desirable. It is envisioned that the conceptual land use plan will be implemented through the mapping (or amendment) of several zoning districts which establish limitations on use, density or intensity, bulk and setbacks/buffers. At the time these zoning amendments are considered, the Town Board should evaluate inconsistent existing land uses, and determine whether such land uses should be allowed to continue and expand through zoning, be maintained and not expanded as existing non-conforming uses or eliminated over time.

The Conceptual Land Use Plan is intentionally drawn to have generalized and non-specific boundaries, so that flexibility and discretion can be used at the time that the Town Board translates the conceptual land use areas into zoning districts. While agricultural use is specifically described as a desired use in one particular land use area, this land use plan prescribes agriculture (with the exception of animal processing) in any and all areas of the Town. The Land Use Plan is shown as Figure 3, and prescribes the following land use areas:

### Open Space and Recreation

The Open Space and Recreation Land Use Area encompasses areas that contain significant tracts of existing local and State dedicated parkland, or open space owned by the Town. It takes an act of the State Legislature to alienate parkland and these areas can be assumed to remain static into the future. Where non-parkland open space owned by the Town is designated for this land use, this plan recommends that this land remain as an open space resource.

### Low-Density Residential/Agricultural

This area comprises the majority of the unincorporated Town's area. It is intended primarily for agriculture and open space use along with single-family detached dwellings at a net density of one dwelling unit per two acres (deducting environmental constraints such as wetlands, floodplains, steep slopes, and surface waterbodies and deducting areas of conservation or utility easements). The character of this area should be decidedly rural.

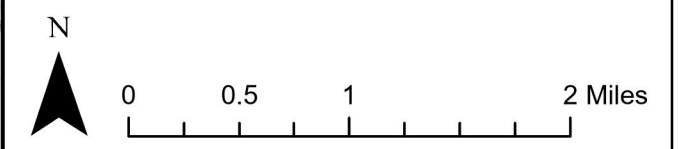
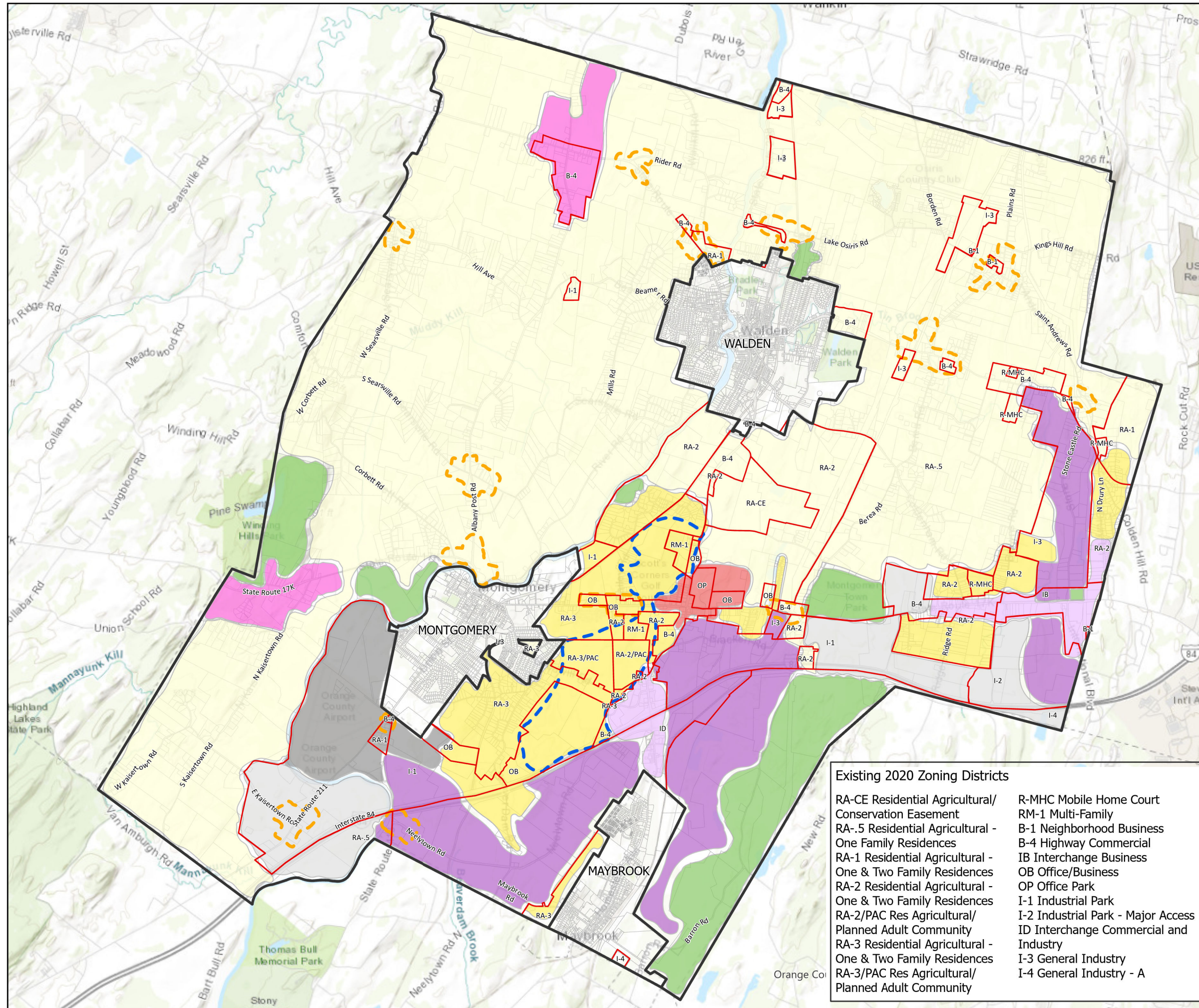
Agritourism businesses such as glamping, farmers markets, pick-your-own, farm-stays, farm-to-table restaurants, wineries, breweries, distilleries and cideries should be permitted on agricultural properties in this area, with a minimum of regulation. Passive recreation and open space are also appropriate.

New residential development should be clustered into the smallest enclaves that still provide adequate area for subsurface wastewater disposal systems where sewer service is not provided. Open spaces should be maximized prioritizing preservation of prime agricultural land, natural habitat, environmental features, scenic vistas and cultural features such as cemeteries, stone walls, and other historic structures in any cluster development. Two-family dwellings and single-family semi-attached should also be permitted where subsurface systems allow for it.

As with all residential zones in the Town, appropriate accommodations should be provided for authorization and regulation of home businesses, home offices and accessory apartments. Tiny homes and Elderly Cottage Housing Opportunity (ECHO) housing should be







Source: Orange County GIS 2020. The accuracy of this zoning data is not guaranteed by the County GIS department. It is not to be used as the sole source of data.

### Figure 3: Conceptual Land Use

Existing 2020 Zoning District Designations

#### Conceptual Land Use

- Open Space and Recreation
- Low Density Residential/Agriculture
- Medium Density Residential
- Tourist Commercial
- Community Commercial
- Regional Commercial
- Aviation Business
- High-Tech
- Heavy Commercial/ Industry

#### Overlay Districts

- Crossroads Commercial Overlay
- Planned Development Overlay

#### Existing 2020 Zoning Districts

- |   |  |
|---|--|
| RA-CE Residential Agricultural/ Conservation Easement       | R-MHC Mobile Home Court                |
| RA-.5 Residential Agricultural - One Family Residences      | RM-1 Multi-Family                      |
| RA-1 Residential Agricultural - One & Two Family Residences | B-1 Neighborhood Business              |
| RA-2 Residential Agricultural - One & Two Family Residences | B-4 Highway Commercial                 |
| RA-2/PAC Res Agricultural/ Planned Adult Community          | IB Interchange Business                |
| RA-3 Residential Agricultural - One & Two Family Residences | OB Office/Business                     |
| RA-3/PAC Res Agricultural/ Planned Adult Community          | OP Office Park                         |
|   | I-1 Industrial Park                    |
|   | I-2 Industrial Park - Major Access     |
|   | ID Interchange Commercial and Industry |
|   | I-3 General Industry                   |
|   | I-4 General Industry - A               |





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*Brown Farm – Photo Credit: John Brown*

considered as an acceptable alternative to an accessory apartment within the principal structure for lots with an acre or more. Consistent with the decisions of New York State courts, educational institutions and places of worship should be permitted subject to reasonable safeguards to community character, peace, tranquility and resident safety in any zoning district that permits residences. The Town must be careful to not impose more stringent requirements on educational institutions and places of worship than it does on comparable places of non-religious public assembly.

### Medium-Density Residential

This area is generally in proximity to regional transportation access, existing utilities, existing retail/service commercial areas, and areas that are already settled at higher densities than two-acres per unit. This area is intended to support higher densities of residential use than

the Low-Density Residential land use area, especially where adequate sewer and water infrastructure is available. Ideally, this area would be comprised of a mix of medium- and small-lot single-family detached residences clustered in walkable neighborhoods, along with semi-attached homes (duplexes), attached homes (townhouses), and limited multifamily options adhering to traditional neighborhood development concepts.



*Warwick Grove is a local example of Traditional Neighborhood Development. - Photo Credit: Warwick-grove.com*

Generally, overall net densities of one to two units per acre (clustered at up to six units per acre) are appropriate depending on the proximity of the neighborhood to convenience commercial centers (such as those that exist on Hawkins Drive, near Coldenham Road, at Scotts Corners and in the Village of Montgomery) and the availability of water and sewer. These net densities are generally consistent with the Town's existing RA-3 zoning district that is located along the easterly boundary of the Village of Montgomery and which allows 1.33 units per net acre without utilities and up to 2.66 units per net acre with sewer and water. Where water and sewer are available, net densities of up to four units per acre (clustered at up to eight units per acre) should be permitted through transfer of development rights from low-density





residential/agricultural areas. Four units per net acre is consistent with the densities within the Village of Montgomery's RA-3 zoning district (3.6 units/acre) that constitutes the majority of that Village's perimeter lands that are adjacent to the unincorporated Town. Eight units per net acre is lower than densities located in other areas of the Village.



*Concord Riverwalk in West Concord, MA is an example of an innovative development adhering to principles of Traditional Neighborhood Development. The community of 10 “net-zero” single-family detached residences, and two restored historic homes containing three units are situated around a central green with shared community garden, pavilion, garages, and parking lot. - Photo credit: Nat Rea Photography*

Creativity and sustainable design should be encouraged allowing for incorporation of neighborhood greens, pocket parks, neighborhood-scale convenience commercial uses (general stores, cafes, ice cream shops), community gardens, clubhouses, and shared parking areas.

There are two existing RM-1 zoning districts located within this land use area in the vicinity of Scotts Corners. These two areas provide an

appropriate opportunity for multifamily housing at approximately eight units per acre, without TDR, should water and sewer utilities be made available. These existing areas are consistent with the purposes of this land use area, and no changes specific to these areas are contemplated as part of this plan.

The Town should prescribe high standards for any private sewer or water system proposed to support development in the Medium-Density Land Use Area and should encourage or require expansion of existing public facilities prior to approving any new private facilities.

Without provision of adequate community water and/or sewer facilities, maximum net residential density in this land use area should be one to two acres per unit dependent on soils to accommodate adequate separation between individual subsurface wastewater disposal systems and potable water wells.

With regard to the Medium-Density Residential areas in the vicinity of the Village of Montgomery, it is noted that Recommendation 2.1.7 of this Plan calls for consideration of annexation agreements between the Town and Villages.

With regard to the Medium-Density Residential areas in the vicinity of Coldenham Road, it is noted that several larger parcels exist within these land use areas, that would be appropriate for expanded options. More specifically, parcels located within the Medium-Density Residential area that are larger than 10 acres and afford direct access to Route 17K (or provide access to Route 17K via service roads that do not pass through substantial residential neighborhoods) could be



considered for development consistent with immediately adjacent land use areas, including the High-Tech Development land use area.

### Planned Development Overlay

The most intensive residential development will be accommodated within the Planned Development land use area. These areas are sub-areas of the medium-density residential area that are centrally located within the Town, have nearby access to the regional highway network, and are located close to existing Town and Village of Montgomery Sewer systems. Development consistent with the Medium-Density Residential Land Use Area is appropriate for this area.

Additionally, these areas are appropriate for more intensive planned mixed-use development consistent with “New Town” style traditional neighborhood development. Such a development would propose a sizable (a minimum tract size of 50 acres would be appropriate), master-planned, walkable, sustainable development with designed networks of parks, plazas, greens, and open spaces centered around a significant mixed-use core containing regional destination retail and/or entertainment, offices, and multifamily dwellings on upper floors. Moving out from the central core, an interconnected network of streets would transition from the multifamily mixed-use core to lower densities as distance increases—attached housing, three-family, two-family, and small-lot single-family dwellings.

Typically, new town-style planned developments are designed around “form-based” codes that prescribe the design and form of structures and their relationship to the street, rather than specifying uses and yards as is done under standard Euclidean zoning. Generally, net overall base densities of two units per acre would be appropriate as a



*Building form should adhere to traditional neighborhood development concepts, providing up to three stories in the mixed-use core, Habersham Residential Neighborhood and Habersham Marketplace – Components of a “New Town” Master Planned Development in South Carolina built in accordance with TND Principals. Photo Credit (Top): DPZ CoDesign. Photo Credit (bottom): LWLP*





base, with additional density of up to six net units per acre available by transfer of development rights from low-density residential/agricultural areas.

Coupled with other recommendations contained herein, this would likely result in approximately four acres of agricultural land or open space being preserved for every six homes constructed in this area.

Any planned development would typically provide its own utility infrastructure, often along with needed community facilities including new schools, parks, post offices, firehouses, community centers and/or government buildings as necessary. Additionally, any planned development would need to incorporate into the fabric of the surrounding community providing road and pedestrian linkages with existing adjacent development. As part of any sizable development an affordable housing set-aside that limits rents or sale/resale prices is appropriate.

### Crossroads Commercial Overlay

This land use area comprises key intersections of County and State highways and is intended to provide options for the construction of small-scale retail and service commercial development designed to service the immediate area or capture pass-by traffic such as general stores, convenience markets, delicatessens, small restaurants, and small-scale fuel service station. Also appropriate to crossroad commercial areas are specialized businesses of a nature that is not appropriate for location within Hamlets, Villages or near to I-84 interchanges. Examples include landscape supply, farm supply, building supply, equipment sales, and contractor businesses. Buildings should be limited in height and maximum building size to fit with the

Town's rural character at these locations. Buildings should be designed and sited to be architecturally consistent with surrounding rural character. Generally, buildings should front on streets with parking along sides or in the rear, and green space should be maintained along the road. These types of uses are appropriate in addition to the uses prescribed by the underlying land use area.



*Example of typical crossroads commercial (Extensive paving from building to curb is not desired).*



## Tourist Commercial

Tourist Commercial is designated for two areas within the Town. The first is generally at the hamlet of Allard's Corners near the crossroads of Albany Post Road and Route 52. This hamlet contains Angry Orchard cidery, which is a major seasonal recreational attraction within the Town. The second is along Route 17K at the westerly Town border located between Winding Hills Park, Winding Hills Golf Club and Benedict Farm Park. The first two of these areas are located in areas of outstanding scenic and visual character commensurate with capturing seasonal and weekend tourist interest from the NY metro area. The third is uniquely located to capture fly-in tourism.

These areas are proposed for hospitality, short-term rentals, agribusiness, "fly-in" tourism, and other tourist and travel-related uses along with the type of uses generally permissible in Crossroad Commercial land use areas. Examples of appropriate uses include breweries, wineries, distilleries, nurseries/garden centers, art galleries, local restaurants, cafes, boutiques, specialty stores (e.g., antique shops, bookstores, bakeries, small specialty food markets); museums, drive-in movie theaters, camping grounds/park lodges, glamping areas, bed and breakfasts, inns, hotels, cottages, and catering establishments (including wedding venues).

It is critical that any of these uses, especially larger floorplate uses such as hotels and catering establishments be sited and landscaped to not be highly visible from major public viewpoints, and architecturally designed to fit in with the rural character rather than adhering to national brand identity. The Town may wish to adopt architectural and site design guidelines relative to these particular areas.

Generally, this area would not be appropriate for mixed-use development, but residential single-family development as an alternative should remain an option, especially if the Town allows for house-sharing and short-term rentals.



*The Hampton Inn & Suites at Lake Placid is a good example of a national brand altering their standard brand prototype to better fit the rural character of a community with an established identity. Photo Credit: Regional Office of Sustainable Tourism/Lake Placid*

## Community Commercial

Scott's Corners is proposed for designation as Community Commercial. Community Commercial is generally intended to accommodate larger scale non-residential development than would typically locate in the Villages or Hamlet, but that is intended to serve the local community as opposed to the larger region.

Examples include grocery stores, larger pharmacies with drive-thrus, banks, larger restaurants especially those with drive-thrus, community-







*The Route 62 road diet project in Hamburg, NY demonstrates how state highways may function as walkable mixed-use environments. The brick-colored areas on either side are not formal bicycle paths but provide some haven for cyclists and slow traffic. Photo Credit: NYS DOT*

scale gyms, self-storage facilities (no greater than two-stories), nurseries/garden centers, farm supply, building supply, automotive repair facilities, motor vehicle rental, gas stations with retail components, large medical offices and clinics, and post-secondary educational establishments. It is noted that the hill northeast of this intersections affords scenic views of the Town and may be a good location for a hospitality and conference facility.

The Town should promote interconnection between parking lots, promote parking along sides or the rear of buildings and maintain a continuous green or landscaped ribbon along the road edge.

### Regional Commercial

Two areas of the Town are proposed for designation as Regional Commercial. These are located along Route 208, 17K and 747 within the vicinity of Interstate 84 interchanges. These areas are intended to accommodate commercial development serving interstate motorists, drawing from the regional retail market, and/or generating large volumes of traffic.

More specifically this area is intended to accommodate large-format retail, hotels/motels, larger gas stations, large restaurants including those with drive-thrus, auto and equipment sales, larger grocery and/or department stores, outdoor stores, and hospitals/clinics/outpatient medical facilities. In addition to these uses, a regional sports complex would be permitted in this land use area. Generally, the preference for these types of uses is for stand-alone buildings as opposed to multi-tenant shopping plazas.

Where a multi-tenant shopping plaza is proposed, it is desired that such be accommodated within an open air “lifestyle center” style



commercial development, which affords a traditional pedestrian-friendly environment that also provides direct store access to vehicles, a generous mix of non-retail uses including recreational-type uses such as multiplex cinemas, restaurants, bars, bowling alleys, etc. Multifamily residential could be appropriate for lifestyle centers, in the event that sewer and water are available. Such an environment would be similar to that conceived for the core of a “New-Town” style development in the Planned Development land use area.



*Mashpee Commons in Mashpee, MA, is an example of an obsolete mall being retrofitted as an open-air lifestyle center with national retailers and restaurants in ground stories and offices and limited residential in upper stories. Photo Credit: Cape Cod Chamber of Commerce.*

The blanket authorization of multifamily mixed-use throughout several of the Town’s commercial districts without density controls should be revisited by the Town Board. The Town should continue to allow provisions for reasonable multifamily development in mixed-use

developments but should impose density standards to ensure that any multifamily housing is appropriately scaled to the surrounding commercial area, and that the provision is not used as a “work-around” for the construction of pure multifamily projects that overwhelm the commercial character. Opportunities to encourage TDR should also be considered in any amended zoning.

Along Route 17K, in the vicinity of Coldenham road, there is a preponderance of auto-related commercial uses such as tire shops and auto repair uses. These types of commercial uses are found to be generally compatible with the character of the area and should be accommodated. Because of the proximity of these areas to the Interstate, some larger parcels in this area could also support High-Tech Development type land uses (see High-Tech land use area description) if appropriately buffered from residential use.

### Aviation-Related Business

The Aviation-Related Business land use area encompasses the Orange County Airport and land immediately north of the airport. Aviation-related business such as fixed-base operators, flight schools, aviation colleges, aviation repair and maintenance, restaurants and lounges, specialized aviation product manufacturing, aerospace research and development, and similar are encouraged in this land use area. Additionally, hangars, facilities for refueling and repair and other operations associated with the expansion of the Orange County Airport are prescribed for this area. A fly-in home community could also be appropriate.

This area is not appropriate for heavy industry or uses that generate frequent truck traffic. Additionally, the Town should consider requiring





maintenance of significant treed buffers along the Wallkill River and existing residential neighborhoods within the Village.

This land use area would also be appropriate for the uses contemplated in the High-Tech Development and Tourist Commercial land use areas. It is noted that areas of the unincorporated Town that are located beneath flightpaths for Orange County Airport departures were intentionally recommended for low-density residential or non-residential land uses to minimize future noise conflicts between the airport and neighboring residents.



*Orange County Airport – Photo credit: Jane Samuelson*

## High-Tech Development

The High-Tech Development land use area is proposed for land along both sides of Route 211 south of the airport, between Route 416 and I-84, and along Maple Avenue in the eastern part of the Town.

This land use area is intended to allow for future economic development within the Town at areas located further from Interstate 84 interchanges. These areas are appropriate for uses that do not generate significant truck traffic and that are intended to attract higher-paying jobs than have been typically generated by the Town's existing economic development areas.

At the time that this Comprehensive Plan was being completed, the Town of Montgomery Industrial Development Agency undertook a corridor land use study, the intent of which was to determine what type of development could occur based on the current and trending real estate market, available land and infrastructure.

The following uses are generally consistent with the Town's tolerance for traffic generation, land use intensity and other externalities and were indicated as having a demonstrated market:

- Post-secondary and vocational training
- Co-work space and business incubation flex space
- Green industry research, development and manufacturing
- Bio-pharma research, development and manufacturing
- Regional sports training facilities
- Financial/business services, telecommunications/data support
- Local/regional food linkages
- Hospitality, conference centers -nature/rural hospitality





- TV, music and media production
- Software coding, data processing and storage
- Agricultural technology, education, processing and tourism
- Regional workforce training
- Media and entertainment services and production
- Printing and publishing plant
- Research institute or laboratory

These areas are generally located at community gateways, and therefore, any development in these areas must be well-planned, well-designed, and sited appropriately to maintain and/or enhance the Town’s character. The CPC expressed particular interest in a culinary satellite educational facility for this land use area, although a smaller facility may also be appropriate in a Village downtown or as part of a Planned Development.

### Heavy Commercial/Industry

This land use area corresponds to the Town’s existing areas of industrial, warehousing and distribution uses. The Town wishes to appropriately accommodate the reasonable growth of these existing areas, such as along Neelytown Road, Bracken Road and Stone Castle Road, to achieve full development of remaining sites. Only one currently undeveloped area is designated for the expansion of these existing areas: the area generally bounded by Stewart State Forest, the Village of Maybrook, Route 208 and Interstate 84. This land use area should also permit any uses permitted in the High-Tech Development land use area.



*Home Depot Distribution Center on Neelytown Road – Photo Credit: NPV*



## D. Agriculture and Open Space

Open space and agriculture are central to the identity of the Town, especially the unincorporated areas of the Town. As reported in Town assessment records, most of the land within the Town of Montgomery is utilized for agricultural use. While the per-acre monetary value of agricultural land is significantly lower than other land uses within the Town, agricultural lands provide a host of benefits that cannot be quantified in dollars and cent (see picture at right).

There were several questions regarding agriculture and open space included in the survey conducted while preparing this plan. Consistently, agricultural and open space preservation received some of the highest levels of support from the public. Agricultural preservation was second only to keeping taxes low (not mutually exclusive) in overall importance of policies. Additionally, the greatest number of respondents (39%+) indicated that they would support a 1.5% increase in property taxes to preserve all remaining farmland, while more than 65% supported an increase of 0.33% or more for farmland preservation. More than 70% of respondents agreed or strongly agreed that loss of open space was a threat to the health, safety or quality of life of Montgomery townspeople and more than 74% felt the same about loss of agricultural lands.

The Town has already accomplished significant preservation of open and agricultural lands including the purchase of development rights from several farms within the community. Additionally, the Town has promoted cluster subdivision development resulting in the creation of additional open space along the edges of housing developments.



*Exhibit from Public Workshop describing benefits of Preserved Open Space*



The largest tract of preserved open space is Stewart State Forest, east of the Village of Maybrook. Additionally, there are several parks within Montgomery, including Winding Hills County Park, Benedict Farm Park, Brick House Museum County Park/Berea Town Park, Rail/Trail Park, and several smaller parks throughout the Town. It is noted that a large tract of land located southeast of the intersection of Barron Road and Route 17K is County-owned vacant land and does not appear to be constrained to parkland use.

Although not formally protected as open space, the utility transmission easement, the New York City Aqueduct and Orange County Airport, are unlikely to be improved with significant structures and therefore also provide open space benefits. Protected open space within the Town is shown in Figure 4.

***Goal 1: Ensure the benefits of working agricultural uses and ecological preserves including maintaining rural character, open space preservation, local food security, and fiscal benefits.***

***Objective 1.1: Preserve at least 1,000 more acres of working farmland and/or ecologically sensitive lands by 2030.***

**Recommendation 1.1.1: Open Space Plan.** At the public open house, attendees were asked to identify locations in the Town that should be considered for conservation. The CPC conducted a similar exercise at a regular meeting. A Preservation Priorities map (see Figure 5) was created to identify properties that warrant consideration for open spaces acquisition. This map is simply an identification of the lands that the public and CPC have identified as worthy of consideration. The Town should prepare an Open Space Plan that provides a further

vetting and prioritization of parcels and an implementation plan identifying measures to achieve conservation. In the interim, the Town should consider the publicly nominated lands shown in Figure 5 if opportunities and resources for acquisition become available.

**Recommendation 1.1.2: Agribusiness.** Allow for industry complimentary to agriculture in the Town's land use regulations and partner with private industry or a farm cooperative organization to encourage the construction of joint facilities within the Town to make it more convenient for local farms to add value to their products.

- Vegetable cleaning, cutting and packaging facility.
- Dairy processing.
- Commercial kitchen facilities for pickling, jelling, juicing and saucing.
- Flash freezing facility, or mobile flash freezing units.
- USDA slaughterhouses, 5-A state plants and meat processing facilities, in heavy commercial/industry areas and subject to strict performance standards regarding odors and generous buffer and screening requirements from property lines.
- Regional food hub and less than trailer-load food distribution hubs.

**Recommendation 1.1.3: Farm to Table Coordination.** Directly, or in partnership with an established not-for-profit such as the Hudson Valley Agribusiness Development Corp. (HVADC), establish a farm-to-table program that connects farmers to local restaurants (in the Town and nearby communities) to form working relationships. Work with Orange County to promote these farm-to-table restaurants on the Orange County tourism website (e.g., Ward's Bridge Inn, Wildfire Grill).





**Recommendation 1.1.4: Local Agricultural Development Agency.** If permitted under current statutory constraints, encourage the IDA to assist in growing the agricultural labor force by:

- Prioritizing assistance to agricultural businesses.
- Acquire, own and lease land for agriculture, using lease proceeds to fund debt service on bonds for additional land purposes.
- Negotiate and facilitate access to open space created as part of cluster subdivisions, where viable for agriculture.
- Directly issue debt for the acquisition of prime agricultural land.
- Exempt land from real property and mortgage recording taxes.

If the IDA is unable to undertake these initiatives, the Town should explore existing legal and/or State legislative avenues for the creation of an “Agricultural Development Agency” public benefit corporation with an organization, mission and powers to execute these initiatives.

**Recommendation 1.1.5: Transfer of Development Rights.** The Town should adopt provisions allowing for the Transfer of Development Rights, Section §261 of Town Law defines TDRs as “the process by which development rights are transferred from one lot, parcel, or area of land in a sending district to another lot, parcel or area of land in one or more receiving districts (see also glossary).” The purpose of TDRs, as defined in Town Law, is to protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural or aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable

resource. Appropriate sending districts for development rights would be land that is currently rural and low-density in character (generally lands classified as low-density residential/agricultural on the conceptual land use map), lands with significant areas of prime agricultural soils, and lands that have been identified as having high priority for preservation. Appropriate receiving districts would be primarily the medium-density residential land use area and other areas where the Town Board believes higher densities are appropriate.

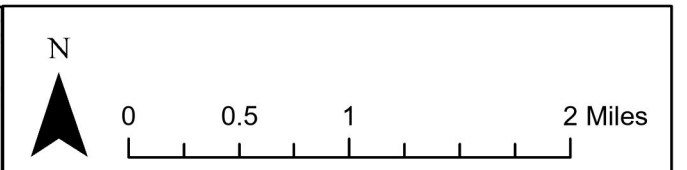
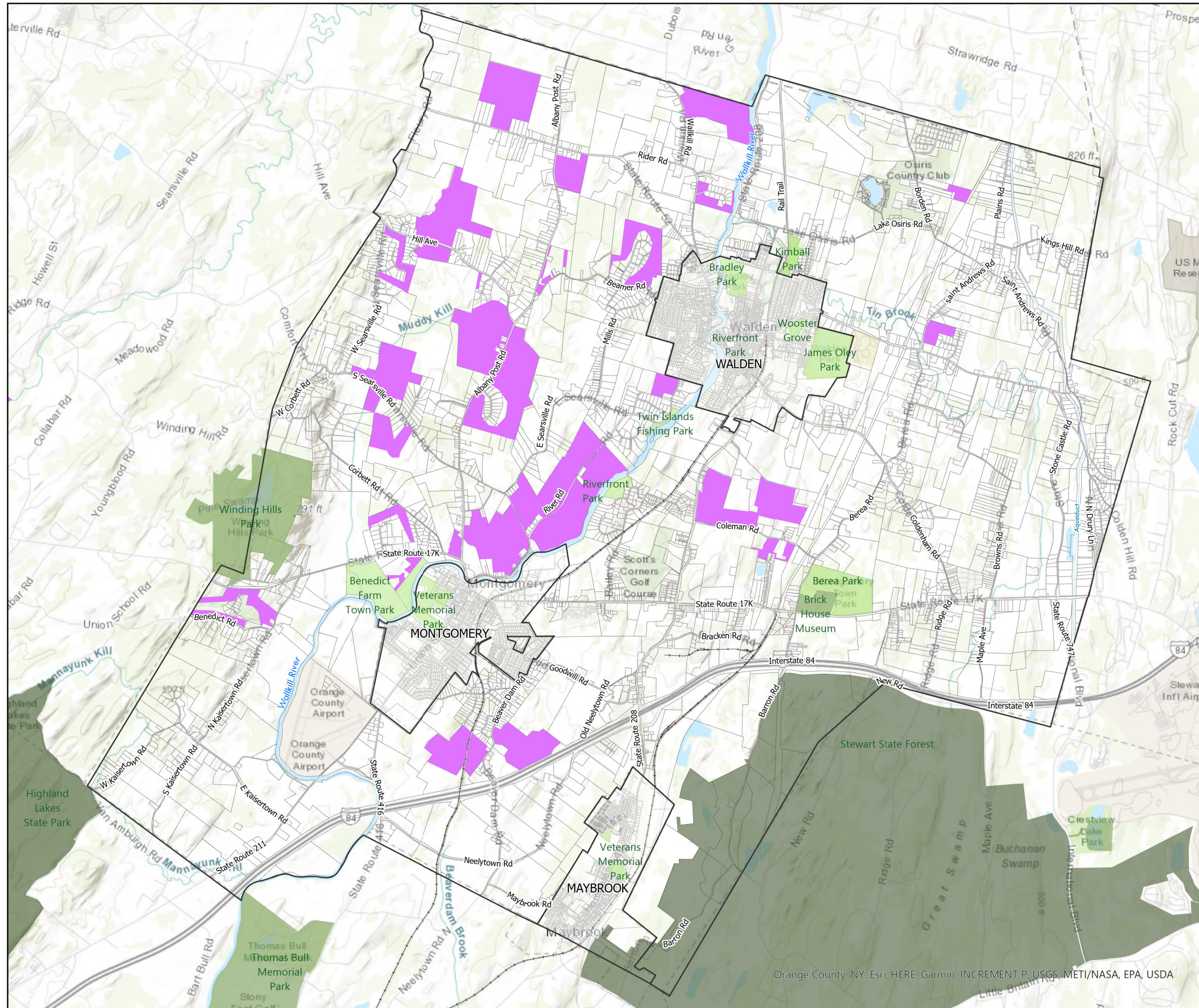


*Crist Brothers Orchard – Photo Credit: Molly Crist*

The Town could also establish a “TDR Bank” whereby the Town funds the purchase of priority land for preservation, and then recoups its investment by selling the rights to developers elsewhere. If such a mechanism is pursued, the Town should be careful to adjust as-of-right densities elsewhere in the Town to ensure that the policy does not



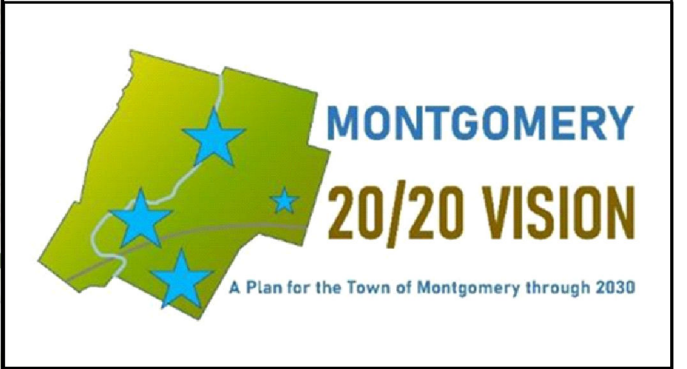




Source: Orange County GIS 2020. The accuracy of this zoning data is not guaranteed by the County GIS department. It is not to be used as the sole source of data.

### Figure 4: Protected Open Space

- Protected Areas**
- Municipal Park
  - County Park
  - State Park
  - Conservation Easements

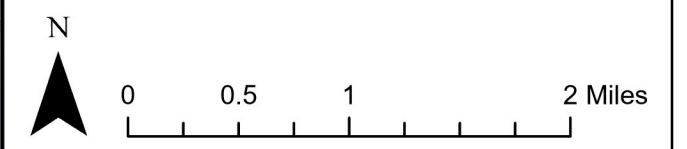
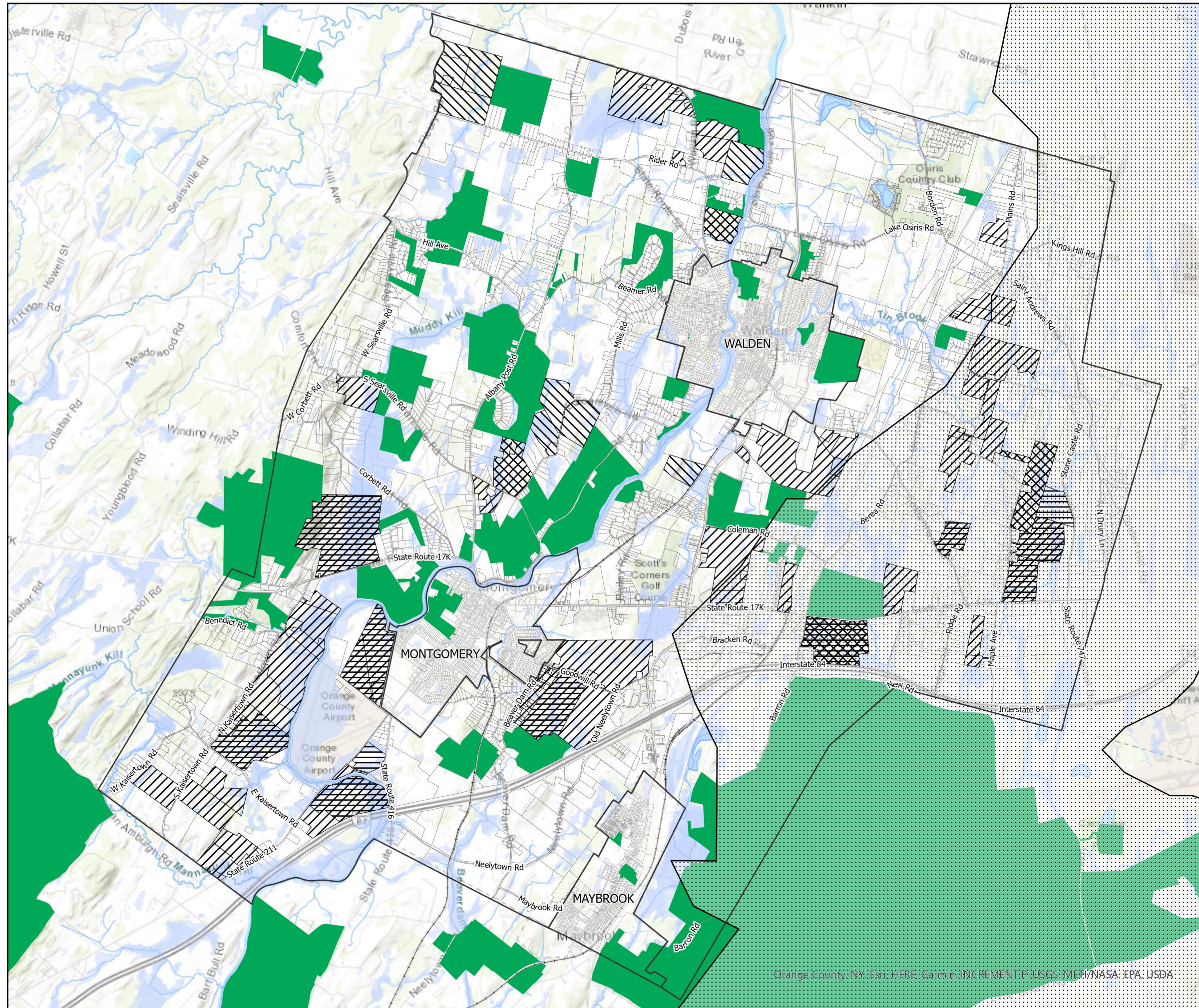




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Source: Orange County GIS 2020. The accuracy of this zoning data is not guaranteed by the County GIS department. It is not to be used as the sole source of data.

### Figure 5: Preservation Priorities

- Maybrook Open House Nominations
- Walden Open House Nominations
- CPC Nominations
- Natural Heritage Program Forest Block Linkage Zone
- Parks and Conservation Easements
- Wetlands and Floodplains





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result in a significant increase in the amount of housing that could be constructed Town-wide.

**Recommendation 1.1.6: Right-to-Farm Resolution.** The Town should adopt a right-to-farm resolution to recognize Montgomery as a historic farming community, and to protect farms of all sizes in the Town from nuisance complaints, and to confirm the value they provide to the community, food infrastructure and the environment. Town identification signs at gateways from major highways should identify the Town as a “Right to Farm Community.”

**Recommendation 1.1.7: Purchase of Development Rights.** Continue to purchase development rights (PDR) through grants and/or local bond issuance. Consider local funding for open space and farmland conservation such as enacting a Community Preservation Fund through the NYS Community Preservation Act or engaging in strategic grant opportunities.



*Twin Ponds at the Farm a PDR farm – Photo Credit: NPV*

**Recommendation 1.1.8: Support Real Estate Transfer Tax.** Support efforts by the County to levy a real estate transfer tax with revenues earmarked for the acquisition of open space.

**Recommendation 1.1.9: Partner with County for Open Space Preservation.** Petition Orange County to update its Open Space Plan of 2004, fund its Community Preservation Fund and offer grants that can be used as matching grants against state programs for the preservation of priority lands including lands identified as priorities under the existing plan including the Wallkill River watershed, and the Wallkill Valley Farm Belt.

*Objective 1.2: Strengthen food security by allowing residents to grow their own food and offer it for sale.*

**Recommendation 1.2.1: Hobby Farming.** Remove barriers to backyard and small-scale subsistence farming. Review and consider adjusting animal density provisions of the zoning code applicable to smaller farms not located in Ag Districts.

*Objective 1.3: Support the ongoing viability of agricultural uses through direct Town action and/or coordination with agricultural associations and institutions.*

**Recommendation 1.3.1: Reinstitute the Farmland Preservation Board.** Commission a Town board or agency to coordinate between local farmers, County and State agencies and programs, and private industry. Activities that the Town Board could consider empowering a Farmland Protection Board to undertake include:

- Prioritizing agricultural land for TDR and PDR acquisitions



- Establishing a “store” for online ordering and centralized pickup of member local farm agricultural goods similar to Chester Agricultural Center
- Coordinating fulfillment of larger wholesale food orders including orders from New York State Farm breweries, cideries, distilleries, and wineries (which are required to utilize a minimum percentage of inputs from New York State growers), through multiple local member farms.
- Negotiating agreements with local shipping firms to bring local agricultural products to regional and NYC markets.
- Making local produce available to local warehouseers such as UNFI and Amazon
- Applying directly for PDR grants for acquisition of land within the Town, or coordination with the County Agriculture and Farmland Protection Board for the that purpose.
- Work with Orange County Land Trust and the Open Space Institute to identify areas that would serve the missions of local land trusts and pursue grants from New York State Department of Agriculture and Markets earmarked for land trust funding.
- Undertake the preparation of a Municipal Agricultural and Farmland Protection Plan
- Act as an intermediary between local farms and the Hudson Valley Agribusiness Development Corporation and its many programs
- Partner with Hudson Valley small cities and urban villages with food deserts to make fresh Montgomery-grown food available via subscription program at below retail costs.

*Objective 1.4: Relieve viable existing agricultural uses from undue development pressure.*

**Recommendation 1.4.1: Agrivoltaics.** Reconsider the prohibition of solar panel installation on prime agricultural soils, where the panels and collection systems are designed to enhance agricultural yields of certain crops by funneling rainwater and providing shade from noon-day sun. Other agrivoltaic possibilities include constructing greenhouses with photovoltaics incorporated into roofs.



*Agrivoltaics Research Site – Photo Credit: National Renewable Energy Lab*

*Objective 1.5: Increase value of land for agricultural use by facilitating complimentary and accessory uses.*

**Recommendation 1.5.1: Agritourism.** Ease and streamline the approval of “agritourism” uses such as farm vacations, catering halls, glamping (camping in semi-permanent luxury tents), farm education, farm markets, farm breweries, cideries, and distilleries, to allow





farmland to add value without ceasing agricultural use. Promote the adaptive reuse of farm buildings for agritourism for catering facilities.

**Recommendation 1.5.2: Farm Special Events.** Streamline the permitting process to allow and encourage existing agricultural businesses to host theme fairs, harvest/holiday festivals, corn mazes or other family-friendly on-site agricultural related activities.

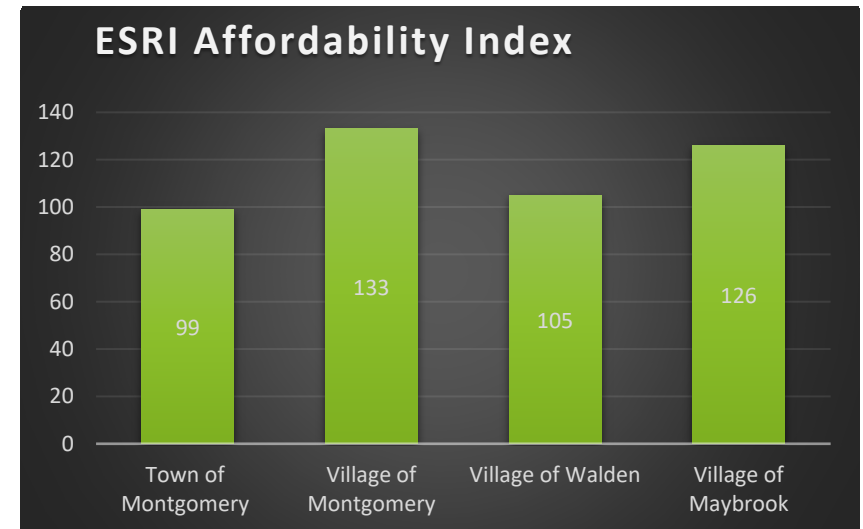
**Recommendation 1.5.3: On-line Promotion.** Create a section on the Town’s website, or on a unique marketing website that identifies the location of farmer’s markets, roadside stands and pick-your own farm operations (similar to information provided on the “Visit Orange County” website) and publicizes events at farms throughout the Town.

## E. Housing

The Town of Montgomery and its Villages are estimated to contain 8,177 occupied housing units. Town wide, the average value of owner-occupied housing is consistent with the County average. Generally higher-value homes are contained in the Village of Montgomery and the unincorporated Town, while the Village of Walden and the Village of Maybrook provide more affordable ownership options.

According to ESRI, the unincorporated Town has a housing affordability rating of 99. This means that the median home price aligns closely with the median family income so that generally existing residents can afford their homes without excessive cost burden. An index value higher than 100 is more affordable, and less than 100 is less affordable. The national average is 124 and the New York Metropolitan Statistical Area, which include Orange county, the index is 71.

As per the 2019 estimates by the US Census Bureau, vacancy rates (9.8%) within the Town are lower than the County average (12.3%). The Village of Maybrook had slightly more vacancies (10.2%), while Montgomery and Walden had fewer vacancies (7.6% and 7.9%). The lower than county-average vacancy rates generally indicate a need for additional housing.



Consistent with sustainable practices, the majority of higher density attached housing and multifamily units are located in the Town’s Villages. The Town has a total of approximately 1,800 units located in structures containing more than two units. Approximately 39% of the Town’s units are renter occupied.

There are currently four properties within the Town funded by State Low Income Housing Tax Credits. Additionally, there are two properties that meet the Department of Housing and Urban Development (HUD) definition of assisted multifamily properties.



A review of housing prices and asking rents conducted on June 12, 2020 indicate that there is a range of available two- and three-bedroom for-sale housing meeting HUD income limit standards for very-low income and low-income families. Additionally, there are available four-bedroom homes for sale that meet HUD eligibility requirements for extremely low, very low and low-income families. These residences were generally located throughout the Town and its Villages and provided in a variety of structure types (single-family detached, townhouses and multifamily condominiums).

Of the 15 rental units available at the time of investigation, six were available for below HUD fair market rent in a variety of housing types and bedroom counts (single-family detached and apartments). Four of these rental units were available within the Villages, and two in the unincorporated Town.

Generally, the Town was observed to have a range of available housing. As is appropriate, the majority of the higher-density housing is located with the Villages. Current zoning allows for the construction of a range of different unit types and bedroom counts. While affordability constraints are not required under the code, the local market was observed as having a reasonable proportion of available units, priced to meet HUD affordability standards.

A more detailed description of population and housing is included in Volume 2, Section 2.

***Goal 2: Improve the diversity of housing options providing a range of options that are viable for individuals and families of varying economic means through all phases of life.***

***Objective 2.1: Improve the range of housing options in the Town of Montgomery, especially senior housing and housing supportive of those just entering the workforce.***

**Recommendation 2.1.1: Adaptive Reuse.** Allow for the adaptive reuse of existing large buildings that qualify as historic or that are otherwise determined to be important to the history or character of the community as multi-family residential housing. The building should be worthy of preservation by virtue of its architectural quality or its importance to the history or character of the community. The number of units and manner of building modification to accommodate residential use should be sensitive to the architecture, site features, character of the site and should not impact the surrounding area. Adaptive reuse of historic buildings scored highly among open house participants as a way of achieving housing diversity.



*The Brush Factory Artist Loft Adaptive Reuse in Kingston, NY – Photo Credit: Hudson Valley One*



**Recommendation 2.1.2: Accessory Tiny Homes.** Permit single tiny homes as an accessory use to single-family detached housing in lower-density residential zoning districts upon a showing that adequate water and wastewater facilities are available and other certain minimal requirements are met to insure preservation of rural character.

**Recommendation 2.1.3: Tiny Home Communities.** Allow tiny home communities as an alternative to traditional mobile home communities.

**Recommendation 2.1.4: Expand Housing Choice in Medium-Density Residential Area.** As discussed in the land use plan, the Medium-Density Residential area is intended to allow for higher density traditional neighborhood development, clustered at up to 8 units per acre through TDR.



*Tiny Homes – Photo Credit: Wind River Tiny Homes*

Significant limitations on size and number of bedrooms should be required to differentiate this type of housing from larger-lot rural housing, and housing already available within Villages. If properly regulated, such housing can provide options naturally attractive to lower-income households, especially young adults and empty nesters.

**Recommendation 2.1.5: Mixed-Use Multifamily.** Multifamily housing on upper floors of mixed-use buildings is currently permitted as a special exception use in several business zoning districts. This type of housing has not been developed in the unincorporated areas of the Town, probably owing to the lack of available sewer and water facilities. Such housing is an appropriate means for increasing housing diversity within the Town, but such uses should only be permitted in key areas of the Town as described in the Land Use Plan.

**Recommendation 2.1.6: Planned Adult Community.** Explore allowing an updated and revised Planned Adult Community zoning mechanism as a floating zone that can be landed in the vicinity of the existing Villages subject to several conditions and design considerations including support from Village Government, adequate water and sewer infrastructure, and adequate pedestrian and bicycle connections to Village downtowns.

**Recommendation 2.1.7: Annexation Policy and Agreement.** The Town should consider entering into negotiations with its Villages to explore development pressures on each Village’s boundaries, and the Village’s desire for growth to be accommodated. A cooperative annexation policy with each Village would allow the Town to properly plan for future growth in the vicinity of each Village in a way that will provide value to both communities. Generally, the framework for the agreement would hold that the Town zone land intended for residential





occupancy in the vicinity of each Villages at the lowest residential densities. Each Village would adopt matching zoning to “receive” annexed lands at similar densities. By advance agreement, annexation approval would be given in the event that development rights are purchased from priority sending areas in the Town to account for the developer’s desired increase in density within the Village, and only if a prescribed fee per unit is provided to the Village for necessary infrastructure improvements. With appropriate annexation provisions, higher-density housing could be appropriately accommodated along the boundaries of existing villages and benefit both municipalities.

**Recommendation 2.1.8: Senior, Workforce, Special Needs and Veteran Housing Floating Zone.** The Town should consider amending the zoning code to allow a senior, workforce (an income classification often keyed to entry-level public service employment wages), special needs and veterans housing floating zone district to provide flexibility and encourage additional housing options for these populations. This floating zone would require certain conditions that must be met before the district can be approved or “landed” on a certain piece of land. The intent of this floating zone is to provide special opportunities, as well as a flexible and workable concept of community living, including but not limited to a range of optional nutritional, recreational, housekeeping and health related services, as well assistance with daily living activities designed to maintain a level of independent living. Generally, this type of housing should be within walking distance to retail and service commercial areas – preferably Villages, and infrastructure to support wastewater disposal and potable drinking water must be present or proposed.

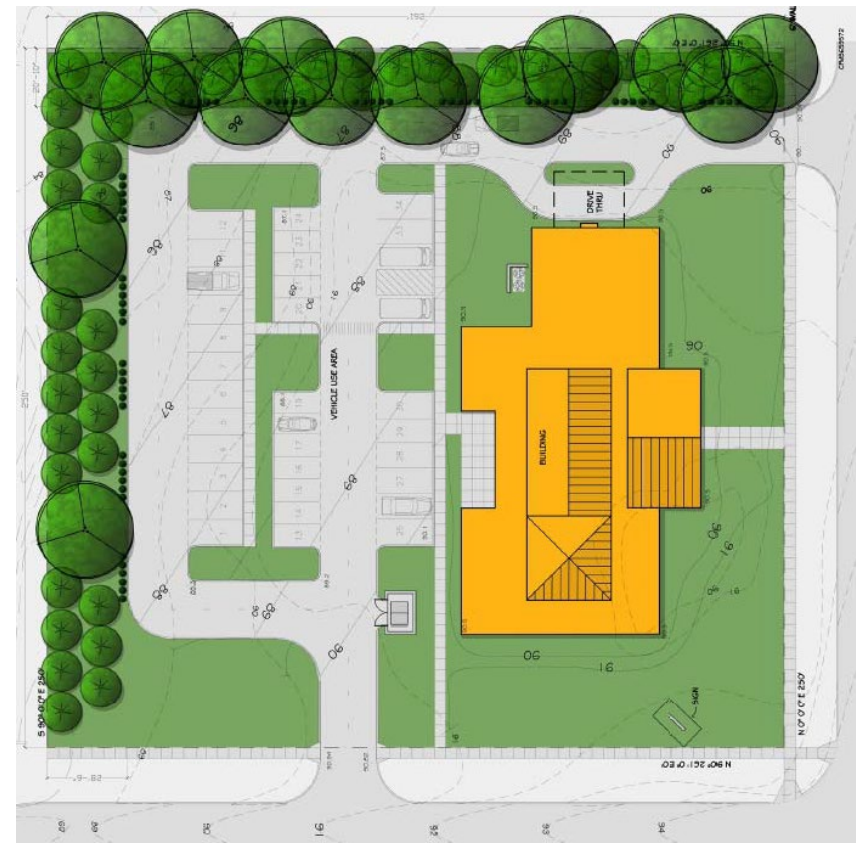
*Objective 2.2: Protect existing residential uses and communities in the Town.*

**Recommendation 2.2.1: Revisit Buffer Requirements.** The Town should consider adopting “performance buffering” requirements, that prescribe natural vegetated buffers supplemented as necessary by native trees and vegetation between any incompatible land uses, or where development is proposed along zoning boundaries that allow incompatible land uses. Requirement should prescribe the width, density of tree and understory plantings, acceptable plant types and conditions requiring fences, masonry walls and berms. Such requirements should be based on the compatibility of adjacent uses, height, scale, noise and lighting concerns. Consideration should be made to avoid new landscape buffers that would interrupt important viewsheds or restrict visibility at intersections. Buffers should be clarified within the code to be areas of natural vegetation, supplemented as necessary to provide a visual screen.

**Recommendation 2.2.2: Expiration of Site Plan:** To ensure that future development is not approved speculatively and later becomes out-of-date, obsolete, or non-compliant to amended land use regulations it is recommended that Planning Board approvals lapse after a period of no more than 3 years, after which the applicant must return to Planning Board for reapproval if substantial construction is not commenced. This will ensure that development remains consistent with the evolving community character. Generally, an initial approval term of 18 months followed by six-month extensions would be appropriate, with the Planning Board able to deny extensions should conditions change significantly over that period.



**Recommendation 2.2.3: Require Periodic Renewal for Intensive Non-Residential Facilities.** The most intensive non-residential facilities can have impacts that are not immediately apparent. Additionally, mitigative measures constructed or installed at the time of construction, may become less effective or fall into disrepair over time. The Town should consider requiring periodic renewal of its most intensive special use permits. Periodic renewal should be automatic upon inspection and affirmation that imposed controls designed to protect adjacent residential uses and neighborhoods are properly maintained. Such a periodic renewal can also contain provisions that require sites to be improved from time to time as the Town, County or State updates its requirements for stormwater management, lighting, and other externalities thereby providing an avenue for existing non-conforming uses to be brought into compliance with prevailing standards over time.



*Diagram from Seminole County Performance Buffering Manual – Photo Credit: Seminole County Planning & Development*



## F. Parks and Recreation

In addition to numerous parks owned and managed by the three Villages for their respective residents, the Town of Montgomery maintains five parks. Benedict Farm Park is located west of and across the Wallkill River from the Village of Montgomery and is accessible from Route 17K. It provides a pavilion, children’s playground, riverfront access, ballfields, restrooms, community garden and several educational and interpretive elements. It maintains a sizable grassland habitat, that supports the threatened Sedge Wren among other breeding bird species.



*Benedict Farms Park offers a wide range of recreational opportunities – Photo Credit: Mary Ellen Matisse*

Riverfront Park, accessible from Farm Meadow Lane via Bailey Road, is located on the east side of the Wallkill River between the Villages of Montgomery and Walden. It provides river access, shallow water fishing platform, walking trails, picnic tables, rest facilities and a pavilion.

Berea Park is located on Berea Road just north of Route 17K between Scott’s Corners and Coldenham and is located contiguous to the Orange County Brick House Museum County Park and contains ballfields, a pavilion and substantial wooded open space.



*Community Garden at Benedict Farm Park – Photo Credit: Montgomery Conservation Advisory Council*

Kimball Park is located off of Lake Osiris Road and is also referred to as Rail-Trail Park. It includes 21 acres of land along the Wallkill Valley Rail Trail and provides parking and portable rest facilities for the trail.

Twin Islands Fishing Park, accessible from River Road, is located on the west bank of the Wallkill River just south of the Village of Walden. It





offers deep water fishing with a few benches. No rest facilities are available at Twin Islands Park.

Town and Village parks are supplemented by State and County Parks. The Stewart State Forest accessible from Barron Road and Ridge Road off of Route 17K between Scott's Corners and Route 747 offers hunting, trapping, fishing, camping and trails for hiking, cycling trails, horseback riding, snowmobiling, snow shoeing and cross-country skiing. The Village of Maybrook is pursuing additional access to the Forest via an extension of Main Street.

Winding Hills County Park is located north of Route 17K at the western boundary of the Town. The park offers camping, picnicking, pavilion, hiking, boat rental, fishing, ice fishing, snowmobiling, snowshoeing and cross-country skiing. Thomas Bull Memorial Park is open to Town residents and is located just south of the Town on Route 416 in the neighboring Town of Hamptonburgh. Bull Memorial Park offers an arboretum, the Hill-Hold museum, the Stony Ford public golf course and related amenities, a horseback riding arena, tennis, boating and a dog park.

The Town also contains three private golf courses – Lake Osiris, Scott's Corners and Winding Hills. Angry Orchards, a private cidery at Allard's Corners also offers live music and other special events to the public.

When surveyed, the public indicated the greatest interest for a riverfront trail, pedestrian pathways and bicycle pathways. These types of linear parks along with nature preserves received support from more than half of respondents, with more than 74% supporting a riverfront trail.

Additional information on parks and recreation can be found in Volume 2, Section 4.4.

***Goal 3: Enhance the range of recreational opportunities available to residents.***

***Objective 3.1: Provide new recreational opportunities for the community.***

**Recommendation 3.1.1: Reservation of Parkland.** The Town has a demonstrated need for additional parkland. Current Town parkland facilities are limited. A majority of respondents indicated that additional land for a wider range of recreational uses was needed to meet the recreational needs of current Town residents, and the incremental needs of future residents as subdivisions or residential site plans approved. The Town should continue to require the reservation of approximately 5% of land for the lowest density single-family subdivision up to 20% of land for denser multifamily projects. Such land should provide active or passive recreational opportunities open to all Town residents, and cluster conservation land and environmentally constrained lands should not be considered to satisfy this requirement.

Where such land cannot be suitably located on-site, a payment in lieu of parkland should be levied, related to the value of land that would otherwise have been required to serve the incremental needs of future residents. Consistent with State law, this money should be earmarked for capital improvements that increase the Town's recreational capacity.

Generally, a buildable residential lot in the Town would currently be valued between \$60,000 and \$120,000 based on size, location,



presence of utilities, environmental constraints, school district and several other factors. An appropriate money-in-lieu of land fee considering a set aside of 5%-10% of land for single-family detached residential property would likely range from \$3,000 to \$12,000. The Town should ensure that any established fee reflects that range and continue to monitor land prices accordingly.



*Wallkill Valley Rail-Trail – Photo Credit: NPV*

**Recommendation 3.1.2: Create a Wallkill River Trail.** A riverfront trail received the greatest support from survey respondents among options for new recreational facilities. The Town should take advantage of any opportunity to acquire land or easements along the River.

The Town should first focus on establishing a significant length of public access in order to increase its eligibility for state funding. The easiest stretch to acquire and construct is likely along the west bank of the river from Ward’s Bridge to the south end of Benedict Farm Park. The Town already owns 7,000 linear feet of the approximately 7,800-foot

shoreline, with the outlying parcel being a vacant parcel that is completely constrained by the 100-year flood zone and which was last acquired for \$7,500 in 1997.

The next easiest would be a stretch along the east bank of the river along Orange County Airport’s shoreline, which the County could likely provide without endangering airport operations, subject to installation of appropriate security fencing. This would require a pedestrian bridge across the Wallkill, something that the Village of Montgomery has also considered over the years to connect their complex of parks to Benedict Farm Park and would make the trail more accessible to a greater number of residents.

With the exception of one residential lot, a stretch of trail south from Benedict Farm Park would traverse farmland, vacant land and the County-owned canine training facility all the way south to the southerly Town Border.

South from Orange County airport, the east bank of the river includes a narrow swath of lands between Route 416 and the River and Canning Road and the River. A second (or third if the Village bridge is constructed) pedestrian bridge over the River at Canning Road along with installation of trails along both banks between Canning Road and Memorial Park would provide a 7-mile circuit.

Stretches of the River between the Villages and north of Walden will be more complicated with more residential single-family lots having riverfront shoreline. Any future residential subdivision along the River should ensure that cluster open space and/or easements for public riverfront access are provided. The Town could consider a modest density bonus incentive for dedication of land along the River.





**Recommendation 3.1.3: Tin Brook Trail.** The Town should explore the viability of bringing access to the Wallkill River from the Wallkill Valley Rail-Trail by creating a Tin Brook Trail.



*Riverfront Park – Photo Credit: Town of Montgomery*

**Recommendation 3.1.4: NYC Aqueduct Trail.** The New York City Aqueduct traverses approximately 5 miles along the Town’s easterly boundary. The aqueduct in the Town is largely apparent as a berm in a 50-100 foot wide cleared and grassed right-of-way. The Town should reach out to New York City and explore the possibility of constructing a bicycle path atop or alongside the aqueduct.

**Recommendation 3.1.5: Enhance Access to Stewart State Forest.** The Town should support the efforts of the Village of Maybrook to enhance access to Stewart State Forest by extending Main Street across the

private lands and railroad right-of-way into the lands adjacent to Stewart State Forest.



*Stewart State Forest Barron Road Welcome Sign and Kiosk – Photo Credit: Jennifer Emerson*

**Recommendation 3.1.6: Coordinate with Villages.** Where Village recreational facilities are underutilized or otherwise have capacity, explore the possibility for cost sharing agreements that would allow residents of the Unincorporated Town to access recreational facilities within each Village if doing so will expand the diversity of programs.

**Recommendation 3.1.7: Consider enhancing the Recreational Department.** The Town should consider expanding the Recreational Department and staff in order to enhance that department’s ability to assess, oversee maintenance, direct expenditures, seek grant funding





and oversee active programming and use of existing park facilities on a daily basis.

## G. Economic Development

In 2018, 95% of Town residents worked in New York State and 71% worked in Orange County. More than 35% of residents travel less than 20 minutes to work, indicating that a significant portion of the Town's residents also work within the Town.

The two largest employment sectors for Montgomery are educational, health and social services and professional, scientific, management and administrative services. A close third is not surprisingly transportation, warehousing and utilities.

The Town of Montgomery desires to allow for reasonable economic growth by continuing to foster small business; enhance the profitability and viability of supporting working farmland; increase the potential to attract tourism spending and employment to the Town based on agricultural and rural character; continue to attract new users to remaining vacant land along Neelytown Road, Bracken Road and 747/Stone Castle Road corridors; and attracting new innovative low-impact businesses to more remote areas of the Town, such as along Route 17K and Route 211 south of Montgomery.

Development of varied high-quality employment opportunities such as laboratories, high-tech manufacturing, information technology, and business-aviation within the Town is desired in these more remote areas formerly designated for industry. Additionally, the Town appreciates local small businesses and supports more opportunities for restaurants, markets, breweries, wineries, outdoor recreation. This

balance between growth and preservation is necessary for a healthy and livable community.

*Goal 4: Attract skilled workforce to area that will in turn attract high-tech, well-paying companies allowing for the continued development of job-creation, low-impact commercial and industrial uses in appropriate locations.*

*Objective 4.1: Attract new businesses to the Town.*

**Recommendation 4.1.1: Business Council of Greater Montgomery.** Work with the newly created Business Council of Greater Montgomery to strengthen the local economy and help businesses grow/invest in the community by utilizing this group as a central contact to the business community. Collaborate with the Business Council, the Valley Central School District and other area educational institutions to continue to promote and sustain a high-quality internship program for students with the goal of promoting interest in well-paid, skilled employment careers. Additionally, the Town should seek to leverage relationships with those educational institutions to support training of local business owners in areas such as accounting, marketing, technology, and finance.

**Recommendation 4.1.2: Small Business Incubator.** Consider working with the IDA to purchase a vacant existing multi-purpose building with the intent to act as a small business incubator. Work with the Business Council of Greater Montgomery, SUNY, local unions and local industry associations to provide mentoring, training and resources for small businesses startups in the incubator.



**Recommendation 4.1.3: Business Advisory Committee.** Consider creating a Town Business Advisory Committee with the intent of fostering improved communications between Town government and the business community, and to identify and address governmental factors that affect businesses in the Town (regulations, procedures, and local laws). Such a committee could also serve to schedule and host networking events in the Town for business owners fostering new connections and interactions.

*Objective 4.2: Continue to capitalize on the Town's outstanding geographic location and transportation resources as an economic generator, by continuing to market existing developed industry centers for continued growth.*

**Recommendation 4.2.1: Economic Development Land Use Area.** Focus new industrial, heavy commercial, office and other high-intensity uses around existing areas identified as Economic Development Areas on the Land Use Plan – those areas along Neelytown Road south of Interstate 84, Bracken Road, and Route 747/Stone Castle Road.

**Recommendation 4.2.2: Modernize the Zoning Local Law and Simplify Zoning District Designations.** The Town has already begun the process of updating its land use regulations by retaining the Pace University Elizabeth Haub School of Law to reconcile the Town's zoning local law as last codified in 2010 with the several amendments that have been adopted over the last ten years. The Town should continue to modernize the code by simplifying its provisions to be organized in a more typical and user-friendly fashion.

With regard to zoning designations, it was noted previously that many of the Town's existing zoning districts have minimal differences. For

example, lands that have been developed similarly in the Industrial/Heavy Commercial land use area are classified under six separate industrial and interchange zoning districts. The Town should consider revising the Zoning Code to consolidate zoning districts and allow a greater range of uses across the entire land use areas. The Town should also revisit the zoning map to eliminate small zoning districts that do not reflect the Conceptual Land Use Plan as proposed herein and are not required to continue appropriate ongoing use of existing properties, given the Town's non-conforming use provisions.

**Recommendation 4.2.3: Prioritize Redevelopment.** Identify underutilized and vacant buildings in the Economic Development Land Use Area and encourage brownfield redevelopment and adaptive reuse. Petition the IDA to require a demonstration that there are no suitable existing vacant buildings or sites available within the Town as a pre-requisite to granting tax incentives for new construction on greenfield sites.

*Objective 4.3: Leverage the Town's rural and agricultural character to attract tourism.*

#### **Recommendation 4.3.1: Promote Agri-Tourism**

In recent years, the Town has grown its tourism industry by establishing new business opportunities within and outside of the Villages. Angry Orchard in the northwestern portion of the Town opened its doors in 2015 and, since then has drawn nearly 100,000 visitor a year. Due to its growing popularity, the orchard has been undergoing renovations during 2020 to better accommodate guests and provide new opportunities for enjoying the natural beauty of the area.



The former Crabtree & Patchett Worsted Yarn Mill in the Village of Montgomery has been restored/converted into a winery and event space by City Winery in June 2020 which offers a restaurant, tasting room and a venue for weddings and special occasions. The 130-year-old mill sits on 22 acres along the Wallkill River and utilizes a hydroelectric turbine to produce as much energy as needed to run the winery and vineyard, thereby providing net zero energy performance.

These businesses are examples of the types of development that will bring visitors from throughout the region to Montgomery.



*Angry Orchard - Photo Credit: Angry Orchard*

The Town should build upon these anchor attractions, and continue to leverage other attractions within the Town, particularly the historic Villages of Montgomery and Walden and the areas west of the Wallkill River to support agritourism.

**Recommendation 4.3.2: Culinary Arts Education Satellite.** Encourage the construction of a culinary education satellite, perhaps focused on

the farm-to-table movement and centered around the several outstanding restaurants already located within the Town and its Villages and partnering with a local culinary education institution such as SUNY Orange, the Culinary Institute of America in Hyde Park, the Institute of Culinary Education in Callicoon, or one of several culinary schools in Manhattan.



*Culinary Students at SUNY Suffolk Community College – Photo Credit: State University of New York*

**Recommendation 4.3.3: Tourist Commercial Land Use Area.** The Town should foster the development of tourist-related businesses in the two land Use Plan areas designated for tourist commercial. Uses that should be considered for this area include:





- Overnight accommodations including country inns, bed and breakfasts, RV parks, camp sites, hotels and motels.
- A lot or site for temporary food trucks.
- Restaurants.
- Drive-in theaters.
- Retreat centers.
- Wineries, breweries, distilleries.
- Indoor/outdoor recreation.

*Objective 4.4: Encourage less impactful, high-quality skilled, employment opportunities such as laboratories, high-tech manufacturing, information technology, aviation, engineering, etc.*

**Recommendation 4.4.1: Data Infrastructure.** The Town should foster the upgrade of communications infrastructure needed for data-intensive businesses. Current communications and utility franchise agreements should be reviewed, and stipulations explored that would require upgrade of services and that would remove restrictions preventing roll-out of competitive wired data services. Additionally, codes should be reviewed to remove impediments to the roll-out of 5g small sites along Town Roads and on existing structures and towers. The Town should also consider issuing RFPs for the construction of towers capable of supporting 4G and 5G macro infrastructure on Town-owned property.

**Recommendation 4.4.2: High-Tech Land Use Area.** Encourage a new high-tech industry cluster south of the airport (e.g., laboratories, research and development facilities, server farms, data storage facilities, robotic manufacturing, and other similar uses). See also Land Use Plan.

**Recommendation 4.4.3: Aviation Business Land Use Area.** Leverage the Orange County Airport as a catalyst for the attraction of aviation-related business growth in and around the airport. See also Land Use Plan.

## H. Transportation

As discussed previously, available traffic infrastructure has been critical to the settlement of the Town. The Villages of Montgomery and Walden were founded at the location of Walkkill River Bridges built to connect water-powered mills to the surrounding agricultural areas. Later roads constructed to bring agricultural products and natural resources to market in NYC from more remote areas to the west to the Hudson River would cross the Town at the location of these bridges with the Ellenville-Newburgh Plank Road (now Route 52) crossing at Walden in the north part of Town and the Newburgh and Cohecton Turnpike (now Route 17K) crossing at Ward's Bridge in Montgomery.

Allard's Corner would spring up at the crossroads of the Plank Road and the Goshen-Albany stage route (now Albany Post Road). A road originally connecting Goshen to Walkkill through Montgomery and Walden is now Route 208.

Maybrook would spring up around a railroad yard through which almost all freight bound west of the Hudson River and originating from New York and New England would travel. The relocation of the Port Jervis commuter rail line from southern Orange County to northern Orange County would impact the viability of Montgomery as a bedroom community for rail commuters.



The completion of Interstate 84 would have profound effects on the Town, not only increasing its accessibility to commuters, but also by setting the stage for development of the Town as a major node for regional warehouse and distribution. Later opening up of Exit 32 and Route 747 would increase this viability by increasing access to Stewart International Airport, which provides both air freight and passenger service to the local area. Exit 32 also made the north-east end of the Town much more accessible to the interstate.

This non-residential development and residential growth within the Town have resulted in significant increases in traffic, especially truck traffic. As of 2018, traffic impact studies prepared in support of two large distribution centers uncovered poor levels of service at Interstate 84 and Route 747; Route 17K and Browns Road; Beaver Dam Road and Neelytown Road; Neelytown Road and Route 208; and Route 208 and Interstate 84. Additionally, higher than average accident rates were uncovered along Route 211 at Canning Road due to the slippery road surface.

This documented increase in congestion and real and perceived safety concerns has driven much of the public opposition to additional warehouse and distribution uses. Survey results now indicate a strong preference against commercial and industrial development. More than almost 80% of survey respondents agreed or strongly agreed that increased truck traffic is a threat to the health, safety or quality of life in Montgomery. Only slightly less saw personal vehicle traffic as a threat.

Members of the public were asked about which roads they felt were unsafe or congested. These are indicated in Figure 6.

***Goal 5: Improve the movement of people and goods, and increase transportation safety.***

***Objective 5.1: Modify streets to serve all potential users including persons of various ages and abilities, and non-motorized vehicles.***

**Recommendation 5.1.1: Complete Streets.** Communities across the country are joining the movement to “Complete the streets” by redesigning their roadways to be safer, more livable and welcoming to everyone – drivers, transit riders, pedestrians and bicyclists - no matter what their age, abilities or types of transportation. The New York State Complete Streets Act went into effect in 2012 and commits the NYSDOT to evaluate all forms of transportation that are recognized to support economic growth, safety and sustainability goals.

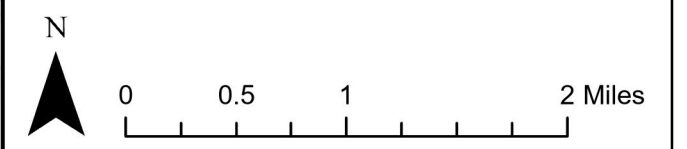
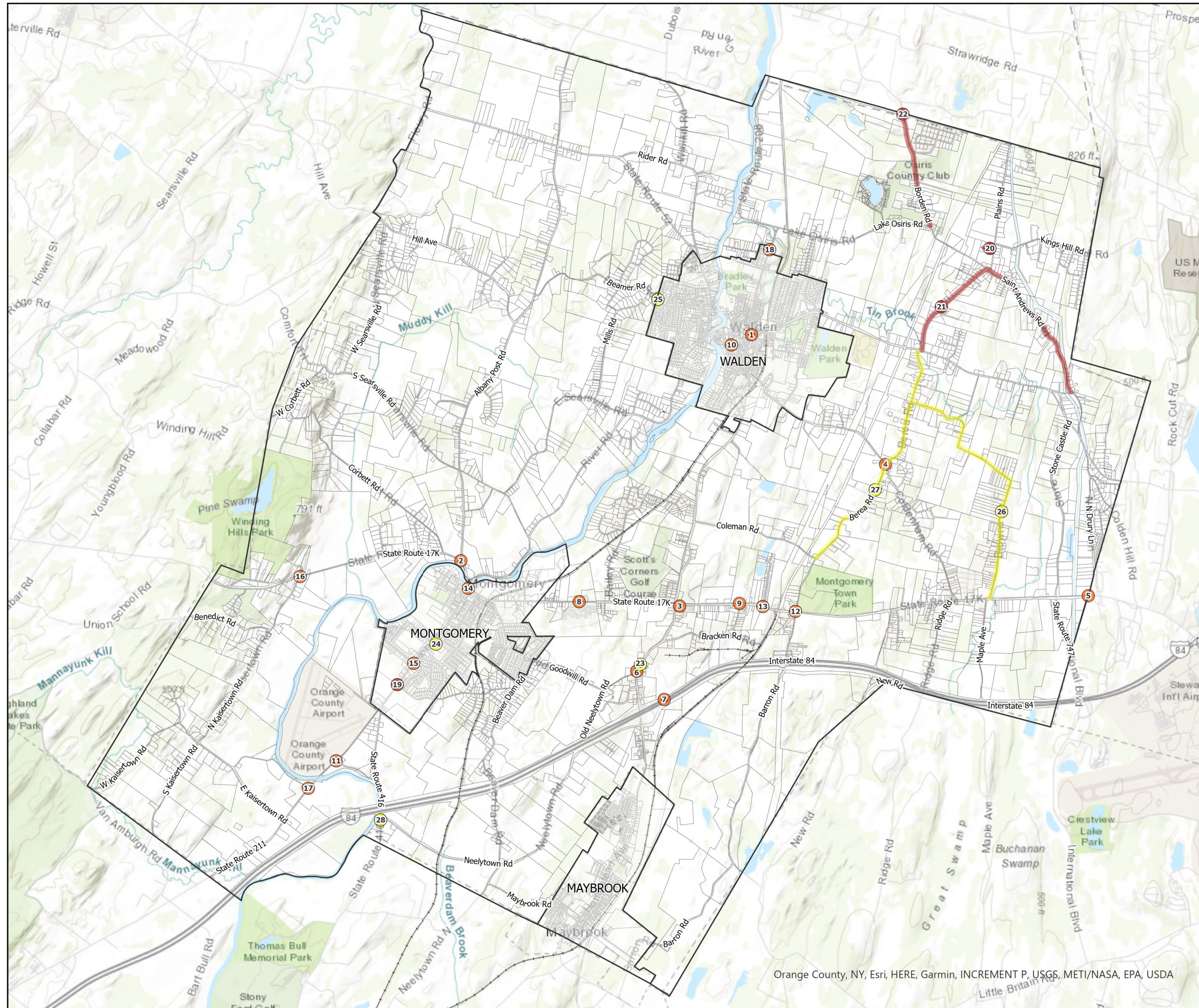
Many policies and procedures are now in place at the State level to support the implementation of Complete Streets principles. Orange County has also embraced a Complete Streets policy. In the Village of Walden, the new streetscapes recently completed in the downtown core already incorporate Complete Street principles.

Aside from the Villages, the Town does not contain dedicated bicycle paths. Generally, bicycles and pedestrians are relegated to whatever hard shoulder happens to exist beyond the travel lane edge striping.

There are only two crosswalks in the unincorporated areas of the Town and sidewalks are rare and not interconnected to form a safe walkable environment. Some roads in the Town end in cul-de-sacs, are loop roads, or are generally winding and designed in a manner to discourage through traffic, residents typically can and will walk along the street edge.







Source: Orange County GIS 2020. The accuracy of this data is not guaranteed by the County GIS department. It is not to be used as the sole source of data.

### Figure 6: Publicly Perceived Traffic Congestion and Safety

- Dangerous and Congested
- Dangerous
- Congested
- Dangerous and Congested
- Congested

- |   |                                       |
|---|---------------------------------------|
| 1. New York 52 & New York 208             | 16. New York 17K & Kaisertown Road    |
| 2. Albany Post Road & New York 17K        | 17. New York 211 & Bodine Tavern Road |
| 3. Scott's Corners                        | 18. New York 208 & Ulster Avenue      |
| 4. Berea Road & Coldenham                 | 19. Union Street & Chandler Lane      |
| 5. New York 17K & North Drury Lane        | 20. Lira Lane                         |
| 6. Goodwill Road & New York 208           | 21. St. Andrews Road                  |
| 7. I-84 and Exit 28 (previously exit 5)   | 22. Bordens Road                      |
| 8. Rout 17K at Valley Central High School | 23. Bracken Road and Hadden Drive     |
| 9. Berea Elementary                       | 24. Montgomery Elementary School      |
| 10. Walden Elementary School              | 25. Wait Street & Beamer Road         |
| 11. New York 211 & Canning Road           | 26. Browns Road                       |
| 12. Barron Road & New York 17K            | 27. Berea Road                        |
| 13. Lake Vue Drive & New York 17K         | 28. New York 416 & Neelytown Road     |
| 14. Union Street & Ward Street            |                                       |
| 15. Weaver Street & New York 211          |                                       |





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The advancement of Complete Streets in appropriate locations would contribute to a “cleaner, more environmentally friendly transportation



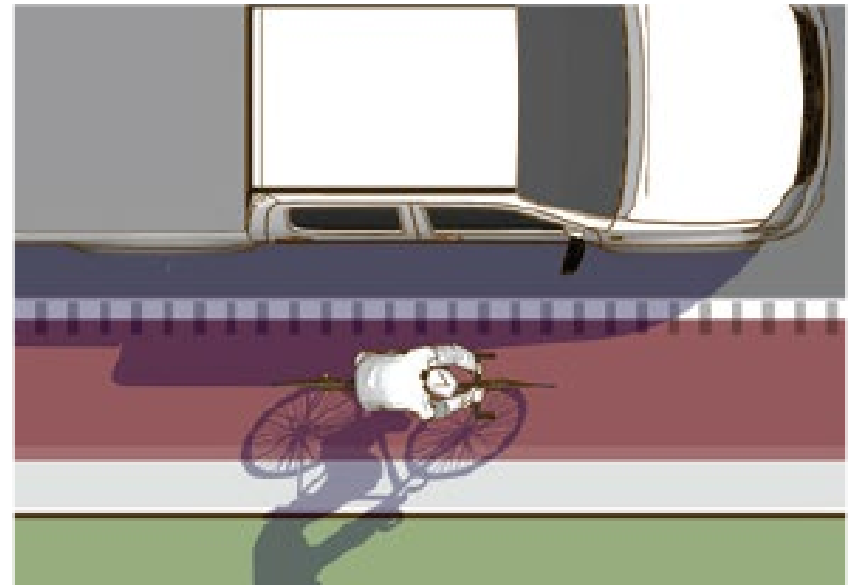
*A shared use path constructed parallel to and within the right-of-way. Photo Credit: Federal Highway Administration*



*A typical complete street solution for more populous areas would be to accommodate bicycle lanes on either side of the road, and a sidewalk on at least one side of the road. - Photo Credit: Federal Highway Administration*

system” where “more citizens will receive health benefits related to active forms of transportation while reducing traffic congestion and car-related air pollution.”

The Town should inventory existing roadways and work with the NYSDOT and Orange County to determine where pedestrian pathways and bicycle lanes are most appropriate on State-owned and County-owned roadways, especially along Routes 17K and 208, and especially between Valley Central High School and the Village of Montgomery.



*A painted shoulder parallel to and within the right-of-way. Photo Credit: Federal Highway Administration*

For more populous and higher traffic areas, such as along Route 208 in the vicinity of I-84 and Scott’s corners, bike lanes and sidewalks should be provided. In areas of lower density and lower pedestrian traffic, a shared-use path parallel to the roadway that serves as both sidewalk



and bike path should be considered. Where the edges of the road are constrained by topography, paved and painted or textured hard shoulders should be considered. Suggested locations for complete street improvements are indicated on Figure 7.

**Recommendation 5.1.2: Promote Pedestrian Access at Commercial Crossroads.** Improve vehicular, pedestrian and bicycle safety at intersections targeted for commercial growth, especially, Scott’s Corners, Coldenham and Allard’s Corners.

**Recommendation 5.1.3: Active Traffic Calming.** Often, where roads are wider than necessary, straight and level and not well confined with vegetation or structures along edges, the perception of speed is diminished, and motorists are more comfortable travelling at higher speeds. Several practical methods can be used to “calm” traffic along these types of roads.

- Median islands, cause people to slow but not stop at intersections.
- Mini-roundabouts cause people to stop and then proceed slowly through the intersection.
- Speed limit pavement markings, act as reminders of the posted legal speed limit.
- Speed humps cause vehicles to slow to avoid damage to tires and chassis.

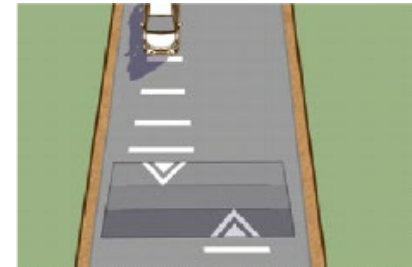
These active traffic calming measures are recommended at the following locations, which were identified by the CPC and public as requiring traffic calming measures:

- Albany Post Road and Route 17K
- Scott’s Corners

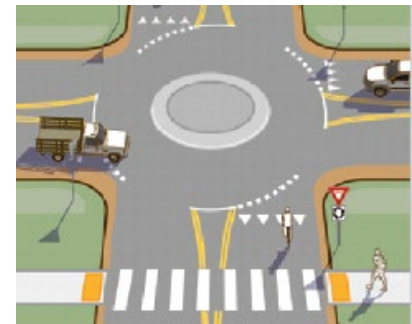
- Coldenham Road and Berea Road
- Route 747 and Route 17K
- Goodwill Road and Route 208
- I-84 and Exit 28
- Route 17K at Valley Central Middle/High School
- Berea Elementary and 17K
- Walden Elementary (Village of Walden)
- Route 211 and Canning Road
- Barron Road and Route 17K
- Lake Vue Dr and Route 17K
- Route 17K/N. Kaisertown Road/Joyce Road Junction
- Route 211 and Bodine Tavern Road
- Route 208 between Walden and Osiris Road
- Bracken Road and Route 208



*Median Island – Photo Credit: Federal Highway Administration*



*Speed Hump – Photo Credit: Federal Highway Administration*



*Mini-Roundabout – Photo Credit: Federal Highway Administration*





- Hadden Drive and Route 208
- Wait Street/Beamer Road
- Browns Road
- Berea Road
- Route 416 and Neelytown Road

These locations for active traffic calming are indicated on Figure 7.

*Objective 5.2: Improve the flow of motorized vehicular traffic in a manner that is respectful to the residential character of the community and increases safety for non-motorized user of roads.*

**Recommendation 5.2.1: Roundabouts.** Roundabouts are generally alternatives to signalized intersections. Rather than stopping, each vehicle approaching the roundabout must yield first to pedestrians, then to vehicles already in the roundabout and then may enter the roundabout. Because all vehicular movements in a roundabout are right turns, and because vehicles must slow to travel around the roundabout, safety is increased. Additionally, since no vehicle has to stop and idle, they are generally a more sustainable and fuel-efficient alternative to signalized intersections. Unfortunately, there are several constraints on the design and siting of roundabouts, and any application must be assessed for viability.

The following locations were identified by the CPC and/or public as potential intersections that could benefit from conversion to a traffic roundabout:

- Route 416 and Route 211
- Scott’s Corners
- Albany Post Road and Route 17K

- Coldenham Road and Route 17K
- Route 208 and Goodwill Road
- Route 208 and Bracken Road



*NYS DOT Roundabout in Rome, NY Photo Credit: NY DOT*

**Recommendation 5.2.2: Multi-project transportation studies.** Current practice is for development to only cover the costs of traffic improvements directly related to project impacts. However, traffic impacts on road capacity are not generally linear. Often roadways and signalization devices work until a particular tipping point, when capacity is exceeded, and level of service decreases precipitously. The ability to mitigate impacts may be beyond the capacity for the “last applicant in the door” to mitigate, but if considered cumulatively with



other preceding contributing applicants, improvements costs would be more bearable.

During times when the Planning Board is considering multiple large projects with the potential for cumulative impacts, the Planning Board should require the preparation of a multi-project transportation study funded by the applicants that examines the cumulative longer-term traffic impacts, prescribes mitigations, and apportions the cost and responsibility among the component projects.

**Recommendation 5.2.3: Town-Wide Transportation Study.** The Town should consider undertaking a Town-wide Transportation Study to assess existing traffic conditions, identify unsafe intersections, identify potential congestion points, and to propose locations and measures for traffic improvements including traffic calming and pedestrian safety, weight limits to reduce heavy vehicle traffic and other needed vehicular traffic improvements. Such a plan should include a prioritization of improvements and propose funding.

**Recommendation 5.2.4: Transportation Improvement District.** Where significant infrastructure improvements are required to address area-wide traffic problems, the Town should consider the creation of special Transportation Improvement Districts as a means to equitably fund improvements, including equitably proportioning appropriate costs on certain real property that is otherwise exempt from payment of local property taxes.

**Recommendation 5.2.5: Air Quality.** As the Town may be impacted from the confluence of several highways and interstates, the Town should support the NYSDEC and local organizations such as colleges and high schools to monitor air quality throughout the Town.

**Recommendation 5.2.6: Implement the Newburgh Area Transportation & Land Use Study.** The Newburgh Area Transportation & Land Use Study recommends several physical transportation infrastructure improvements including but not limited to:

- Signal timing or phasing changes
- Restriping to provide additional lanes.
- Minor roadway widening or use of shoulders without right-of-way acquisitions.
- Major roadway or intersection widening involving right-of-way-acquisition or utility relocations.

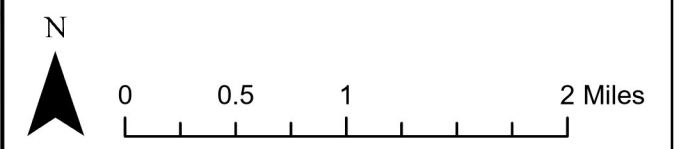
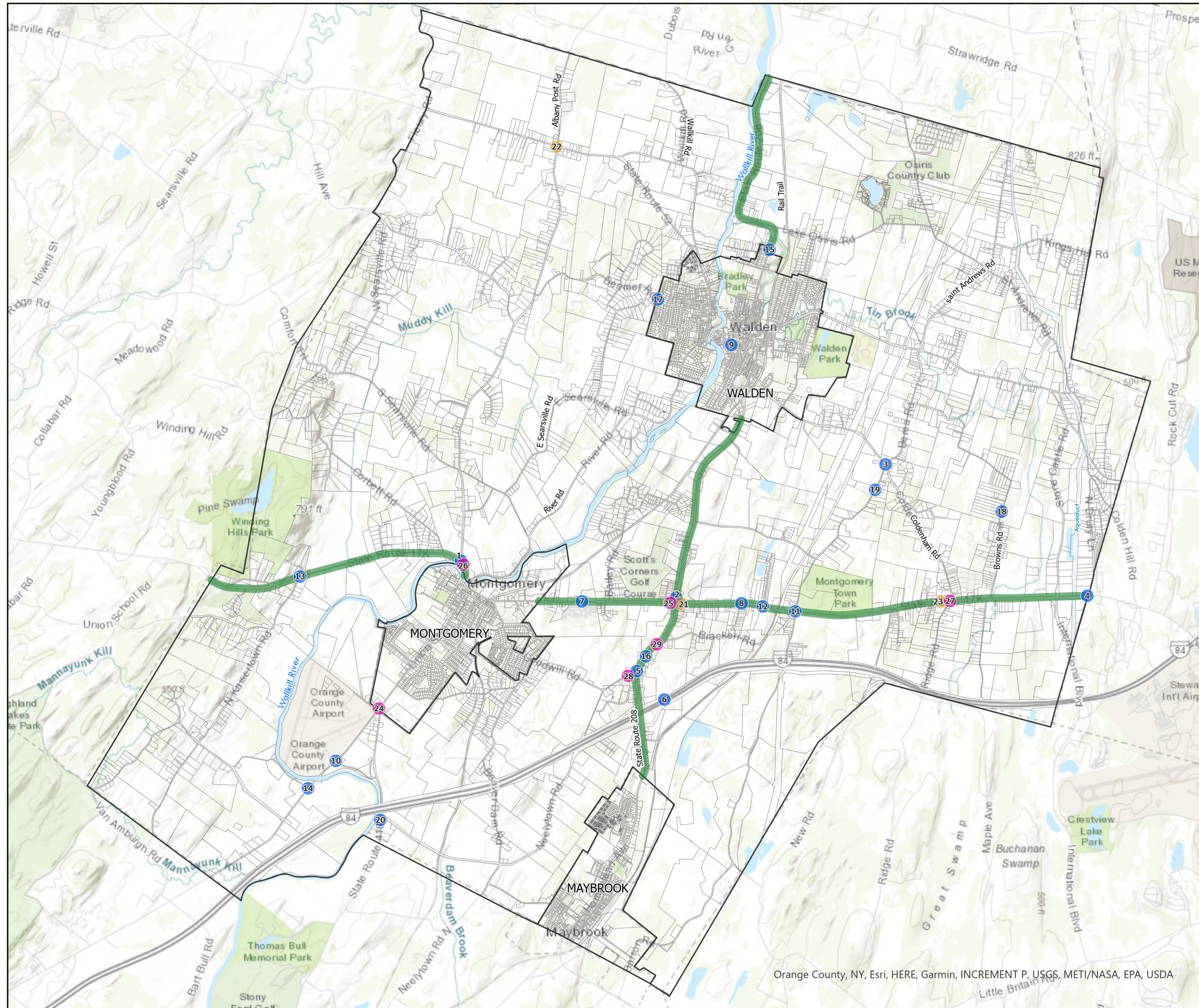
The Town should review proposed improvements recommended for Town roads and plan for timely implementation. Additionally, the Town should advocate for improvements to State and County roads and/or look for opportunities to leverage larger development applications to undertake the design of improvements, where such developments may exacerbate existing substandard conditions. By requiring large applicants to assist in engineering improvements, the Town can help to influence and encourage implementation by State and County government.

*Objective 5.3: Improve multi-modal access to the Town.*

**Recommendation 5.3.1: Encourage extension of commuter rail to Town.** There is currently no commuter rail service available to the Town of Montgomery. Rail service to the Villages of Maybrook, Montgomery and Walden is for freight transport only and the former Wallkill Valley Railroad has been converted to the Walden-Wallkill Rail Trail north of Main Street in Walden.







Source: Orange County GIS 2020. The accuracy of this data is not guaranteed by the County GIS department. It is not to be used as the sole source of data.

## Figure 7: Complete Streets and Traffic Calming Recommendations

- Suggested Roundabout Locations
- Suggested Location for Pedestrian and Bicycle Safety Enhancements
- Suggested Locations for Traffic Calming
- Complete Streets

### SUGGESTED LOCATIONS FOR TRAFFIC CALMING

1. Albany Post Road & New York 17K
2. Scotts Corner
3. Coldenham Road & Berea Road
4. Drury Lane & New York 17K
5. Goodwill Road & New York 208
6. I-84 and Exit 28 (previously exit 5)
7. Route 17K at Valley Central High School
8. Berea Elementary
9. Walden Elementary School
10. New York 211 & Canning Road
11. Barron Road & New York 17K
12. Lake Vue Drive & New York 17K
13. New York 17K & Kaisertown Road
14. New York 211 & Bodine Tavern Road
15. New York 208 & Ulster Avenue
16. Bracken Road and Hadden Drive
17. Wait Street & Beamer Road
18. Browns Road
19. Berea Road
20. New York 416 & Neelytown Road

### SUGGESTED LOCATION FOR PEDESTRIAN AND BICYCLE SAFETY

21. Scotts Corner
22. Allards Corner
23. Coldenham

### SUGGESTED ROUNDABOUT LOCATIONS

24. New York 416 & New York 211
25. Scotts Corner
26. Albany Post Road & New York 17K
27. Hamlet of Coldenham on Route 17K
28. New York 208 & Goodwill Road
29. New York 208 & Bracken Road





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The nearest rail service is the Metropolitan Transit Authority's (MTA) Port Jervis Metro-North line. The nearest train stop is Campbell Hall, approximately 3 miles south of the southern border of the Town of Montgomery and 5-10 minutes by car from Maybrook and Montgomery. This rail line provides service between Port Jervis and Hoboken, New Jersey with major regional access including to New York City available via transfer at the Frank R. Lautenberg Rail Station at Secaucus Junction.



*Maybrook was once a major hub for freight and passenger rail service – Photo Credit: NPV*

Several years ago, a casino proposed for the neighboring Town of New Windsor proposed establishing commuter train access to Stewart Airport (and the proposed casino). Although the casino ultimately failed in its bid to secure State licensing, the proposal to extend rail

service would bring many practical benefits, the most obvious of which is opening Stewart Airport to travelers originating from New York City and Northern New Jersey and relieving existing congested air traffic from the three primary NY metro airports. Stewart's longest runway is actually more than two miles long, longer than at Newark Liberty and considerably longer than New York LaGuardia and can support the largest current airline equipment.

The existing Maybrook rail line already intercepts the Port Jervis Line at Campbell Hall. Extending commuter rail service to Stewart Airport could have significant transformative impacts on the Village of Maybrook and the Town.

Extension of passenger rail service to Stewart Airport via Maybrook received 100% support from respondents at the two Comprehensive Plan open houses. The Town should support the extension of service should the opportunity be presented. To the extent practical, the Town should also support the extension of passenger rail service to the Village of Montgomery and/or Village of Walden, although this is believed less likely to occur.

**Recommendation 5.3.2: Expand bus transportation.** The Coach USA/Shortline bus provides service along I-84, Route 211 to Route 17K in the Village of Montgomery and Route 208 to the Village of Walden. Bus stops for the Newburgh to Middletown Shortline bus in the Town are located at Route 211 and Route 17K and Route 17K and Route 208. The limited frequency of bus service makes it inconvenient for most people to use it for commuter purposes.

Aside from the Coach USA/Shortline bus service, Dial-A-Bus service is provided throughout the Town and the three Villages with curbside





drop off and pick up (not door-to-door service). Senior transportation is also available to individuals 60 years and older.

The Town should work with the Orange County Transportation Council and Short Line (Coach USA) in collaboration with the Villages to identify opportunities to expand bus transportation opportunities to service both commuters and senior residents. Service should be brought to major employment centers (Neelytown Road, Bracken Road and Stone Castle Road/747) in the Town in order to reduce commuting traffic.

The Newburgh Area Transportation & Land Use Study recommends analyzing local fixed-route services and the Newburgh-Beacon Shuttle from a regional perspective to integrate Newburgh local transit with other transit services such as Short Line Bus services operating between Middletown and Newburgh, Ulster County Area Transit, and the dial-a-bus services operated by the Towns of Newburgh, Montgomery, and Cornwall. Transit services should be designed to increase access to employment centers and community amenities. The study proposes an intra-County Walden-Montgomery bus service. Other non-motorized transportation recommendations such as separated bikeway, bike/parking lane, shoulder lane etc. were also proposed in the study<sup>4</sup>.

**Recommendation 5.3.3: Work with Major Area Employers to Promote Private Mass Transit.** Potentially acting through the Greater Montgomery Business Council, the Town should encourage coordination between major Town employers that rely on out-of-Town employees for lower wage positions to fund a private mass transit option (or assist the County with funding a public/private option)

connecting major employment areas of the Town with other area mass-transit hubs such as Campbell Hall train station and the urban centers of Newburgh and Middletown.

**Recommendation 5.3.4: Continue to support area air transportation.** Orange County Airport located at 500 Dunn Road in the unincorporated Town is a county-owned public use airport. According to the Orange County Comprehensive Plan Chapter 6, Transportation, the County is working to continually make improvements to the Orange County Airport including plans to potentially expand aviation activities through privately funded commercial hangars on county leased land. In 2018, runways were expanded to 5,000 feet to accommodate a greater range of aircraft.

The Town should support the continued growth of both Orange County and Stewart Airport. One concern with the Orange County Airport, is the potential growth of jet traffic into and out of the airport. The length of the newly extended runway 4/22 is within the acceptable length for several mid-sized business jets. This may result in increased noise impacts to areas north of the airport, particularly the Village of Montgomery. The Town should be prepared to work with the County, should the volume of jet operations increase, and noise issues arise in the future.

## I. Natural Resources

The Town of Montgomery contains diverse natural features and resources that provide ecologic value to the Town and the surrounding

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<sup>4</sup> (Orange County Transportation Council, 2012)



region. These natural features include streams, wetlands, waterbodies, forest and woodlands within and neighboring the Town and provide important vistas that also support several important animal and plant habitats.

The Town of Montgomery lies within the Wallkill/Rondout watershed and the Moodna Watershed (southeast portion of the Town, including the Village of Maybrook). These watersheds and their associated water features contribute to the rural character of the Town and provide groundwater recharge and flood storage for Town and Village residents. The wetlands within these watershed systems provide a number of functions including flood mitigation, habitat, water quality improvement, water supply and aquifer recharge.



Wallkill River – Photo Credit: NPV

Growth within the Wallkill River watershed has created water quality and quantity concerns, as well as an increase in pollutants and loss of habitat. It is important to protect these watersheds within the Town to ensure that they remain for the enjoyment of future generations, and for the protection of animal and plant species.

As a tributary of the Hudson River, the Wallkill River contains rare plant and animal species and significant ecosystems, which are sensitive to any activity that would degrade water quality, increase turbidity, or alter salinity or temperature.

In 2010, Orange County Soil and Water Conservation District, Ulster County Soil and Water Conservation District, Orange County Planning Department, Orange County Water Authority and Ulster County Planning Department created the Wallkill River Watershed Conservation and Management Plan, which was funded in part by a grant from the NYSDEC Hudson River Estuary Program. The Watershed Conservation and Management Plan notes several issues in the Wallkill River watershed including conversion of agricultural lands to residential uses or urban development, increase in flooding as a result of new impervious surfaces, soil and streambank erosion, agriculture as a contributor to nonpoint source pollution, horse farm issues, habitat and wetland degradation fragmented landscapes, water quality degradation and stormwater management.

***Goal 6: Increase stewardship of environmental resources and address the challenges of global climate change by both mitigating increased storm severity and temperatures and ensuring that policies are promoted that result in reduction of greenhouse gas emissions.***



*Objective 6.1: Improve the quality of groundwater and surface water resources.*



*Wallkill River – Photo Credit: Mary Ellen Matisse*

**Recommendation 6.1.1: Implement Wallkill River Water Quality Recommendations.** The Watershed Conservation and Management Plan provides recommendations and implementation strategies to protect and restore the Wallkill River. The primary strategies to protect the Wallkill River include:

- Incorporating low impact development practices and better site design into the site plan approval process
- Municipal protection of wetlands and watercourses through wetland improvement projects

- Protecting important habitats by directing development away from sensitive locations
- Requiring stormwater management and erosion and sedimentation control measures for properties on and near the river and its tributaries
- Increasing protections for steep slopes and requiring non-buildable areas be subtracted from the calculation of net area during the subdivision review process.

The Town should review Planning Board processes for properties generally, and those within the vicinity of the Wallkill River, to ensure that suggested protections are incorporated into the design of any proposed projects.

**Recommendation 6.1.2: Further Research Mitigations to Degraded Water Quality in the Tin Brook Watershed.** The Watershed Conservation and Management Plan also notes several species of concern and important habitats in the Tin Brook. The NYSDEC Lower Wallkill River Watershed Water Inventory/Priority Waterbodies List identified minor impacts to the lower Tin Brook and associated tributaries. Specifically, aquatic life supported in Tin Brook had experienced minor impacts/threats due to nutrient and organic inputs and siltation from point discharges and nonpoint urban runoff sources. Sampling results indicated that the fauna in the Tin Brook was dominated by facultative midges and scuds (small aquatic insects). An Impact Source Determination indicated that municipal/industrial inputs and siltation were the most likely cause of the impacts. Although aquatic life is supported in the Tin Brook, nutrient biotic evaluation indicated the levels of eutrophication were sufficient to threaten aquatic life support. While there is no specific planning document





pertaining to the Tin Brook, the 2010 Wallkill River Watershed Conservation and Management Plan recommends prioritizing future biological research within the Tin Brook. The Town should support additional water quality studies and testing in the Tin Brook Watershed.

**Recommendation 6.1.3: Water Supply Protection Overlays.** Ensure that County Health Department restrictions on development in the vicinity of all public supply wells located in the Town are apparent by including them on the zoning map and referencing them in the Zoning Local Law.

**Recommendation 6.1.4: Drinking Water Protection Areas for Drinking Supply.** The Town should create a Drinking Water Source Protection Program Plan to identify drinking water resources in the Town, identify potential sources of contamination and consider appropriate methods and tools for protecting water quality including public acquisition of buffers, prohibitions of storage of potential contaminants in areas near to water resources, establishment of critical environmental areas, voluntary conservation limits, intermunicipal cooperation, transfer or purchase of development rights and other measures. Areas which require evaluation include lands surrounding the Tin Brook, which passes directly by Village of Walden's wellhead field, Water District #1, Lake Vue Water District, and Hyndman Heights Water District, and the Town of Montgomery's wellfield on Beaver Dam Road.

**Recommendation 6.1.5: Stream, Vernal Pool and Wetland Buffers.** Require permitting for the disturbance or use of land or construction adjacent to streams and rivers in the Town. The regulated distance should be based on the size and type of resource and the existing water quality of a river or stream. For example, the Tin Brook is designated

as a Class A (used as public drinking water supply) and Class B (primary and secondary contact recreation, fishing and wildlife and fish propagation and survival) waterbody in the Town. The Wallkill River is designated as a Class B waterbody in the Town. As such, the Tin Brook would merit greater buffering than the Wallkill River. General permits should be available for certain activities where thresholds are not exceeded, and appropriate mitigation measures employed. Planning Board approval should be required in other cases. Any regulation should also provide a general permit which allows agricultural use with the implementation of best management practices.

The Town should consider extending the same buffer protections to State and Federal regulated wetlands as to Class A streams. Vernal Pools are a type of wetland that contain water only for a short time each year. In establishing buffers, the Town should require that linkages between vernal pools and larger adjacent wetlands or forests be maintained in a natural condition to facilitate the lifecycle migration of amphibians from the pools to the larger wetlands or forest habitat to the extent possible.

Additionally, the Town may wish to consider designating particularly important wetlands and stream corridors as critical environmental areas pursuant to SEQR.

**Recommendation 6.1.6: Trees for Tribs.** The Hudson River Estuary Program's "Trees for Tribs" initiative has increased plantings in the Town that have helped restore and reconnect riparian vegetation through native tree and shrub streamside buffer planting projects in the estuary watershed. Trees for Tribs projects in the Town include Benedict Farm along the Muddy Kill River and two sites along the Tin Brook in the Village of Walden.



This initiative should be explored further to determine where additional projects may be implemented in the Town. As the Town’s forests provide high-quality forest habitat and high-quality riparian forest habitat for several bird species, managing habitats for forest birds is vital to preserving ecosystem services.



*Trees for Tribes Program Planting in 2010 – Photo Credit: Montgomery CAC*

Additionally, the NYS Amphibian and reptile Atlas has documented amphibian species in Stewart State Forest that rely on high-quality forest areas and vernal pools and habitat connectivity for breeding. The Hudson River Estuary Program biodiversity initiative offers training workshops and conservation guidance on woodland pools to local

decision-makers, land trusts, and landowners to locate and prioritize important vernal pools to inform local planning and conservation projects.<sup>5</sup>

The Town should ensure that one or more members of the Planning Board participate in biodiversity initiative training.

**Recommendation 6.1.7: Orange County Soil and Water Conservation District.** In cooperation with the Orange County Soil and Water Conservation District, the Town should identify projects to improve the water quality of the Town’s waterbodies by mitigating agricultural non-point source pollution. The Town should utilize the Farmland Protection Board or other appointed agricultural commissions to interface with the district on providing assistance to farms with agricultural environmental management (AEM) plans and climate resilient farming measures.

**Recommendation 6.1.8: Steep Slopes.** Consider regulating development of steep slopes beyond current Zoning restrictions. Currently, certain activities are restricted over slopes exceeding 25%. The Town should consider enhancing regulations, to not only avoid direct disturbance of steep slopes, but also to provide buffers from steep slopes and to reduce the scale of development that is possible on properties containing steep slopes. In establishing buffers, the Town should consider the guidance contained in the 2014 Orange County Watershed Design Guide.

**Recommendation 6.1.9: Clearing, Filling and Grading.** The Town should adopt a law requiring a permit for clearing, filling and grading

<sup>5</sup> <http://www.dec.ny.gov/lands/5094.html>.



that is not part of a site plan or subdivision. Standards should include consideration of the purpose of the land disturbance and not permit removal of trees and vegetation beyond that necessary to achieve project goals. Standards should be provided for soil stabilization and erosion control. Agricultural operations should not be exempted. Land clearing, filling and grading in anticipation of a future land use approval application should not be permitted. Permits should be by approval of the Town Engineer, but thresholds should be provided over which site plan approval by the Planning Board is required.

**Recommendation 6.1.10: Sewer Inspection.** As a general special permit requirement of any sizable development over certain thresholds, wastewater collection systems and package treatment systems should be periodically assessed, monitored and repaired or upgraded as necessary to ensure that wastewater effluents are not escaping the system and contaminating groundwater.

**Recommendation 6.1.11: Low Impact Development.** Low Impact Development and green infrastructure principals should be incorporated into streetscape design standards to create sites that can collect and infiltrate rainwater for groundwater recharge and detain and treat stormwater without significant hardscape infrastructure such as vertical curbs that may inhibit small animal movement or catch basins and point discharges that may concentrate contamination levels in particular areas.

**Recommendation 6.1.12: Floodplain Protection Incentives.** Significant portions of the land adjacent to the Wallkill River and several of the streams and brooks in Montgomery is categorized as a "special flood hazard area" by the Federal Emergency Management Authority (FEMA). FEMA offers a voluntary incentive program (The Community

Rating System [CRS]) that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). By participating in this program, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts that reduce and avoid flood damage to insurable property and foster comprehensive floodplain management. The Town should promote participating in the CRS by appointing a Town staff member (such as the Flood Administrator or other Town staff) to oversee the rating system implementation on a continuing basis.

**Recommendation 6.1.13: Consider Establishing Special Drainage Improvement Districts.** Where older areas of the Town were intensely developed without the benefit of contemporary stormwater management requirements, the Town should consider establishing special drainage improvement districts to fund the study and implementation of modern infrastructure improvements including low-impact development measures to mitigate inadequate area stormwater infrastructure.

*Objective 6.2: Protect the Town's remaining wooded habitat areas and other lands of ecological importance.*

**Recommendation 6.2.1: Tree Preservation Law.** Tree coverage throughout the Town helps define the character of Montgomery. Additionally, numerous types of bird species nest in forested areas in the Town making preservation of mature trees, particularly along and near the Wallkill River and its tributaries important. The Town should consider the adoption of a tree preservation law that requires a permit for the removal or intentional destruction of a significant number of large trees, and require Planning Board approval, when a certain





threshold is exceeded. The Town should establish a standard for the size of tree that is worthy of protection, and include other relevant considerations such as species, nativity, health, and approximate age. Penalties should require replacement of a greater number of smaller trees and/or equivalent habitat enhancement, should the permit requirement be violated.



*Stewart State Forest Great Swamp Boardwalk – Photo Credit: NYSDEC*

**Recommendation 6.2.2: Timber Harvest Law.** The Town should consider comprehensive regulations governing timber harvesting. The

Town could consider a process that includes a general permit for routine activities at a small sustainable scale whereby harvesting can occur upon review and approval by the Building Inspector and/or Town Engineer.

Where certain thresholds are exceeded or standard mitigations are unable to be employed, Planning Board approval should be required. Standard mitigations should be based on the New York State Forestry Best Management Practices Field Guide and DEC general permit requirements for stream crossings.



*Red Fox – Photo Credit: Matthew Rainaldi*

**Recommendation 6.2.3: Significant Natural Communities.** The Red Maple Hardwood Swamp located east, and northeast of Mountain View Terrace off of South Plank Road near the Town’s eastern boundary has been identified by New York State as sensitive for potential presence of significant natural communities. The Town



should consider adopting a Critical Environmental Area designation for areas where this habitat may exist and require appropriate buffers or other mitigation as part of environmental review.

**Recommendation 6.2.4: Wetland Restoration.** As a condition of land use plan approvals involving the issuance of a special use permit, the Town should consider requiring landowners to restore degraded wetland habitats with re-establishment of native vegetations as a condition of approval. The Town should also work with the Conservation Advisory Council to explore State and Federal funding opportunities for restoration of wetlands located on public lands or conservation easements within the Town.

**Recommendation 6.2.5: Forest Habitat.** The Town should look to conserve large forest areas that are locally significant or stepping stone forest patches as classified by DEC. The Town should work with adjoining municipalities to improve forest connectivity and minimize further fragmentation of forests to safeguard forest connectivity across municipal boundaries, which is important for animal populations and is a key adaption strategy for biodiversity conservation that combats climate change. Forest connectivity should be a key consideration in the design of cluster residential subdivisions and design of site plans. Imposition of stream and wetland buffers as detailed in Recommendation 6.1.5, will also help to serve as wildlife connectivity corridors.

**Recommendation 6.2.6: Build upon the Natural Resource Inventory.** The Natural Resource Inventory, included as an appendix to Volume 2 of this Comprehensive Plan, takes the first important step of identifying natural resources throughout the Town and proposing broad recommendations for improving stewardship of land and water, many

of which have been incorporated herein. The Town should continue to build upon the Natural Resource Inventory by further identifying important natural resources and habitat and identifying measures to preserve and protect those resources on a more site-specific basis that prioritizes areas for protection and identifies the most appropriate measures to achieve conservation and stewardship goals.



*Benedict Farm Park preserved former hayfields as meadow habitat for threatened Sedge Wren and other avian species – Photo Credit: Mary Ellen Matisse*

**Objective 6.3: Reduce greenhouse gas emission, adapt to climate change and decrease vulnerabilities to form a more sustainable and resilient Town.**

**Recommendation 6.3.1: Building Mounted Solar.** Install solar panels at Town facilities throughout the Town, reducing the carbon footprint of Town operations and providing cost security against future fuel cost instability. The Town should also consider implementing zoning incentives (such as FAR and coverage incentives) to encourage



developers to install solar panels and/or green roofs on large buildings proposed in the Town.

**Recommendation 6.3.2: Utility Scale Solar.** As of January 2021, the Town has approved solar facilities with a generation capacity of approximately 21 MW. The average hourly electric usage within the Town and Villages from July 1, 2019 through June 30, 2020 was 13.37 MWh. The Town should continue to allow the development of additional utility-scale solar facilities, but should also ensure that facilities are not highly visible and that they are not permitted on parcels containing significant areas of prime agricultural soils except where they incorporate agrivoltaic strategies (see recommendation 1.1.2)

**Recommendation 6.3.3: Battery Storage.** The Town should develop zoning to allow for the buildout of battery storage infrastructure to support the solar economy, while ensuring adequate public safety and safeguarding community character.

**Recommendation 6.3.4: Energy Conservation Plan.** Prepare a local government energy inventory in existing municipal buildings to determine existing energy consumption and energy reduction methods. Develop a Town-specific energy conservation plan and green building guidelines utilizing the Leadership in Energy and Environmental Design (LEED) rating systems for different types of projects.

**Recommendation 6.3.5: Retrofit NY.** Encourage participation in NYSERDA RetrofitNY program to improve energy performance of adaptively reused buildings.

**Recommendation 6.3.6: Solar Permit.** Adopt the NY State consolidated solar permit, thereby streamlining approval of small-scale solar facilities.

**Recommendation 6.3.7: Utility Resiliency.** Work with energy utilities to safeguard distribution and generation infrastructure from potential climate vulnerabilities in the future.

**Recommendation 6.3.8: Hydroelectric.** Identify potential locations along the Wallkill River for future hydroelectric facilities similar to the facility in the Village of Walden and at City Winery. Explore New York State grant funding opportunities for the installation of additional hydroelectric facilities.

**Recommendation 6.3.9: Electric Vehicle Charging.** Identify Town-owned properties that could support electric vehicle charging stations which will encourage the use of electric vehicles and reduce greenhouse gas emissions. Explore Federal and State incentives to install charging stations on municipally owned properties.

**Recommendation 6.3.10: Cooling Facilities.** Designate locations with air conditioning and/or that allow swimming in the Town for residents during heat waves. Extend park hours during heat waves.

**Recommendation 6.3.11: Strengthen Flood Regulations.** Strengthen existing zoning regulations to direct future development out of floodplains and flood-prone areas to reduce and minimize future loss of life and property.

**Recommendation 6.3.12: Communications Audit.** Conduct a communications audit to identify vulnerable communications





infrastructure and make investments to ensure resilient communications during extreme weather events.

**Recommendation 6.3.13: Resident Preparedness Education.** Increase emergency preparedness in the Town by encouraging residents to create a household preparedness plan and store food, water and other supplies in case extreme weather events cut off access to goods, services and emergency responders.

**Recommendation 6.3.14: Resident Communications.** Utilize media to alert residents during extreme heat waves to power down unnecessary electronics in order to reduce strain on the grid and prevent blackouts, as well as take heat-related health precautions.



*Great Blue Heron on Wallkill River – Photo Credit: NPV*

**Recommendation 6.3.15: Adaptive Construction.** Incorporate water resource protection and climate change resiliency into the Town Code such as standards that incorporate adaptability to climate change for new construction (for example consideration of how floodplains may

expand beyond existing boundaries and how development may adapt to such changes).

## J. Community Character and Historic Resources

A community’s character is largely identified with its visual appearance. There are several factors that contribute to community character, ranging from the most obvious such as grand scenic vistas or monumental historic structures, to more subtle visual elements, such as the width of roads or the presences of curbs and sidewalks.

The character of the Town of Montgomery, especially that of unincorporated areas, is largely rural. The introduction of distinctly suburban or urban elements to unincorporated areas will impact community character and should be done only after careful consideration.

Community character is also largely based on particular places that distinguish the community from other communities and impart a unique sense of place. These types of places are known as “Places of Distinction” and merit consideration for preservation.

The most obvious and perhaps most critical “Places of Distinction” are locally important historic structures and sites. The Town of Montgomery contains numerous significant historic, architectural and cultural resources that contribute to its heritage and character. Not only are there several National and State Register listed and eligible



historic sites and districts in the Town and its Villages, but also several locally designated landmarks.

The “Reconnaissance-Level Historic Resource Survey” prepared for the Town of Montgomery Historic Preservation Commission provides an



*Example of Scenic Vista – Photo Credit: NPV*

extensive overview of the Town’s history and historic resources. According to the Reconnaissance-Level Historic Resource Survey, the Town is one of the oldest and most important English settlement areas in New York State, with distinctive farmhouse architecture, historic farmland and rural landscapes. See Volume 2, Section 5 for a more complete description of Town historic resources.

Other “Places of Distinction” that contribute to community character may include:

- Views of certain land uses that are readily identified with character of the community but are not necessarily historic or architecturally valuable. This may include but is not limited to

working farms (field crops, livestock, and horse farms all provide varying character), schools, government buildings, airports, or even a local ice cream shop.

- Views of landscapes that are identified within a community and vital to its character. This may include certain wooded areas, especially those enclosing roads; views of ridges, mountains or other landforms; rivers, streams or lakes.
- Vistas that provide distant views or that may provide overlooks.
- Views of monuments or public art.
- View of places with eclectic architectural or visual qualities that are not necessarily aesthetically beautiful in a classic sense, but still impart unique character.

To protect the character of a community, these attributes must be considered with respect to planning and development decisions.

***Goal 7: Identify and protect those elements of Community Character that impart a unique sense of place, especially historic and scenic resources.***

***Objective 7.1: Maintain the “small town” and rural character of Montgomery.***

**Recommendation 7.1.1: Conservation Cluster Subdivision.** Consider amending the Town’s existing average density/cluster subdivision requirements to reflect a “conservation cluster subdivision” mechanism that reorders the subdivision approval process by requiring applicants to identify preservation-worthy features of a site including prime agricultural soils, cultural features such as stone walls, sensitive ecological resources, scenic vistas, buffers from incompatible land uses



and other important elements worthy of preservation. Once such features are identified and prioritized, the subdivision should be laid out in a manner that preserves the highest priority resources.



*Example of eclectic visual feature that impacts community character – Photo Credit: NPV*

The procedure should allow the Planning Board, which has done an excellent job to date of requiring open space with residential subdivisions, wider discretion to require development in a context-sensitive manner that promotes appropriate clustered lot sizes, discouragement of culs-de-sac, presentation of home fronts to well-travelled streets, preservation of important terminal vistas and incorporation of community recreational greens or playgrounds where appropriate to promote socialization by residents.

**Recommendation 7.1.2: Residential Flag Lots.** As an alternative to new roads serving only one or two new residences, consider amending codes to allow for flag lots. Such flag lots should only be permitted where the construction of a road would not be financially viable, and

the portion of the lot within the “flagpole” should be at least 40 feet wide and usable and should not count toward the minimum lot area requirement. Where flag lots are proposed side by side, a shared driveway with maintenance agreement should be required for both lots. Flag lots should meet minimum standards for privacy screening between the front lot and flag lot, and homes located on flag lots should not be highly visible from the street from which they are accessed.

**Recommendation 7.1.3: Rural Roads Design.** For maintenance of existing streets and construction of new streets (public or private) within more rural areas of the Town (areas designated on the Conceptual Land Use Plan as Low-Density Agriculture) the Town should develop modified road construction standards consistent with the *Highway Standards for Low-Volume Roads* of September 2019 published by the Cornell Local Roads Program. This document prescribes reduced standards for Low Volume Collectors, Residential Access Roads, Farm Access Roads and other road types based on their usage and allows minimum width of travel way as narrow as 16 to 18 feet.

The Town, in consultation with emergency service personnel and the Town Planner and Engineer should review the standards, modifying them as necessary to insure adequate access and safety. Standards should also consider rural character design elements, such as stormwater management without catch basins and curbs, elimination of formal sidewalks in favor of shared use paths or designation of an on-street area for pedestrian and bicycle traffic, maintenance of stone walls and planting of native trees or other native vegetation along road edges in a naturally occurring manner, not in regularly spaced rows.





**Recommendation 7.1.4: Non-Residential Design Guidelines.** Review and update as necessary, the Town’s Non-residential Design Guidelines to reflect necessary changes based on updated stormwater management requirements and to ensure that out-of-character is not being promoted.



Roadside Art “Place of Distinction” – Photo Credit: NPV

**Recommendation 7.1.5: Dark Sky Lighting Requirements.** Review and consider updating the Town’s lighting requirements for nonresidential and multifamily residential sites to reflect best practices for minimizing impacts to night-sky. Site lighting should be the minimal necessary to safely illuminate the site and measures such as motion-detection, dimming, and timed shut-off should be incorporated into any sight lighting system. LED lighting should generally be of a color temperature

of 3000K or less to reduce impacts to motorists, wildlife and nearby residents.

**Recommendation 7.1.6: Noise.** The Town should consider adoption of a comprehensive noise ordinance that defines specifically prohibited noises and activities, and maximum permissible sound levels (based on New York State Department of Transportation or other state recognized standards).

**Recommendation 7.1.7: Use Based Design Guidelines.** Create architectural, landscaping, and site design guidelines specific to each use district (residential, commercial, planned development, and economic development.)

*Objective 7.2: Preserve and showcase historic resources.*

**Recommendation 7.2.1: Certified Local Government.** The Town should become a recognized Certified Local Government (“CLG”) through the State and Federal certification process to gain access to program benefits such as technical preservation assistance and access to grants exclusively for CLG projects. The Town should incorporate any changes to its Landmarks and Historic Districts chapter that are necessary to achieve this status. In addition to state-funded assistance for the preservation of local historic resources, CLG status will provide the Town with a degree of protection in the event that the Town is challenged on the denial of a proposed application for demolition or modification of a local historic resource.

**Recommendation 7.2.2: State and National Register Designation.** Through the Historic Preservation Committee, author brochures, websites or other educational media describing the benefits and misconceptions involved with State and National Register listing and



provide the information to the owners of properties eligible for listing on the State and National Registers.



*National Register listed Bodine's Tavern – Photo Credit: NPV*

**Recommendation 7.2.3: Architectural Compatibility.** The Town should require that where development is proposed substantially contiguous to a local landmark or historic resource listed on the State or National Registers of Historic Places, that the architectural design of proposed structures is not excessively dissimilar to the resource. In discharging this function, the Historic Preservation Committee should seek State funding for the preparation of Town-specific design guideline illustrating acceptable and unacceptable practices.

**Recommendation 7.2.4: Consider a Local Recognition Program.** The Town should work with the Town Historian and Historic Preservation

Commission to coordinate with Village Commissions and other local associations whose mission involves the preservation of historic resources to explore strategies for coordinated recognition of these important resources. Programs could include installation of markers, mapping, and an interactive website showing location of resources and their importance to the history of the Town. Mobile phone apps are available that allow for this information to be assembled in a central database and allow interested persons to undertake self-guided walking and/or driving tours of the Town's historic resources.

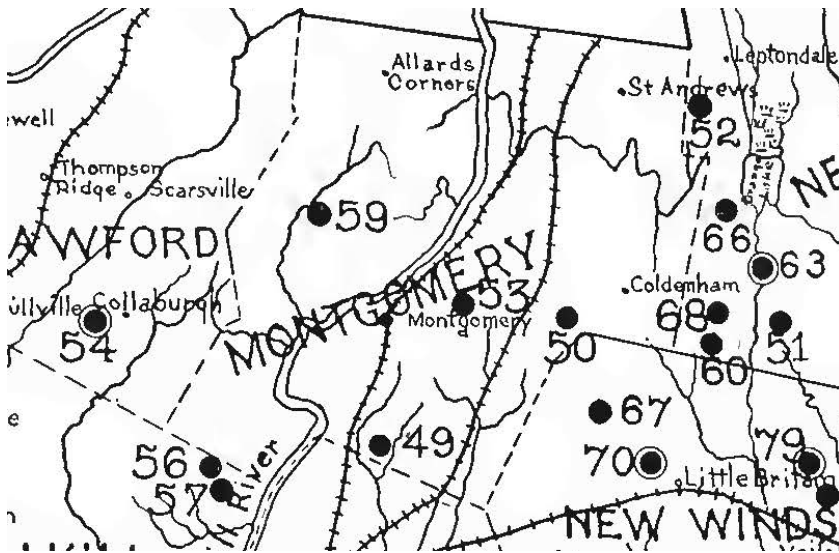


*National Register listed Walden Village Hall – Photo Credit: NPV*

**Recommendation 7.2.5: Mastodon Discoveries.** The Town should identify, map and recognize the locations of mastodon discoveries throughout the Town including the Peale Barber Farm Mastodon Exhumation Site, which is listed on the National Register of Historic Places.



*Objective 7.3: Preserve important scenic viewsheds throughout the Town beyond existing protected areas.*



Map showing distribution of mastodon remains in Montgomery - Source - Portion of Plate 6, New York Museum Bulletin, November – December 1920.

**Recommendation 7.3.1: Scenic byways.** Explore the feasibility of participating in the NYSDOT Scenic Byways Program to nominate important transportation corridors in the Town that are representative of scenic, recreational, cultural, natural, historic or archaeological significance. Where local roads are not eligible, draft regulations designating local scenic roads, and regulating the appearance and siting of buildings along the roads. Candidates for nomination that have been identified by the CPC and the public include:

- Albany Post Road from Beamer Road to the Town boundary
- Route 52 west of Albany Post Road

- State Route 208 north of the Tin Brook
- River Road between Village of Walden and Village of Montgomery
- State Route 17K from Village of Montgomery to western Town boundary
- Kaisertown Road from State Route 17K to southern Town boundary
- Coldenham Road from Route 17K to Village of Walden

**Recommendation 7.3.2: Route 52 Viewshed Protection.** Promote viewshed protection regulations that establish protected view corridors identified scenic byways (see recommendation 7.3.1) and require any new construction be sited in a manner that does not obscure important views.

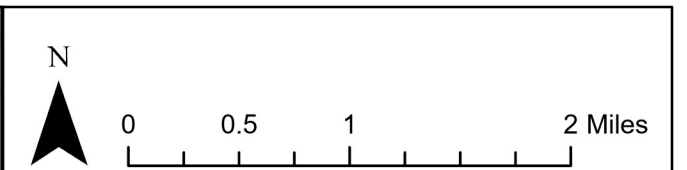
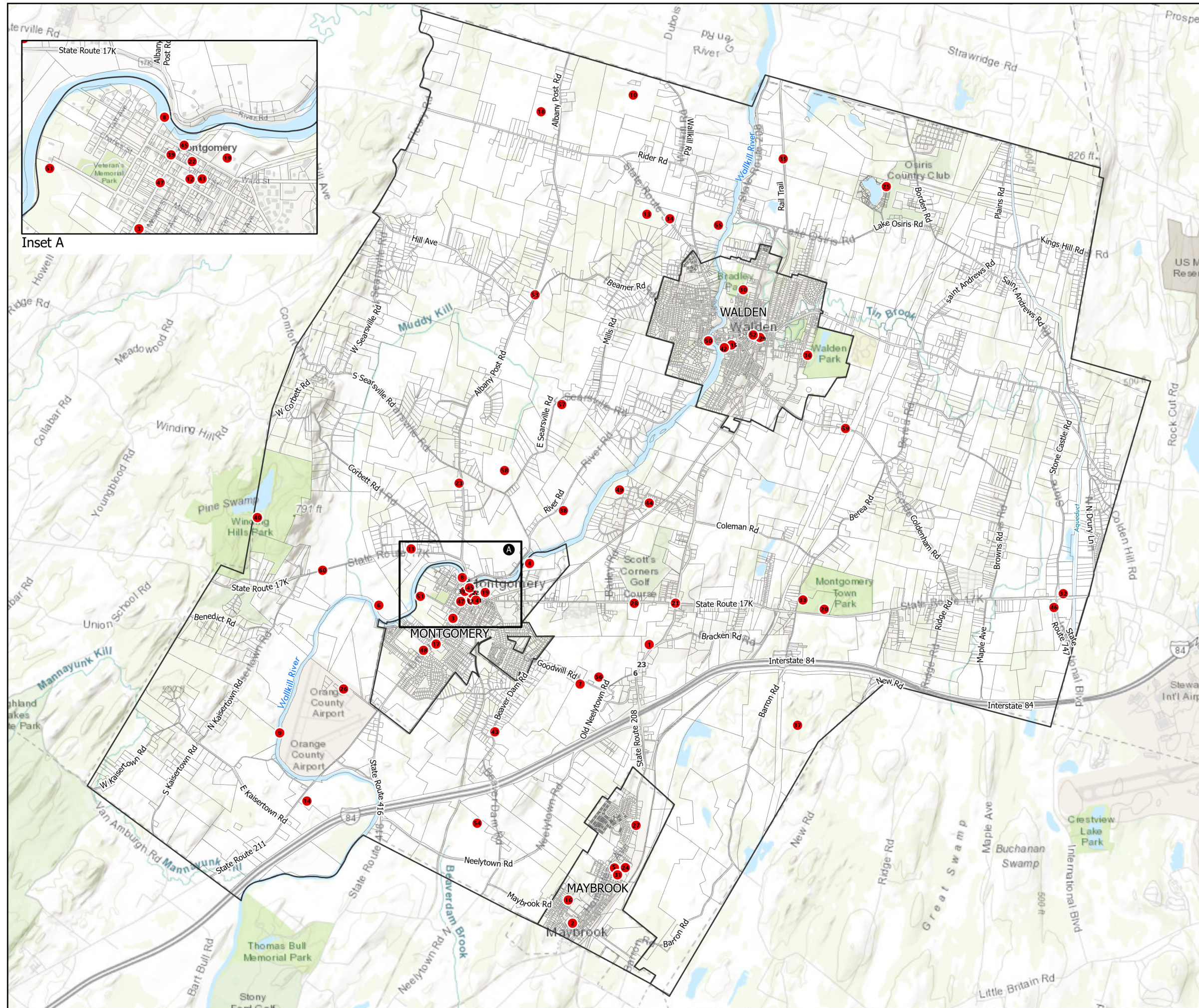
**Recommendation 7.3.3: Wallkill River Scenic Vistas.** Provide roadside turnoffs at locations which provide views of the Wallkill River. Require siting of structures in a manner that minimizes obscuring of river views.

**Recommendation 7.3.4: Gateways.** Areas of arrival into the Town along major County and State Highways should be identified and assessed for consistency with the Town’s desired rural character. The Town should look for opportunities to improve the appearance of major gateways employing a range of methods including:

- Adding street trees and buffer plantings in natural looking stands to obscure views of heavy commercial areas, parking lots, the rear and sides of commercial buildings and to better frame expansive commercial views but taking care not to block business identification signage.







Orange County, NY, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, Orange County, NY, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA

## Figure 8: Places of Distinction

### ● Places of Distinction

- |   |  |
|---|--|
| 1. Goodwill Church                      | 34. Walden United Methodist Church                               |
| 2. Assumption Church Religious          | 35. Shawangunk, Walden, and Wallkill Rail Trail                  |
| 3. Holy Name of Mary                    | 36. James Olley Community Park                                   |
| 4. City Winery Hudson Valley            | 37. Stewart State Forest   |
| 5. Veterans Memorial Park               | 38. Brach Family Dairy Farm Inc                                  |
| 6. Benedict Farm Park                   | 39. Duffy's  |
| 7. Hoeffner Farms Inc                   | 40. Winding Hills County Park                                    |
| 8. Ward's Bridge                        | 41. Orange County Firefighter Museum                             |
| 9. Wallkill River                       | 42. Mickey Millspaugh Park, Riverfront Park - future boat launch |
| 10. Sprucegate Holsteins Farm           | 43. Twiddle Farm   |
| 11. Brick Reformed Church               | 44. Maple Lane   |
| 12. First Presbyterian Church           | 45. Downtown Montgomery  |
| 13. Phelps Woodside Farm                | 46. Route 747 Art Work   |
| 14. Willow Hill Farm Inc.               | 47. Stone Foundation Houses on Union St (Village of Montgomery)  |
| 15. Walden Elementary School            | 48. Union Street   |
| 16. Maybrook Elementary School          | 49. Riverfront Park  |
| 17. Montgomery Elementary School        | 50. Waterfall in Walden  |
| 18. Angry Orchard                       | 51. Pleasure Grounds   |
| 19. Chambers Tractor Sales, Inc.        | 52. McKinley Statue in Village Center of Walden                  |
| 20. Orange County Farmers Museum        | 53. School House on Corner of Beamer Road                        |
| 21. Cross Roads of Scotts Corners       | 54. Pond/Lake - Not in Existence Now                             |
| 22. The Borland Inn & Brunch House      | 55. Riverside Farm in Walden - Fourth Generation Family Owned    |
| 23. Twin Ponds Greenhouses              | 56. Seacord Farm   |
| 24. Maybrook Railroad Museum            | 57. Andrews Farm   |
| 25. Osiris Country Club                 | 58. Rosedale Tree Farm   |
| 26. Orange County Airport               | 59. Coldenham Road Scenic Roadway                                |
| 27. The Main Line Diner & Pizza Company | 60. 17K Flats Scenic Highway Park                                |
| 28. Richards Dairy Shed                 |  |
| 29. Hudson Valley Conservatory          |  |
| 30. Bradley Park                        |  |
| 31. Danny Meyer Memorial Playground     |  |
| 32. Colden Mansion Ruins                |  |
| 33. Brick House Museum County Park      |  |





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- Introduce “welcome” signs to major Town gateways.
- Better organizing varying and haphazard street signage at gateways and intersections and providing a unified wayfinding sign package throughout the Town.

**Recommendation 7.3.5: Adopt A Ridge Preservation Overlay.** An overlay encompassing the ridge along the Crawford-Montgomery Town boundary and scenic vistas throughout the Town should be established to preserve and maintain these sensitive and important areas. The Town should consider employing measures intended to protect scenic vistas including clustering development at lower, less-visible elevations, limiting the materials and colors of proposed structures to reduce visibility, limiting heights and size of buildings, and requiring maintenance of mature tree stands and supplementing them as necessary.



*Rainbow over Crist Brothers Orchard – Photo Credit: Molly Crist*

*Objective 7.4: Recognize and protect non-traditional “Places of Distinction” that contribute to the Town’s identity.*



*Roadside pipe and barn mural are examples of “Places of Distinction” not identified in the course of plan preparation – Photo Credit: NPV*

**Recommendation 7.4.1: Preserve “Places of Distinction.”** Through State Environmental Quality Review, require the Planning Board to consider the impact of any new development on identified “Places of Distinction” at the time of site plan and/or subdivision application. (see Figure 8) Additionally, when reviewing site plan or subdivision applications, the Planning Board should conduct site visits early in the application process to identify site features that may be contributing positively to community character. The Planning Board should work with applicants to preserve important character features to the maximum extent practicable. In addition to those places identified in Figure 8 some notable places mentioned in the survey include:





- K. Old Local Ice Cream Shops and Restaurants
- Hiking in the various parks and trails.
- Village downtowns and museums.
- Public schools, libraries and area churches.
- City Winery and Angry Orchard.
- The Richie Reynolds Statue in Montgomery.

**Recommendation 7.4.2: Town Seal.** The Town is no longer served by rail and wishes to promote economic development beyond freight transportation. Survey results indicated a moderate preference to redesign the Town Seal to better reflect the current community. The Town should consider engaging in a public outreach process, including potentially partnering with the Valley Central School District to redesign the logo and slogan on the Town Seal.

**Recommendation 7.4.3: Promote Community Festivals.** Community festivals in the Villages and unincorporated Town can help to foster a sense of identity. The Town should engage its Recreation Director and partner with the Villages and Greater Montgomery Business Council to foster a calendar of community events to promote community and socialization. When asked in the community survey for the places that have become hallmarks in their lives, many people commented on community events – Montgomery Day and its Tractor Parade, Farmer’s markets at Hoeffner’s and Froelick’s Farms, Farmer’s Outing, Little League and youth football games at local parks, canoeing on the Wallkill or enjoying the Villages and neighborhoods lit-up for Christmas. The Town should continue to promote community experiences for the next generation of residents.

## K. Community Services, Facilities and Infrastructure

The Town of Montgomery maintain multiple facilities, departments and infrastructure to serve its residents and businesses. The Town of Montgomery Police Department serves the Town outside of the Villages and the New York State Police, Troop F has a police station located in the Town. Fire protection for the Town of Montgomery is split among four Fire Districts: Coldenham, Montgomery, Walden and Maybrook. Ambulance service is provided by the Montgomery Fire District and the Walden Ambulance Corps doing business as the Town of Montgomery Volunteer Ambulance Corps. The majority of the Town of Montgomery is served by the Valley Central School District, while a small portion of the western Town is served by the Pine Bush CSD and a very small tract at the north of the Town is served by the Wallkill Valley CSD.

In drafting this plan, the consultant reached out to department heads and community service providers with varying degrees of response. In the course of that effort, two facilities were indicated as requiring immediate or impending replacement, expansion or upgrade:

- The development of a Town well site in the vicinity of Coleman Road, a need made necessary by an impending agreement expiration.
- The construction of a fire training facility
- Upgrade the capacity of Sewer District #1 to treat 250,000 GPD.



While no facilities needs were indicated, several responses indicated concerns that should be addressed through this plan. These include:

- Concerns regarding increased observed speeding and truck traffic through the Village of Montgomery.
- Issues with accessing dirt road with heavy modern fire equipment.
- The increasing need for providing fire suppression supply at development sites rather than relying on water shuttles, expressed with special emphasis on future development along Route 17K.
- Inadequate parking lot turning radius for the largest fire equipment, and adequate lane width and building separation to use equipment properly.
- While the Valley Central School District indicated adequate facilities, with the exception of the aging Walden Elementary School, they expressed concern about future PILOT agreements by the IDA in light of impending anticipated cuts to school state aid.
- Fire District should have smaller trucks to access rural areas with dirt roads or Town should require landowners to keep driveways accessible.

### Stormwater Management

The Town of Montgomery regulates stormwater runoff through §235-10, Stormwater Management and Erosion and Sediment Control, of the Town Code. The code requires that a Stormwater Pollution Prevention Plan (SWPPP) must be prepared for certain land disturbance activities. In addition, §235-10 regulates non-stormwater discharges to the

municipal separate storm sewer system (MS4). Discharges into MS4s are regulated under the EPA's Phase II Stormwater Rule which requires communities operating an MS4 to develop a stormwater management program that will reduce the amount of pollutants carried by stormwater during storm events. Non-stormwater discharges to MS4s must be authorized in accordance with a General Permit for Stormwater Discharges and a Multi-Sector permit for industrial activities. The Town of Montgomery is responsible for monitoring and inspection of these discharges. The Town Code does not provide specific provisions for green infrastructure aside from §235-16.5.C(3(d)), which requires native plant species to be included in new landscaping, except where a specific waiver is granted by the Planning Board for site-specific habitat or other reasons.

Recent construction in the Town has utilized greener stormwater requirements. However, these requirements have not applied to small industrial projects and have not been codified. It should be noted that locations along most Town roads are rural and do not collect stormwater in catch basins or channel flow via curbs. Additionally, several large and older industrial sites in the Town that were constructed prior to the current NYSDEC promulgated stormwater regulations do not have stormwater detention or treatment areas.

Stormwater management is important as it can significantly reduce the runoff of rainwater (or melted snow) into the streets, which helps in the improvement of water quality. Impervious surfaces in developed areas prevent precipitation from soaking naturally into the ground, which adds pressure to the drainage systems. Excess runoff into stormwater drainage systems can often cause system overflow, which can lead to flooding, erosion and turbidity. Examples of green



infrastructure stormwater techniques include, but are not limited to rain gardens, bioretention areas, vegetated swales/dry swales; green roofs; porous pavement; stream buffer restoration; and stormwater planters and tree filter.



*Modern Stormwater Management – Photo Credit: NPV*

### Water and Sewer

There are two main sewer districts in the Town, Sewer District #1 and Sewer District #2. Additionally, the Baxter Sewer District and the Hamptonburgh Sewer District send sanitary wastewater to Sewer District #1. Each Village has its own Wastewater Treatment Plant (WWTP). The Village of Maybrook WWTP (located on Route 208) discharges to a freshwater wetland that is a tributary to Otter Kill (a tributary of Moodna Creek); the Village of Montgomery WWTP (located on Bachelor Street) discharges to the Wallkill River; and the Village of

Walden WWTP (located on Bradley Lane) discharges to the Wallkill River. There are also several wastewater treatment systems throughout the Town, for which SPDES permits have been issued.

There are three water districts in the Town that provide drinking water: Water District #1, Lake Vue Park Water District and Hyndman Heights Water District. There is also the Water Improvement District 2B, which only provides water for fire protection for businesses along Bracken Road.

Existing sewer and water infrastructure are currently suitable to support existing uses in their respective districts. Minimal additional sewer capacity exists to support future development. The Town continues to evaluate options to expand water and sewer districts

### Private Power Generation

Several solar facilities have been constructed since the establishment of the Town's 2017 Solar Siting law. To date, there are four facilities located on over 10 acres of land and two solar farms that have been recently approved by the Planning Board. The Wallkill River is dammed twice in the Village Walden and the larger of the two dams powers a 2.4-megawatt hydro facility on the west side of the River. The Wallkill River is dammed once in the Village of Montgomery and powers a small hydroelectric system at City Winery.

A full description of the state of existing community services, facilities and infrastructure is included in Volume 2, Sections 7 and 8.





***Goal 8: Coordinate with utilities, Villages, Orange County and New York State to provide the upgraded facilities and infrastructure necessary to achieve the Town's desired Vision.***

***Objective 8.1: Consult community service providers (i.e., police, fire, emergency medical services and school districts) prior to approving any sizable future developments.***

**Recommendation 8.1.1: Formalize Community Service Provider Input in Land Use Processes.** Feedback is important for any new development in order to protect the health, safety and welfare of residents and other stakeholders. The Town should consider codifying requirements for referral of land use applications to community service providers and providing adequate time for response.

***Objective 8.2: Provide quality community services and facilities that adequately serve the needs of residents and businesses within the Town and ensure that the services are adaptable for future growth.***

**Recommendation 8.2.1: Coordination of Services with Villages.** Work with the Villages and neighboring municipalities to evaluate opportunities to regionalize studies, designs, infrastructure improvements and services.

**Recommendation 8.2.2: Library.** Work with the School Districts and Village Public Libraries to identify areas of the Town (including Villages) that are not eligible for library services and explore and support alternatives that would provide all Town residents and Village residents access to library services in the most expedient and cost-efficient

manner including potentially coordinating with the school district or establishing a community-wide library district.

**Recommendation 8.2.3: Leverage Private Development to Support Water and Sewer Infrastructure Improvements.** As the Town grows in accordance with its plan, private development should be leveraged to improve Town sewer and water infrastructure in order to increase capacity to accommodate the proposed projects. Wherever possible, existing facilities should be improved, and distribution infrastructure installed, rather than constructing isolated facilities. Where not possible, newly constructed facilities should be constructed to a high standard and expandable, with legal provisions made to allow the Town to accept dedication of the infrastructure in the future.

***Objective 8.3: Provide current and future residents and businesses with access to urban-quality data communications, especially in lieu of COVID-19 shifts to learning and working from home during the pandemic.***

**Recommendation 8.3.1: Utility franchise agreements.** Review and renegotiate franchise agreements for construction of utilities on Town roads and explore ways to negotiate the provision of wired high-speed fiber data networks throughout the Town. Also ensure that light poles and utility polls on Town Roads are ready to receive 5G small site infrastructure and that preferences for appearance standards are established in advance. Ensure that every residence in the town has access to high-speed data services, regardless of being in a remote location. Identify areas of the Town with high public assembly rates and require cable Wi-Fi hotspot service as condition of any revised franchise agreement.



**Recommendation 8.3.2: Wi-Fi.** Consider requiring public Wi-Fi as a requirement of any special permit approval involving a shopping center or retail center over a certain floor area.

**Recommendation 8.3.3: Macro 5G sites.** Identify appropriate locations within the Town for construction of Macro 5G cellular communication towers, especially on Town-owned property. Ultimately the Town maintains the most control where cellular infrastructure is located on Town Property, and leased facilities can provide an alternative revenue source to the community.

*Objective 8.4: Improve stormwater management infrastructure throughout the Town.*

**Recommendation 8.4.1: Update Stormwater Regulations.** In coordination with the Town Engineer, Section 85 of the Town Code should be reviewed and updated as necessary to include specific MS4 requirements as prescribed by the NYSDEC.

**Recommendation 8.4.2: Enhanced Stormwater.** Codify recent enhanced stormwater regulations that have been applied to large development projects in 2018 and 2019. Apply such regulations to sites that include significant impervious coverage.

**Recommendation 8.4.3: Special Permit Renewal Provisions.** Any new special permit issues by the Town should require periodic renewal based on periodic inspection as noted in **Recommendation 2.2.3**. Periodic renewal should be automatic upon inspection and contain provisions that require sites to be improved from time to time as the Town, County or State updates its requirements for stormwater management.

**Recommendation 8.4.4: Green Infrastructure.** The Town should consider updating its zoning code and street specification include specific standards for green infrastructure controls and low-impact development practices such as green infrastructure practices provided in the latest NYSDEC's Stormwater Management Design Manual. Current sustainable stormwater design practices recommend that stormwater runoff be treated "at the source". Examples of green infrastructure stormwater techniques include but are not limited to rain gardens, bioretention areas, vegetated swales/dry swales; green roofs; porous pavement; stream buffer restoration; stormwater planters and tree filters; and other techniques.

The Town should support these techniques throughout the community and in any new developments in order to protect the Town's water resources. The Zoning Code should be amended to include specific standards for green infrastructure stormwater controls, as well as Low Impact Development principles for any new development to enhance stormwater management. A Green Infrastructure Guide should be adopted that provides Town staff, the development community, and private property owners with a resource that promotes the implementation of a range of green infrastructure practices for addressing stormwater management.

**Recommendation 8.4.5: Identify Opportunities to Implement Town Green Infrastructure Facilities.** Retain a qualified professional to prepare a Water Quality Improvement Project Plan and identify locations in the Town where green infrastructure may be installed to mitigate flooding and drainage issues, as well as to minimize pollutant loading to groundwater and surface waters.



**Recommendation 8.4.6: Promote Reduction in Impervious Surfaces through Technology.** Limit the amount of new impervious surfaces within the Town by requiring permeable pavers and/or natural opening pavers to be utilized in strategic areas of new construction.

**Recommendation 8.4.7: Revise Lot Coverage Standards.** Revise the “Lot Coverage” definition to include all impervious improvements.

*Objective 8.5: Enhance communications and data availability between the Town land use approval boards, the Industrial Development Agency and the public.*

**Recommendation 8.5.1: Town Website.** Provide educational programs and information on the Town website regarding litter, property maintenance, trash collection, recycling, community gardens and programs and opportunities available through the Town, Villages or other government or quasi-governmental providers.

**Recommendation 8.5.2: Simplify the Land Use Regulations.** During the process of preparing this Comprehensive Plan, the Town engaged the Elizabeth Haub School of Law at Pace University to update the codification of the Town’s local laws, which had not been done comprehensively over the last ten years.

Even with the code updated, its format and general organization is not common to the local area and not easy to understand or navigate. To increase understanding and usability by Land Use Boards, the Building Department, stakeholders and the public, the Town should consider comprehensively simplifying the code replacing its verbose text with tables diagrams and illustrations wherever possible. Additionally, the Town should consider simplifying the code by greatly reducing the number of zoning districts within the Town.

**Recommendation 8.5.3: Resources Hub.** Include links to all guidance and referenced documents in the Comprehensive Plan in one place on the Town’s website.

**Recommendation 8.5.4: Land Use Boards Website.** Consider an enhanced website and land use application submission protocol to facilitate the posting and online availability of applications for site plan, subdivision, special permit, and variances for review by interested parties and the public. Once complete applications are received, early posting of these materials will provide confidence by the public that appropriate procedures and considerations are being made. Such postings can be supplemented with recordings of meetings, minutes, SEQR submissions, involved agency communications, public comment, motions, votes and decisions. This will provide a complete repository for the open consideration of land use applications and provide the public with an easy-to-use platform for accessing the complete file in a timely manner.

Such a platform could also provide an opportunity for direct feedback to the Board, allowing the public to be able to comment on projects without attending a meeting. This would also enhance and streamline the operation of land use boards and could make them more resilient to operate during periods of potential future pandemic.

**Recommendation 8.5.5: Educate the Public on the Requirements and Benefits of Being an MS4 (Municipal Separate Storm Sewer) Community.** Provide access to program descriptions, requirements and reports via the Town website, and periodically mail residents and business with materials that inform landowners, residents and businesses of their requirements under the program.





## L. Sustainability

When the Town of Montgomery decided to update their previous Comprehensive Plan from 1988 (and subsequent 2010 amendment), a focus on the future sustainability and resilience of the Town of Montgomery was of particular importance. Through its support for evolving green technologies, green infrastructure and sustainable “smart growth” principles, the Town will contribute to global efforts to slow the pace of climate change. As a result, this Comprehensive Plan integrates sustainability and protection of environmental resources intrinsically throughout its goals, objectives and recommendations. This chapter on Sustainability is intended to provide a background for and highlight some of the key recommendations for both sustainability and resiliency found elsewhere in the Plan. For that reason, this chapter is intended to serve as a companion chapter to understanding the sustainable goals, objectives and recommendations found elsewhere.

### What is sustainability?

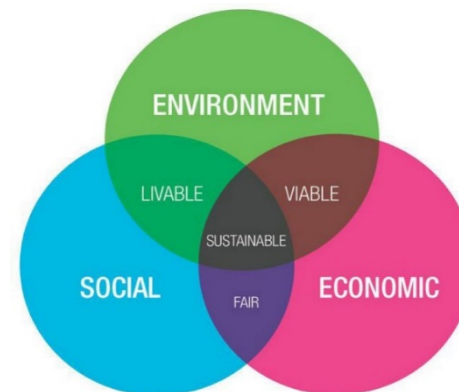
The United Nations (UN) articulated the most broadly accepted definition:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>6</sup>

<sup>6</sup> United Nations. Our Common Future, Brundtland Report. 1987.

As a multi-generational community where families put down roots and stay together, this definition is the one that has guided the Comprehensive Plan for the Town of Montgomery.

### Components of Sustainable Development



*Image: The 3 E's of Sustainability. Credit: CalPoly Center for Sustainability*

Another definition from the United States’ National Environmental Policy Act states that sustainability means “to create and maintain conditions under which humans and nature can exist in productive harmony, that permit fulfilling the economic, social and other requirements of present

and future generations.”<sup>7</sup> This definition helps distinguish what the UN calls the “three pillars of sustainability:” economic growth, environmental protection and social inclusion. This chapter is organized around these three components of sustainability.

<sup>7</sup> United States Environmental Protection Agency, National Environmental Policy Act, 1969.



## Climate Change and the Town of Montgomery

The increase of “greenhouse gases” being released into the atmosphere is resulting in global climate changes. Greenhouse gases, such as carbon dioxide, methane and nitrous oxide, are released when fossil fuels such as coal, oil and natural gas, are burned, and from other natural processes. The gasses trap heat in the Earth’s atmosphere warming the earth’s surface. This phenomenon is changing the natural cycles that humans, plants and animals have become accustomed to. The newly trapped heat in the atmosphere is causing long-frozen ice caps and glaciers to melt and thermal expansion of seawater resulting in sea level rise.<sup>8</sup> According to the National Oceanic and Atmospheric Administration (NOAA), the warming temperatures and global sea level rise “presents a growing threat to vital coastal ecosystems” and impacts the productivity of people, plants and animals, which hurts the quality of life and our economy.”<sup>9</sup>

Additionally, extreme weather and climate events have increased in recent decades as a result of climate change. An increase in frequency of severe storm events means greater potential for flooding, which impacts local infrastructure and disrupts local economies. Farmers in New York are already feeling the effects, reporting increased insect, disease and weed pressure (due to shorter and less severe winters). Climate change threatens human health and well-being through

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<sup>8</sup> Lindsey, Rebecca. NOAA Climate Program Office. “Climate Change: Global Sea Level”. November 2019. Accessed June 2020. <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level>

decreased air quality and diseases transmitted by insects, food and water.<sup>10</sup>

How is climate change challenging the way the Town functions, and how can it become more sustainable in an uncertain future?

The Town of Montgomery is committed to planning for the future in a way that reconsiders everything from the government's own facilities and operations to how new development opportunities are reviewed and how residents commute to work. Many of the goals and recommendations in this Comprehensive Plan were created to help mitigate the causes of climate change, adapt to the changes it produces, and decrease vulnerabilities to its impacts in both the short and long-terms.

## New York State Climate Smart Communities (CSC)

As part of their commitment to sustainability, the Town of Montgomery has embarked on the process to become a “climate-smart community.” The program provides technical assistance and grants to communities that have adopted the climate smart communities pledge stating their commitment to fighting and mitigating against the root causes of climate change as well as adapting to its impacts to form more sustainable and resilient communities.

<sup>9</sup> Herring, David. NOAA Climate Program Office. “Global Warming Frequently Asked Questions. January 2014. Accessed June 2020. <https://www.climate.gov/news-features/understanding-climate/global-warming-frequently-asked-questions#hide18>

<sup>10</sup> NOAA. Climate Change and Variability. Accessed June 2020. <https://www.ncdc.noaa.gov/climate-information/climate-change-and-variability>



The Climate Smart Communities program, which is overseen by the NYS Department of Environmental Conservation (NYSDEC), provides a list of ten overarching climate goals:

1. Build a climate-smart community.
2. Inventory emissions, set goals, and plan for climate action.
3. Decrease energy use.
4. Shift to clean, renewable energy.
5. Use climate-smart materials management.
6. Implement climate-smart land use.
7. Enhance community resilience to climate change.
8. Support a green innovative economy.
9. Inform and inspire the public.
10. Engage in an evolving process of climate action.
11. Innovation
12. Performance

Within each overarching climate goal, a series of more specific climate actions or “priority elements” are listed for which communities can receive points. Some of these climate actions, such as completing a “Comprehensive Plan with Sustainability Elements,” are eligible for funding through the program.

As of November 14, 2019, the Town of Montgomery is a Registered Climate Smart Community and has pledged to pursue the CSC program actions that will reduce greenhouse gas emissions and adapt to climate change. According to the Town’s resolution, the Town Board authorized the Town Conservation Advisory Council (CAC) to work in conjunction with the Village of Walden on efforts to implement effort 1 through 10 as described above. According to the participating communities map and municipal details,<sup>11</sup> as of September 9, 2019, the Village of Walden is a Registered Climate Smart Community.<sup>12</sup> Since February 22, 2015, the Village of Maybrook is a Registered Climate Smart Community,<sup>13</sup> and should coordinate with the Town CAC and Village of Walden to reduce greenhouse gas emissions, shift toward renewable energy and build a climate smart Town including all three Villages.

To advance the Town’s effort of becoming a sustainable and resilient community, the Town can become a certified Climate Smart Community by completing and documenting certification actions (mandatory and priority actions) that will combat climate change and further its commitment of reducing of greenhouse gas emissions. The Town should establish metrics, times and goals for achieving additional certification actions.

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<sup>11</sup> <https://climatesmart.ny.gov/actions-certification/participating-communities/>

<sup>12</sup> [https://climatesmart.ny.gov/actions-certification/participating-communities/municipality-detail/?tx\\_sjcert\\_applicant%5Bapplicant%5D%5B\\_identity%5D=1482&tx\\_sjcert\\_applicant%5Baction%5D=show&tx\\_sjcert\\_applicant%5Bcontroller%5D=Applicant&cHash=66698c1fe6dd328892d58428edc1b9cb](https://climatesmart.ny.gov/actions-certification/participating-communities/municipality-detail/?tx_sjcert_applicant%5Bapplicant%5D%5B_identity%5D=1482&tx_sjcert_applicant%5Baction%5D=show&tx_sjcert_applicant%5Bcontroller%5D=Applicant&cHash=66698c1fe6dd328892d58428edc1b9cb)

<sup>13</sup> [https://climatesmart.ny.gov/actions-certification/participating-communities/municipality-detail/?tx\\_sjcert\\_applicant%5Bapplicant%5D%5B\\_identity%5D=900&tx\\_sjcert\\_applicant%5Baction%5D=show&tx\\_sjcert\\_applicant%5Bcontroller%5D=Applicant&cHash=f51245af551c93e1a8b5b312ea6c9e3b51245af551c93](https://climatesmart.ny.gov/actions-certification/participating-communities/municipality-detail/?tx_sjcert_applicant%5Bapplicant%5D%5B_identity%5D=900&tx_sjcert_applicant%5Baction%5D=show&tx_sjcert_applicant%5Bcontroller%5D=Applicant&cHash=f51245af551c93e1a8b5b312ea6c9e3b51245af551c93)





## Recent Legislation

Two important pieces of legislation have been enacted that will help the Town advance sustainability and climate change priorities. The first is the Climate Leadership and Community Protection Act, a far-reaching law passed by the New York State Legislature which directly affects the Town. The second, the Climate Mobilization Act, Local Law 97 of 2019 passed by New York City, can be anticipated to have an indirect effect in the Town because it has the potential to create new jobs in the NYC metro area.

### New York State Climate Leadership & Community Protection Act

This legislation, signed by the Governor in July 2019, is a law that will empower New York State to fight climate change by reducing our carbon footprint and making communities more resilient. The legislation requires the following across New York State:<sup>14</sup>

- 85% reduction in greenhouse gas emissions below 1990 levels by 2050
- 100% carbon-free electricity by 2040
- 70% renewable energy by 2030
- 9,000 Megawatts (MW) of offshore wind by 2035
- 3,000 MW of energy storage by 2030
- 6,000 MW of solar by 2025
- 22 million tons of carbon reduction through energy efficiency and electrification

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<sup>14</sup> <https://climate.ny.gov/>

The NYS Climate Leadership and Community Protection Act also requires that those reductions be achieved without burdening its disadvantaged communities. Some immediate implications are that fossil fuels – currently used extensively to generate electricity, heat and cool buildings, and power vehicles - will need to be discontinued in favor of renewable energy sources while at the same time energy efficiency will need to be significantly improved.

In order to implement the reductions, a Climate Action Council has been established to prepare proposals and plans about specific policies and regulations that will be put in place across all agencies. The Council is co-chaired by the NYSDEC and the NYSERDA with 20 other members from sectors ranging from transportation and health to economic development and community renewal. Some of the mechanics of the law are that the NYSDEC will be issuing annual reports on statewide greenhouse gas emissions and promulgating regulations for implementation. In addition, the law establishes a Climate Justice Working Group, with representatives from communities, NYSDEC and the NYS Departments of Health and Labor. There is a methodology established in the law develop criteria for “disadvantaged communities” and report on barriers and opportunities for clean energy. There is also a process to allocate a minimum of 35 percent of investments from clean energy and energy efficiency funds in disadvantaged communities. The Climate Act ensures that every community, trade and region will have access to clean energy solutions and economic opportunities.



## New York City Climate Mobilization Act, Local Laws of 2019

New York City's Climate Mobilization Act, passed in May 2019 with further amendments in June 2019, limits carbon emissions on buildings over 25,000 square feet in phases by 2024 and 2030 and requires a total of 40% reductions from a 2005 baseline by 2030. Buildings account for approximately two-thirds of NYC's greenhouse gas emissions. According to Urban Green,

*New York City's building emissions law, Local Law 97 of 2019, is arguably the largest disruption of the NYC real estate industry. In order to meet the challenges ahead, we must do retrofits differently, and at scale. New technologies and new business models will be needed, and labor and professional services must significantly ramp up.*<sup>15</sup>

With almost 60% of the City's buildings, or 50,000 buildings, affected, there is enormous potential for workforce growth in the metro area, including in the Town of Montgomery. David Hsu at MIT estimates that the building energy improvement industry will create 15,000 new jobs by 2024 and an additional 126,000 jobs by 2030.<sup>16</sup> Those jobs will include workers in the building trades and HVAC technicians and may increase demand for advanced materials manufacturing and carbon-neutral energy generation – sectors present in Montgomery.

<sup>15</sup> Urban Green. "Retrofit Market Analysis," June 18, 2019.

<sup>16</sup> Hsu, Ph.D., David. Massachusetts Institute of Technology. Estimate made using the U.S. Bureau of Economic Analysis's economic impact model (RIMS 11).

## Overview of Previous Sustainability Planning

In addition to the CSC program at the state level, this Comprehensive Plan builds upon other plans that have been put in place to improve the sustainability of the Mid-Hudson region and of Orange County. These plans are described in the next two sections.

### Effects of Climate Change in Orange County, NY (July 2019)

A project team consisting of Orange County Planning Department staff and professors and students at SUNY New Paltz create Effects of Climate Change in Orange County, NY (Effects of Climate Change). This document inventories natural and man-made resources and assesses the vulnerabilities of those resources with respect to future climate conditions. The overall goal of the document is to

*provide information and recommend strategies specific to Orange County in order to guide local policies and plans that, when executed, will reduce vulnerabilities, conserve natural resources, and make communities more resilient to the changing climate.*<sup>17</sup>

Effects of Climate Change analyzes climate impacts and adaptation strategies based on the County's eight major watersheds: Upper Hudson River, Lower Hudson River, Quassaick Creek, Moodna Creek, Ramapo River, North Wallkill River, South Wallkill River, and the

<sup>17</sup> Orange County Planning Department and Benjamin Center at SUNY New Paltz. *Effects of Climate Change in Orange County, NY*. July 2019. Accessed June 2020. <https://www.orangecountygov.com/DocumentCenter/View/13988/Effects-of-Climate-Change-in-OC-NY-PDF>.



Delaware River. This document was also prepared to complete three Climate Smart Communities actions as part of the County's efforts to maintain its bronze certification status.

According to the Effects of Climate Change vulnerability assessment

*there has been significant warming over the past century in Orange County that has been a concomitant of in the most recent warm years in the United States and New York State generally (2013 to 2017).*

Additionally, in 2016 New York experienced its fourth hottest year on record and in 2017 experienced its eleventh hottest year on record according to NOAA in 2018. The vulnerability assessment also notes that over the past 50 or so years, precipitation per decade increased by 1.14 inches, and from 1986 to 2013, the precipitation increase per decade reached 2.14 inches. According to the vulnerability assessment, the three County Owned Parks within and immediately adjacent to the Town will experience the following climate change threats:

- Thomas Bull Memorial Park: Invasive species and pathogen outbreaks, species range shifts decreasing biodiversity, increased understory grazing by deer, increased cyanobacteria blooms, decreased water quality.
- Winding Hills County Park: Increased cyanobacteria blooms, decreased water quality.
- Brick House Museum: Increased severe weather events may cause structural damages or flooding on the property.

Additionally, climate change will have significant impact on Orange County' infrastructure systems (sewer and sewer, transportation, waste disposal, communications and emergency response systems,

and energy supply modalities), natural habitats, waterways, economic systems (manufacturing, recreation, tourism, agriculture and food security) and social system profiles (population, cultural assets and public health).

Effects on Climate Change proposes adaption measures to lessen the current effects of climate change and prepare for future climate change impacts. According to the Climate Adaption Strategies section of the document, the overall goal of these adaptation measures is to

*improve local climate resiliency by providing watershed organizations, municipalities, and county officials with information to guide policies and plans that will reduce vulnerabilities, conserve natural resources, and make communities more resilient to changing climate and to aid in protecting and improving the health, safety, and economic well-being of residents. These strategies address high risks including flood-risk management, stormwater management, natural systems resiliency, and community resiliency.*

Key adaptation strategies that can be undertaken by the Town are as follows:

#### Natural Resources

- Reduce development in flood-prone areas
- Reduce habitat fragmentation
- Increase sustainable local food production
- Address invasive species
- Monitor illicit discharges
- Improve water source protection
- Increase stream and wetland restoration





- Reduce impervious surfaces
- Hazardous waste management

#### Infrastructure

- Increase resiliency of communications facilities and infrastructure
- Maintain and upgrade flood control structures including resiliency of dams, culverts and stormwater control infrastructure
- Implement watershed-friendly design standards
- Increase utilization of green infrastructure practices
- Encourage renewable energy improvements
- Map transportation infrastructure, improve efficiency of transportation systems and make facilities more resilient
- Anticipate specific impacts to facilitate rapid response and when possible relocate and retrofit roads
- Ensure resiliency of water supply

#### Public Engagement

- Increase access to recreation
- Increase household-level preparedness

#### Helping Residents During Crisis

- Provide access to safe places
- Prevent access to dangerous places
- Identify and help vulnerable households
- Utilize media to alert residents

### Mid-Hudson Regional Sustainability Plan (March 2013)

The Mid-Hudson Regional Sustainability Plan (the Mid-Hudson RSP) provides vision and performance guidance for promoting economic development, environmental sustainability and quality of life for the Mid-Hudson Region of New York State consisting of seven counties: Westchester, Rockland, Orange, Putnam, Dutchess, Ulster and Sullivan.

The Mid-Hudson RSP was developed based on the region's unique social, cultural and natural history and baseline conditions to summarize a great deal of research, discussion, debate and activities, and determine the meaning of “sustainability” for the region. The Mid-Hudson RSP was released in 2013 with the support of the Cleaner Greener Communities program (CGC) administered by NYSERDA. In order to adapt the overall goals of CGC and help guide the region toward a sustainable future, innovative solutions in terms of five focus areas are included: 1) land use, livable communities, and transportation; 2) energy; 3) materials management; 4) agriculture and open space; and 5) water.

#### Land Use, Livable Communities and Transportation

The Mid-Hudson RSP's goals for land use, livable communities, and transportation are to strengthen transit-supported centers by concentrating development in areas with existing services, infrastructure, employment opportunities, and multiple transportation options. It aims to create “complete” communities with conventional characteristics by ensuring each has an appropriate balance of housing and employment opportunities, diverse services and activities, appropriate access to recreational facilities, open space, and affordable transportation options, as well as decent living environments. Reducing fossil fuel consumption and greenhouse gas emissions from transportation can be supported through creating a safe, efficient, multi-modal transit system that all users can access. Additionally, to improve the safety, integrity and adaptability of regional infrastructure, the community's existing infrastructure would be maintained while all hazards, including those related to climate change, would be taken into account in all future investments.



## Energy

To improve the resilience of the energy system, the Mid-Hudson RSP promotes less energy and fossil fuel-intensive development while enhancing the regional economy; exponential renewable energy generation; and a resilient regional energy delivery system.

## Material Management

In terms of material management, the Mid-Hudson RSP focuses on regional solutions to maximize material value and extend its lifecycle to achieve a self-sufficient and “zero-waste” future. Strategies include decreasing waste generation; reducing the impact of materials transportation for disposal and recovery; increasing reuse, recycling and composting; and strengthening local market to improve materials recovery results.

## Agriculture & Open Space

The vision of the Mid-Hudson RSP for agriculture and open space is to increase agricultural and afforestation activities in the region; improve access to sustainable agriculture and afforestation training and technology; increase food and fiber; reduce energy use and greenhouse gas emissions from farm-related activities; strengthen the economic viability of agriculture and afforestation; increase open space; and protect wildlife and biodiversity.

## Water

The Mid-Hudson RSP's goals for maintaining and improving water quality and aquatic ecosystems in the region can be achieved by

reducing water use and improving the efficiency of water harvesting, treatment, and distribution systems to increase the availability of water; reducing energy use and greenhouse gas emissions at water and wastewater treatment infrastructure; improving the reliability of water treatment and distribution systems and wastewater treatment and collection systems; reducing impervious surface coverage and connecting permeable surfaces to infiltrate and treat stormwater; protecting habitat and water quality; and encouraging watershed management planning.

## **Cleaner, Green Communities (CGC) Program**

The Cleaner, Greener Communities (CGC) Program, established by NYSERDA in 2013, builds on the Climate Smart Communities program empowers regions to develop sustainability plans, implement projects that significantly improve their community economies, and develop regional strategies for sustainable growth in fields like carbon emissions reduction, energy efficiency, renewable energy, and low-carbon transportation and other carbon reductions.<sup>18</sup> Phase I of the CGC provided funding to the 10 Regional Economic Development Council Regions in New York State for the development of Regional Sustainability Plans.<sup>19</sup> Phase II offers competitive grant funding for projects that support the goals of each region’s respective sustainability planning effort and implementation of market transforming sustainability initiatives and projects that accelerate the adoption of sustainable planning and development practices. All projects must demonstrate a contribution to the reduction of carbon

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<sup>18</sup> <http://grantsoffice.com/GrantDetails.aspx?gid=36651>

<sup>19</sup> <https://regionalcouncils.ny.gov/>



emissions either through direct outcomes or indirect influence in areas such as future growth and development patterns.

## Complete Streets

On August 15, 2011, the “Complete Streets” bill was signed by the Governor of New York which amended the state highway law to add Section 331. The Complete Streets addition was intended to achieve a cleaner, greener transportation system and to consider the needs of all users including pedestrian, bicyclists, motorists, users of public transportation, and citizens of all ages and disabilities. This law requires that all state, county, and local transportation projects that are undertaken by the New York State Department of Transportation (NYSDOT), and projects that receive federal and state funding, are subject to this law and must utilize complete street design features in planning, design, construction, reconstruction, and rehabilitation of streets. The legislation is intended to provide health benefits from increasing active forms of transportation while decreasing congestion and air pollution (Also see Chapter 5, Transportation).

The Town of Montgomery is located within Orange County and is subject to the County’s Complete Streets Policy, whose purpose is to promote and enhance public health and safety, while encouraging economic activity, community character, livability, and equity for people of all ages, abilities and socioeconomic backgrounds, including children, families, aging populations and individuals with disabilities.<sup>20</sup>

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<sup>20</sup><https://www.orangecountygov.com/1921/Complete-Streets#:~:text=Orange%20County%20Complete%20Streets%20Policy&text=The%20benefits%20of%20Complete%20Streets,decreased%20accidents%20throughout%20the%20County.>

All users of all abilities should benefit from all modes of transportation on the roads of Orange County. The policy can be used to guide decision-makers to formalize the planning, design, implementation, operation and evaluation of street projects.

## Community Resiliency

When all three aspects of sustainable development – economic growth, environmental protection and social equity - come together resilient communities are one of the many rewards. What does “resilience” mean when it is applied to a Town?

100 Resilient Cities (100RC) defines urban resilience as

*the capacity of individuals, communities, institutions, businesses, and systems within a city to survive, adapt, and grow no matter what kinds of chronic stresses and acute shocks they experience.*<sup>21</sup>

The Town of Montgomery can plan ahead for many types of events like fires and flooding, and for cycles like economic and development downturns. It can also create redundancy in systems such as energy generation and critical infrastructure. But other challenges can arise without warning, like a severe storm, or can creep up unnoticed over time like rising addiction rates. What matters most in these cases is the resilience of the community to respond resourcefully and robustly so everyone can continue to adapt and grow.

<sup>21</sup> 100 Resilient Cities. <https://resilientcitiesnetwork.org/what-is-resilience/>





The benefits of resilient communities are described by 100RC as a “resilience dividend.” Whether the development cycle is up or down in the Town,

*Applying a resilience lens leads to better designed projects and policies that address multiple challenges at one time, improving services and saving resources. This is known as the resilience dividend – the net social, economic and physical benefits achieved when designing initiatives and projects in a forward-looking, risk aware, inclusive and integrated way.<sup>22</sup>*

## Economic Growth

The Town of Montgomery has its history rooted in agricultural and industrial production. While agricultural production has been a key defining attribute of the community, industrial growth in recent years has occurred quickly and has potentially outpaced the capacity of community infrastructure and in some instances resulted in inadequate land use transitions. With today’s uncertainties, it is crucial for the Town to think about its economic future through the lens of sustainability. Tomorrow's economy holds many opportunities in participating in the emerging green economy and sustainable industries through retooling and attracting key resources that provide training, workforce development, equitable employment and products that allow for continued prosperity along with environmental stewardship. In addition, the Town should work to find opportunities

for local entrepreneurs to integrate more into the local and regional tourism economy.

## Regional Economic Development Strategy

The Regional Economic Development Council (REDC) for the Mid-Hudson developed a Strategic Plan in 2011 for improving the quality of life while advancing economic development. The plan has evolved into a strategy of balancing “Live, Work, Play” in the region by: targeting job creation investments relating to technology-based industries; retaining and stimulating traditional industries (food and beverage, healthcare, professional services, etc.); leveraging the region’s natural resources; improving key regional infrastructure; fostering housing investments to attract jobs; revitalizing urban centers; enhancing the region’s talent pipeline through educational systems; promoting start-ups and small businesses; adopting appropriate tax and administrative policies to make the region more business friendly; developing programs that foster green development projects; and embracing inter-regional partnerships that leverage cross-region resources. Montgomery is working within these goals and is well-positioned to contribute to their success. (See Chapter G. Economic Development for details and more information.)

## Land Use & Economic Growth

A key to assessing the Town of Montgomery’s prosperity is how it develops its land. As a traditional pre-war Town, most of the Town’s development pattern is farmland/open space and rural low-density

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<sup>22</sup> Ibid.



residential with dense residential development and walkable mixed-use settlement patterns within the Villages. These developmental patterns are based around its location along the Wallkill River and rail industrial hubs, creating the historic characteristics of its Villages. These characteristics are shared by many Hudson River towns and communities that were all vital to the region's role in the shipping of goods to and from NYC.

The Town has replaced industrial development along the Wallkill River with agricultural land, open space and low-density residential while aiming to focus new industrial development in three existing areas: in and around Neelytown Road south of Interstate 84; along Bracken Road; and along Route 747/Stone Castle Road. This development has brought new residents and services but at the same time placed developmental pressures on the Town. Moving forward it is critical to guide land use development to ensure equitable benefits to all Town residents while responsibly protecting the investments of newly arriving residents and business owners (see Chapter C, Land Use Plan).

## Environmental Protection

The Town of Montgomery currently does not have sustainability development principles or regulatory bylaws incorporated in existing utility and infrastructure systems; however, this Comprehensive Plan proposes that the Town immediately undertake sustainability initiatives to reduce energy and water consumption, protect its natural resources including the air, water and soils, and protect the environment. While there is much the Town can do at a local level, it is

also important to understand the environment in a broader context and to consider how the Town fits into the larger ecosystems of the Wallkill River, surrounding watersheds and their biodiversity.

## Clean Energy Communities Program

In addition to become a Climate Smart Community, local governments in New York State can use the Clean Energy Communities (CE) program to employ clean energy actions, save energy costs, create jobs and improvement environment.<sup>23</sup> NYSERDA oversees the CEC program to address energy challenges by providing local governments with a powerful and flexible framework to guide them in implementing high impact clean energy projects. The CEC program will help local governments earn recognition and grant funding to demonstrate their clean energy leadership in implementing clean energy actions through tools, resources, and technical assistance and leadership rewards for completing clean energy projects.

NYSERDA has identified ten high-impact actions for local governments to take, including benchmarking, clean energy upgrades, LED streetlights, clean fleets, solarized clean heating and cooling, unified solar permit, energy code enforcement training, Climate Smart Community certification, community choice aggregation, and Energize New York. By completing four of the ten actions, a local authority can earn the Clean Energy Community designation and apply for a grant of up to \$250,000 to fund additional clean energy projects. Nearly 300

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<sup>23</sup> <https://www.nyserra.ny.gov/All-Programs/Programs/Clean-Energy-Communities>.



communities have earned the Clean Energy Community designation, including Orange County.<sup>24</sup>

## Utilities and Infrastructure

The Comprehensive Plan discusses effective planning objectives and recommendations to upgrade and manage the Town's infrastructure and utilities for a sustainable community. The Plan identifies sustainability practices that the Town can progressively incorporate in its utilities and infrastructure management plans. See Chapter K, Community Services, Facilities and Infrastructure for key practices and recommendations.

## Water

The Town of Montgomery lies within the Wallkill/Rondout watershed and the Moodna Watershed (southeast portion of the Town, including the Village of Maybrook) which contribute to the rural character of the Town and facilitates groundwater recharge. There are also sub-watersheds (or sub-basins) within these watersheds. In total, the Town contains five sub-basins (four contributing to the Wallkill River Watershed and one contributing to the Moodna Watershed), with two sub-basins immediately bordering the Town.

Chapter I contains recommendations for Low Impact Development and Green Infrastructure to create buildings, streets, and parks that can harvest and reuse rainwater for irrigation and other uses where practicable. Wastewater systems should be assessed, upgraded and

monitored to ensure that wastewater effluents are not escaping the system and contaminating the water system.

## Air

Residents in the Town need clean air to ensure public health. Zoning laws, land use regulations, and landscaping techniques should be used to mitigate pollution. A greening policy will help combat the heat island effect and make the Town a “cooler” place during heat waves and reduce community cooling costs.

## Natural Resources

Montgomery contains a unique landscape comprised of the Wallkill River, forest and woodlands, as well as sprawling farmland that create distinctive scenic views throughout the Town. If properly managed, economic development in the Town can protect, support and leverage these assets. Therefore, all developments should be guided to safeguard open space and enhance public access while protecting natural resources. The Comprehensive Plan discusses planning objectives and recommendations to improve access and quality, as well as increase use of these existing natural, recreational and open space resources.,

By improving pedestrian access along with safety and connectivity to and through these resources, the Town will contribute positively to their community greenhouse gas reduction targets by reducing vehicle

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<sup>24</sup> <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Communities/Designated-Clean-Energy-Communities>





miles traveled, and by eliminating or reducing short car trips to access trailheads like those at Stewart State Forest.

The Comprehensive Plan also discusses the improvement and stewardship of existing natural resources through extensive buffers and setbacks for stream corridor protection and steep slopes; restoring wetlands and direct future development out of floodplains and flood-prone areas; and the incorporation of green infrastructure throughout the Town (See Chapter I. Natural Resources Chapter K. Community Services, Facilities and Infrastructure.) These efforts will help to reduce flood damage and impacts of erosion, improve stormwater quality, reduce pollutants carried into the Wallkill River, and reduce the impacts of climate change-induced heat events by lowering ambient temperatures through evapotranspiration. Environmental education and engagement must be established within the community to create the appreciation needed to defend resources from unsustainable development.

Details on sustainability practices that the village can progressively incorporate in its future natural resources and recreation management planning can be found in Chapter I.

## Transportation

The Town has been developed in a pattern that focuses on dense development and walkable communities in the Villages. Outside of the Villages, the unincorporated Town is a car-dependent, suburban environment that contains rural roadways, as well as an extensive roadway network of County and State highways. The Town has identified roadways to implement complete streets measures to support mobility for pedestrians and bicyclists, as well as enable safe

use of roadways. Additionally, low-emission vehicles should be encouraged throughout the Town, including the Village, by allowing for e-vehicle charging stations on municipally owned properties. See also Chapter H.

## Architecture and the Built Environment

The way we have designed and built our physical environment has had the greatest impact on the planet. It is important that the Town adopts sustainable best practices in its building codes and design guidelines to ensure green site planning, net-zero building materials and construction techniques, and passive architectural designs. In addition, the Town should invest in training of its planning officials as necessary to increase their understanding of sustainable site design and architecture (see Chapter C, Land Uses Plan and Chapter J, Community Character and Historic Resources).

The NYSERDA RetrofitNY program provides opportunities for implementing new solutions for renovating older buildings to save on heating and lighting costs and lowering energy usage. It should never be assumed that just because a building is old, it cannot be retrofitted in a manner that will make it as energy efficient as new construction).



## M. The Future

In looking to the future, the Town understands that the success of this plan will be in the continued efforts of its elected officials, staff, volunteers and other community stakeholders. No plan is infallible, and changing markets, demographics, economics, and physical conditions within the Town and region will render these policies less effective as time moves forward. By integrating this plan into government processes and continually looking to implement, update and supplement the recommendations and policies herein, the Town will increase the odds of achieving its Vision and Goals.

*Goal 9: Implement Visions and Goals of Plan in a Judicious Manner and Update Plans Regularly.*

### Annual Review

The best chance of sustainable growth is achieved when the Comprehensive Plan includes a strategy to ensure its employment and periodic updating. In recognition of the time and effort that has been expended in the preparation of this Comprehensive Plan, and in acknowledgment of the fact that no plan can account for all possible eventualities and outcomes, it is the desire of the Town of Montgomery that this Plan become an integral part of the operation of local government. To this end it is the final recommendation of the Town of Montgomery Comprehensive Plan that a local law be considered that requires a review and report be commissioned and delivered to the Town Board each year before the Board adopts its annual budget.

**Recommendation 9.1: Require Annual Review of Plan.** Consider adoption of a local law requiring a review and report about the status and progress of the Comprehensive Plan to be commissioned and delivered to the Town Board each year before the Board adopts its annual budget.

For this purpose, it is suggested that each year in October, the Town Board assemble a three- to five-member Comprehensive Plan Review Committee. Such group should review the Comprehensive Plan and its implementation matrix and identify which recommendations have been implemented and prioritize those recommendations which have not yet been implemented and include priority actions. The Committee should also make recommendations as to what issues may have arisen over the preceding year that may require a partial or comprehensive reexamination of the Plan.

It is suggested that instituting such a process will make it more likely that the goals and objectives identified herein may be made a reality, and that this Plan will become an intrinsic element of Town local government, thereby unifying the efforts of its Town Board, Planning Board, Zoning Board and other development review boards, as well as the local business community and residents.

### Planning Horizon

This Comprehensive Plan was developed to promote strategies for the Town over the next 10 years. The Town does not intend that its primary land use policy document go over 30 years between comprehensive updates as it did between 1988 and 2020. It is the intention of this plan that the Town commence a comprehensive update of this plan no later than 2030.



## Glossary of Terms

**Flag Lot** – a parcel of land typically located to the rear of another lot and accessing the street through a narrow strip of land referred to as the “flagpole.”

**Lifestyle Center** – An outdoor retail, dining, recreation and service commercial campus with multiple buildings designed to appear and function similar to a traditional downtown where stores, restaurants, entertainment venues and personal service providers occupy tenant spaces with separate entrances on one or more pedestrian-friendly “streets.” Typically, on-street parking is offered along internal roads with larger parking fields to the rear of structures. Lifestyle centers differ from traditional shopping centers in that they typically attempt to provide a broad diversity of dining, recreational (including theaters, arcades, bowling alleys, etc.) and personal service (including salons, gyms, spas, etc.) in addition to traditional retail. Lifestyle centers may or may not offer residential dwellings and office space on upper floors.

**Meadow** – An upland open field area vegetated with grasses, hay, wildflowers, shrubs and generally free of significant stands of trees.

**“New Town” Development** – A master-planned development arranged around Traditional Neighborhood Development principles, typically with a mixed-use multifamily core and a mix of housing types of declining density as distance increases from the core.

**NYSDEC** – the New York State Department of Environmental Conservation.

**Prime Agricultural Land** – Land containing Prime Agricultural Soils.

**Prime Agricultural Soils** – Lands with a Soil Productivity Index of 75 or greater as reported in the Orange County Soil Survey. Soils groups include Allard; Barbour; Basher; Bath-Nassau; Chenango <8 percent; Mardin <8 percent; Middlebury; Pittsfield 3-8 percent; Riverhead 0-8 percent; Scio; Swartswood <8 percent; Tioga and Unadilla.

**Purchase of Development Rights (PDR)** – A program where an entity (often a not-for-profit or government agency) provides compensation in exchange for covenants or easements restricting development of particularly property of land. Typically, lands are limited by covenant or easement to agricultural use or passive recreational enjoyment. PDR programs are typically voluntary in nature, and the purchase price is based on the difference in value of land for residential development under current zoning rules, versus the value of land as constrained by the conservation easements. For example, the value of land for the construction of homes may be \$10,000 per acre, while the value of land for agriculture may be \$2,000 per acre, so the purchase price in that case would be \$8,000 per acre.

**State Pollutant Discharge Elimination System Permit Program (SPDES)** – New York State’s program, approved by the United State Environmental Protection Agency for the control of surface wastewater and stormwater discharges in accordance with the Clean Water Act.

**Traditional Neighborhood Development (TND)** – A development adhering to a system of principles including: mixing commercial, civic, educational and recreational land uses with residential uses or within walking distances of residential uses; providing an interconnected network of streets and trails accommodating pedestrian and bicycle traffic on equal terms with motor vehicle traffic; sizing building and designing architecture respectful of “human-scale” adjacent to streets





and public spaces; mixing rather than separating a variety of housing types to allow persons of varying ages, abilities, and financial capabilities to live in proximity; and promoting social interaction by well-placed parks, front porches and shared civic spaces among other principles.

**Transfer of Development Rights (TDR)** – A zoning mechanism whereby a community allows a builder to purchase development rights for a property located in a TDR sending district, in exchange for authorizing additional residential dwellings to be constructed in a TDR receiving district (see separate definition hereafter). Typically, the basic program allows for an equal number of additional residential dwellings to be constructed in a TDR receiving district as can no longer be constructed in a TDR sending district after PDR. TDR programs are typically voluntary for both the seller and purchaser of development rights, and usually require authorization by a Town Board or agency subject to a determination that some public purposes are being met. Often there are limits to the number or percentage of additional units that may be constructed in the receiving district.

For example, a hypothetical outlying 100-acre lot in a Town consisting of farmland or sensitive habitat might be able to be developed to construct 40 to 50 single-family homes on two-acre lots under its zoning rules. Another 50-acre lot located closer to services and infrastructure may allow 40-50 single-family homes to be constructed on one-acre lots. A TDR program would typically allow a builder to purchase the development rights for the outlying 100-acre lot and instead build those homes on the more suitably located 50-acre lot, resulting in 80-100 homes on half-acre lots and 100 acres preserved in perpetuity.

**TDR Bank** - A modification of the simple TDR zoning mechanism, whereby a community establishes a bank, whereby the Town operates as a facilitator purchasing development rights from interested sellers and holding those rights until such time as a builder wishes to purchase them. This allows the Town to bridge time gaps between sales and purchase interest. It also establishes a revolving fund for the purchase of additional development rights.

**TDR Receiving District** – Designated areas of a Town where development rights purchased from a sending district, may be utilized to construct additional units of housing.

**TDR Sending District** – Designate areas of a Town where the purchase of development rights has been authorized and transfer to TDR receiving districts is allowed.

**USACE** – The United States Army Corps of Engineers.

**Wastewater Treatment Plant (WWTP)** - Any plant or facility, which subjects wastewater to a process for removing or altering the objectionable constituents of wastewater for the purpose of meeting the requirements of its State Pollutant Discharge Elimination System Permit (SPDES) and making it less offensive or dangerous.

**Wetland** – An area of constant or periodic water inundation dominated by emergent and submergent vegetation. Generally, the term wetlands used herein refers to areas of land that meet the definition of wetlands as described by NYSDEC or USACE.





*Sunset in Montgomery – Photo Credit: Matthew Rainaldi*

