



# Town of Marlborough, NY

## LOCAL WATERFRONT REVITALIZATION PROGRAM COMPREHENSIVE PLAN AND DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT



FEBRUARY 2020

PREPARED BY:



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## **Cover Page**

Local Waterfront Revitalization Program (LWRP), Comprehensive Plan, and

Draft Generic Environmental Impact Statement (GEIS)

For the

Town of Marlborough, New York

Title of the Action:	Adoption of the Town of Marlborough Local Waterfront Revitalization Program (LWRP) including a Harbor Management Plan, Local Consistency Review Law, and Harbor Management Law; and adoption of the Town of Marlborough Comprehensive Plan
Project Location:	Town of Marlborough, Ulster County, New York
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Comprehensive Plan Adopted:	December 11, 2017
LWRP Adopted:	Town of Marlborough Town Board, , 2020
LWRP Approved:	New York State Secretary of State, Rossana Rosado:
U.S. Office for Coastal Management:	

# Draft Generic Environmental Impact Statement

**Introduction and Orientation to the Documents.** These documents represent a coordinated effort by the Town of Marlborough to create and adopt a local waterfront revitalization program (LWRP) and to prepare and adopt an update to the town's comprehensive plan. The LWRP also includes a harbor management plan. To implement the LWRP and the harbor management plan contained herein the town has also drafted a local law to ensure future actions taken by agencies of the town are consistent with the waterfront revitalization policies. A harbor management local law has also been prepared to regulate the use of waters within the town in conformance with the LWRP including the harbor management plan.

This report also functions as the Draft Generic Environmental Impact Statement (GEIS) for review of the LWRP, comprehensive plan, the waterfront consistency review law and the harbor management law for the purposes of compliance with the regulations for State Environmental Quality Review (SEQR) at 6NYCRR Part 617. This DGEIS and associated process is to provide the Town of Marlborough Town Board as lead agencies, involved and interested agencies, and the public with an understanding of, and the opportunity to provide comment on, the potential environmental impacts that may result from the proposed actions.

The elements required for an environmental impact statement can be found in the documents embodied herein as follows:

1. Cover Sheet	Inside Cover Page
2. Table of Contents	Preface to this LWRP Document
3. Summary	LWRP Appendix G
4. Description of the Proposed Action	LWRP Appendix G
5. Environmental Setting	Section II: Inventory and Analysis of this LWRP and the Comprehensive Plan (adopted) attached as Appendix B
6. Impacts and Mitigation	LWRP Appendix G
7. Alternatives	LWRP Appendix G
8. Harbor Management Law	LWRP Appendix F
9. Waterfront Consistency Review Law	LWRP Appendix E
10. Comprehensive Plan	Appendix B

# Town of Marlborough

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## **Appendix A: Town of Marlborough Harbor Management Plan**

## **Appendix B: Town of Marlborough Comprehensive Plan**

## **Appendix C: Kingston – Poughkeepsie Deepwater Significant Fish and Wildlife Habitat**

## **Appendix D: Milton Landing Park Estimated Cost**

## **Appendix E: Town of Marlborough Local Waterfront Revitalization Program Consistency Review Law**

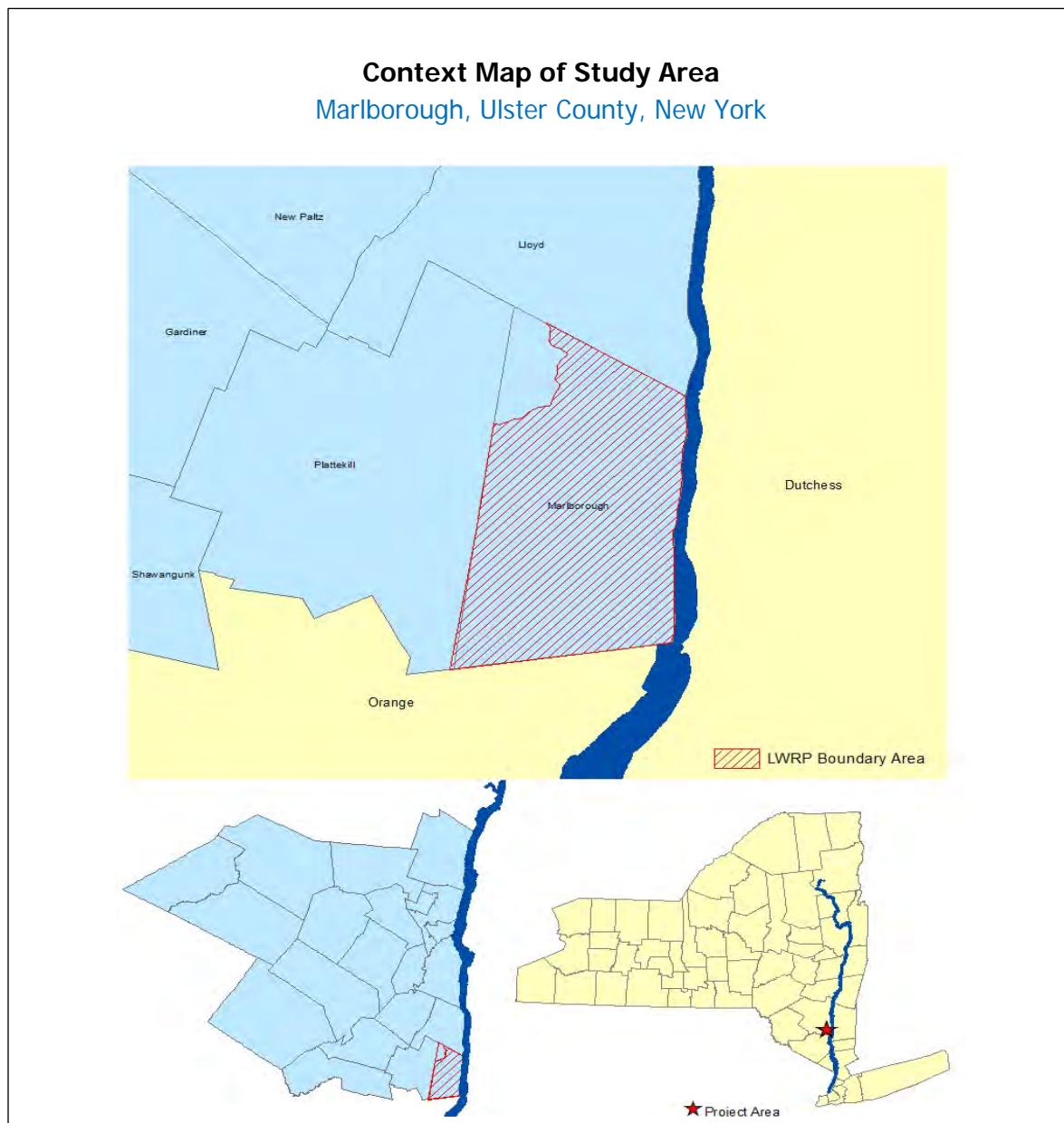
## **Appendix F: Town of Marlborough Harbor Management Law**

## **Appendix G: Draft Generic Environmental Impact Statement**

## **Appendix H: Guidelines for Notification and Review of Agencies Actions Where Local Waterfront Revitalization Programs are in Effect**

## Introduction

The Town of Marlborough is located on the western shores of the Hudson River, in the area known as the Mid-Hudson Region. Marlborough encompasses approximately 25 square miles with approximately 5.7 miles of shoreline on the Hudson River. The town is over 8 miles north to south at its longest point and nearly 4 miles east to west at its widest point. The town's history is tied to the river with evidence of riverfront settlement dating back to the Native American tribes who once lived in the area. Present day, however even with almost six miles of shoreline, a rail line and challenging topography have precluded direct river access except for a few relatively small



sites in the hamlets of Marlboro and Milton. Thus, enhancing the existing access points is a priority for the community and this Local Waterfront Revitalization Program (LWRP).

In an effort to reestablish its connection to the river and to encourage future development that enhances the community, the town has undertaken a local waterfront revitalization program in conjunction with an update to its comprehensive plan. The comprehensive plan, attached as Appendix B, also serves as a stand-alone document with land use objectives and recommendations. The LWRP provides a strategy for revitalizing the community's waterfront and addressing issues of importance to the town. Combined, the LWRP and comprehensive plan will articulate a common vision for the future of Marlborough and revitalization of its waterfront.

This LWRP seeks to improve visual and physical access to the Hudson River, enhance agriculture, revitalize the town's hamlets, and improve safety and the aesthetic of the New York State Route 9W Corridor.

Upon approval of the LWRP, all State and Federal agencies are required to undertake proposed actions in the LWRP area in a manner that is consistent to the maximum extent practicable with the policies and purposes of the approved LWRP. The town is similarly obligated by a local law enacted to assure consistency.

**Community Planning Process** - To date, there have been a significant number of plans and studies done within the town, some of which focuses on an individual hamlet, some on the entire town while others focus on the region as a whole. Each of these previous plans provided direction and goals for this LWRP and comprehensive plan.

**Previous Plans** - The previous comprehensive plan for the town was adopted in 2002 (Master Plan). While a lot has changed in the past 15 years, the general needs and goals of the community have remained the same and they are reflected in the goals of this LWRP and comprehensive plan. The goals of the 2002 Master Plan are as follows:

1. Absorb future growth in ways to preserve the Town's rural character;
2. Support the development of the hamlets as attractive, efficient centers for future development;
3. Anticipate and mitigate negative environmental impacts from future development;
4. Relate development to appropriate transportation access;
5. Establish a plan for the conservation of community and natural resources;
6. Encourage commercial development in appropriate places;
7. Encourage means to preserve agricultural lands and practices,
8. Develop a plan to protect water resources;
9. Develop a plan to protect historic resources.

New York State Route 9W is a significant corridor that runs north/south through the town, this corridor has been the focus of numerous studies including, the *Marlboro Hamlet Area Transportation Plan (2008)*, the *Marlboro Hamlet Master Plan (2010)*, and the *Marlboro Hamlet*

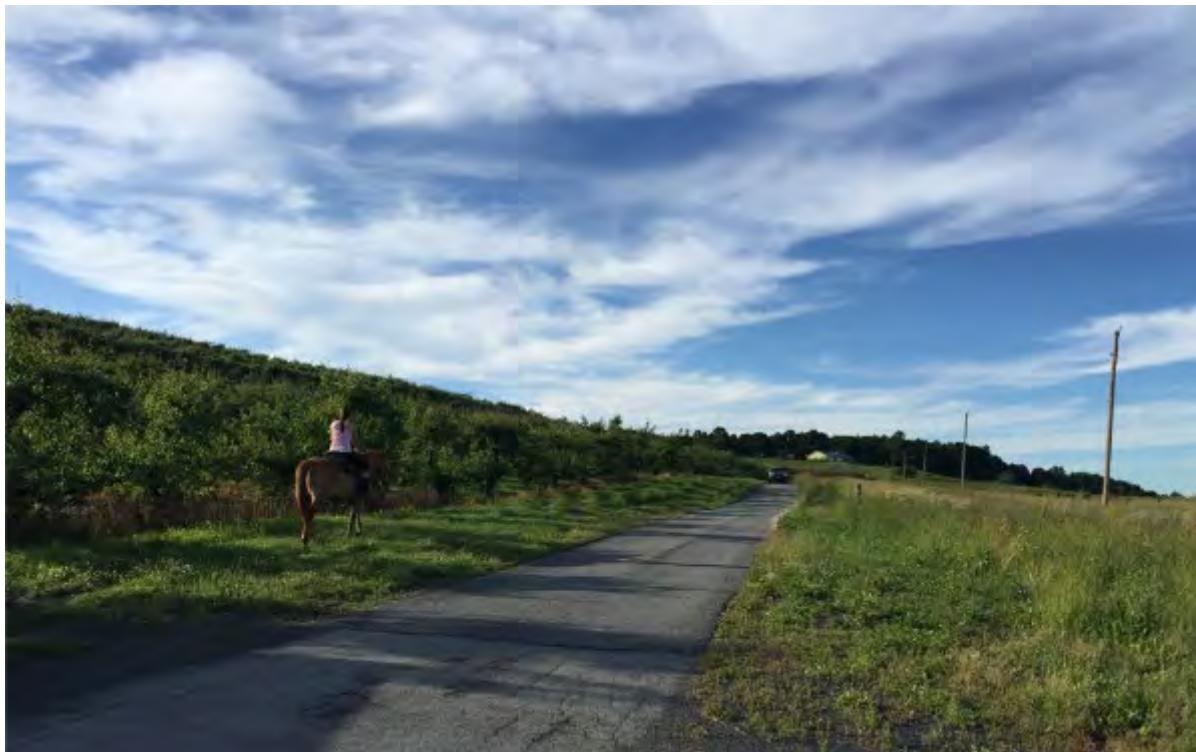
*Enhancements Design Report (2015)*. Regional plans including the *Ulster County Main Streets: A Regional Approach (2011)* has also provided recommendations for this corridor. Recommendations from these plans include:

- Implement *Complete Streets* and *Safe Routes to School* policies;
- Improve pedestrian infrastructure along Route 9W, including sidewalks, crosswalks, and crossing signals;
- Establish gateways at the entrance and exit points of each hamlet. Use landscape and design elements to slow traffic upon entering the hamlets;
- Improve connections and public access to the Hudson River.

## Community Vision Statement and Goals

The previous planning initiatives combined with meetings of an appointed Advisory Committee and public meetings that were held led to the creation of the Town of Marlborough's vision statement and goals. A vision statement describes a community's values and aspirations and describes a shared idea of what the community could become in future.

**Vision Statement:** *Marlborough is a unique riverfront town that offers a diverse range of business opportunities, cultural attractions and housing options set in a beautiful Hudson Valley landscape where agriculture and history are highly-valued elements of our community and our small town quality of life is the centerpiece of multi-generational living and civic endeavors.*



Marlborough's agricultural landscape is a highly valued aspect of the community, and its importance is reflected in the goals of this Local Waterfront Revitalization Program.

**Goals** - The goals of this plan build upon the goals set forth in the 2002 Master Plan and mirror those of the 2017 Comprehensive Plan in order to:

***Strengthen Connections with the River*** - Integrate the waterfront into the community by improving both physical and visual access to the river.

***Revitalize Milton and Marlboro Hamlets*** – Restore and improve Marlboro and Milton hamlets as the commercial and cultural centers of the town through strategic public and private investments in streetscapes and private properties in and around the hamlet areas.

***Improve the NYS Route 9W Corridor*** – Collaborate with NYSDOT to improve the safety and aesthetics of the highway corridor, calm traffic in the hamlet centers, and create a system that can better accommodate pedestrians and bicyclists and address the needs of the mobility impaired.

***Celebrate and protect natural and cultural resources*** – Maintain and protect the town's natural resources and better document the town's historic and cultural resources and consider ways to protect and enhance these resources as a source of community revitalization.

***Enhance Agricultural Uses*** – Explore more ways to advance and promote agriculture within the town so that these traditions continue to be an important part of town life and the regional economy.

## Section I: LWRP Area Boundary

The LWRP area boundary follows the existing state coastal boundary. The state coastal boundary is coterminous with the boundary of the Town of Marlborough with the exception of the northwest corner. The boundary between the Town of Marlborough and the Town of Poughkeepsie in the Hudson River forms the eastern waterside boundary of the LWRP area while the western boundary of the Town of Marlborough and the roads at the base of the Marlborough Mountains delineate the western edge (**See Map 1**). There are two hamlets within the town, Milton to the north and Marlboro to the south. Both hamlets are situated along the Route 9W corridor and lie within the LWRP Boundary Area.

The existing land uses in the LWRP area are primarily residential and agricultural with scattered commercial uses in the hamlets and the 9W Corridor, and industrial uses along the riverfront. Steep hillsides and the railroad tracks run along the river, creating physical barriers between the town and the riverfront which limit options for access and development.

**A. Waterfront Revitalization Area Upland Boundary** - The upland boundary of the Town of Marlborough waterfront revitalization area begins at the intersection of the Town of Marlborough and the Town of Lloyd municipal boundaries and the mean high water line of the Hudson River;

- the boundary then proceeds northwesterly along the Town of Marlborough/Town of Lloyd municipal boundary a distance of approximately 16,580 feet to a point of intersection with Baily's Gap Road;
- then south and southeast along Baily's Gap Road to a point of intersection with Milton Cross Road;
- then south along Milton Cross Road to a point of intersection with Milton Turnpike;
- then west along Milton Turnpike to a point of intersection with the Town of Marlborough/Town of Plattekill municipal boundary;
- then south along said boundary to a point of intersection with the Town of Newburgh municipal boundary;
- then southeasterly along the Town of Marlborough/Town of Newburgh municipal boundary to a point of intersection with the mean high water line of the Hudson River;
- then north along the mean high water line of the Hudson River to the point of beginning.

**B. Waterfront Revitalization Area Waterside Boundary** - The waterside boundary for the Town of Marlborough begins at the intersection of the northern boundary of the Town of Marlborough and the western boundary with the Town of Poughkeepsie in Dutchess County, and the southern boundary of the Town of Lloyd thence extending south along the western boundary with the Town of Poughkeepsie to its intersection with the southern boundary of the Town of Marlborough and the northern boundary of the Town of Newburgh.

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## C. Geographic Description of the Harbor Management Area

(See Harbor Management Plan in Appendix A)

The harbor management area includes the portion of the Hudson River, its bays and navigable tidal inlets within the Town of Marlborough. The Harbor Management Area extends out into the Hudson River to a distance of 1500 feet or to the eastern boundary between the Town of Marlborough and the Town of Poughkeepsie if the boundary is less than 1,500 feet. The harbor management area includes both surface waters and the lands adjacent to the surface waters. The specific areas for managing harbor activities are in Milton Landing, Marlboro Harbor and the Quarry Pier (inactive) as shown in the Overview Map in the Appendix of the Harbor Management Plan. Very little of the shoreline remains in its natural state as the cut and fill associated with the construction of the West Shore Rail Road has created a man-made berm along the entire length of the river in the town.

The noteworthy areas include a few relatively small areas of upland, wooded landfill sections that will be termed "promontories" that extend east of the tracks, (*see figures, right*).



Promontory near Peggs Point off Riverview Drive. Google Earth, 2016



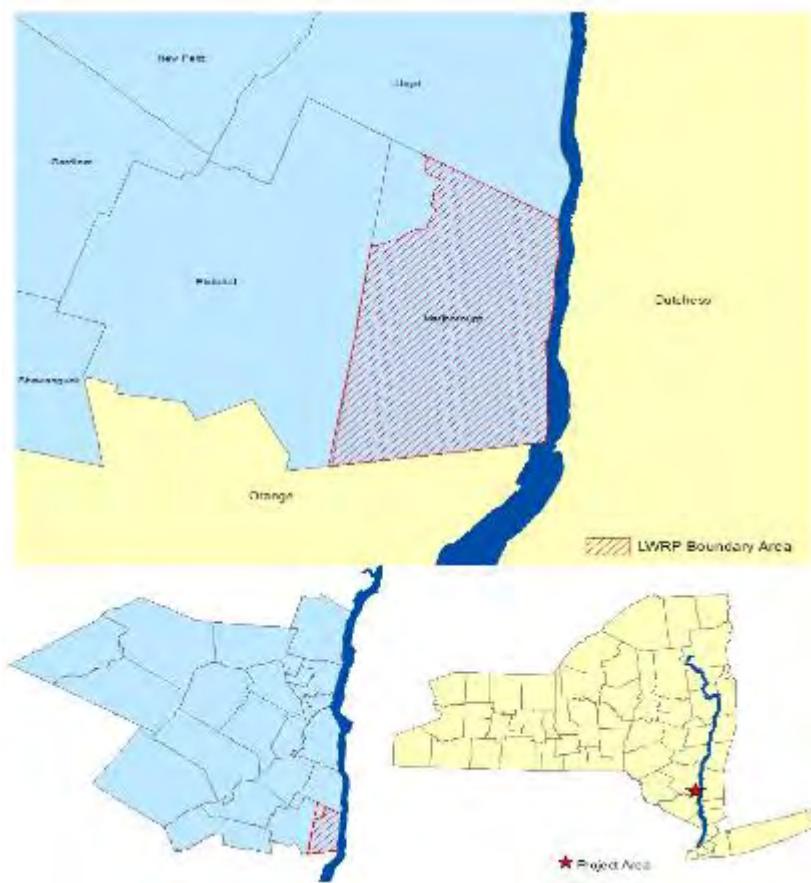
Northern Promontory near Buttermilk Falls. Google Earth, 2016

## Section II: Inventory and Analysis

**A. Location and Context** - The Hudson River is a defining natural feature for much of New York State and a great deal of the history of the state is tied to the river. Marlborough's history is equally tied to the river, but the community has long experienced limited public access to the important body of water.

Located on the west bank of the river in Ulster County, approximately 70 miles north of New York City and 90 miles south of Albany, Marlborough is part of the area known as the Mid-Hudson Region and is within the Hudson River Estuary zone. The town's eastern border, bounded by the Town of Poughkeepsie in Dutchess County, is located in the center of the Hudson River, and the western border follows the Marlborough Mountains, while the northern and southern borders are bounded by the Town of Lloyd and the Town of Newburgh (in Orange County), respectively.

**Regional Context Map:  
LWRP Boundary Area, Marlborough, NY**



The economy of the Mid-Hudson Region has traditionally been based in agriculture and tourism. For the second half of the twentieth century, manufacturing was an important economic driver in the region. IBM manufacturing facilities in Ulster County and neighboring Dutchess County were the dominant private employers in both counties until large-scale downsizing began in the 1990s. The IBM facility in Kingston, located 30 miles north of Marlborough employed over 7,000 people during its peak in 1985. While manufacturing has declined in the region, agriculture and tourism continue to play a vital role in the economy and identity of Marlborough.

The apple and grape industries hold important and historical roles in the agricultural sector in the town. In more recent years, agricultural operations have expanded to include organic vegetable farming and small fruit tree farming. A healthy agricultural tourism industry has emerged in the town, attracting tourists and maintaining the local identity as a farming community.

There are two established hamlets within the town, Milton and Marlboro. Both hamlets are within the New York State Route 9W Corridor, the town's principal transportation route that bisects the municipality north/south and serves as Main Street for the hamlet of Marlboro.

The town boasts sweeping views of the Hudson River, steep slopes, rolling hills, and numerous streams which serve as tributaries to the river. Marlborough is comprised of mainly agricultural and residential uses with commercial districts within the hamlets and industrial uses along the riverfront.

Marlborough encompasses approximately 25 square miles with nearly 6 miles of shoreline on the Hudson River. The town is over 8 miles north to south at its longest point and nearly 4 miles east to west at its widest point. The hamlets are located in the eastern portion of the town, within the Route 9W corridor. The hamlet of Marlboro is in the southern portion of town, while Milton lies in the northern end of town centered slightly to the east of Route 9W towards the river. The majority of the town's commercial uses and higher-density residential development is clustered in and around the hamlets with lower density development spreading out towards the western portion of the town.

## B. Existing Land Use and Development Patterns

Early historical narratives indicate that the town of Marlborough, like many towns in the region developed because of its proximity to the river. Over time, as dependence on the river and railroad for travel and shipping declined, development moved away from the river and began to center around more inland areas developed for motor vehicle transport and travel.

Agriculture has deep roots in the town, and this is reflected in the fact that Rural Agriculture (RAG) remains the principal zoning district, and the town is fortunate to have a large number of successful agricultural operations. The large acreage of productive farmlands in the town provides a critical mass that is important to maintain for long-term sustainability of agriculture in Marlborough.

A large proportion of the town is located within a New York State and Ulster County designated Agricultural District. A recent agricultural land use survey indicates that there are more than fifty active agricultural operations in the town, amounting to nearly 4,500 acres of farmland (Scenic Hudson, 2013).

Like most of New York State, there has been a continued long-term trend of a decline in active farmland in Marlborough for many years—from comprising 64% of the town in 1970 to 32% in 2015 (NYS Office of Real Property Tax Services). Statewide, farm consolidation, along with expanded competition for land from nonfarm uses, has resulted in continual decreases in farm acreage. Land in farms in New York State decreased from 16 million acres to just over 7 million acres between 1950 and 2007. In contrast to the decline in overall farm acreage, there are some formerly inactive agricultural lands in Marlborough that have been cleared and put back into production, a positive sign for agriculture in the town.

### C. Land Use

There are nine generalized categories of property type classifications developed by the New York State Office of Real Property Service (ORPS) that can lend insight into land use development patterns within the town. A brief analysis reveals that parcels classified as Residential Properties are most prevalent in the town by quantity, followed by properties classified as Vacant Land, Commercial Properties, and Agricultural. The following chart illustrates the number of parcels and number of acres associated with each land use.

ORPS Property Class and Description	Total Parcels	Land Use as % of Parcels	Total Land Area (Acres)	Land Use as a % of Total Land Area
<b>100-Agricultural Properties</b>	161	4.22%	4776.6	32.09%
<b>200-Residential Properties</b>	2766	72.43%	5484.03	36.84%
<b>300-Vacant Land</b>	617	16.16%	2859.25	19.21%
<b>400-Commercial Properties</b>	172	4.50%	1042.95	7.01%
<b>500-Recreation and Entertainment Properties</b>	5	0.13%	36.65	0.25%
<b>600-Community Services Properties</b>	48	1.26%	148.2	1.00%
<b>700-Industrial Properties</b>	5	0.13%	256.71	1.72%
<b>800-Public Service Properties</b>	43	1.13%	256.12	1.72%
<b>900-Public Parks, Wild, Forested and Conservation Properties</b>	2	0.05%	26.67	0.18%
<b>Total</b>	3819	100.00%	14887.18	100.00%

Source: NYS Office of Real Property Tax Services, 2015 Annual Assessment Rolls.

**Residential** - Residential uses account for both the greatest number of parcels and the greatest percentage of land area in the town. Residential development is scattered throughout the town with smaller lots concentrated in the hamlet areas where higher density development is encouraged. Outside the hamlets, residential development is split between subdivisions and large-lot rural housing.

**Agriculture** - Historically, agriculture has been a major driver of Marlborough's economy and a significant contributor to the town's character and quality of life, and it remains so today. Over 32% of the land area of the town is devoted to agriculture accounting for 161 parcels. This compares favorably from a county and regional perspective as Ulster County's land area is approximately 11% in agricultural uses and the Hudson Valley region as a whole is approximately 17% (State of Agriculture in the Hudson Valley, Glynwood Center, 2010). The small number of total parcels devoted to agriculture compared to other uses in the town is due to the large parcel sizes that are typical with agricultural operations.

Active agricultural properties are distributed throughout the town, mainly to the west of Route 9W. Additionally, there is active agriculture in and adjacent to both the Marlboro hamlet and the Milton hamlet which provides a unique and important aspect to the character of the hamlets.

[Agricultural land adjacent to Milton hamlet adds to the unique character of the community.](#)

[Photo courtesy of Rick Lashinsky, Meet Me in Marlborough.](#)



Ulster County Agricultural District #1 covers the majority of the active agricultural properties in the town of Marlborough (Map 7). Any property within a New York State Agricultural District that is at least 10 acres in size and is used only for cropland, pasture, orchards, or vineyards to produce agricultural products and produces at least \$10,000 average gross sales value is classified as a farm and eligible for an Agricultural Value Assessment through New York State which provides a partial abatement from real property taxation for eligible farmland. There are currently 217 Agricultural Land Exemptions and 11 Agricultural Replanted Farm Land Exemptions in the Town of Marlborough. When enrolled in the agricultural assessment program, those properties are assessed at the agricultural assessment rate rather than the full assessment. Despite the lower assessment, numerous fiscal impact studies have found that agricultural uses still typically generate more tax revenues than the cost of the services provided and hence are a net contributor to the fiscal benefit of taxing jurisdictions.

**Vacant and Underutilized Sites** - Marlborough contains nearly 620 vacant parcels, comprising almost 20% of the land area in the town. Of the vacant parcels, approximately 70% are classified as residential. Vacant residential land is comprised of both multi-parcel subdivision plats and single stand-alone parcels spread throughout the town. The vacant residential parcels are likely to be developed into new homes, indicating that residential growth is likely to continue to spread throughout the town. Appropriate zoning regulations and design guidelines should be established

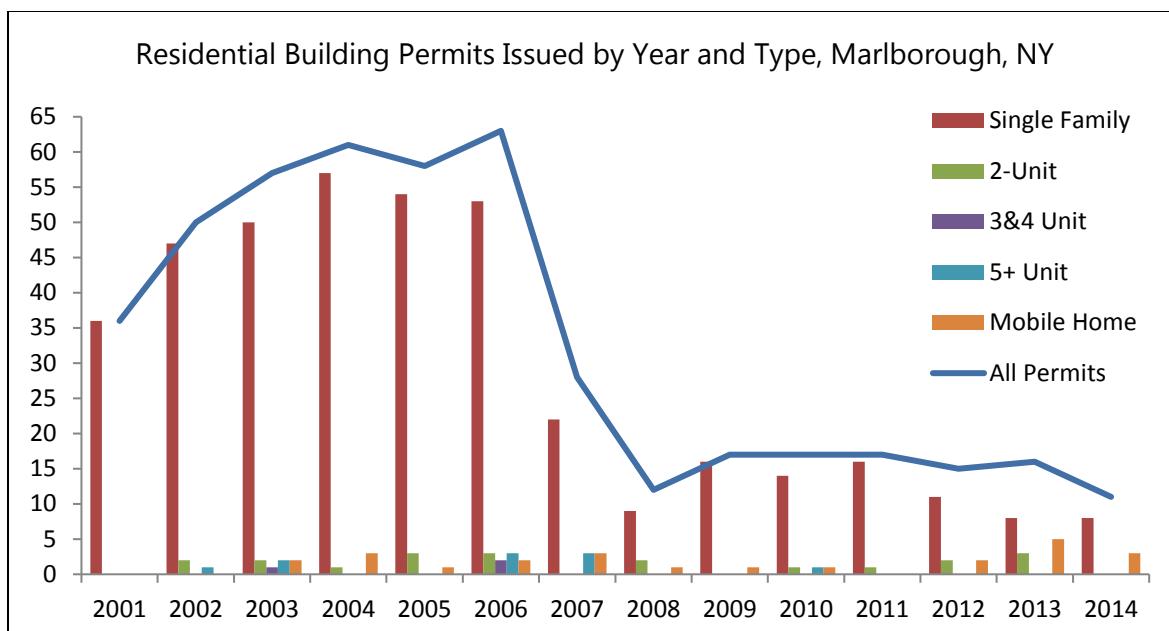
for these areas so that new residential development is in line with the community's vision and goals.

Some of the properties that are classified as vacant are owned by the Town of Marlborough and are important waterfront revitalization opportunities. One such property, the former Suburban Propane property adjacent to Milton Landing is slated for a town park that will advance the goal of improving the community's connection with the river.

**Industrial** - While there are relatively few industrial properties within Marlborough, most of them are located very near to the river or along the Route 9W corridor. Major industrial-classified properties include the Brooklyn Bottling Group plant, Copart, Inc. Auto Auction, the Tilcon New York, Inc. quarry site and the many wineries which include: Benmarl Winery, Brunel & Rafael Winery, Glorie Farm Winery, Royal Kedem Winery, Weed Orchards & Winery, and Nostrano Vineyards, among others.

**New Residential Building Permits** - Between the years 2001 and 2014, the majority of residential building permits issued in the town were for single family homes. The greatest number of permits was issued in 2006, 53 of which were for single family homes, three were for two-unit homes, and the remainder was issued for dwellings with over three-units and mobile homes. Since 2008, the number of residential building permits issued in the town has remained low. The decade of 1980-89 averaged 32 residential units per year and throughout the 1990's the town averaged approximately 28 permits for dwelling units each year.

Marlborough, NY – Residential Building Permits Issued By Year (2001 - 2014)						
Year	All Permits	Single Family	2 Unit Multifamily	3&4 Unit Multifamily	5+ Unit Multifamily	Mobile Home
2001	36	36	0	0	0	0
2002	50	47	2	0	1	0
2003	57	50	2	1	2	2
2004	61	57	1	0	0	3
2005	58	54	3	0	0	1
2006	63	53	3	2	3	2
2007	28	22	0	0	3	3
2008	12	9	2	0	0	1
2009	17	16	0	0	0	1
2010	17	14	1	0	1	1
2011	17	16	1	0	0	0
2012	15	11	2	0	0	2
2013	16	8	3	0	0	5
2014	11	8	0	0	0	3



Source: Town of Marlborough

**D. Existing Zoning** - The town is primarily zoned R-Ag 1 - Rural Agricultural, which allows for all agricultural land uses as well as one-family, two-family detached dwellings and roadside stands for the sale of agricultural products. Smaller sections of town are zoned for Highway Development, Commercial and Residential, particularly along the north-south 9W corridor (See Map 2, contact the town for any updates to the Zoning Map).

The zoning in the hamlets are a mix of commercial and residential. The R Residential district, found adjacent to the hamlets, allows for one and two-family detached dwellings, houses of worship, parks and playgrounds, and educational uses. The R-1 Residential district, which acts as a buffer between the more intense residential and commercial uses of the hamlets and the agricultural areas allows for all of the uses of the R Residential district, but in addition allows agricultural uses with a minimum parcel size of 10 acres.

The Commercial District (C-1) found in both hamlets allows for mixed-use residential, retail business and other services.

The land along the riverfront is zoned primarily R Residential and R-1 Residential with one Rural Agricultural area and three Industrial areas where light mechanical and industrial operations are allowed. These operations include Copart auto salvage, and the Tilcon New York, Inc. quarry. The Milton and Marlboro landings are both zoned Industrial as well.

Zoning Districts and Purpose	
District	District Purpose
<b>R - Residential</b>	To provide for the orderly growth of established residential centers.
<b>R1 - Residential</b>	To provide reasonable standards for the development of residential area in the vicinity of established residential centers.
<b>R-Ag-1 - Rural Agricultural</b>	To encourage the continuation of agriculture and uses; to preserve important natural and economic resources.
<b>C-1-Commercial</b> <b>C-2- Commercial</b>	To provide for the orderly expansion of retail and commercial uses and create conditions that support local business.
<b>HD - Highway Development</b>	To encourage the orderly functioning and expansion of transportation-related activities.
<b>I - Industrial</b>	To encourage the orderly expansion of industry in a way that is harmonious with surrounding uses.
<b>BC - Business Corridor Overlay</b>	To encourage business uses in the Route 9W corridor.

#### E. Housing

Marlborough has approximately 3,383 households averaging 2 to 3 people in size. Mid-Hudson Valley home prices fell significantly following the housing collapse in 2008-2009. The median home

value in Marlborough on November 19, 2018 was \$229,700 (Zillow). Unfortunately, the town has not been exempted from the damages of the recession and a number of homes have been foreclosed or are in the foreclosure process. The foreclosure rate in Ulster County was approximately 1 in 800 homes and the rate is similar for properties in Marlborough ([www.realtytrac.com](http://www.realtytrac.com)).

Renter occupied housing comprises roughly one-third of the total number of occupied housing units within the town. Low vacancy rates and high land value have led to increased housing costs across the region. According to the U.S. Department of Housing and Urban Development, an affordable home is classified as having monthly payments of no more than 30% of household monthly income. When a household pays more than 30%, housing is considered unaffordable and when payments exceed 50% of income, housing is categorized as severely unaffordable or cost burdened.

In Marlborough, approximately 37% of renters and nearly 39% of homeowners pay more than 30% of their income towards housing. The cost burden is caused by a combination of limited affordable housing inventory, stagnant wages, and increases in area rents. While average wages in the county have increased, the fair market rent for a 2 bedroom unit outpaced that increase by 0.82% between 2014 and 2015, keeping affordable housing out of reach for many residents.

Ulster County participated in a 3-county housing needs assessment in 2009 (with Orange and Dutchess Counties) that raised some important findings. This study forecasted that by 2020 the town of Marlborough would have an affordability gap for owner-occupied housing units of about 755 units and a gap of approximately 258 rental units (<http://ulstercountyny.gov>).

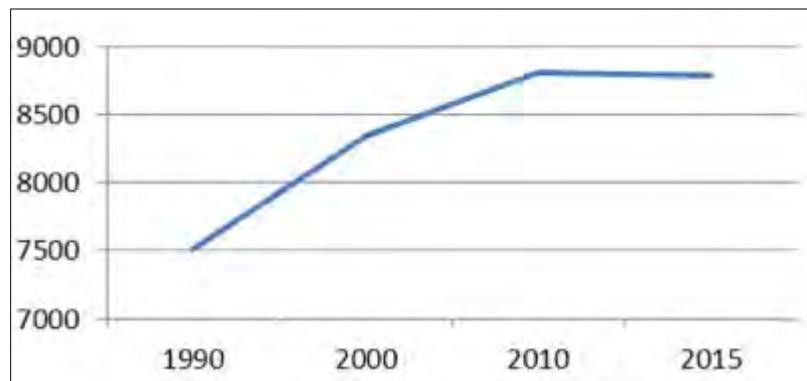
In and around the hamlets are the areas where residential development is the most concentrated. Here, residences are connected to services such as municipal water, sewer and electric and it is here where most new residential development should be directed. The current zoning within the hamlets consists of Residential, Residential-1, and Commercial Districts. While each of these districts allows for some form of housing, allowed lot sizes, setbacks and type of housing differs.

Zoning District	Allowed Housing Type
Residential	One and two family detached by right; Multiple dwellings, mobile home parks, residential cluster development and affordable senior citizen housing by special use permit (SUP).
Residential – 1	One and two family detached by right; Adult multiple dwellings, residential cluster development, affordable senior citizen housing and multiple dwellings by SUP.
Commercial	Dwelling units over ground floor commercial uses by right; Living quarters for owners or caretakers of structure housing permitted as accessory use.

## E. Demographics

The Town of Marlborough is a community with a population of approximately 8,800 in 2015. The town has experienced modest growth since 2000 with an increase in population of approximately 5.5%. The 2002 Comprehensive Master Plan describes a town with a growth rate of 11.2% between 1990 and 2000. While the population continues to grow, the rate at which it is growing has slowed by nearly one-half in recent years.

The current growth rate of Marlborough is comparable to the neighboring towns Lloyd and Plattekill whose populations increased by 6.9% and 4.5% respectively since 2000. Marlborough's growth rate is approximately twice the growth rate of Ulster County as a whole over that same period (Center for Governmental Research).

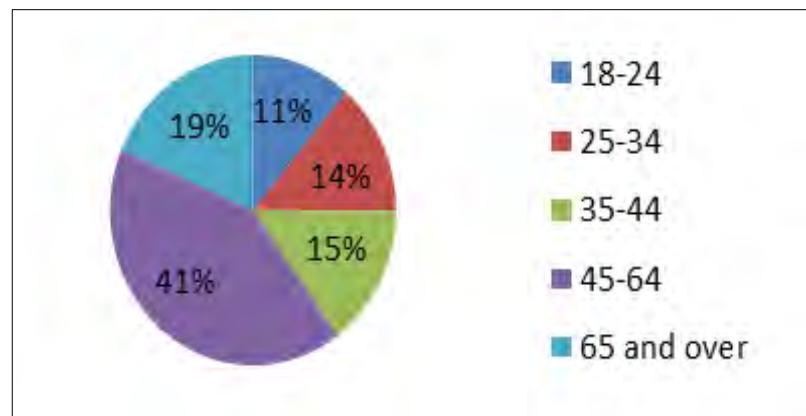


Change in Total Population Marlborough, NY Ulster County -1990 – 2015  
Source: American Community Survey (2015 data based on estimates)

While Marlborough has experienced a modest increase in overall population, it has also experienced the largest decline in the under 40 population in the region in recent years. In 2010 the median age was 37 years, while in 2015 the median age exceeded 40 with the largest percent of the population falling within the 45-64 years old range. This trend is exhibited at the county level as well, in Ulster County between 2000 and 2014 there was a 17% decrease in population under 20 years old and a 50% increase in the population over 85 years old (American Community Survey 5-year estimates, 2010-2014).

In addition to the changes in the age characteristics of the town, Marlborough has also become more diverse. Between 2000 and 2014, the population identifying as Asian increased by 187%, the Hispanic population grew by 132%, and the population identifying as African American increased by 55%. The increases in ethnic and racial diversity Marlborough has experienced is more than double

that of Ulster County and greater than what the surrounding towns of Lloyd, Plattekill and Shawangunk experienced over that same period.



Age Distribution by Percentage Marlborough, NY Ulster County  
Source: American Community Survey 5-year estimates 2010-2014

Married couples without children in the home comprise the predominant household type in Marlborough, followed by those who live alone, and couples that are married with children in the home. These household characteristics are consistent with an aging population and the findings that school enrollments for kindergarten through twelfth grade are projected to decrease in the town's school district. Household characteristics in Marlborough are similar to those of Ulster County as a whole where those who live alone make up the predominant household type followed by married couples without children in the home and then married with children at home.

The unemployment rate in Marlborough is nearly 4%, on par with the county and slightly below the New York State average of 4.7%. Educational services, health care and social assistance are the most common categories of employment, followed by retail trade (ACS 5-year estimates, 2010-2014).

By the year 2020, total non-farm employment in Ulster County is expected to grow at an annual rate of 0.8% per year reaching 73,070 jobs. The manufacturing sector and government employment are expected to lose about 170 jobs and 270 jobs respectively through 2020. During the same time period, the construction, trade-transportation UTILITIES, financial activities, education and health services, and leisure and hospitality sectors will add jobs. Most of the 8,260 additional jobs will be in the education and health services and leisure and hospitality sectors, with each adding 2,700 and 2,600 jobs respectively. Financial activities will grow by 900 jobs and trade-transportation UTILITIES will grow by 860 jobs (Orange, Ulster, and Dutchess Counties, 2009).

## F. Natural Resources and Environmental Features

Marlborough contains many important natural features that contribute to scenic beauty, the tourism economy and the ecological health of the region. Wetlands, open spaces, forested hillsides, and the Hudson River each play an important role in the town.

**Scenic Areas of Statewide Significance (SASS)** - Six stretches of the Hudson River and its shoreline between New York City and Troy have been designated SASS due to their scenic resources, geological characteristics and historical relevance. An area is designated as SASS because of its unique, highly scenic landscapes which are publicly accessible and recognized for their scenic quality. The northern portion of Marlborough from the town border with Lloyd to Church Street in the hamlet of Milton is part of the Esopus/Lloyd SASS in the area known as Lloyd Bluffs.

The Lloyd Bluffs area is recognized for the steep wooded bluffs that rise up from the Hudson River, the rolling uplands and the remarkable views of the Hudson River. Furthermore, this area is the focal point of the viewshed of the Franklin D. Roosevelt Home National Historic Site on the east bank of the Hudson River.

Designation as a SASS provides special protection from potentially adverse federal or State actions which could negatively affect the scenic quality of the landscape. Local decisions should also be consistent with the protection of aesthetic and scenic values associated with the waterfront.

**Hudson River Estuary** - An estuary is a body of water where fresh water running off the land meets salty ocean water. The estuary of the Hudson River extends from New York City's lower bay upriver 150 miles to Troy where the federal dam built on a natural waterfall impedes the Atlantic Ocean tides.

The Hudson River Estuary is a productive and globally-significant water body, supporting important populations of plants, fish and wildlife. Marlborough lies in the mid-Hudson River estuary and this reach of river supports a variety of marine, brackish, and freshwater communities including spawning migratory and nursery habitat for anadromous, estuarine, and freshwater fish, important winter feeding and roosting areas for the bald eagle and globally and regionally rare brackish and freshwater tidal communities and plants.

**Significant Coastal Fish and Wildlife Habitat** -The Marlborough waterfront revitalization area includes a portion of the Kingston-Poughkeepsie Deepwater Habitat, a 6,350 acre habitat encompassing 25 miles of the Hudson River (See Appendix C). This significant coastal fish and wildlife habitat area is a nearly continuous deepwater section of the river ranging in depth from 20 feet to 50 feet or greater. In a small area, the depth exceeds 125 feet. This deep area is one of the largest spawning areas for Atlantic Sturgeon and provides wintering habitat for Shortnose Sturgeon. Striped Bass spawning is also observed here. This area also provides habitat for Blue Crab, concentrations of waterfowl and a diverse population of freshwater and migratory species each of which play a role in the special diversity of life that is supported by the river.

**Stream corridors and watersheds** - Most of the land area in the town drains generally across the town from the west along the ridge of the Marlborough Mountains to the east to the Hudson River. The Lattintown Creek watershed, including Jews Creek (that headwaters from the south in the town of Newburgh) and other tributary streams is the largest drainage basin in town

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covering about two-thirds of the land area in Marlborough. Historically, the Lattintown Creek supported several mills including the largest complex in the hamlet of Marlboro that took advantage of the more than 100-foot drop in elevation along the waterfalls. This stream and the associated watershed area continue to be important resources in the town.



Aerial image of Lattintown Creek and its falls located in Marlboro hamlet

Jews Creek which joins Lattintown Creek near the outlet to the Hudson is also very important and is the site of the Gomez Mill House which is listed on the National Register of Historic Places. The mill, erected in the early 1700's was used as a saw mill and one could float a large boat or log raft up to the mill from the Hudson. Once established, the Gomez Mill House became an important trading post during the early settlement of the region. Today, the outlet of Jews Creek and Lattintown Creek form an important surface water and wetland complex and are part of important fish and wildlife habitat for the larger Hudson River estuary.

In the northern part of town several smaller streams drain smaller watersheds including two unnamed streams, one that runs through Milton hamlet and another, further north and outlets to the Hudson River near Buttermilk Falls Inn. The streams and drainage area in the northwestern part of town form a section of the headwaters of Black Creek watershed which runs generally north through the town of Lloyd and outlets to the Hudson River in Esopus.

**Wetlands** - Wetlands are characterized as areas covered with shallow water permanently or for periods long enough to support aquatic or semi-aquatic vegetation. Areas designated as wetlands may include bogs, swamps, marshes, wet meadows, flood plains, and water-logged soils. In Marlborough, New York State Department of Environmental Conservation (NYSDEC) designated freshwater wetlands are found in association with stream courses and in other low lying areas (**See Map 3**). Large areas of wetlands lie in the northern, central and western portions of the town. NYSDEC designated tidal wetlands are found in low lying areas surrounding the Hudson River. Tidal wetland habitats play a critical role as nursery grounds for fish and shellfish species,

as well as providing nesting sites and migration stops for birds. These wetlands also help filter pollutants, buffer shoreline properties, and help stabilize the river's shoreline.

The northern portion of the town is within the Esopus/Lloyd Wetland and Ridges area which contains an area of particular habitat importance to amphibian species and breeding waterfowl. This area is one of only 16 sites statewide where the state-threatened small flowered crowfoot has been documented. The Esopus/Lloyd Wetland also provides crucial habitat for the state-listed cricket frog and one of the largest dwarf shrub bog occurrences in the Hudson River Valley (NYSDEC).

**Water Quality** - The quality of surface waters is rated by the NYSDEC according to their best potential use, which is a goal and not an assessment of actual quality. The classifications range from highest quality, AA and A to the poorest quality, D and N. The Hudson River in Ulster County is classified as A in quality which would be acceptable for drinking water, culinary use, swimming, fish propagation and water sports. The actual water quality in the Hudson River, as summarized by Riverkeeper in a 2015 report, ranges significantly by location and other factors such as recent rainfall. Recent water quality assessment data has indicated that the water quality within the local Hudson River is generally within the EPA's threshold for safe swimming. Samples taken near the shore at Marlboro Landing showed that only 7% of samples taken exceeded the EPA recommended thresholds, while 93% were below. More information regarding the water quality of the Hudson River can be found in the Marlborough Harbor Management Plan, provided in Appendix A.

Point-source pollutants are those coming from a single, definable source, such as a wastewater treatment facility. Point-source pollutants typically require a permit issued under the federal Clean Water Act to ensure the level of discharge that can be handled by the receiving body of water. Over the past 40-plus years, water quality in the Hudson River has been greatly improved under the National Pollutant Discharge Elimination System (NPDES) which is the U.S. Environmental Protection Agency's regulatory program to control the discharge of pollutants to waters and waterways of the United States. The town sewer districts operate two wastewater treatment facilities, each of which take flows from the sanitary sewer system and treat the wastewater, removing pollutants prior to discharge in compliance with these regulations.

Nonpoint-source pollutants can come from many diffuse sources whose origin is often difficult to identify. This pollution occurs as rain or snowmelt travels over the land surface and picks up pollutants such as fertilizer, pesticides, and chemicals along with petroleum-related pollutants from motor vehicles. This pollution is difficult to regulate due to its origin from many different



The state-threatened small flowered crowfoot is found in the Esopus/Lloyd Wetland in the northern portion of Marlborough.

sources. These pollutants enter waterways untreated and are a major threat to aquatic organisms and people who fish, use waters and waterways for recreational purposes or as an untreated drinking water source. For the southeastern portion of the town, Marlborough manages the discharge of stormwater under the State Pollution Discharge Elimination System (SPDES) Municipal Separate Storm Sewer (MS4) permit from New York State Department of Environmental Conservation.

The treatment of nonpoint-source pollutants is an area where continued water quality improvement is possible and in which every community—including Marlborough can pay more attention. Environmental scientists and planning and design professionals have greatly advanced ways to address nonpoint-source pollutants. Many of these tools are currently in place in town such as the requirement for the inclusion of a “storm water pollution prevention plan” or “SWPPP” whenever a large area of a site is proposed to be disturbed for construction.

**Woodlands** - The forested hills descending from the Marlborough Mountain range are part of a globally significant forest patch that extends into the Town of Plattekill. Globally significant forest patches range in size from 15,000 to 600,000 acres and represent the largest, most intact forests. The size and natural condition of these forests support ecological processes, natural communities, and populations of forest-interior plant and animal species. Smaller patches of forest are located in the southeastern and northwestern portions of town. Forests of this size, at least 200 acres in size, are considered the minimum threshold for intact forest ecosystems capable of supporting forest-interior bird species.

**Open spaces** - Open spaces are a vital part of Marlborough’s landscape. Open spaces protect and buffer wildlife habitat and environmentally sensitive areas such as meadows, wetlands and streams and protect the local drinking water supply.

Much of Marlborough’s open space is devoted to agriculture. The town has a history steeped in agriculture, primarily apple orchards, grape vineyards, and vegetables. The town is home to nearly 12% of all of Ulster County’s active farms. Marlborough’s farms are located within the area identified by Scenic Hudson as the New York City food shed, a 150-mile buffer surrounding the city from which produce can be transported quickly. In addition to providing food and a sound base for the town’s thriving agritourism industry, open spaces help keep property taxes low by requiring fewer municipal services than lands in other uses.



[Much of Marlborough's open space is devoted to agriculture.](#)

The town unfortunately does not have much land permanently protected as open space, approximately 2% of the total land area is protected. The average for Ulster County towns is 31%. (Catskill Center for Conservation and Development and Open Space Institute, 2006, as sited in the Ulster County Open Space Plan, 2007). As a result, the town stands to be fully developed with no guarantee that the town will keep its open space character in the future. Communities seek to work with landowners to find mutually agreeable ways to protect open space resources for a number of reasons including conserving important farmland, maintaining clean streams and waters, providing wildlife habitat, and preserving scenic views and rural open landscapes.

**Topography and Steep slopes** - The town is framed in the west by the Marlborough Mountains that rise up over 1000 feet above sea level. The Hudson River forms the eastern edge and topographic low point in the town, bordered by steep bluffs that are a severe constraint to waterfront development (**See Maps 4A, 4B, 4C, 4D, 4E and 4F**). In between is a rolling landscape that creates a natural interest and variety to the shape of the land.

These low mountains provide a watershed divide and are also headwaters to most of the streams that flow west to east through the town and outlet to the Hudson. Areas of steep slopes are sensitive to erosion when the natural vegetation is disturbed. Special consideration must be made when developing on slopes of a 15% grade or higher. Development should be avoided on slopes in excess of 25%. Steep slopes in Marlborough occur primarily between Route 9W and the Hudson River, in the western portion of the town in the Marlborough Mountains, and in various areas in the north central and south central portion of the town.

Due to the topography of the waterfront area (bluffs), development along the Hudson River is difficult at best. An additional limitation is the CSX railroad which runs along the riverfront at the

base of the bluffs for the entire length of the town. There is a small area of land along Dock Rd. east of the Marlboro hamlet where topography allows access to the Hudson River, where the only marina and yacht club in town are located. The waterfront is primarily zoned various levels of residential uses, along with several areas of industrial use. However, most of the land south of Dock Rd. consists of NYS DEC regulated wetlands and the former Tilcon quarry (industrial use) with altered topography and associated bluffs, these are both constraints to waterfront development.

The Town of Marlborough is working with Tilcon to lease a 32-acre area for walking trails, so the public can enjoy views of the Hudson River. The proposed "Marlboro Mills Waterfall Walkway" (see Section II, Public History Interpretation and Heritage Trail Tourism) will take advantage of the topography and provide aesthetically pleasing views as well as interpretation of local history themes. Any further efforts to develop design standards for waterfront development would be thwarted by the topography and inability to develop in the waterfront area.

**Soil Quality** - Approximately 3 percent of the town land area is comprised of prime farmland soils while 33 percent is categorized as soils of statewide importance (**See Map 5**). The types of agriculture in Marlborough, such as orchards and vineyards, thrive in well-drained sandy soils and loams which are found throughout the town. In addition to USDA ranked prime soils and soils of statewide importance, suitable soils for crops in Marlborough include:

- BgD-Bath gravelly silt loam, 15-25% slopes
- BnC-Bath-Nassau complex, 8-25% slopes
- BOD-Bath-Nassau-Rock outcrop complex, hilly
- HgC-Hoosic gravelly loam, rolling
- PIC-Plainfield loamy sand, 8-15% slopes
- SmC-Stockbridge-Farmington gravelly silt loams, 8-15% slopes

**Species Habitat** - The Hudson Valley is home to 86% of New York State's bird, mammal, and reptile and amphibian species. Roughly 40% of New York's animals in greatest need of conservation are found here (Hudson River Estuary Program). Areas of significant natural communities and habitat cores are located within the town. Rare plant and animal species can be found in and along the Hudson River (Ulster County Natural Resources Inventory). Additionally, there are three known trout streams within Marlborough, including Lattintown Creek. These are streams with favorable conditions to support a sensitive trout population.

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***The Problem of Resource Fragmentation*** - When we build out across the landscape, we fragment working farmland and wildlife habitats with our building footprints, lawns, roads and driveways. The problem is not one house or one development but in the cumulative impact over time. Fragmentation of farmland introduces a potential conflict between farm operations and residential uses and reduces efficiencies of farm operations. Wildlife habitat fragmentation results from the direct loss of habitat coupled with the breaking up of one large habitat "patch" and isolating it into two or more separate pieces which creates barriers for dispersal of seed and wildlife travel.

Fragmentation does not just affect wildlife. Many farms require large patches of working land, often with prime soils, to remain viable. However, prime farmlands are often just as suitable for growing houses as they are for growing crops. Thus, in many cases, the choice comes down to economics: will the land return more value if it is developed for homes or if it is used for agriculture? In most cases, over the long run, the economics of development are much more competitive. Unfortunately, one does not have to look far to see examples of this reality.

One of the major goals of any successful conservation program is to drastically reduce the rate of fragmentation of both wildlife habitat and farmland. This can be done in two major ways. The first is direct investment in conservation of important green infrastructure resources such as wildlife habitat or prime farmlands. This method is proactive and provides the best results, but most communities do not have the capital they need to conserve all of their important lands. Another important way to reduce fragmentation is to ensure that local land use tools do not promote settlement patterns that lead to fragmentation.



**Natural Hazards and Climate Change** - The Hudson River is a tidal system that is directly connected to the Atlantic Ocean. According to a 2009 report from the NYC Panel on Climate Change, the water levels in the Hudson River below Troy and in the river's tide-controlled tributaries can be expected to rise by two to three feet by the end of this century. In fact, the Hudson has risen 13 inches since 1990 and the rate of sea level rise has been accelerating as well.

Sea level rise combined with a pattern of more severe storms puts many Hudson riverfront communities at risk of more frequent and serious flooding events. Milton and Marlboro hamlets, the most developed areas of the town, are located approximately 180 feet above sea level and the other developed areas of town are typically located at higher elevations. Because of this elevation, most of Marlborough is typically spared from the river's flooding. In 2011, however, the river's water level following Hurricane Irene was so high that it flooded the basement and saturated the insulation of the Milton Train Station and nearly destroyed the newly restored floors. Additionally, the storm damage resulted in the need for a new roof for the station.

The Multi-Jurisdictional Natural Hazard Mitigation Plan prepared for Ulster County (2009) addresses several potential weather and climate related hazards. The plan makes a very thorough review of these hazards including:

- Atmospheric hazards: extreme temperatures, extreme wind, hurricanes and tropical storms, lightning, nor'easters, tornadoes, and winter storms;
- Hydrologic hazards: flooding, drought, and dam failures;
- Geologic hazards: earthquakes and landslides; and
- Other hazards: including wildfires.

From a waterfront and comprehensive planning perspective, the geology has been kind to the town as the sloping landscape leaves almost all of the town safe from both major inland flooding and coastal flooding—but, for those small low-lying areas, primarily at the base of the hamlets of Milton and Marlboro, the flooding has been severe in the past. Looking ahead, the level of the Hudson River is expected to continue to rise, which may cause increasing impact to the freight rail line and to these floodplain areas.

## **G. Historic and Cultural Resources**

Marlborough's rich history is reflected in its cultural resources—its historic architecture, landscapes, and archaeological sites. Marlborough's historical land use patterns are closely connected to its landforms. The west edge of town lies on the 1,000 ft high Marlborough Mountains which favorably influence airflow over the rolling agricultural plateau to the east, where the rocky soil is ideal for growing fruit. This area is drained by four eastward-flowing creeks cutting down through a rugged escarpment to the west bank of the Hudson River, which also shaped Marlborough's development. Lower Lattintown and Hallock creeks provided waterpower for mills and access to the river. These manufacturing and trade locations became the Marlboro and

Milton hamlets, which communicated with the outside world first by river, then turnpikes and the railroad.

**Native American Prehistory** - The Hudson River region has a rich history of Native American Tribes. The area was a major travel corridor for Native Americans crossing the region to reach seasonal hunting grounds for thousands of years until displaced by European settlers starting in the 17<sup>th</sup> century. Recent archaeology at Blue Point in the Town of Lloyd, just north of Milton, indicates seasonal Native American encampment dating back to the Early Archaic period, 8,000 years before European contact. The area including Marlborough was occupied by the Munsees, a band of the Lenni-Lenape, or Delaware Indians. Lenape population in their territory, which stretched between the Hudson River, Esopus Creek and Delaware River, was about 10,000 in 1600. The Lenape lived in wigwams and lodges in small clans of about 100 people. According to early Marlborough history, the Lenape "never had any permanent residence here; no village or fortified place...there has never been any Indian name for the place...This was a great place to fish" (Woolsey, 1908).

The area which is now Milton Landing and site of the Milton Train Station was once actively used by Native Americans as a gathering place and for access to the river. Archeological findings suggest at least two camps identified within a mile of the train station.

## European Settlement and Early Development -

Marlborough was established through successive land division starting in 1677 with the Paltz Patent from the Delaware Indians. Named for the Duke of Marlborough, the settlement officially became a town in 1788 and County.

Like the Native Americans before, early settlers utilized the access to the Hudson River that Milton Landing provided. Crops were sent to New York City first by steamboat, then train and later by truck. The development of the Farmer's Bridge and Turnpike Company in 1808 further established Milton as an important port as the road extended from the Milton dock to the town of Shawangunk to the west.



Historical map of Milton hamlet shows early development around Milton Landing. Image courtesy of Beers Ulster County Atlas

By the mid-1800s, the area was a busy and well-known port. Some of the first homes in the town were built in the vicinity of Milton Landing as were stores, taverns, a hotel, and a prosperous wheelbarrow factory. The bustling port attracted the attention of the rail road company. The railroad lines were established in 1882 and the Milton train station was built a year later.

In addition to farming, early settlers used the power of the streams and river to their advantage, establishing grist mills and saw mills as the first manufacturing industries in the town.

**Lattingtown Hamlet** - Marlborough's earliest settlement concentrated in Lattingtown in the town's west central agricultural lands, upland from the Hudson River. By 1800 Lattingtown had become the center of local economic, political and social activity. It was the site for town meetings, and included hotels and a school, a distillery and tannery, harness maker, hatter, tailor, wagon maker, and entertainment including boxing and horse racing. By 1825, Lattingtown's importance faded in favor of the growing Milton and Marlboro hamlets, then expanding around grist and saw mills on Hallock and Lattintown creeks closer to the Hudson River. The Albany Post Road ran through those hamlets and became a focus of commercial growth. Local entrepreneurs promoted improved east-west roads, creating New York City and Albany markets for farm products from the interior via the Hudson River on ships launched from the Milton and Marlboro landings. Lattingtown was bypassed and became a crossroads by the 1880s. Today the most visible evidence of Lattingtown's former importance is the 1810 Lattingtown Baptist Church, listed in the National Register of Historic Places (Cochrane, 1887; Woolsey, 1908).

**Marlboro Hamlet** - Marlborough's southernmost hamlet developed around the power of Lattintown Creek which drops 250 feet over a half a mile through the hamlet, ending in a 150-

foot cataract, one of Ulster County's hidden gems. For almost 200 years the creek powered mills which served local agriculture, grinding grain, sawing wood and making containers. Owners' and workers' homes clustered around the mills, forming a small commercial village. Marlboro's biggest mill was the John F. Whitney & Sons fruit basket factory established 1853. Other Lattintown Creek mills made blankets, carpets, dyes, fruit cups, glue, paper and twine. Jew's Creek also powered a series of mills; the largest one, John Buckley's "Marlborough Woolen Factory" at Buckley Bridge, was a major area cloth supplier until 1855. The Marlboro Hamlet relied on the Hudson River for transportation and trade. Early docks were located on the east side of Jew's Creek and south side of Lattintown Creek, which was navigable until about 1835. A Hudson River steamship dock established at the end of Dock Road became a major shipping point for Marlborough's important fruit growing industry (Cochrane, 1887; Mahan, 2009; Plank, 1959; Sylvester, 1880; Woolsey, 1908).

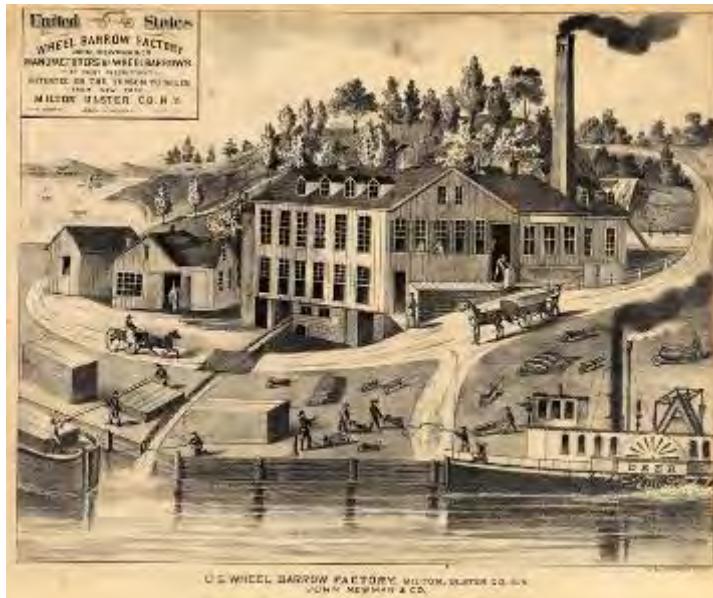


150-foot cataract of Lattintown Creek in Marlboro hamlet. Image courtesy of Matt Kierstead

In 1883 the New York, West Shore & Buffalo Railroad was built along Marlborough's Hudson River shore, greatly improving transportation. Trains offered fast passenger service to New York City and Albany, making Marlborough attractive to new residents. Refrigerated freight cars opened distant markets for agricultural products, and cold storage warehouses and processing plants were built around the train stations. Marlboro Hamlet growth took off in the 1880s, with residential neighborhoods expanding to the south and west making it the largest community in the town. The railroad benefitted Marlborough's ice and sand and gravel industries, and the NY Trap Rock Co. Cedar Cliff limestone quarry opened and became a major employer. The town's first hydroelectric plant, the Marlboro Electric Co. was established in 1898. The Marlboro Hamlet briefly incorporated 1906, however the cost of maintaining Dock Road became a drain on the local treasury, and the village unincorporated in 1922 (Mahan, 2009; Mathews, 1983; Plank, 1969; Woolsey 1908).

Many historic buildings survive in the Marlboro Hamlet. National Register-listed houses include the 1850 DuBois–Sarles Octagon House on South Street and the 1843 Elliot-Buckley House and 1850 Shady Brook Farm on Old Post Road. Other notable residences include the brick Hepworth House on King Street and the William Cromwell Young estate on Young Street. Churches include the National Register-listed 1858 Christ Episcopal Church by Richard Upjohn on Old Post Road, the 1874 First Presbyterian Church at West and DuBois streets, and the 1922 St. Mary's Catholic Church on Main Street. Commercial buildings include the 1862 Pleasant View Hotel, now the Raccoon Saloon, which is the oldest surviving hotel in Marlborough, the ca.1900 Hartshorn Building, now Pizza Town, the 1921 Marlboro Garage on Main Street, and the ca. 1830 Marlboro Hardware Store. The 1921 Marlboro Free Library stands at the intersection of King and Main streets. Marlboro Hamlet includes a cluster of surviving mill buildings where Rte.9W passes over Lattintown Creek on a 1930s concrete arch bridge, including two buildings and a rare surviving waterwheel at the Wright's Grist Mill site, and a former button factory, now The Falcon music club. The creek banks downstream contain stone ruins of the Apgar Grist Mill and Whitney Basket Factory. The Marlboro Electric Co.'s 1911 brick substation still stands on Western Avenue. The Cedar Cliff Quarry off Old Post Road includes remains of an historic rock crushing plant, and a well-preserved lime kiln.

**Milton Hamlet** - Milton Hamlet was first settled by Capt. William Bond about 1714. Industrial activity in Milton began about 1760 when Quaker minister Edward Hallock arrived and built grist and saw mills. Hallock and descendants constructed five mill ponds on Hallock Creek. Leonard Smith arrived from Long Island in 1762 and his son Anning dammed Smith's (Craft's) Pond and ran a grist, saw and woolen mill at the head of the 100 ft "Buttermilk Falls" cataract. The mill village was named Milton in 1792, reportedly a contraction of "mill town." Milton landing was an important Hudson River port by 1800, and the Hallock, Powell, Sands, Smith and other concerns built sloops for river trade from their private docks. In 1812 the Farmer's Bridge and Turnpike Company completed the Milton–Shawangunk road, making Milton landing a vital river trade location for inland agricultural and lumber products. After development of steamboats in the 1820s, Milton, half way between New York City and Albany, became a regular stop for boats including the famously fast *Mary Powell*. By the 1850s, Milton was a busy village with stores, taverns, hotels, warehouses, docks and manufacturers of baskets, brass pins, bricks, burnt lime, hats, and soap. The John Newman & Co.'s wheelbarrow factory dominated Milton Landing



John Newman & Co.'s wheelbarrow factory dominated Milton Landing in the 1800s. Image courtesy of Beers Ulster County Atlas

until 1885, when it became the H.H. Bell & Sons woolen factory, makers of upholstery and glove linings. The factory became Milton Woolen Mills in the early 1920s. It was eventually demolished and replaced by a Hudson Valley Fruit Exchange cold storage warehouse, no longer extant (Cochrane, 1887; Mahan, 2009; Woolsey, 1908).

**Agriculture** - Agriculture was historically Marlborough's economic mainstay and is enjoying a resurgence today. Apples were grown here by the 1760s, mostly for making cider and applejack. Marlborough's fruit industry began in the 1830s when Edward Young planted and marketed "Antwerp" raspberries. Marlborough's rocky hills proved the best in the Hudson Valley for growing apples and small berries like blackberries, cherries, currants, raspberries and strawberries, and especially grapes for winemaking. In the 1860s noted Marlborough pomologist A.J. Caywood introduced Concord grapes and the "Minnewaska Black" blackberry to the area. Caywood's vineyards at what is now Marlborough's Benmarl Winery are reportedly the longest continuously-operating vineyards in the United States.

By the 1870s most Marlborough farmers abandoned traditional crops in favor of more lucrative fruit growing. Fruit carts crowded the Marlboro and Milton Docks, where steamboats took the crops to New York City. Marlborough shipped more fruit than any other Hudson Valley location and was well known in distant markets including Boston and Philadelphia. Fruit growing supported local industries including packaging makers, processing plants, and cold storage ice houses. The coming of the railroad in 1883 opened up even more distant markets for Marlborough's crops.



The Quimby Farm on Mt. Zion Road provides a glimpse into Marlborough's agricultural history. Image courtesy of Matt Kierstead

At the start of the 20<sup>th</sup> century, Marlborough's fruit industry continued to expand, benefitting from new organization and technology. In 1912 several hundred fruit growers established the Hudson Valley Fruit Exchange (HVFE) at the former Knickerbocker Ice House at Marlboro landing. The HVFE became the biggest fruit growers' organization in eastern New York, marketing entire annual crops and processing and packing fruits. Growing focused on apples, cherries, peaches and plums. During World War I, the Women's Land Army of America, or "Farmerettes" stationed at Camp Young temporarily filled the need for farm workers while the men were off fighting. By the 1930s Marlborough farms hired over a thousand seasonal farm workers and shipped \$1 million in fruit annually. Advances in electrically-powered refrigeration equipment after 1900 changed agricultural storage and transportation. Marlborough's J.M. Hepworth Farms introduced modern refrigeration in 1924 and the Milton Cold Storage Plant was built in 1928. In 1959, Ulster County

had 94 cold storage warehouses, 35 of them in Marlborough, more than any U.S. town, with total capacity of between 1.5 and 2 million bushels.

Today, evidence of Marlborough's historic fruit industry survives, although buildings and landscapes have been impacted by recent economic cycles. Development pressures have resulted in residential subdivision of agricultural lands. The Quimby Farm on Mt. Zion Road is a remarkable, surviving, unaltered historic agricultural landscape complete with an intact cluster of timber-framed barns dating to the 18<sup>th</sup> century.

**Immigration** - Immigration played an important role in Marlborough history. Until the mid-19<sup>th</sup> century, local inhabitants were descendants of original Dutch, English and Scottish settlers. Irish immigrants started to work Marlborough farms and mills in the 1850s and many owned farms after 1875. In the 1880s, Marlborough's seasonal farm workers included many Germans, who established a beer garden in the Lattintown Creek ravine. Italians, particularly Sicilians skilled at cultivating rocky hills for fruit, started coming to Marlborough in the 1890s. By 1910, many Italians were drawn by word of mouth to work at vineyards like Perrino's Marlboro Winery. Italian immigration peaked here in the 1920s, when 90 percent of land sales were to Italians, who have made major contributions to local agriculture, especially winemaking.

**Tourism** - With the coming of the railroad in 1883 and the automobile in the early 20<sup>th</sup> century, tourism became part of Marlborough's social and economic life. Many land owners supplemented their income by establishing boarding houses, guest cottages, inns, motels and restaurants. A notable surviving early automobile-age business is the Ship Lantern Inn on Route 9W, established in 1925. The automobile fostered early agritourism including roadside fruit and produce stands, pick-your-own orchards, tree nurseries, and wineries. Hudson Valley winemaking enjoyed a revival in the late 1970s and has become a major regional agritourism attraction.

Marlborough now boasts seven wineries including Benmarl, Brunel & Rafael, Glorie, Nostrano, Royal Kedem and Stoutridge, all part of the Shawangunk Wine Trail. Today, Marlborough's fruit and wine businesses thrive with the rise of the farm-to-table movement, and agritourism has become important to the local economy. "Meet Me in Marlborough," a group of Milton and Marlboro farmers and businesspeople have created an organized farm trail to promote local agriculture and tourism to a regional market.

**Historic and Cultural Resources** - Marlborough's historical resources include individual properties that have been listed in the National Register of Historic places (NR) voluntarily by their owners. The following seven Marlborough properties are individually listed in the National Register of Historic Places:

<b>National Register building</b>	<b>Location</b>	<b>Date of Designation</b>
Chapel Hill Bible Church	49 Bingham Road Marlborough	2004

Christ Episcopal Church	426 Old Post Road Marlboro hamlet	2010
Dubois-Sarles Octagon house	16 South Street Marlboro hamlet	2002
Elliot-Buckley House	404 Old Post Road Marlboro hamlet	2011
Lattingtown Baptist Church	425 Old Indian Road Former Lattingtown hamlet	2010
Milton Railroad Station	41 Dock Road Milton hamlet	2007
Shady Brook Farm	351 Old Post Road Marlboro hamlet	2012

*Chapel Hill Bible Church* – Located at 49 Bingham Road in Marlborough, the Chapel Hill Bible Church was built about 1860 on 54<sup>th</sup> Street in New York City for the Amity Baptist Church. It is a modest example of mid-19<sup>th</sup> century Gothic Revival style parish churches. The church was moved for its original location and re-erected in Marlborough in 1905 and became a center of community activity with a large Sunday school. It was listed on the National Register for architectural significance in 2004.

*Christ Episcopal Church* – Located at 426 Old Post Road in Marlboro Hamlet, this Gothic Revival-style brick and stone church was consecrated in 1858. It is an example of the firm of Richard Upjohn & Co.'s popular mid-19<sup>th</sup>-century churches modeled on 18<sup>th</sup>-century English designs. It features stained glass windows by David Maitland Armstrong who was associated with John LaFarge and Louis Comfort Tiffany. The church is also significant for its role in the social history of Marlboro and the establishment of the Episcopal Church in the Hudson River Valley. It was listed on the Nation Register in 2010 for its architectural and social history significance.

*Dubois-Sarles Octagon house* – Located at 16 South Street in the hamlet of Marlboro, the Dubois-Sarles Octagon house was built around 1850 and renovated in 1872. The octagon house is a unique style of house briefly popular in the 1850s in the United States and Canada. This style of house can be traced back to architect Orson Squire Fowler who built his own octagon house across the river in Fishkill, New York around the same time period. It was listed on the National Register in 2002 for its architectural significance.



Dubois-Sarles Octagon house. Photo courtesy of Google Images

*Elliot-Buckley House* – Located at 404 Old Post Road in the hamlet of Marlboro, the Elliot-Buckley house was built in 1843 as the centerpeice of New York City businessman Daniel Elliot's 80-acre estate, "Riverview." The property was acquired by the Buckley family, prominent local pre-Civil War era mill owners, in 1863. The house is significant as an early representative example of the "Bracketed" Picturesque movement championed by Newburgh's Andrew Jackson Downing in the mid-Hudson River valley in the 1830s. The house was listed on the National Register for its architectural significance in 2011.

*Lattingtown Baptist Church* – Located at 425 Old Indian Road in the former Lattintown Hamlet, was built about 1810 by a Baptist congregation established there in 1807. It is an early Federal period, timber-framed building with mid-19<sup>th</sup> century Victorian Gothic details. The property includes an early 19<sup>th</sup>-century cemetery with over 100 graves including five local American Revolutionary War soldiers. The Church is significant as the only remaining evidence the former agricultural hamlet, and is a distinctive example of a vernacular Federal period meeting house. It was listed for its architectural and social history significance in 2010.



[Lattingtown Baptist Church.](#)  
Photo courtesy of Matt Kierstead

*Milton Railroad Station* - Located at 41 Dock Road in Milton hamlet, was designed by architects Wilson Brothers & Co., of Philadelphia, PA and constructed by the New York, West Shore & Buffalo Railroad in 1883. It is Late Victorian Stick Style building with board-and-batten siding and a roof supported by prominent brackets with bargeboards with scroll-sawn letters spelling out "FREIGHT NYWS&B RR." The interior is divided into separate passenger and freight rooms. It is the best survivor of a handful of remaining NYWS&B RR stations, and the only one of Marlborough's two stations to survive. It represents an important period of local development that came with late 19<sup>th</sup> century railroad construction, and is a well-preserved example of a vernacular late 19<sup>th</sup> century railroad passenger and freight station. The station has received New York State Historical Designation and was listed on the National Register for its architectural and transportation history significance in 2007.



[Milton Railroad Station, Milton Landing.](#)

*Shady Brook Farm*- Located at 351 Old Post Road in Marlboro hamlet, is a Greek Revival style house with Gothic trim built about 1850 for the Oddy family, with a ca. 1917 Colonial Revival addition by Middlehope architect Ali Pembroke. In 1877 the property was purchased by noted Hudson River valley horticulturalist and pomologist Andrew Jackson Caywood, first to cultivate Concord grapes in the Hudson Valley. After his death in 1889, the property became a seasonal

boarding operation with cottages for 50 people. It was listed for its architectural and entertainment/recreation significance in 2012.

*Gomez Mill House*- Although physically located on the outside of the Town of Marlborough in the Town of Newburgh, the Gomez Mill House serves as an important reminder of the town's historical ties to its waterways, trade and milling. Built in the early 1700s, the original owner used the structure for trade and later a paper mill was established on the site. Listed on the National Register in 1973, the Gomez Mill House is also an established public museum and holds its place as the oldest standing Jewish dwelling in North America and the oldest building in Orange County.

Although not listed on the National Register, both Milton and Marlboro hamlets contain areas of historic significance that may be eligible for listing. The Milton hamlet retains several historic commercial buildings on Main Street, as well as surviving historic churches, houses and agricultural properties to the north, south and east. The Marlboro hamlet retains many historic commercial buildings on the short stretch of Route 9W between Western Avenue and Dock Road, where Marlboro's last three surviving water-powered mill buildings stand around a 1930s concrete arch bridge over Lattintown Creek. The creek banks in both directions contain the industrial archaeological ruins of several historic water-powered industries, including remarkable remains of a large waterwheel and drive gears.

**Arts and Culture** - The Hudson River has strong connections to the arts. The spectacular landscapes of the Hudson Valley were made famous by Thomas Cole and the other painters of the Hudson River School in the mid-19<sup>th</sup> century. Known as "The Birthplace of American Art", the beautiful scenery and closeness to nature provided by the valley continues to inspire artists today and has attracted communities of authors, poets, painters and musicians.

In addition to the artists of the Hudson River School, author and naturalist John Burroughs found respite in the Hudson Valley at his home Slabside. In Milton, Sarah Hull Hallock established a boarding house where landscape painter George Inness summered in the 1880s and painted many area landscapes. Milton's Mary Hallock Foote because a well-known author and illustrator of life in the American West. Painter Alfred Maurer, called the "father of American Modernism"

stayed at Shady Brook Farm in Marlborough in the 1920s and 1930s and painted colorful local



The Elverhoj Art Colony in Milton hamlet attracted artists and craftsmen who were inspired by nature. Source: Hudson River Valley Institute.

farm landscapes. Marlborough had several notable connections to the early 20<sup>th</sup>-century Arts & Crafts Movement. David Maitland Armstrong and daughter Helen were prominent stained glass artists who worked for LaFarge and Tiffany, and made windows for Marlboro's Christ Episcopal Church. Internationally-recognized typographer Frederic Goudy bought Marlboro's Buckley Mill property on Jew's Creek in 1923 and converted it into his home, "Deepdeene" and studio, the Village Letter Foundry & Press. In the Milton hamlet of Marlborough, an artist colony called *Elverhoj* ("Hill of Elves") was founded in the early 1900s and was home to a mix of artists and craftsmen whose motto "To live close to nature for inspiration" captures why the area is so meaningful to artists (Wadlin, 2016).

Today Marlborough continues to attract artists seeking refuge from nearby New York City and inspiration from the natural surroundings. The Falcon, located in a renovated button factory in Marlboro hamlet, attracts strong lineup of performers and serves as a powerful regional attractor for jazz concerts and exhibits. In 2013, the Falcon was awarded an Ulster County Arts Award for outstanding contributions to cultural life in Ulster County.

In addition to attracting artists, the region also attracts residents and visitors seeking to engage in the art and cultural scene that is offered. In 2010, the Center for Research, Regional Engagement and Outreach (CRREO) published its Regional Well-Being report in which arts and culture was found to be significant for peoples' choice to live in and visit the Hudson Valley. In 2011, arts and culture events attracted 1.4 million visitors to Ulster County and injected \$161 million directly into the county's economy (SUNY New Paltz, 2013).

The New York State Film Tax Credit Program is designed to increase the film production and post-production industry presence and overall impact on the State's economy. Companies producing films or television shows in New York State are currently refunded between 30% and 55% of their costs including general expenses, qualified labor, and post production costs. These incentives have the ability to attract more artists and artistic ventures to the area and could be beneficial to Marlborough, whose Milton Piers has previously attracted the attention of a European soap opera which filmed a few scenes there.

**Archaeological Survey** - Results of archaeological surveys for proposed or completed development projects offer insight into Native American activity in Marlborough. An archaeological Survey in the Marlboro Hamlet yielded projectile points, tools, stone flakes, and pieces of fire-cracked rock in low densities suggesting seasonal hunting and temporary encampment from the Archaic period (8,000-1,000 years before European contact (BCE)) to Early Woodland (1,000-200 BCE) period. An archaeological survey at Milton Landing yielded no Native American evidence and noted little likelihood for finding any based on soil disturbance from railroad and industrial construction. However, documented Native American sites directly across the Hudson River from the Hallock and Lattintown creeks suggest they were possible river crossing sites. New York State archaeology protection protocols preclude mapping archaeological site locations.

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**Marine Archaeology** - Hudson River waters off Marlborough include several abandoned historic shipwrecks. U.S. National Oceanic and Atmospheric Administration (NOAA) nautical chart 12347 indicates four shipwrecks off Marlborough, one south of Lattintown Creek, and three to the north near Peg's Point including what appear to be several barges lashed together. The waters off Peg's Point also cover the remains of the sidewheel steamboat *Trojan*, later *New Yorker*. The 317 ft long, steel-hulled *Trojan* was built at Newburgh's Marvel Shipbuilding Company in 1909 for the Citizens' Steamboat Company's New York-Troy "Citizens' Line." It eventually came under ownership of Samuel B. Rosoff's "Night Line," and was the last operating Hudson River "night boat" between NYC and Albany. It was renamed the *New Yorker* in 1939 under Rosoff's New York Harbor Steamship Company to ferry passengers between Battery Park and the New York World's Fair. In fall of 1939 it was docked in winter quarters off the Rosoff Sand & Gravel pit, now Copart Auto Auction, in Marlborough. The steamship caught fire on March 1, 1940, burned to the hull and sank. The *New Yorker* hull, sidewheels and engine walking beam survive intact. The waters off Peg's Point also conceal the wreck of a sloop that sunk after colliding with the steamship *James Baldwin* sometime before 1865. The remains of that sloop and the *New Yorker* were mapped using high-resolution multibeam echo-sounding sonar as part of a survey, *Exploring the Maritime History of the Hudson River: The Importance of Hudson River Shipwrecks* by the NOAA Office of Ocean Exploration in 2004-2007.

## **H. Community Facilities and Services**

**Water and Sewer** - Municipal water and sewer service is available throughout the hamlets. Water service continues out of Marlboro hamlet along South Street to Lattintown Road and south to the Newburgh town line. Water and sewer service is not available along Route 9W south of Marlboro hamlet. A sewer treatment plant is located on Dock Road, between Marlboro hamlet and the Hudson River. Recent infrastructure upgrades in the Milton hamlet now incorporate water and sewer on Main Street and the surrounding roads. The town and individual developers have been working to extend sewer infrastructure to enable increased density for business and housing opportunities in and around Milton hamlet.

Water is supplied to the town of Marlborough from two sources. One water source is the New York City Delaware aqueduct where the Marlborough Water district has its own tap into the aqueduct. The aqueduct is supplied with water from four reservoirs in the Delaware watershed in the Catskill Mountains which is controlled by the New York City Department of Environmental Protection. In addition to the town's own tap of the aqueduct, in 2000, the town completed an interconnection with the town of Newburgh to utilize water from their tap of the aqueduct. The town has contractual rights to purchase a specified amount of water from the Town of Newburgh. The second source of water for the Town of Marlborough is the Chadwick Lake Filter Plant in Newburgh which sources its water from the Chadwick Lake reservoir. This reservoir is used during aqueduct shutdowns. The Delaware Aqueduct facility has the capacity to supply 6 million gallons of water per day. As of 2013 the treatment takes place at the aqueduct tap. The Chadwick Lake Filter plant has a treatment capacity of 3.2 million gallons per day. In addition to treatment

for potability, the water is also treated with fluoride for dental health and with phosphate based corrosion inhibitors to reduce corrosion of the distribution systems and reduce the leaching of lead and copper from private plumbing.

The Marlborough Water District serves approximately 3,480 people through 1,265 service connections. The service area tends to be the more densely populated areas of the town such as the Route 9W Corridor and the residential areas in the vicinity of the Marlboro and Milton hamlets. In 2015, approximately 170 million gallons were distributed with about 5% being unaccounted for leaks, water main breaks, firefighting consumption, system flushes, etc.

The Town of Marlborough has two sewer improvement areas each with their own treatment facilities located in the hamlets of Marlboro and Milton. The town operates and maintains these two wastewater treatment plants which are located in and serve their respective hamlets of Milton and Marlboro. The Marlboro plant treats approximately 110,000 gallons of wastewater per day and the Milton plant treats approximately 30,000 gallons of wastewater per day.

The Marlboro Sewer Treatment Plant has an average daily flow capacity of 175,000 gallons per day and discharges to Lattintown Creek, a tributary to the Hudson River. The Marlboro Sewer Improvement Area was established in 1980-1982 and included the installation of a wastewater collection system throughout the hamlet and the construction of a wastewater treatment facility on Dock Road. Wastewater collection extensions were constructed for Jackson Avenue and a portion of Western Avenue in 1990-1992. The Marlboro Sewer Improvement area includes approximately 316 residential users, 53 commercial users, and 12 institutional users.

**Municipal Stormwater** - The town of Marlborough is a designated MS4 municipality and as such has a program in place to manage stormwater. The infrastructure of the stormwater systems generally consist of stormwater conveyance systems such as pipes and swales, and water quantity and quality mitigation appurtenances such as stormwater retention and detention areas. These are in addition to the natural stormwater resources of the town such as wetlands, streams, and water bodies.

**Roadways** - New York Route 9W is a north-south connector that is classified as a Principal Arterial roadway that runs along the eastern portion of the town. It is the most important traffic artery in the town and the only one that experiences any significant traffic congestion. Both the Marlboro and Milton hamlets are located within the 9W corridor, although Milton is set slightly east, decreasing the amount of through traffic in the hamlet while 9W runs directly through Marlboro hamlet and serves as its main street.

Other roads of importance are Lattintown Road, running north and south through the center of Marlborough, Plattekill Road and Milton Turnpike which run east and west, and U.S. Route 44/55 which crosses the northwest corner of the town (**See Map 6**).

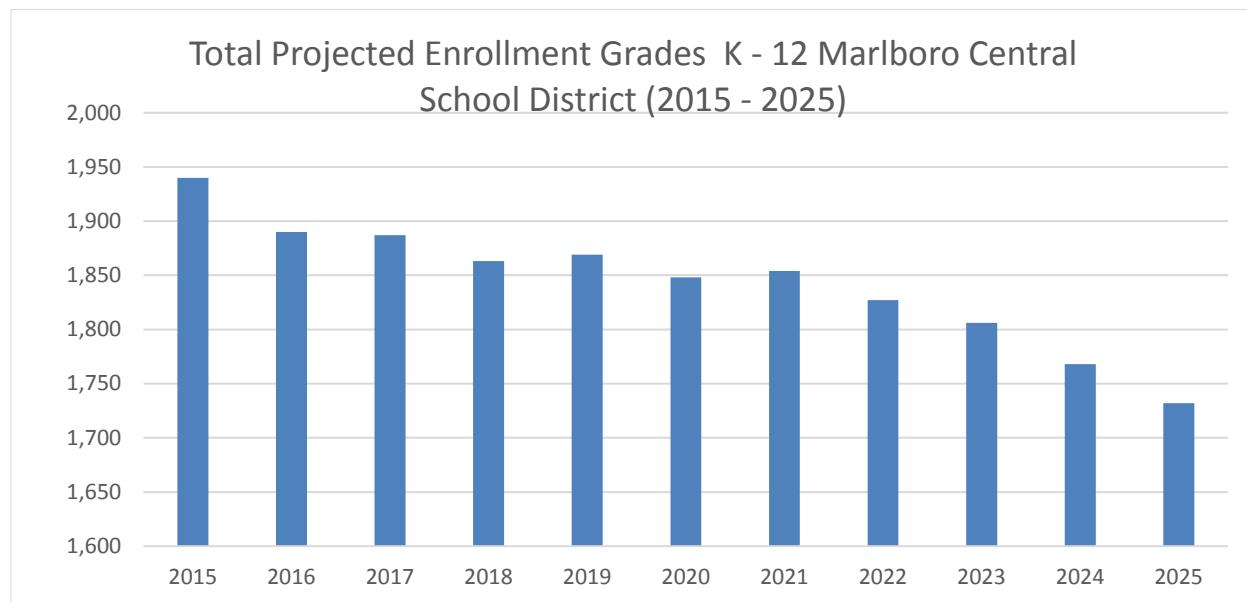
**Schools** - The Town of Marlborough is served by two school districts; Marlboro and Highland. Approximately 95% of all parcels within the town are within the Marlboro School District. The

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school district has three buildings, the elementary, middle, and high school which house nearly 2,000 students from the Towns Marlborough and Plattekill in Ulster County and the Town of Middle Hope in Orange County.

In 2013, amidst budgetary concerns, the Marlboro Board of Education voted to close two of the three elementary schools in the district and to consolidate services.

Enrollment in the Marlboro School District is affected by numerous factors including birthrates, home sales and construction, and enrollment in non-public or charter schools. At its historical peak in 2005, the Marlboro Central School District had 2,137 students enrolled. By 2015 enrollment fell by 9.2% and this trend is expected to continue through 2025 when enrollment is projected to have decreased by 10.7% (Marlboro Central School District, June 2016).



Data collected from the Marlboro Central School District – Demographic Study, June 2016

Year	Grade K - 5	Grade 6 - 8	Grade 9 - 12	Total K - 12
Actual 2015	868	438	634	1,940
Projected 2016	851	437	602	1,890
2017	826	474	587	1,887
2018	795	479	589	1,863
2019	803	465	601	1,869
2020	778	459	611	1,848
2021	762	447	645	1,854
2022	758	443	626	1,827
2023	750	421	635	1,806
2024	749	401	618	1,768
2025	728	414	590	1,732

Data collected from the Marlboro Central School District – Demographic Study June 2016

**Parks** - There are currently two established parks within the Town of Marlborough, the Cluett-Schantz Park and Milton Landing. The Cluett-Schantz Park is the larger of the two, encompassing approximately 20 acres with sports fields and walking paths. Milton Landing is much smaller and primarily used for access to the river. A third, Milton Riverfront Park, will soon be established on a large parcel adjacent to Milton Landing with facilities for community events and hiking trails.



Cluett-Schantz Park is Marlborough's largest established park.

The town recently acquired a 14.5 acre site, formerly the home of a Suburban Propane storage facility. The site has been remediated and will soon be the home to the Milton Riverfront Park. Adjacent to the 14.5 acre park site is Milton Landing, a 2.5 acre park operated by the town and home to the restored Milton Train Station and a pier that is used by the public for recreational fishing. When fully restored, the train station will be used for community events like meetings, dances and educational programs. The town has recently secured grant monies to complete the renovation of the train station and has conducted a feasibility study on the park's southern pier to evaluate its restoration potential and the potential for a deep water docking facility at the site.

**Pedestrian and Bicycle Transportation** - Most pedestrian traffic within Marlborough occurs in the hamlets where pedestrians often face an inconsistent network of sidewalks and crosswalks with minimal buffers from traffic. Wide roadways make pedestrian crossing difficult with limited pedestrian accommodations. Portions of the sidewalks within the hamlets have been updated to meet current ADA guidelines; however, some areas are still lacking those amenities. The recent Safe Routes to School Study (2016) prioritizes areas of need for pedestrian infrastructure throughout the town.

Locations recommended for sidewalk installation:

- Route 9W between Old Post Road and Young Avenue
- Dubois Street
- Orange Street
- Bloom Street
- Birdsall Avenue
- McLaughlin Drive Purdy Avenue

Locations recommended for crosswalk installation:

- Birdsall Avenue and 9W (West)

- Orange Street and Western Avenue (East)
- Purdy Avenue and 9W (West)
- Birdsall Avenue and Prospect Street (East)
- South Street and Bloom Street (North, East, South, West)



Pedestrian improvement recommendations for Marlboro Middle School Campus.

Source: Alta Planning + Design, 2016

The main thoroughfare, Route 9W is generally challenging for pedestrian and bicycle activity due to heavy, fast moving traffic. In many parts of 9W, the shoulder is wide enough to accommodate a designated bike lane or to extend the sidewalk as part of future roadway upgrades. Pedestrian access to the riverfront is limited by steep slopes and train tracks. At-grade crossings provide the only access to the Milton Landing piers and the marinas in Marlboro.

**Public Mass Transit** - There is no significant mass transit facility in the town; however, the Ulster County Area Transit (UCAT) makes two daily stops in Marlboro hamlet via the Kingston-Poughkeepsie-Marlboro route with a connection to the Poughkeepsie Train Station for Metro North Service. UCAT also provides Para-transport for seniors and those with disabilities throughout the county.

**Parking** - Parking availability is a concern of citizens and business owners in the town. The majority of parking occurs around the hamlet centers. In April 2008, a parking study was conducted in the Marlboro hamlet and included observations of both on and off-street parking. The study indicated that within the hamlet center there are a total of 215 parking spaces. Of which, 83 are on-street and 132 are in parking lots. The peak demand time for parking occurred between 12:00 and 12:30 p.m., when 44% of the total supply was occupied. The parking study

shows that overall parking supply in Marlboro hamlet is adequate although pedestrian connections from the parking areas to places of interest in the hamlet should be improved. Milton hamlet has some on-street parking and there are opportunities for shared parking lots with the church and fire station.

## **I. Water-Dependent and Water-Enhanced Uses**

**Existing Water Use Patterns** - The Hudson River plays an integral role in the town's past and present; however, public access to the river remains limited and is prevented in many areas by the CSX rail line that runs parallel to the river's shores and few at-grade crossings, as well as the very steep grade along its shore. The town has a history of shipping on the Hudson River where steamboats and tugboats once docked at Milton Landing. Since shipping practices have moved away from water-based modes of transport and placed on roadway freight travel, the facilities on the water are no longer adequate for docking large vessels and commercial shipping is no longer an existing use in the town. The Marlborough waterfront now is used primarily for recreational boating and fishing from the Milton Landing piers and the marina in Marlboro.

**Water-Dependent Uses** - These uses are a business or other activity that can only be conducted on, in, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water. In Marlborough water-dependent uses are limited to recreational boating and fishing at Milton Landing, Marlboro Yacht Club, and West Marine located at Marlboro Landing. In early 2016, the town received a grant to perform a feasibility study for the restoration of the southern pier at Milton Landing to operational use. If restored, the pier would have the capabilities to provide a deep-water mooring location for larger craft, and enhance opportunities for water-based recreation, tourism and education.



The southern pier at Milton Landing. Image courtesy of Matt Kierstead.

From 1939 until 2001, Suburban Propane used a 14.5 acre property on the riverfront to store petroleum that was transported by ships and barges up the Hudson River. The site's access to deep water allowed large vessels to connect to a pipeline that pumped petroleum across the rail line up to aboveground storage tanks located on the upper part of the property. In 2001, the storage facility was dismantled and the storage tanks were removed. A remediation plan approved by the DEC was completed in 2006. In 2009, in collaboration with Scenic Hudson and The Trust for Public Land, the Town of Marlborough acquired this property which will soon be the home to the Milton Riverfront Park.

**Water-Enhanced Uses** – Water-enhanced uses are a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public's uses associated with the direct access to the water, but whose riverfront location adds to the public's use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses. In Marlborough, at present, there are many more of these uses associated with the river than there are water-dependent uses. These uses include the Milton-Riverfront Park and the newly renovated Milton-on-Hudson Train Station. Areas within the town with views of the river, including restaurants and hotels, should also be considered water-enhanced uses.

**Existing Ownership Patterns** - Land on the riverfront is almost entirely in private ownership with the exception of the Milton Riverfront Park which was recently acquired by the town from Suburban Propane and the Milton Train Station area. The existing CSX freight rail line along the river creates an additional barrier to access as it runs along the river for the entire length of the town.

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There are many properties located between Route 9W and the riverfront that are classified as vacant by the New York State Office of Real Property Services including the former Tilcon New York, Inc. site located south of Marlboro hamlet. These properties should be explored as potential opportunities for development and to increase public access to and enjoyment of the Hudson River.

## **J. Analysis**

Numerous issues and opportunities have been identified within the LWRP area by analyzing the existing uses and conditions and meeting with community groups and the advisory committee.

Marlborough's waterfront areas contain many of the uses common to the older Hudson River towns including the rail line that runs the length of the town along the river, historic buildings, deteriorating waterfront uses, lack of access to the waterfront, and lingering industrial uses along the riverfront. The riverfront also contains large swaths of undeveloped land although much of it is privately owned.

In the upland areas of the town, agriculture is the predominant land use and contributes to the economic base and the unique character of the town. In Marlborough, like many towns in New York State, active farmland is declining as farmers are aging without successors, and the increasing values of land makes selling to developers an attractive option for some. It is important for the town to establish programs and policies which provide support for farmers to ensure this valuable resource is retained and enhanced as much as possible.

**Mid-Hudson Regional Economic Development Priorities** - Marlborough's economy is a key contributor to the region's prosperity. For example, in the agricultural sector, Hepworth Farms, established in 1818 is a seventh-generation family farm that operates on a "whole systems approach" with over 400 acres of Northeast Organic Farming Association (NOFA)-certified production land yielding more than 400 varieties of organic vegetables. They specialize in tomatoes, peppers, eggplant, zucchini, cucumbers and many varieties of greens. (Recently, Hepworth Farms was awarded \$300,000 in funding support from New York State to be used for property acquisition, renovation, and purchase of machinery and equipment to expand farm operations.)

The Hepworth Farms operation together with the other agricultural operations throughout the town produce millions of dollars of high-quality agricultural products on lands that have been in production for many generations and even once fallow lands are being redeveloped back into production.

The Mid-Hudson Regional Economic Development Council has identified the "food and beverage manufacturing supply chain" as a manufacturing-based industry cluster for the purpose of state's manufacturing extension program. Employment in this sector grew about 40% in the past 10 years in the Mid-Hudson region with average earnings at more than \$70,000. Example industries that are well matched to the town's agricultural base include:

- Fruit and vegetable preserving and manufacturing specialty
- Animal food manufacturing
- Bakeries and tortilla manufacturing
- Dairy products manufacturing
- Food product machinery
- Sugar and confectionary product

Example products include:

- Canning and bottling
- Farm-to-table
- Specialty foods
- Nutrients and food ingredients
- Neutraceuticals

Opportunities for local companies in the food and beverage supply chain to potentially secure financial and other support through the state's economic development programs include:

- Assistance to companies and entrepreneurs to process and test food products.
- Participate in the outreach program of the Hudson Valley Technology Development Center (HVTDC) including seminars, events, and business assessment programs.
- Investment in expansion of companies in the Mid-Hudson region through the consolidated funding application (CFA) process.
- Assistance to regional food and beverage producers including the newly identified craft brew industry cluster.
- Continue and expand promotional tools through Hudson Valley Tourism.

Marlborough's local waterfront revitalization program advances priorities set forth in the Mid-Hudson region's Upstate Revitalization Plan to "Live, work and play":

**Live:** Investing in City, Town & Village Centers - The LWRP seeks to revitalize the hamlet centers in Milton and Marlboro.

**Work:** Agriculture, Food and Beverage – The LWRP seeks to continue to promote and expand these important parts of the local and regional economy.

**Play:** Premier Regional Tourist Destination - It builds upon the 100,000-plus annual visitors to the Shawangunk Mountains and along the Shawangunk Wine Trail that runs through the town, the visitors to the other farm operations, and the growing tourism and arts industry in town including the Buttermilk Falls Inn, and the Falcon among other attractions. This plan will help identify additional catalyst tourism development opportunities for food, lodging, and related new investments in the hamlets and along NYS Route 9W.

Tourism is considered an "export" industry to the extent to which dollars from outside the town and region come into the local economy from visitors. The export of products such as wine,

produce, and locally-manufactured goods can be supported by the state trade export promotion (STEP) program. This program is a 3-year pilot trade and export initiative that makes matching grants for states to assist "eligible small business concerns" enter and succeed in the international marketplace. There may be good opportunities for local firms to expand their market internationally through this and other trade development programs in the future.

**Agricultural Economic Development and Farmland Protection** - In a report by Nelson Bills and Todd Schmidt of Charles H. Dyson School of Applied Economics and Management Cornell University, the challenge is summarized as follows:

"To remain successful, agricultural producers and associated agribusiness firms need to effectively and continuously adapt to changing economic conditions, consumer preferences, and technological advancements. To that end, firms are seeking innovative methods to attract new and growing markets for their commodities and products, vertically integrate their operations in both upstream and downstream markets, invest in value-added consumer-driven activities, and develop domestic and international joint ventures and strategic alliances. These activities suggest growing farm-to-food developments at the farm, as well as increased interaction and coordination with others in the agribusiness industry." (Agriculture-Based Economic Development in NYS: Trends and Prospects, 2012).



Farmland vistas are an important element in the Town of Marlborough. Image courtesy of Matt Kierstead

The agriculture community in Marlborough has incorporated many of these concepts as noted above and that is part of the reason for their continued success. In the Mid-Hudson region, over 100,000 people are employed in what has been called the

"agriculture and

food systems" industry which includes agricultural producers, agricultural support businesses, and food and beverage manufacturing (e.g. bakeries, breweries, wineries, etc.), food and beverage retail, and eating and drinking establishments. Clearly, from this broad perspective lies a tremendous opportunity for continued employment growth and economic development in the town of Marlborough.

**Promote and Enhance Agritourism Operations** - Agritourism encompasses a wide variety of on farm activities including educational events, tours and pick-your-own opportunities. The practice allows farmers to generate additional income from existing farm assets, moderate seasonal income fluctuations and expands on-farm employment opportunities. In addition to benefiting individual farmers, agritourism generates direct economic opportunities for other businesses within the local economy like inns, bed and breakfasts and eateries.

Agritourism is a strong attraction for town organizations like *Meet me in Marlborough* and the *Shawangunk Wine Trail* which draw visitors from New York City and around the region for winery tours, pick-your-own days at local farms, and farm-to-table dining. The Meet me in Marlborough Farm Trail has been designated a New York State Farm Trail by the Department of Agriculture and Markets. This designation allows for the posting of signs along the state and county highways. An integrated system of wayfinding signs along major transportation routes directs visitors to area farms and enhances the programs that are already in place.

The Hudson Valley is one of the country's oldest wine making and grape growing regions, and grapes have been cultivated in the area since the late 1600s. Today, the region has been declared one of New York's four American Viticultural Areas recognized by federal Alcohol and Tobacco Tax and Trade Bureau. There are more than twenty operating wineries in the Hudson River Region and the Town of Marlborough is host to seven vineyards and wineries including Benmarl Winery at Slate Hill Vineyards in Marlboro hamlet which holds claim to being America's oldest vineyard. Other wineries in the town include Nostrano Vineyards, Royal Kedem Winery, Stouridge Vineyard, Glorie Farm Winery, Brunel & Rafael Winery, and Weed Orchards and Winery.

New York is the third largest wine and grape producing state in the country. According to a recent economic impact study, the wine industry attracts 5.3 million tourists to the state annually and is responsible for a \$4.8 billion economic impact statewide (New York State Agriculture and Markets Annual Report, 2014). In Marlborough, vineyards and wineries provide attractions for the agritourism market while the open space provided by active farmland provide scenic views to the public, and contributes to water quality and habitat protection for wildlife.

The town's policies and goals should reflect the importance of agriculture in the town. Between 2008 and 2015, properties classified as Agricultural decreased by more than 6% while Residential properties increased by approximately 4% over the same time period (New York State Office of Real Property Tax Services). In 2002, the town adopted a Right-to-Farm law which protects a farmer's ability to conduct farm operations. Community groups like *Meet me in Marlborough* provide resources for farmers and information on agritourism opportunities in Marlborough. To advance these efforts, the town should explore ways to further promote agritourism and other accessory farm businesses like farm stands and on-site value added processing.

Programs to enhance agriculture within the town such as expanding agritourism, encouraging farmers markets, and on-site retail operations as well as exploring programs like transfer of development rights (TDR) and purchase of development rights (PDR) would help landowners to derive capital from their land while keeping it in agricultural use.

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TDR is a technique used to permanently protect farmland and other natural and cultural resources by redirecting development that would otherwise occur on these resource lands to areas planned to accommodate growth and development. Landowners within valuable agricultural and resource areas are financially compensated for choosing not to develop some or all of their lands. The right to build a house or other structure is transferred from an area where development is discouraged (the "sending zone") to an area where development is encouraged (the "receiving zone").

PDR is a voluntary program which involves purchasing a farmer's development rights which financially compensates willing landowners for not developing their land. Removing the development rights from a property not only provides the current landowner with a mechanism to derive capital from the land, but makes the possibility of purchasing the land more accessible for a new farmer. By removing the development potential, the land can be purchased at the lower agricultural value by someone seeking to continue farm operations on the property.

Overall, public support for farmland protection is strong. A 2011 public opinion poll of likely voters in New York State found that voters feel that the government has a responsibility to fund conservation projects, even in bad economic times. In the poll, 76% of voters indicated that protecting working farmland was "extremely important" (Scenic Hudson, n.d.). The same poll found that local voters would support legislation giving them the opportunity to vote on local ballot initiatives to fund economic development and conservation programs. Also, given the opportunity, three in five New York voters would increase their local sales tax to fund regional economic development programs including local conservation projects.

**Agriculture and Farmland Protection Program** – New York State's Agricultural and Farmland Protection Program was formed under Article 25-AAA of the Agriculture and Markets Law in an effort to encourage further development of agriculture and farmland as part of the NYS Legislature's constitutional mandate to provide for the protection of agricultural lands. These programs, at the initial stage, help counties and municipalities plan for the future of agriculture in their communities. In later stages, it funds programs to implement these plans to keep agriculture strong and farmland in production.

An adopted agriculture and farmland protection plan works to assess acreage, sets goals for farmland preservation and identifies opportunities to enhance agriculture and provides a means to track progress towards these goals while providing a strong basis for decision making for the town. Not only do these plans help establish agriculture as a critical land use in the town through local policies, they also develop a framework for the town to promote farming and agritourism, and better position the town and local landowners to receive state and federal monies for farmland conservation.

The New York State Department of Agriculture and Markets offers Farmland Protection Planning Grants (FPPG) which assist municipal governments in the development of agricultural and farmland protection plans. These plans recommend policies and projects aimed at maintaining the economic viability of the agricultural industry throughout the state and its supporting land base.

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**Value-Added Processing Facilities** - Direct market and value-added products are two of the best strategies farmers can employ to improve net profitability. Value-added processing offers farmers the potential to capture a larger share of the food dollar which has been decreasing in recent years due to a shift in consumer preferences to ready-to-eat foods. Shared use facilities allow farmers to purchase equipment cooperatively so that the cost is distributed. This model is also beneficial for products which require a commercial kitchen or other regulations for production.

**Other Funding Options** - Overall, public support for farmland protection is strong. A 2011 public opinion poll of likely voters in New York State found that voters feel that the government has a responsibility to fund conservation projects, even in bad economic times. In the poll, 76% of voters indicated that protecting working farmland was "extremely important" (Scenic Hudson, n.d.). The same poll found that local voters would support legislation giving them the opportunity to vote on local ballot initiatives to fund economic development and conservation programs. Also, given the opportunity, three in five New York voters would increase their local sales tax to fund regional economic development programs including local conservation projects.

**Undeveloped and Underutilized land** - Many of the vacant lots within the town are residential and it should be assumed that future residential development will occur where these lots are located. As such, the town should review the zoning code as a future project to ensure new development is consistent with the future vision and goals of the town.

The former Tilcon Minerals site located at in the southern portion of the town represents an underutilized riverfront property that should be evaluated for potential redevelopment opportunities.

**Improve Public Access to the Riverfront** - Multiple town plans have echoed the need to improve accessibility to the riverfront. The railroad dominates the riverfront, limits public access to the river and has hindered efforts to link Marlboro hamlet and Milton hamlet—the "hamlets of Marlborough" to the riverfront. In addition to the railroad tracks, public access is hindered by steep slopes and private ownership along the waterfront. Public access is allowed in both Milton and Marlboro where there are two at-grade railroad crossings near the harbor areas. Active traffic control devices have proven an effective method of improving safety and operations at railroad grade crossings. The town and other partners have been working diligently over the past many years to improve both physical and visual public access to the river. The Town can



Railroad tracks running along the waterfront area are a hindrance to public access. Image courtesy of Matt Kierstead

work with CSX and the Federal Railroad Administration to explore various fencing options that will preserve the views of the Hudson River while maintaining safe public access across the railroad tracks.

The public desires increased public access to the waterfront for water dependent outdoor recreational purposes. The city holds the land surrounding the Milton Train Station and has recently acquired the adjacent 14.5 acre lot through partnerships with non-profit organizations. This new property will become the Milton Riverfront Park, which is a priority project in the New York State Open Space Plan because it provides a means of creating public access to the river.

In addition to the railroad tracks, ownership patterns along the waterfront also decrease the availability of public access sites. The majority of lands along the waterfront are currently in private ownership. The town should seek to acquire additional lands from willing landowners and as parcels come up for sale, in particular in the areas near the Marlboro and Milton landing areas along the waterfront.

**Economic Enhancement of Hamlets** - The "hamlets of Marlborough" were traditionally the social and economic centers of the town. Although they were established at different times under different circumstances, their histories are similar. Both hamlets developed as centers of industry and gathering places for the rural town. Historical maps indicate that prior to the construction of Route 9W, the core of Milton hamlet was once more densely settled than it is now. Marlboro grew in a similar fashion as Milton with industry utilizing the power of the Lattintown Creek. Reestablishing the hamlets as gathering places for the community is vital to their revitalization. The town should continue work with entrepreneurs investing in the hamlets and seek to attract businesses that are needed and appropriate to the hamlet setting.

Investments continue to be made by the town, county, volunteers and private sector to improve the town's hamlet areas. Perhaps the most important theme overall is continued and expanded public-private partnership. These partnerships will increasingly be capable of making the necessary physical improvements and provide events and activities to add to community life for local residents and businesses. A series of continued investments in infrastructure that are needed are very challenging to the town government due to the nature of the improvements needed and the limitations on raising local funds due to

The Cinque Terre (five landings) in Italy have made a world class destination capitalizing on their tremendous scenery, history, cuisine, and the pedestrian-friendly atmosphere in each town. The towns are connected by a dramatic and popular hiking path.

Image courtesy of Mike Albrecht.



tax cap limits and fiscal restraint, hence it will likely be required that most large projects would need grant or other outside funding. Ideally, the town will be able to find a way to set aside funds for matching these grants to increase the local capacity to get improvements completed.

**Connectivity between the Hamlets** - The hamlets of Marlboro and Milton are within the same town, but very much separated physically. Establishing complementary services and other ways to connect the hamlets would serve to attract residents and visitors alike.

The Hudson River Greenway Water Trail has an established "Trailhead" at Milton Landing for the launching of non-motorized watercraft. Establishing a similar facility at the Marlboro docks would increase connectivity between the hamlets. Other concepts to explore include establishing a bike trail/path off 9W as much as possible connecting the hamlet and explore the interest and feasibility of a river view or riverfront path.

**Improve Pedestrian Accommodations** - The term "walkability" refers to the ease and enjoyment one experiences when walking around a community. Creating an environment where pedestrians feel more comfortable walking can lead to a number of benefits for the community. A walkable community can aide in stimulating an economy by attracting new businesses and tourists to the area which in turn can lead to job creation. Overall, businesses prefer to locate in more walkable communities, in fact, investments in pedestrian infrastructure have been tied to increases in retail sales and decreases in storefront vacancies. Additionally, when streets are more walkable, residents are happier, healthier, and more connected to their communities (Croft, 2014).

More walkable hamlet areas can complement the agritourism economy that already exists in Marlborough by attracting visitors not only to wineries and farms but also to the hamlets to visit local businesses and restaurants. An integrated system of strategic wayfinding can be implemented to guide visitors between areas of interest including wineries, farm stands, local businesses and public parks.

**Enhance and Protect Scenic Vistas** - Although physical access to the river is often hampered by the topography of the town, the visual access to the river is enhanced by town's topography that rises up to 1000 feet in the

Historic preservation and economic development are great partners in revitalizing local economies. One of the best examples of the rebirth of a small city can be learned from the Saratoga Springs story. In the 1960's and 70's, Saratoga was suffering from high unemployment, disinvestment, and old buildings neglected and losing value. By partnering preservation with entrepreneurship, the city has made a 180-degree turn around.



Marlborough Mountains and along the slopes and highpoints throughout the town. The areas within the town with scenic vistas should be identified and enhanced through tree trimming and beautification practices. The creation of viewing areas with benches and other amenities would further enhance public enjoyment.

**Protect Historic and Cultural Resources** - Marlborough's LWRP area includes many historic properties that are important to the town. Buildings and structures that are presently listed on the National Register of Historic Places include the Chapel Hill Bible Church, Christ Episcopal Church, the Dubois-Sarles Octagon House, the Elliot-Buckley House, Lattingtown Baptist Church, Milton Railroad Station and Shady Brook Farm. Many other buildings, landscapes, structures and objects like the Raccoon Saloon and the Benmarl Winery are not listed on the Register, but still provide important historical significance for the town. Efforts should be made to identify, designate, protect and preserve these properties that hold historical relevance for Marlborough.

Marlborough has a rich history and is a treasure trove of historic properties. These could be documented on a formal basis by conducting a historic resource survey to determine the importance, nature and geographic extent of historic resources in the town. At the New York State level, Federal preservation legislation and review is administered by the Office of Parks, Recreation and Historical Preservation (OPRHP). Locally, the Town of Marlborough has participated in the environmental review process in reaction to proposed local projects and steps should be taken to take advantage of the benefits of historical preservation planning or programming opportunities.

**Cultural Resource Survey** - Marlborough's latest official historic buildings survey was conducted in 1969. Marlborough should consider conducting a new survey to identify all historic buildings and structures and all prehistoric and visible historic archaeological sites. These resources should be located, researched, photographed, described and mapped according to current accepted OPRHP methodologies and entered into OPRHP's CRIS database. The survey should include a report containing a local history context narrative, recommendations including a list of properties for evaluation for National Register listing, and discussion of appropriate applicable historical preservation planning incentives and programs such as preservation tax credits and easements. Educating property owners about the benefits of the survey, and also preservation planning, the protection advantages of National Register listing, rehabilitation tax credit incentives, etc. will be important for gathering local support for funding the survey, which could be followed up with public conversation with the community about the benefits of creation of National Register Historic Districts.

**Archaeological Site Protection** - Marlborough has several identified Native American archaeological sites and potential to contain many more. Marlborough's Hudson River waters host several marine archaeological sites. Marine archaeological sites are an important and dramatic component of Marlborough's history and cultural resources, and are protected under New York Navigation Law and the Abandoned Shipwrecks Act. The presence and sensitivity of

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marine archaeological sites should be recognized and protected from threats ranging from looting by divers to dredging for navigation, proposed docks, and other development in the LWRP area.

**Public History Interpretation and Heritage Tourism** - Like agricultural tourism, Marlborough's unique history presents an opportunity for the town to attract new visitors through history interpretation and heritage tourism. It is a widely-recognized phenomenon that communities with public trails and historical sites are more attractive to home buyers, and that trails have significant public physical and mental health benefits. The Marlborough Economic Development Committee is planning a "Marlboro Mills Waterfall Walkway" following Lattintown Creek that will include interpretation of local history themes including the mills and early industries and the farms-to-river port connection. The Milton Landing Committee is planning a trail system and park improvements in that Hamlet. These trail systems will increase public open space access and reconnect the commercial villages to the Hudson River waterfront. These trail routes pass through historic business districts, landscapes and industrial ruins that could become destinations for visitors and residents interested in learning about Marlborough's history while exercising and enjoying views of the Hudson River.

The benefits of historic preservation are many. Recognition of history through restored buildings and streetscapes demonstrates a tangible sense of community pride to people visiting or passing through a town. Enhancement of community appearance and character is part of "placemaking" which can create destinations for heritage tourism and increased commercial activity. Significant tangible benefits can be realized through the Federal and New York State historical rehabilitation tax credit programs. Tax credits are available for owners of National Register-listed income-producing properties. Rehabilitating an existing building can be less expensive and more attractive than new construction. One of the more tangible opportunities can be realized as part of a revitalization project. For example, the Montour House, a historic former hotel built in 1854 in Mountour Falls in Schuyler County underwent major renovations to be converted into retail and residential uses. The approximately \$1.0 million rehabilitation investment was offset by \$400,000 in federal and state tax credits available due to the property's designation on the National Register of Historic Places and its location in a low income census tract. New York State also offers historic preservation tax credits for qualified renovations of residential properties regardless of location.

**Environmental Concerns** - The Hudson River estuary is a part of a sensitive ecosystem that should be protected and restored whenever possible. Development on Marlborough's riverfront should take into account the five actions recommended in the NYSDEC's Hudson River Estuary Habitat Restoration Plan of 2014:

- Preserve existing estuary habitats and adjacent uplands where wetlands may become established as sea levels rise;
- Restore side channels, vegetated shallows, backwater and other habitats altered by dredging and other human activity;
- Implement fish passage, dam removal, and culvert right-sizing projects in Hudson tributaries;
- Promote use of ecologically enhanced shoreline stabilization methods of protecting property, infrastructure, and other assets;
- Implement programs to control and prevent introduction of invasive species (NYSDEC, 2015).

The Atlantic Sturgeon has been chosen to represent the symbol of the Hudson River Estuary Program of New York State Department of Environmental Conservation.

Marlborough's reach of the river is one of the largest spawning areas for Atlantic Sturgeon and provides wintering habitat for Shortnose Sturgeon. (Image NYSDEC)



**Fiscal Issues** - Property taxes are an increasing burden on property owners yet provide the primary source of revenue required to provide local community services. Education services are the largest single expense to the local property tax payer. The Marlboro Central School District relies upon the local tax levy for approximately 68 percent of its revenue requirements and, short of legislative changes to school aid formula, is expected to continue around that same proportion over the coming years. It will be increasingly important for the community to work with its state representatives to secure modifications to the school aid formula so that district taxpayers are relieved of this tax burden which is perceived as a major constraint to economic development in the town.

Further, the town will need to continue to seek commercial and other net tax generating enterprises to help increase the town's tax base. At the same time, incentive programs that will help attract new job-creating enterprises to the town should continue to be utilized to diversify the town's economic base.

**Demographic Issues** - Three trends that need to be considered include:

1. The sharp projected decline in enrollment in the Marlboro Central School District.
2. Projected relative decline in the "under 40" population.
3. Projected increase in the senior and elderly population.

These trends are not unique to Marlborough, but they are important to the town nonetheless and can contribute to increasing challenges in terms of the cost of community services for education and well-care for an aging population. Addressing these trends proactively will take increasing,

multi-level efforts to encourage new and young households to remain/move into town, to reduce the cost of home ownership/home rental and to increase the base of younger generations to balance the growth of an aging population and provide the needed services for these populations.

**Zoning & Land Use** - Overall, the current zoning and land use patterns strongly help to support the agricultural theme of the town, with a significant portion of the town allotted for this activity amid rural development. By their nature, these areas are not anticipated to significantly change in character in the near future; however, the town should consider options to reduce the impact of residential development on the farmland and natural woodland habitats and the scenic character of the rural areas in town while at the same time encourage the growth of residential population in town—in particular young households/first-time homebuyers.

The town has witnessed a significant slow-down in growth since the recession hit and has yet to fully recover. Residential permits are far below average. That being said, there seems to be a potential disconnect between the zoning code and the overall vision for the town in that the permitted density in the rural parts of town is quite high considering the potential impact such density, if built out, would have on the rural, agricultural, and natural features of the town. The permitted level of density may also have a negative impact on property values as folks who purchased homes thinking they were in a rural, low-density setting learn that the actual development potential around them is much greater than meets the eye. Equally important is the fact that all land owners have an appropriate need to protect the value of their property. Given that growth pressure is not at the levels of earlier times, the present is a good time to discuss creative ways to review the town zoning code and consider appropriate adjustments that would more appropriately help maintain and strengthen property values, protect important rural resources, and create the overall long-term land use patterns that the property owners desire.

**NYS Route 9W corridor** - The commercial corridor of Route 9W however—which is in many ways the public face of the town to many travelers—is understandably geared toward more commercial growth and is more likely to experience ongoing changes and development/redevelopment over time. The town adopted a set of highway development design guidelines in 2019 to help shape how the corridor is developed. These guidelines address highway access management and safety; plantings, lighting, and landscape treatments; parking; pedestrian environment; connectivity; and overall design goals, aesthetics and opportunities to protect and strengthen the town’s sense of place—which is also important to the economy and for creating a positive setting for investment. It is important for the town to continue to grow and build a sustainable economic foundation, while at the same time being careful not to lose the desired character that is uniquely “Marlborough”.

Some observations of this unique highway character follow (Images run from south to north) — the last image introduces the idea of a shared use path from the Safe Routes to School study (Alta Planning + Design, 2016), sponsored by Ulster County. A shared-use path would more safely accommodate bicyclists and pedestrians separated from the highway/breakdown lanes.

To help protect this character, to maintain the highway function, and to manage highway access while supporting economic development, a complete look at this corridor will be initiated in collaboration with NYSDOT and the Ulster County Transportation Committee as part of an upcoming NYS Route 9W Corridor Study.



## Views

- Open views to the northeast and valley
- Want to showcase farming activity
- Views of creek corridor
- Possible Trail along creek



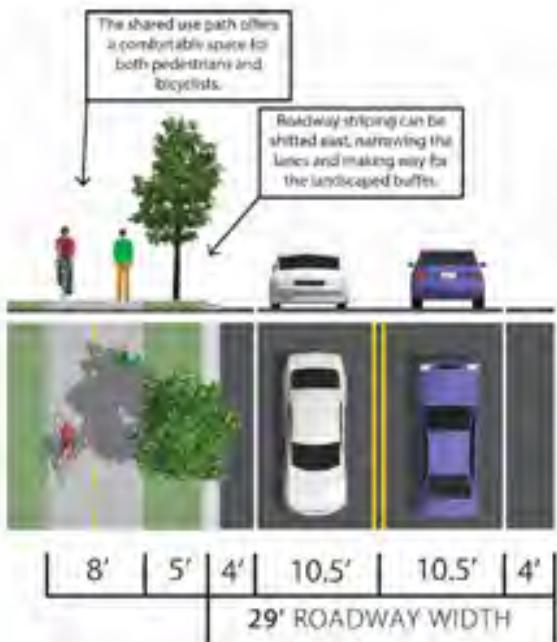
## Vineyard

- Should showcase some vines within sight of roadway to highlight local role in winemaking.
- Potential adaptive reuse of older homesteads as tasting venues or farm to table restaurants.



## Stone Wall Theme

- Attractive stone wall, theme can be continued along corridor.
- Steep slopes on left, rock outcropping.
- Consider bike and pedestrian options



## Shared Use Path

- Marlboro Safe Routes To School Action Plan.
- Proposed from Western Ave up to Young Ave.

Image courtesy Alta Planning + Design

**Additional Local Aesthetic Considerations** - The design of new structures and the redevelopment of waterfront sites should consider the traditional development patterns for guidance as improvements as new construction is planned. Future zoning amendments incorporating design guidelines in the hamlet center areas and along the waterfront and Route 9W corridor should consider the historical context of the hamlets along with the natural and developed character of the area. In the hamlets and harbor areas, commercial buildings should typically be built closer to the sidewalk line while providing appropriate attractive plantings, pedestrian facilities and other amenities to create a setting that is welcoming. The building height and architectural elements should be contextually relevant and compatible with the existing buildings and overall setting. Sidewalks, crosswalks, street trees, and pedestrian scale street lights should be incorporated throughout the hamlet center areas. Where possible, an off-street shared parking area should be formalized in each hamlet with shared parking between establishments and shared access should be sought in order to minimize unnecessary pavement and curb cuts.

Larger structures in the LWRP area should incorporate traditional elements where appropriate including examples from the Hudson Valley's agricultural architectural heritage where appropriate. Where contemporary style of architecture is desired in a new commercial, institutional or multi-family structure, such design should nonetheless be responsive to local architectural traditions that include a prominent entry feature, interesting roof lines, and architectural details that add character and visual interest to the building.

The redevelopment of waterfront sites should not be done on a piecemeal basis but should be guided by a well-considered site development master plan that organizes important features such as access and circulation, preservation of open space and natural features and considers waterfront aesthetics and visual impacts.



The hamlet center areas are the center of commerce and social interaction for the town.

Image courtesy of Vivian Photography

## Section III: Local Waterfront Revitalization Policies

The Local Waterfront Revitalization Program (LWRP) policies presented in this chapter consider the economic, environmental, and cultural characteristics of Marlborough's waterfront. They represent the enforceable policies of the New York State Coastal Management Program for the waterfront area subject to this LWRP (LWRP area). The policies are comprehensive and reflect existing State laws and authorities. They represent a balance between economic development and preservation that will permit beneficial use of and prevent adverse effects on coastal resources. The policies are the basis for Federal and State consistency determinations for activities affecting the LWRP area. Definitions of terms used in the policies appear at the end of the chapter.

The policies are organized under four headings: developed waterfront policies, natural waterfront policies, public waterfront policies, and working waterfront policies.

### Developed Waterfront Policies

**Policy 1: Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.**

**Policy 1.1: Concentrate development and redevelopment in or adjacent to traditional waterfront communities.**

**Policy 1.2: Ensure that development or uses take appropriate advantage of their waterfront location.**

**Policy 1.3: Protect stable residential areas.**

**Policy 1.4: Maintain and enhance natural areas, recreation, open space and agricultural lands.**

**Policy 1.5: Minimize adverse impacts of new development and redevelopment.**

Explanation of Policy 1: The Town of Marlborough's character is defined by open agricultural land and development focused around two hamlet centers and the NYS Route 9W corridor that runs north/south through the town. Marlborough is a town that grew due to its proximity to the Hudson River. Over time however, attention has shifted away from the river leaving a marked disconnect between the two. It is the goal of the LWRP to preserve this community character by reestablishing the community's connection with the Hudson River, revitalizing the hamlet centers and enhancing agricultural uses throughout the town.

The collection of natural, recreational, commercial, ecological, cultural, and aesthetic resources in the community, or landscape, defines its character; and the distribution of developed and open

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lands establishes a pattern of human use that reflects an historic choice between economic development and preservation of waterfront resources.

Development that does not reinforce the traditional pattern of human use would result in an undesirable loss of the community and landscape character of the region. Development, public investment, and regulatory decisions should preserve open space and natural resources and sustain the historic waterfront communities as centers of activity. Water-dependent uses generally should locate in existing centers of maritime activity in order to support the economic base and maintain the maritime character of these centers, and to avoid disturbance of shorelines and waters in open space areas.

The policy is intended to foster a development pattern that provides for beneficial use of waterfront resources. The primary components of the desired development pattern are: strengthening the hamlets as traditional centers of activity, encouraging water-dependent uses to expand in maritime centers, enhancing stable residential areas, and preserving agricultural and open space resources.

Explanation of Policy 1.1: Concentrate development and redevelopment in or adjacent to traditional waterfront communities.

- Maintain traditional waterfront communities and ensure that development within these communities supports and is compatible with the character of the community.
- Focus public investment, actions, and assistance in waterfront redevelopment areas to reclaim unused waterfront land and brownfields for new purposes.
- Locate new development where infrastructure is adequate or can be upgraded to accommodate new development.

Explanation of Policy 1.2: Ensure that development or uses take appropriate advantage of their waterfront location.

- Reserve the immediate waterfront for water-dependent uses and activities.

All uses proposed for the riverfront should relate to the unique character of the riverfront and should be appropriate for the location. Water-dependent uses and activities should be given precedence over other types of development in the immediate waterfront area. Existing water-dependent uses should be protected.

- Accommodate water-enhanced uses where they are compatible with surrounding development, do not displace or interfere with current or future water-dependent uses, and reflect the unique qualities of a waterfront location through appropriate design and orientation.

Development that is not dependent of a waterfront location or that cannot make beneficial use of such a location should be discouraged. Water-enhanced uses may be encouraged where they are compatible with surrounding development and ecological resources and are designed to make

beneficial use of their location along the river, particularly if they reinforce a nearby water-dependent use.

- Avoid uses on the waterfront which cannot by their nature derive economic benefit from a waterfront location.

Development inconsistent with the intended goals of waterfront development should be discouraged.

Explanation of Policy 1.3: Protect stable residential areas.

- Maintain stable residential areas and allow for continued compatible residential and supporting development in or adjacent to such areas.

Two hamlets within the LWRP Area provide nodes of moderately dense residential development and services. The hamlets are vital to the community character and are the historic social and economic centers of the town. It is a goal of this LWRP to revitalize the hamlets of Marlborough to ensure that these areas remain important population centers for the town.

New residential development should be directed to the hamlet areas to take advantage of the already existing utilities and infrastructure. While the hamlets are separated from the river by steep slopes, there are many areas within the hamlets that provide visual connections to the river that should be maintained and improved upon. Additionally, public access improvements like sidewalks, and where feasible, shared use (bicycle and pedestrian paths) should be installed along Dock Road in Milton and Dock Road in Marlboro to better connect the hamlets with the waterfront. These improvements add to the quality of life in the residential areas and enhance public safety.

Explanation of 1.4: Maintain and enhance natural areas, recreation, open space and agricultural lands.

Extensive agricultural resources, wetlands, open spaces, forested hillsides, and the Kingston-Poughkeepsie Deepwater Significant Coastal Fish and Wildlife Habitat make the Town of Marlborough an attractive place to live, leading to continued pressure for development in residential areas of the town. To maintain the rural character, future development should be sited to conserve natural areas and agricultural lands while also providing additional recreational areas and open spaces by proactively planning for their conservation.

- Avoid loss of economic, environmental, and aesthetic values associated with these areas.
- Avoid expansion of infrastructure and services which would promote conversion of these areas to other uses.
- Maintain natural, recreational, agricultural, and open space values

Explanation of Policy 1.5: Minimize adverse impacts of new development and redevelopment.

New development in Marlborough should be directed toward the hamlet areas where there are existing public services and impacts can be minimized.

- Minimize potential adverse land use, environmental, and economic impacts that would result from proposed development.
- Minimize the potential for adverse impacts of types of development which individually may not result in a significant adverse environmental impact, but when taken together could lead to or induce subsequent significant adverse impacts.

**Policy 2: Preserve historic resources of the waterfront area.**

**Policy 2.1: Maximize preservation and retention of historic resources.**

**Policy 2.2: Protect and preserve archeological resources.**

**Policy 2.3: Protect and enhance resources that are significant to the waterfront culture.**

Explanation of Policy 2: The historic resources in the Town of Marlborough are a reminder of the community's history of utilizing the river for shipping and harnessing the power of the streams for milling.

On the riverfront, the historic Milton-on-Hudson Train Station has been restored to be utilized as a community space and mill ruins along Lattintown Creek show evidence of early industrial use of the waterways. Buildings within the LWRP Area listed on the National Register of Historic Places include the Milton-on-Hudson Train Station, the Dubois-Sarles Octagon House, Chapel Hill Bible Church, Christ Episcopal Church, the Elliot-Buckley House, Lattingtown Baptist Church, and Shady Brook Farm. Other historic sites not listed on the register provide important historical significance for the town and should also be preserved, as identified in Section II.G. Inventory and Analysis, Historic and Cultural Resources.

The intent of this policy is to preserve the historic and archaeological resources of the waterfront area. Concern extends not only to the specific site or resource but to the area adjacent to and around specific sites or resources. The quality of adjacent areas is often critical to maintaining the quality and value of the resource. Effective preservation of historic resources must also include active efforts, when appropriate, to restore or revitalize. While the LWRP addresses all such resources within the waterfront area, it actively promotes preservation of historic, archaeological, and cultural resources that have a waterfront relationship.

Explanation of Policy 2.1: Maximize preservation and retention of historic resources.

- Preserve the historic character of the resource by protecting historic materials and features by making repairs using appropriate methods.
- Provide for compatible use or reuse of the historic resource, while limiting and minimizing inappropriate alterations to the resource.

- Minimize loss of historic resources or historic character when it is not possible to completely preserve the resource.
  - Relocate historic structures only when the resource cannot be preserved in place.
  - Allow demolition only where alternatives for retention are not feasible.
- Avoid potential adverse impacts of development on nearby historic resources.

Explanation of Policy 2.2: Protect and preserve archeological resources.

- Minimize potential adverse impacts by redesigning projects, reducing direct impacts on the resources, recovering artifacts prior to construction and documenting the site.
- Prohibit appropriation of any object of archaeological or paleontological interest situation on or under lands owned by New York State, except as provided for in Education Law, § 233.

Explanation of Policy 2.3: Protect and enhance resources that are significant to the waterfront culture.

- Protect historic shipwrecks.
- Prevent unauthorized collection of artifacts from shipwrecks.
- Protect the character of historic maritime communities.

**Policy 3: Enhance visual quality and protect scenic resources throughout the waterfront area.**

**Policy 3.1: Protect and improve the visual quality throughout the waterfront area.**

**Policy 3.2: Protect aesthetic values associated with recognized areas of high scenic quality.**

Explanation of Policy 3. While in many locations throughout the town physical public access is prohibited, there are many places where visual access remains. The scenic vistas of open agricultural land, the Hudson River and the Hudson Valley that are viewed from Route 9W and the Marlborough Mountains are important resources for the town and should be improved, maintained and protected.

Visual quality is a major contributor to the character of the waterfront area, and the primary basis for the public's appreciation. In addition to the scenic natural resources, the variety of cultural elements in the landscape and the interplay of the agricultural, built and natural environments are of particular importance to visual quality.

The intent of this policy is to protect and enhance visual quality and protect recognized scenic resources of the waterfront area.

Explanation of Policy 3.1: Protect and improve the visual quality throughout the waterfront area.

- Enhance existing scenic characteristics by minimizing introduction of discordant features.

- Restore deteriorated and remove degraded visual elements, and screen activities and views which detract from visual quality.
- Preserve existing vegetation and establish new vegetation to enhance scenic quality.
- Group or orient structures to preserve open space and provide visual organization.
- Improve the visual quality associated with urban areas and historic maritime areas.
- Anticipate and prevent impairment of dynamic landscape elements that contribute to ephemeral scenic qualities.
- Recognize water-dependent uses as important additions to the visual interest of the waterfront.
- Protect scenic values associated with public lands, including public trust lands and waters, and natural resources.

Explanation of Policy 3.2: Protect aesthetic values associated with recognized areas of high scenic quality.

- Protect aesthetic and scenic values associated with the waterfront, and any areas designated as Scenic Areas of Statewide Significance.
- Prevent impairment of scenic components that contribute to high scenic quality, as defined in the Table of Scenic Components in, "Scenic Areas of Statewide Significance: Columbia-Greene North, Catskill-Olana, Estates District, Ulster North, Esopus-Lloyd, Hudson Highlands, New York State Department of State, 1993."

## Natural Waterfront Policies

**Policy 4: Minimize loss of life, structures, and natural resources from flooding and erosion.**

**Policy 4.1: Minimize loss of human life and structures from flooding and erosion hazards.**

**Policy 4.2: Preserve and restore natural protective features.**

**Policy 4.3: Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.**

**Policy 4.4: Manage navigation infrastructure to limit adverse impacts on coastal processes.**

**Policy 4.5: Ensure that expenditure of public funds for flooding and erosion control projects result in a public benefit.**

**Policy 4.6: Consider sea level rise when siting and designing projects involving substantial public expenditures.**

Explanation of Policy 4: In response to existing or perceived erosion and flood hazards and to protect existing facilities, including primarily the railroad infrastructure, owners have installed erosion control features and structures. Aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation can result from erosion protection structures. The cumulative impact of these structures can be large. Before a permit is granted to allow construction of erosion protection structures, the purpose, function, impact, and alternatives to a structure need to be carefully evaluated to determine that the structures are necessary and to avoid adverse impacts, and to determine ways to mitigate potential impacts and find multiple uses and benefits for the planned structure.

Although some sections of the shoreline have been heavily fortified, significant stretches of the waterfront remain in a natural state—in particular the embayments related to the mouths of the streams that outlet to the Hudson River. The natural shoreline has an inherent natural, social, and economic value that should be respected to ensure continuing benefits to the State and the region. Consequently, those portions of the shoreline that are not fortified should generally remain in a natural condition to respond to coastal processes.

Sea level rise relative to the shore is another significant factor in the incidence of erosion and flooding over time. As a result, sea level rise should be considered when projects involving substantial investments of public expenditures are designed.

This policy seeks to protect life, structures, and natural resources from flooding and erosion hazards throughout the waterfront area. The policy reflects State flooding and erosion regulations and provides measures for reduction of hazards and protection of resources.

Explanation of Policy 4.1: Minimize loss of human life and structures from flooding and erosion hazards. This policy will be achieved by using the following recommended management measures, presented in order of priority:

- Avoid development other than water-dependent uses in areas subject to flooding;
- Locate new development and structures as far away from hazards as practical;
- Use vegetative non-structural measures which have a reasonable probability of managing flooding and erosion, based on shoreline characteristics including exposure, geometry, and sediment composition;
- Enhance existing natural protective features and processes, and use non-structural measures which have a reasonable probability of managing erosion;
- Use hard structural erosion protection measures for control of erosion only where the above measures are not sufficient to protect the principal use; or the use is water-dependent or reinforces the role of a maritime center or a waterfront redevelopment area.
- Mitigate the impacts of new or modified erosion control structures.

- Manage development in floodplains outside of coastal hazard areas to avoid adverse environmental effects, to minimize the need for structural flood protection measures, and to meet Federal flood insurance program standards.

Explanation of Policy 4.2: Preserve and restore natural protective features.

- Maximize the protective capabilities of natural protective features by:
  - avoiding alterations or interferences with shorelines in a natural condition;
  - enhancing existing natural protective features;
  - restoring impaired natural protective features; and
  - managing activities to minimize interference with, limit damage to, or reverse damage which has diminished the protective capacities of the natural shoreline.
- Minimize interference with natural coastal processes by:
  - providing for natural supply and movement of unconsolidated materials;
  - minimizing intrusion of structures into waters and interference with natural coastal processes; and
  - mitigating any unavoidable intrusion or interference.

Explanation of Policy 4.3: Protect public lands and public trust lands and use of these lands when undertaking all erosion or flood control projects.

- Retain ownership of public trust lands which have become upland areas due to fill or accretion resulting from erosion control projects.
- Avoid losses or likely losses of public trust lands or use of these lands, including public access along the shore, which can be reasonably attributed to or anticipated to result from erosion protection structures.
- Mitigate unavoidable impacts on adjacent property, natural coastal processes and natural resources, and on public trust lands and their use.

Explanation of Policy 4.4: Manage navigation infrastructure to limit adverse impacts on coastal processes.

- Manage navigation channels to limit adverse impacts on coastal processes by designing channel construction and maintenance to protect and enhance natural protective features and prevent destabilization of adjacent areas; and make beneficial use of suitable dredged material.
- Manage stabilized inlets to limit adverse impacts on coastal processes.

Explanation of Policy 4.5: Ensure that expenditure of public funds for flooding and erosion control projects result in a public benefit.

- Give priority in the expenditure of public funds to actions that will protect public health and safety; mitigate flooding and erosion problems caused by previous human intervention; protect areas of intensive development; and protect substantial public investment in land, infrastructure, and facilities.

- Expenditure of public funds is limited to those circumstances where public benefits exceed public cost and is prohibited for the exclusive purpose of protecting private development, except where actions are undertaken by an erosion protection district.

Explanation of Policy 4.6: Consider sea level rise when siting and designing projects involving substantial public expenditures.

**Policy 5: Protect and improve water quality and supply in the waterfront area.**

**Policy 5.1: Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.**

**Policy 5.2: Manage land use activities and use best management practices to minimize nonpoint source pollution of the Town of Marlborough waterfront area.**

**Policy 5.3: Protect and enhance the quality of the Town of Marlborough waterfront area waters.**

**Policy 5.4: Limit the potential for adverse impacts of watershed development on water quality and quantity.**

**Policy 5.5: Protect and conserve the quality and quantity of potable water.**

Explanation of Policy 5: The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point source and nonpoint source pollution management. The primary quantity consideration is the maintenance of an adequate supply of potable water in the region.

Water quality protection and improvement in the region must be accomplished by the combination of managing new and remediating existing sources of pollution.

Explanation of Policy 5.1: Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards. Prevent point source discharges into the Town of Marlborough waterfront area and avoid land and water uses which would:

- Exceed applicable effluent limitations; or
- Cause or contribute to contravention of water quality classification and use standards; or
- Materially adversely affect receiving water quality; or
- Violate a vessel waste no-discharge zone prohibition.

Ensure effective treatment of sanitary sewage and industrial discharges by maintaining efficient operation of treatment facilities, providing secondary treatment of sanitary sewage, improving nutrient removal capacity, incorporating treatment beyond secondary for new wastewater treatment facilities, reducing demand on facilities, reducing loading of toxic materials, and managing on-site treatment systems.

Explanation of Policy 5.2: Manage land use activities and use best management practices to minimize nonpoint pollution of the Town of Marlborough waterfront area.

Reduce the introduction of non-point source pollution into the surface waters of the LWRP Area by protecting soil resources from erosion and reducing inputs of excessive nutrients into surface waters. Green infrastructure practices that can be incorporated into projects to reduce non-point source pollution include riparian buffers, bioretention areas, rain gardens, vegetated swales, and permeable pavement. Agricultural best management practices that can be employed to reduce agricultural runoff include critical area planting, filter strips, integrated pest management, and irrigation water management. Implement pollution prevention and education programs to reduce discharge of floatables and litter into the Hudson River and municipal storm drains.

Explanation of Policy 5.3: Protect and enhance the quality of the Town of Marlborough waterfront area waters.

To the greatest extend possible, improve the water quality of the Hudson River and associated wetlands complex based on an evaluation of physical factors (pH, dissolved oxygen, dissolved solids, nutrients, odor, color, and turbidity), health factors (pathogens, chemical contaminants, and toxicity), and aesthetic factors (oils, floatables, refuse, and suspended solids).

Minimize disturbance of streams, including their beds and banks, in order to prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature, and level of water.

Protect water quality of the waterfront area from adverse impacts associated with excavation, fill, dredging, and disposal of dredged material.

Explanation of Policy 5.4: Limit the potential for adverse impacts of watershed development on water quality and quantity.

Protect water quality by ensuring that watershed development protects areas that provide important water quality benefits such as stream buffers and regulated freshwater wetlands, maintains natural characteristics of drainage systems, and protects area that are particularly susceptible to erosion and sediment loss.

Limit the impacts of individual development projects to prevent cumulative water quality impacts upon the watershed which would result in a failure to meet water quality standards.

Explanation of Policy 5.5: Protect and conserve the quality and quantity of potable water.

Prevent contamination of potable waters by limiting discharges of pollutants and limiting land uses which are likely to contribute to contravention of surface and groundwater quality standards for potable water supplies.

Prevent depletion of existing potable water supplies through conservation methods or restrictions on water supply use and withdrawals and allowing for recharge of potable aquifers.

Limit cumulative impacts of development on groundwater recharge areas to ensure replenishment of potable groundwater supplies.

**Policy 6: Protect and restore the quality and function of the waterfront area ecosystem.**

**Policy 6.1: Protect and restore ecological quality throughout the waterfront area.**

**Policy 6.2: Protect and restore Significant Coastal Fish and Wildlife Habitats.**

**Policy 6.3: Protect and restore tidal and freshwater wetlands.**

**Policy 6.4: Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.**

**Policy 6.5: Protect natural resources and associated values in identified regionally important natural areas.**

Explanation of Policy 6: Certain natural resources that are important for their contribution to the quality and biological diversity of the ecosystem have been specifically identified by the State for protection. These resources include regulated freshwater wetlands; designated Significant Coastal Fish and Wildlife Habitats; and rare, threatened and endangered species. The Hudson River Estuary supports a variety of marine, brackish, and freshwater communities including spawning, migratory and nursery habitat for anadromous, estuarine, and freshwater fish and regionally rare brackish and freshwater tides communities and plants.

The significant fish and wildlife habitats, wetlands and other natural resources and sensitive areas within the LWRP Area shall be protected to the maximum extent practicable, recognizing that development will occur within the LWRP Area. Implementation of this policy requires balancing development uses with habitat conservation. The intent is not to prevent development; rather it is to ensure important habitats are protected as part of the development process.

This policy also recognizes and provides for enhancement of natural resources within regionally important natural areas for which management plans have been prepared.

Explanation of Policy 6.1: Protect and restore ecological quality throughout the waterfront area.

- Avoid significant adverse changes to the quality of the ecosystem as indicated by physical loss, degradation, or functional loss of ecological components.
- Maintain values associated with natural ecological communities.
- Retain and add indigenous plants.

- Avoid fragmentation of natural ecological communities and maintain corridors between ecological communities. Maintain structural and functional relationships between natural ecological communities to provide for self-sustaining systems.
- Avoid permanent adverse change to ecological processes.
- Reduce adverse impacts of existing development when practical.
- Mitigate impacts of new development; mitigation may also include reduction or elimination of adverse impacts associated with existing development.

Explanation of Policy 6.2: Protect and restore Significant Coastal Fish and Wildlife Habitats.

Protect designated Significant Coastal Fish and Wildlife Habitats from uses or activities which would destroy habitat values or significantly impair the viability of the designated habitat beyond the tolerance range of important fish or wildlife species. The tolerance range is the ecological range of conditions that supports the species population or has the potential to support a restored population where practical.

Where destruction or significant impairment of habitat values cannot be avoided, minimize potential impacts through appropriate mitigation.

Wherever practical, enhance or restore designated habitats to foster their continued existence as natural systems.

Within and extending beyond the LWRP area boundary is the Kingston-Poughkeepsie Deepwater Significant Coastal Fish and Wildlife Habitat which provides habitat for both Atlantic and Shortnose Sturgeon populations. This significant habitat should be protected and preserved to maintain its viability and value to the Town of Marlborough and the region.

Explanation of Policy 6.3: Protect and restore tidal and freshwater wetlands.

Comply with statutory and regulatory requirements of the State's wetland laws, Articles 24 and 25 of the Environmental Conservation Law.

Use the following management measures, which are presented in order of priority:

1. Prevent the net loss of vegetated wetlands by avoiding fill or excavation;
2. Minimize adverse impacts resulting from unavoidable fill, excavation, or other activities; and
3. Provide for compensatory mitigation for unavoidable adverse impacts. Provide and maintain adequate buffers between wetlands and adjacent or nearby uses and activities to protect wetland values.

Restore tidal and freshwater wetlands wherever practical to foster their continued existence as natural systems.

Explanation of Policy 6.4: Protect vulnerable fish, wildlife, and plant species, and rare ecological communities.

Site new development, carry out remediation activities on previously developed areas, and conduct construction activities to protect the Hudson River Estuary's marine, brackish, and freshwater communities that support spawning migratory and nursery habitat for anadromous, estuarine, and freshwater fish; important winter feeding and roosting areas for the bald eagle; and globally and regionally rare brackish and freshwater tidal communities and plants. These river habitats can be sustained by managing human activities (the biggest threat to these natural communities), through conservation actions such as riparian buffers, green infrastructure for stormwater management, site design, and erosion control.

**Explanation of Policy 6.5:** Protect natural resources and associated values in identified regionally important natural areas.

- Protect natural resources within a regionally important natural area.
- Focus State actions on protection, restoration, and management of natural resources.
- Protect and enhance activities associated with sustainable human use or appreciation of natural resources.
- Provide for achievement of a net increase in wetlands when practical opportunities exist to create new or restore former wetlands.
- Adhere to management plans prepared for regionally important natural areas, such as those prepared by NYSDEC including the Hudson River Estuary Habitat Restoration Plan (2014), Hudson River Estuary Action Agenda (2015), and Unit Management Plans.

**Policy 7: Protect and improve air quality in the waterfront area.**

**Policy 7.1: Control or abate existing, and prevent new air pollution.**

**Policy 7.2: Limit discharges of atmospheric radioactive material to a level that is as low as practicable.**

**Policy 7.3: Limit sources of atmospheric deposition of pollutants to the waterway, particularly from nitrogen sources.**

**Explanation of Policy 7:** This policy provides for the protection of the Town of Marlborough from air pollution generated within the waterfront area or from outside the waterfront area which adversely affects air quality.

This is achieved through enforcement of State and Federal air quality standards and permit requirements. The air quality within the Town of Marlborough is considered to be within federal regulatory standards. Since the Town does not have any heavy industry, air pollution from stationary sources is not a current threat. The most likely sources of air pollution stem from increasing levels of automobile use and freight shipping via truck.

A potential concern for air quality is the garbage incinerator located across the river in Poughkeepsie, Dutchess County. Although the incinerator is not currently active, if it were to be reactivated, there is potential for Marlborough's air quality to be negatively affected.

Explanation of Policy 7.1: Control or abate existing, and prevent new air pollution.

- Limit pollution resulting from new or existing stationary air contamination sources consistent with applicable standards, plans, and requirements.
- Recycle or salvage air contaminants using best available air cleaning technologies.
- Limit pollution resulting from vehicle or vessel movement or operation, including actions which directly or indirectly change transportation uses or operation resulting in increased pollution.
- Restrict emissions of air contaminants to the outdoor atmosphere that are potentially injurious to human, plant and animal life, or that would unreasonably interfere with the comfortable enjoyment of life or property.
- Limit new facility or stationary source emissions of acid deposition precursors consistent with achieving final control target levels for wet sulfur deposition in sensitive receptor areas, and meeting New Source Performance Standards for the emissions of oxides of nitrogen.

Explanation of Policy 7.2: Limit discharges of atmospheric radioactive material to a level that is as low as practicable.

Explanation of Policy 7.3: Limit sources of atmospheric deposition of pollutants to the waterway, particularly from nitrogen sources.

**Policy 8: Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and wastes.**

**Policy 8.1: Manage solid waste to protect public health and control pollution.**

**Policy 8.2: Manage hazardous waste to protect public health and control pollution.**

**Policy 8.3: Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.**

**Policy 8.4: Prevent and remediate discharge of petroleum products.**

**Policy 8.5: Transport solid waste and hazardous substances and waste in a manner which protects the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.**

**Policy 8.6: Site solid and hazardous waste facilities to avoid potential degradation of waterfront resources.**

Explanation of Policy 8: The intent of this policy is to protect people from sources of contamination and to protect waterfront resources from degradation through proper control and management of wastes and hazardous materials. In addition, this policy is intended to promote the expeditious remediation and reclamation of hazardous waste sites in developed centers to permit

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redevelopment. Attention is also required to identify and address sources of soil and water contamination resulting from landfill and hazardous waste sites and in-place sediment contamination.

Explanation of Policy 8.1: Manage solid waste to protect public health and control pollution.

- Plan for proper and effective solid waste disposal prior to undertaking major development or redevelopment activities that generate solid wastes.
- Manage solid waste by:
  - a. Reducing the amount of solid waste generated.
  - b. Reusing or recycling material.
  - c. Using land burial or other approved methods to dispose of solid waste that is not otherwise being reused or recycled.
- Prevent the discharge of solid wastes into the Hudson River and tributary streams by using proper handling, storage, management, and transportation practices.
- Operate solid waste management facilities to prevent or reduce water, air, and noise pollution and other conditions harmful to the public health.

Explanation of Policy 8.2: Manage hazardous waste to protect public health and control pollution.

- Manage hazardous waste in accordance with the following priorities:
  - a. Eliminate or reduce generation of hazardous wastes to the maximum extent practicable;
  - b. Recover, reuse, or recycle remaining hazardous wastes to the maximum extent practicable;
  - c. Use detoxification, treatment, or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused, or recycled;
  - d. Where practical, phase out land disposal or industrial hazardous wastes;
  - e. Use land disposal as a last resort.
- Ensure maximum public safety through proper management of industrial hazardous waste treatment, storage, and disposal.
- Remediate inactive hazardous waste disposal sites.

Explanation of Policy 8.3: Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

- Prevent release of toxic pollutants or substances hazardous to the environmental that would have a deleterious effect of fish and wildlife resources and human health.
- Prevent environmental degradation due to persistent toxic pollutants by limiting discharge of bio-accumulative substances; and by avoiding resuspension of toxic pollutants and hazardous substances and wastes, and avoiding reentry of bio-accumulative substances into the food chain from existing sources.
- Prevent and control environmental pollution due to radioactive materials.

- Protect public health, public and private property, and fish and wildlife from inappropriate use of pesticides.
- Take appropriate action to correct all unregulated releases of substances hazardous to the environment.

Explanation of Policy 8.4: Prevent and remediate discharge of petroleum products.

- Minimize adverse impacts from potential oil spills by appropriate siting of petroleum storage and distribution facilities.
- Have adequate plans for prevention and control of petroleum discharges in place at petroleum-related facilities.
- Prevent discharges of petroleum products by following methods approved for handling and storage of petroleum products and by using approved design and maintenance principles for storage facilities.
- Clean up and remove any petroleum discharge, giving first priority to minimizing environmental damage.

Explanation of Policy 8.5: Transport solid waste and hazardous substances and waste in a manner which protect the safety, well-being, and general welfare of the public; the environmental resources of the State; and the continued use of transportation facilities.

Explanation of Policy 8.6: Site solid and hazardous waste facilities to avoid potential degradation of waterfront resources.

## Public Waterfront Policies

**Policy 9: Provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area.**

**Policy 9.1: Promote appropriate and adequate physical public access and recreation throughout the waterfront area.**

**Policy 9.2: Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.**

**Policy 9.3: Preserve the public interest in and use of lands and waters held in public trust by the State, and other public entities.**

**Policy 9.4: Assure public access to public trust lands and navigable waters.**

Explanation of Policy 9: Along many stretches of the shoreline in the waterfront area, physical and visual access to waterfront lands and waters is limited for the general public. Limitations on reaching or viewing the waterfront are further heightened by a general lack of opportunity for diverse forms of recreation at those sites that do provide access. Often access and recreational opportunities that are available are limited to local residents, for example the summer recreation

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camp is limited to children residing in the Town of Marlborough or the Marlboro School District. Existing development has made much of the waterfront inaccessible and new development has diminished remaining opportunities to provide meaningful public access. In addition to loss of opportunities for physical access, visual access has also been lost due to the loss of vantage points or outright blockage of views. Access along public trust lands of the shore has been impeded by long docks, and shoreline fortification has led to physical loss of access.

Existing public access and opportunities for recreation are inadequate to meet the needs of the residents of the town. Given the lack of adequate public access and recreation, this policy incorporates measures needed to provide and increase public access throughout the waterfront area. The need to maintain and improve existing public access and facilities is among these measures, and is necessary to ensure that use of existing access sites and facilities is optimized to accommodate existing and future demand. Another measure is to capitalize on all available opportunities to provide additional visual and physical public access along with appropriate opportunities for recreation.

A critical component of this LWRP is to provide public access to the town's riverfront. Physical and visual access to the Hudson River is limited along Marlborough's riverfront with the exception of Milton Landing Park and the marinas at Marlboro Landing. Privately owned land, steep slopes and the railroad running parallel to the river impede access to the Hudson River along much of the town's shoreline. Upland areas provide sweeping views of the river and the Hudson River Valley. These views provide visual access where physical access is severely limited. Scenic vistas and physical access should be maintained and enhanced within the waterfront area.

Explanation of Policy 9.1: Promote appropriate and adequate physical public access and recreation throughout the waterfront area.

- The primary goal of this LWRP is to strengthen connections, both physical and visual, between the Town of Marlborough and the Hudson River.
- Provide convenient, well-defined, physical public access to and along the shoreline for water-related recreation.
- Provide a level and type of public access and recreational use that takes into account proximity to population centers, public demand, natural resource sensitivity, accessibility, compatibility with on-site adjacent land uses, and needs of special groups.
- Protect and maintain existing public access and water-related recreation.
- Provide additional physical public access and recreation facilities at public sites.
- Provide physical access linkages from land-based roads, parks and trails to the waterfront.
- Include physical public access and/or water-related recreation facilities as part of development whenever development or activities are likely to limit the public's use and enjoyment of public waterfront lands and waters.
- Provide incentives to private development which provides public access and/or water-related recreation facilities, and include public access to waterways as part of the required reservation of land for recreational purposes.

- Restrict public access and water-related recreation on public lands only where incompatible with public safety and protection of natural resources.
- Ensure access for the general public at locations where State or Federal funds are used to acquire, develop, or improve parkland.

Explanation of Policy 9.2: Provide public visual access from public lands to waterfront lands and waters or open space at all sites where physically practical.

The Town of Marlborough's waterfront area offers steep slopes and a diverse topography that create spectacular views of the Hudson River and the Hudson River Valley from public shoreline parks and from upland areas including the Route 9W Corridor and the Marlborough Mountains. Creating more opportunities for public visual access is important to allow full appreciation of the beauty and resources of the area, and to increase the attractiveness of the waterfront area for residents and visitors alike.

- Avoid loss of existing visual access by limiting physical blockage by development or activities.
- Mitigate loss of visual access by providing for on-site visual access or additional and comparable visual access off-site.
- Increase visual access wherever practical.

Explanation of Policy 9.3: Preserve the public interest in and use of lands and waters held in public trust by the State, and other public entities.

The LWRP furthers the goal of the state on promoting the river as a public amenity for community residents and visitors. Therefore no policy or development proposal shall contravene the public interest in and of the use of lands and waters held in public trust by the state and other governmental entities.

- Limit grants, easement, permits, or lesser interests in lands underwater to those instances where they are consistent with the public interest in the use of public trust lands.
- Determine ownership, riparian interest, or other legal right prior to approving private use of public trust lands under water.
- Limit grants, including conversion grants, in fee of underwater lands to exceptional circumstances.
- Reserve such interests or attach such conditions to preserve the public interest in use of underwater lands and waterways which will be adequate to preserve public access, recreation opportunities, and other public trust purposes.
- Evaluate opportunities to re-establish public trust interest in existing grants which are not used in accordance with the terms of the grant, or are in violation of the terms of the lease, or where there are significant limitations on public benefits resulting from the public trust doctrine.

Explanation of Policy 9.4: Assure public access to public trust lands and navigable waters.

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- Ensure that the public interest in access below mean high water and to navigable waters is maintained.
- Allow obstructions to public access when necessary for the operation of water-dependent uses and their facilities.
- Permit interference with public access for riparian non-water-dependent uses in order to gain the minimum necessary reasonable access to navigable waters.
- Use the following factors in determining the minimum access necessary: the range of tidal fluctuation, the size and nature of the water body, the uses of the adjacent waters by the public, the traditional means of access used by surrounding similar uses, and whether alternative means to gain access are available.
- Mitigate substantial interference or obstruction of public use or public trust lands and navigable waters.

## **Working Waterfront Policies**

**Policy 10: Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.**

**Policy 10.1: Protect existing water-dependent uses.**

**Policy 10.2: Promote maritime centers as the most suitable locations for water-dependent uses.**

**Policy 10.3: Allow for development of new water-dependent uses outside of maritime centers.**

**Policy 10.4: Improve the economic viability of water-dependent uses by allowing for non-water-dependent accessory and multiple uses, particularly water-enhanced and maritime support services.**

**Policy 10.5: Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.**

**Policy 10.6: Provide sufficient infrastructure for water-dependent uses.**

**Policy 10.7: Promote efficient harbor operations.**

Explanation of Policy 10: The intent of this policy is to protect existing water-dependent commercial, industrial and recreation uses and to promote future siting of water-dependent uses at suitable locations. It is also the intent of this policy to enhance the economic viability of water-dependent uses by ensuring adequate infrastructure for water-dependent uses and their efficient operation.

Water-dependent uses are vital to the economic health of the region.

Explanation of Policy 10.1: Protect existing water-dependent uses.

Avoid actions which would displace, adversely impact, or interfere with existing water-dependent uses.

Explanation of Policy 10.2: Promote maritime centers as the most suitable locations for water-dependent uses.

- Ensure that public actions enable maritime centers to continue to function as centers for water-dependent uses.
- Protect and enhance the economic, physical, cultural, and environmental attributes which support each maritime center.

There is relatively little development along the Town of Marlborough's waterfront. Public access is limited to two points, one at Milton Landing and one at Marlboro Landing. The majority of the land along the river is in private ownership, and challenging topography further restricts sites where development may be appropriate. New water-dependent uses should be guided towards areas with already existing water-dependent and water-enhanced uses.

Explanation of Policy 10.3: Allow for development of new water-dependent uses outside of maritime centers.

New water-dependent uses may be appropriate outside maritime centers if there is a lack of suitable sites; or if the use has unique locational requirements that necessitate its location outside maritime centers; or if the use would adversely impact the functioning and character of the maritime center if located within the maritime center; or the use is of a small scale and has a principal purpose of providing access to the waterway.

**Policy 10.4: Improve the economic viability of water-dependent uses by allowing for not water-dependent accessory and multiple uses, particularly water-enhanced and maritime support services.**

Explanation of Policy 10.5: Minimize adverse impacts of new and expanding water-dependent uses, provide for their safe operation, and maintain regionally important uses.

- Site new and expanding existing marinas, yacht clubs, boat yards, and other boating facilities where there is adequate upland for support facilities and services; sufficient waterside and landside access; appropriate nearshore depth to minimize dredging; suitable water quality classification; minimization of effects on wetlands or fish spawning grounds; and adequate water circulation.
- Promote new riverboat passenger services and including day liners, day sailors/cruisers and overnight tour vessels to increase the utilization of the town's harbor areas and landings and enhance the local and regional economy.
- Improve protection of natural resources when importing, transshipping, or storing petroleum products by promoting inland storage and offshore transshipment of product.

- Maintain regionally important aggregate transshipment facilities.

Explanation of Policy 10.6: Provide sufficient infrastructure for water-dependent uses.

- Protect and maintain existing public and private navigation lanes and channels at depths consistent with the needs of water-dependent uses.
- Provide new or expanded navigation lanes, channels, and basins when necessary to support water-dependent uses.
- Use suitable dredged material for beach enhancement or other beneficial uses.
- Avoid placement of dredged material in waterbodies when opportunities for beneficial reuse of the material exist.
- Allow placement of suitable dredged material in nearshore locations to advance maritime or port-related functions, provided it is adequately contained and avoids negative impacts on vegetated wetlands and significant coastal fish and wildlife habitats.
- Avoid shore and water surface uses which would impede navigation.
- Give priority to existing commercial navigation in determining rights to navigable waters.
- Provide for services and facilities to facilitate commercial, industrial, and recreational navigation.
- Foster water transport for cargo and people.
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Explanation of Policy 10.7: Promote efficient harbor operations.

- Limit congestion of harbor waters including dock areas, conflict among uses, foster navigational safety, and minimize obstructions in the waterway to reduce potential hazards to navigation.
- Prohibit any increase or additional use of waterway if such an increase or addition poses a public safety hazard, which cannot be mitigated.
- Prohibit intrusions or encroachments upon navigation channels and other identified vessel use areas.

The Marlborough waterfront is not host to an active harbor, there are active marina and dock areas and potential for deep water docking capabilities that may open the area up to larger watercraft.

**Policy 11: Promote sustainable use of living fish and wildlife resources in the waterfront area.**

**Policy 11.1: Ensure the long-term maintenance and health of living marine resources.**

**Policy 11.2: Provide for commercial and recreational use of marine resources.**

**Policy 11.3: Maintain and strengthen a stable commercial fishing fleet.**

**Policy 11.4: Promote recreational use of marine resources.**

**Policy 11.5: Promote managed harvest of shellfish originating from uncertified waters.**

**Policy 11.6: Promote aquaculture.**

Explanation of Policy 11: Although commercial fishing plays no role in the local economy, recreational fishing is popular at the public access points to the river. The Hudson River Estuary provides habitat for many important marine resources including the Striped Bass. These resources provide recreational experiences and important accompanying economic activity.

Continued use of living marine resources depends on maintaining long-term health and abundance of marine fisheries resources and their habitat in the Hudson River, and ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the State's active management of marine fisheries, protection and conservation of habitat, restoration of habitats in areas where they have been degraded, and maintenance of water quality at a level that will foster occurrence and abundance of living marine resources. Allocation and use of the available resources must: be consistent with the restoration and maintenance of healthy stocks and habitats, and maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for commercial and recreational fisheries. Based upon ownership of underwater lands, many communities also provide for the direct management of marine resources.

The Town of Marlborough is a designated MS4, as defined by the Phase II Stormwater Regulations. The town will comply with state permit requirements and preserve and improve non-point source pollution impacts on water quality to the extent practical. The LWRP shall promote sustainable public uses of the living marine resources like improving amenities and public access to the river for recreational fishing.

Explanation of Policy 11.1: Ensure the long-term maintenance and health of living marine resources.

Ensure that fishing, harvesting and other uses of living marine resources are managed in a manner that results in sustained useable abundance and diversity of the marine resources, does not interfere with population and habitat maintenance and restoration efforts, and uses best available scientific information in managing the resources, and minimizes waste and reduces discard mortality of marine fishery resources.

Ensure that the management of the State's transboundary and migratory species is consistent with interstate, State-Federal, and inter-jurisdictional management plans.

Protect, manage, and restore sustainable populations of indigenous fish, wildlife species, and other living marine resources.

Foster occurrence and abundance of marine resources by protecting spawning grounds, habitats, and water quality, and enhancing and restoring fish habitat, particularly for anadromous fish.

Explanation of Policy 11.2: Provide for recreational use of marine resources.

Maximize the benefits of marine resources use so as to provide a valuable recreational resource experience and viable business opportunities for recreational fisheries.

Where fishery conservation and management plans require actions that would result in resource allocation impacts, ensure equitable distribution of impacts among user groups giving priority to existing fisheries in the State.

Protect the public health and the marketability of marine and fishery resources by maintaining and improving water quality.

Explanation of Policy 11.3: Maintain and strengthen a stable commercial fishing fleet.

There are no commercial fishing operations in the waterfront area.

Explanation of Policy 11.4: Promote recreational use of marine resources.

- Provide opportunities for recreational use of marine resources.
- Provide adequate infrastructure to meet recreational needs, including appropriate fishing piers, dockage, parking, and livery services.
- Promote commercial charter and party boat businesses in maritime centers.

Explanation of Policy 11.5: Promote managed harvest of shellfish originating from uncertified waters.

There are no shellfish harvesting operations in the waterfront area.

Explanation of Policy 11.6: Promote aquaculture.

- Encourage aquaculture of economically important species.
- Protect native stocks from potential adverse biological impacts due to aquaculture.
- Provide leases of State-owned underwater lands for aquaculture only where aquaculture operations would not significantly impair natural resources or water quality.

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**Policy 12: Protect agricultural lands in the waterfront area.**

**Policy 12.1: Protect existing agriculture and agricultural lands from conversion to other land uses.**

**Policy 12.2: Establish and maintain favorable conditions which support existing or promote new agricultural production.**

**Policy 12.3: Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.**

**Policy 12.4: Preserve scenic and open space values associated with agricultural lands.**

Explanation of Policy 12: Agriculture is a primary land use in the Town of Marlborough and plays an important role in the character and economy of the town. The majority of active agricultural properties in Marlborough (Map 7) lie within New York State Ulster County Agricultural District #1. The intent of this policy to conserve and protect agricultural land by preventing conversion of prime farmland to other uses and protecting existing and potential future agricultural production. Agricultural acreage has sharply reduced over a relatively short period of time. This loss has occurred primarily due to residential development which has rapidly transformed the landscape from one dominated by agrarian uses and activities to one dominated by single family residences. Protecting the remaining agricultural land is necessary to ensure preservation of the agricultural economy, farming heritage, open space, and scenic quality.

Explanation of Policy 12.1: Protect existing agriculture and agricultural lands from conversion to other land uses.

Protect existing agricultural use and production from adverse impacts due to public infrastructure and facility development, creation of other conditions which are likely to lead to conversion of agricultural lands, and environmental changes which are likely to reduce agricultural productivity or quality, including, but not limited to, quantitative and qualitative changes to groundwater resources.

Provide sufficient buffer as part of new development when it is located near agricultural land.

By protecting a critical mass of working farmland, the town can help maintain a viable base of agricultural operations and support the practice of agriculture to stem the decline in Marlborough's agricultural acreage that has occurred over the last 50 years.

Explanation of Policy 12.2: Establish and maintain favorable conditions which support existing or promote new agricultural production.

- Promote new and maintain existing local services and commercial enterprises necessary to support agricultural operations.
- Provide economic support of existing agriculture by allowing mixed uses which would assist in retention of the agricultural use.
- Promote activities and market conditions that would likely prevent conversion of farmlands to other land uses.
- Follow the town's Right-to-Farm law, Section 115 of the Town of Marlborough Code, which protects a farmer's ability to conduct farm operations and follow Ulster County's Agriculture and Farmland Protection Plan which seeks to create an atmosphere that fosters successful farming now and in the future.

Explanation of Policy 12.3: Minimize adverse impacts on agriculture from unavoidable conversion of agricultural land.

When farmland is converted to residential or other non-agricultural land use, techniques like site design should minimize potential conflicts between new residential or commercial uses and the agricultural use.

- Minimize encroachment of commercial, industrial, institutional, or residential development of agricultural lands.
- Retain or incorporate opportunities for continuing agricultural use.
- Locate and arrange development to maximize protection of the highest quality agricultural land in large contiguous tracts for efficient farming.

Explanation of Policy 12.4: Preserve scenic and open space values associated with agricultural lands.

Agricultural land as an element of the town's landscape makes a particularly important contribution to the community character of Marlborough and should be protected.

- Locate and arrange development to maximize protection of agricultural land in large contiguous tracts to protect associated scenic and open space values.
- Allow farms to operate using appropriate modern techniques and structures without consideration of scenic values.

**Policy 13: Promote appropriate use and development of energy and mineral resources.**

**Policy 13.1: Conserve energy resources.**

**Policy 13.2: Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.**

**Policy 13.3: Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.**

**Policy 13.4: Minimize adverse impacts from fuel storage facilities.**

**Policy 13.5: Minimize adverse impacts associated with mineral extraction.**

Explanation of Policy 13: In dealing with energy problems, the first order of preference is the conservation of energy. Energy efficiency in transportation and site design, and efficiency in energy generation are the best means for reducing energy demands. Reduced demand for energy reduces the need for construction of new facilities that may have adverse impacts on waterfront resources.

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In addition to the impacts of construction of new energy generating facilities, the potential impacts of oil and gas extraction and storage and mineral extraction must be considered. In particular are the potential adverse impacts of mining activities on aquifers.

The intent of this policy is to foster the conservation of energy resources by seeking alternative energy sources, providing for standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, minimizing the impact of fuel storage facilities and addressing mineral extraction.

Explanation of Policy 13.1: Conserve energy resources.

Conservation of energy resources shall be encouraged to the extent practicable in the waterfront area. The Town of Marlborough will promote and maintain energy efficient modes of transportation and energy efficient building design where feasible.

- Promote and maintain energy efficient modes of transportation, including rail freight and intermodal facilities, waterborne cargo and passenger transportation, mass transit, and alternative forms of transportation.
- Plan and construct sites using energy efficient design.
- Capture heat waste from industrial processes for heating and electric generation.
- Improve energy generating efficiency through design upgrades of existing facilities.

Explanation of Policy 13.2: Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

In siting such facilities, avoid interference with waterfront resources including migratory birds, wetland and woodland habitats, scenic resources, and agricultural lands with prime soils.

Explanation of Policy 13.3: Ensure maximum efficiency and minimum adverse environmental impact when siting major energy generating facilities.

- Site major energy generating facilities in a waterfront location where a clear public benefit is established.
- Site major energy generating facilities close to load centers to achieve maximum transmission efficiency.
- Site and construct new energy generating and transmission facilities so they do not adversely affect natural and economic waterfront resources.

Explanation of Policy 13.4: Minimize adverse impacts from fuel storage facilities.

From 1939 until 2001, Suburban Propane used a 14.5 acre property on the waterfront to store petroleum that was transported by ships and barges up the Hudson River. The site's access to deep water allowed large vessels to connect to a pipeline that pumped petroleum across the rail line up to aboveground storage tanks located on the upper part of the property. In 2001, the storage facility was dismantled and the storage tanks were removed. A remediation plan approved

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by the DEC was completed in 2006. In 2009, in collaboration with Scenic Hudson and The Trust for Public Land, the Town of Marlborough acquired this property which will soon be the home to the Milton Riverfront Park.

For any future fuel storage facilities, policies and development shall minimize detrimental effects on the waterway as a result of fuel storage facilities.

- Regional petroleum reserve facilities are inappropriate in the waterfront area.
- The production, storage, or retention of petroleum products in earthen reservoirs is prohibited.
- Protect natural resources by preparing and complying with an approved oil spill contingency plan.

Explanation of Policy 13.5: Minimize adverse impacts associated with mineral extraction.

- Commercial sand and aggregate mining is generally presumed to be an inappropriate use in the waterfront area.
- Preserve topsoil and overburden using appropriate site preparation techniques and subsequent site reclamation plans.

Tilcon New York, Inc. previously operated a trap rock quarry in the southern portion of the town, but it is unlikely that the company or any other will resume extraction operations in Marlborough.

## Definitions

Selected terms used in the policies are defined as follows:

**Accretion** means the gradual and imperceptible accumulation of sand, gravel, or similar material deposited by natural action of water on the shore. This may result from a deposit of such material upon the shore, or by a recession of the water from the shore.

**Agricultural land** means land used for agricultural production, or used as part of a farm, or having the potential to be used for agricultural production. Agricultural lands include lands in agricultural districts, as created under Article 25-AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1, 2, 3, or 4 according to the New York State Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

**Aquaculture** means the farming of aquatic organisms, including fish, mollusks, crustaceans, and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies ownership of the stock being cultured.

**Best management practices** means methods, measures, or practices determined to be the most practical and effective in preventing or reducing the amount of pollutants generated by nonpoint sources to a level compatible with water quality standards established pursuant to section 17-0301 of the Environmental Conservation Law. Best management practices include, but

are not limited to, structural and non-structural controls, and operation and maintenance procedures. Best management practices can be applied before, during, or after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

**Boating facility** means a business or accessory use that provides docking for boats and encompasses 4,000 square feet or greater of surface waters, as measured by the outermost perimeter of the dock, and is designed to accommodate six (6) or more boats.

**Coastal Barrier Resource Area** means any one of the designated and mapped areas under the Coastal Barrier Resources Act of 1982, (P.L. 97-348), and any areas designated and mapped under the Coastal Barrier Improvement Act of 1990 (P.L. 101-591), as administered by the U.S. Fish and Wildlife Service, and any future designations that may occur through amendments to these laws.

**Coastal Hazard Area** means any coastal area included within an Erosion Hazard Area designated by the New York State Department of Environmental Conservation pursuant to the Coastal Erosion Hazard Areas Act of 1981 (Article 34 of the Environmental Conservation Law), and any coastal area included within a V-zone as designated on Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency pursuant to the National Flood Insurance Act of 1968 (P.L. 90-448) and the Flood Disaster Protection Act of 1973 (P.L. 93-234).

**Development, other than existing development**, means any construction or other activity which materially changes the use, intensity of use, or appearance of land or a structure including any activity which may have a direct and significant impact on coastal waters. Development shall not include ordinary repairs or maintenance or interior alterations to existing structures or traditional agricultural practices. The term shall include division of land into lots, parcels, or sites.

**Historic maritime communities** are historic centers of maritime activity identified in Chapter 587, Laws of 1994, for the purpose of fostering the protection and beneficial enjoyment of the historic and cultural resources associated with maritime activity on Long Island Sound.

**Historic resources** means those structures, landscapes, districts, areas or sites, or underwater structures or artifacts which are listed or designated as follows: any historic resource in a Federal or State park established, solely or in part, in order to protect and preserve the resource; any resource on, nominated to be on, or determined eligible to be on the National or State Register of Historic Places; any cultural resource managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust; any archaeological resource which is on the inventories of archaeological sites maintained by the Department of Education or the Office of Parks, Recreation, and Historic Preservation; any resource which is a significant component of a Heritage Area; any locally designated historic or archaeological resources protected by a local law or ordinance.

**Maritime center** means a discrete portion or area of a harbor or bay that is developed with, and contains concentrations of water-dependent commercial and industrial uses or essential support facilities. The harbor or bay area is a center for waterborne commerce, recreation, or other water-dependent business activity and, as such, is an important component of the regional transportation system. A maritime center is characterized by: sheltered and suitable hydrologic

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conditions; land- and water-based infrastructure, essential for the operation of water-dependent commercial and industrial uses, extant or easily provided; physical conditions necessary to meet the siting and operational requirements of water-dependent uses; close proximity to central business districts; and limited high value natural resources.

**Maritime support services** are industrial, commercial, or retail uses which provide necessary goods and services to water-dependent businesses, thus enabling these businesses to operate in an efficient and economically viable manner.

**Native or indigenous stock** means fish, shellfish, and crustaceans originating in and being produced, growing, living, or occurring naturally in the coastal waters.

**Natural ecological community** means a variable assemblage of interacting plant and animal populations that share a common environment.

**Natural protective features** means a nearshore area, beach, bluff, primary dune, secondary dune, or wetland, and the vegetation thereon.

**Public trust lands** are those lands below navigable waters, with the upper boundary normally being the mean high water line, or otherwise determined by local custom and practice. Public trust lands, waters, and living resources are held in trust by the State or by the trustees of individual towns for the people to use for walking, fishing, commerce, navigation, and other recognized uses of public trust lands.

**Rare ecological communities** are ecological communities which, according to the State Natural Heritage Program, qualify for a Heritage State Rank of S1 or S2; and those which qualify for a Heritage State Rank of S3, S4 or S5 and an Element Occurrence Rank of A.

**Traditional waterfront communities** means communities which historically have contained concentrations of water-dependent businesses; possess a distinctive character; and serve as focal points for commercial, recreational, and cultural activities within the region.

**Vulnerable fish and wildlife species** means those listed in 6 NYCRR Part 182.5 as Endangered Species, Threatened Species, and Special Concern Species.

**Vulnerable plant species** means those listed in 6 NYCRR Part 193.3 as Endangered Species, Threatened Species, Exploitable Vulnerable Species, and Rare Species.

**Water-dependent use** means a business or other activity which can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and which involves, as an integral part of such activity, the use of the water.

**Water-enhanced use** means a use or activity which does not require a location adjacent to coastal waters, but whose location on the waterfront adds to the public use and enjoyment of the water's edge. Water-enhanced uses are primarily recreational, cultural, retail, or entertainment uses.

**Waterfront Redevelopment Area** is the waterfront area which is part of or near a business district and contains blighted or underutilized properties which are adequate in size to

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accommodate significant redevelopment of regional or statewide benefit. The following factors shall be considered in identification of waterfront redevelopment areas: (1) evidence of community commitment and initiative; (2) participation in the Local Waterfront Revitalization Program; (3) adequacy of local land and water use regulations; (4) adequacy of infrastructure; (4) opportunities for local and regional economic growth; and (5) opportunities for improved public access, environmental quality, and creation of local activity centers.

## Section IV: Proposed Land and Water Uses and Proposed Projects

Through the LWRP planning process and community involvement, priority projects have been identified to address several objectives of this LWRP. The areas of greatest interest for these projects are the Milton and Marlboro hamlet areas as well as the Milton Landing Park, located along the Hudson River in the Milton hamlet.

**I. Hamlet Area Enhancements** – Two hamlets exist within the town, Milton hamlet to the north and Marlboro hamlet to the south. Though each hamlet has its own individual needs and character, the following recommendations are generalized for both hamlets and followed by more specific recommendations for each.

- a. **Establish Hamlet Gateways on NYS Route 9W at entry and exit points to each Hamlet.** Community gateways are landscape treatments and can include pedestrian facilities and other enhancements that announce to motorists that they are entering the historic hamlet areas that have been identified as important centers of commerce and community identity and locations that are central to public waterfront access. Gateways on Route 9W will communicate to motorists that they are making the transition from a highway type roadway to a community street where land use, pedestrian, and motor vehicle activities will be more intense. Ideally, the motorists will respond by slowing down.

A community gateway should be placed close to the boundary of the community and where a reduction in traffic speed is desired. The gateway sign needs to be large enough to attract the attention of drivers and must clearly convey the message that the character of the roadway is changing from highway to municipal.

**Milton Hamlet**- The four corners area at the intersection of Route 9W and Milton Turnpike has been identified as the appropriate location for the northern gateway to Milton



Figure 1: Community gateways use landscaping, crosswalk enhancements, and other design elements to convey to motorists to slow down.

Hamlet. A sign for the hamlet already exists on the southeastern corner of this intersection, however a larger sign, more appropriate for the speed of traffic, and some strategic landscaping and other intersection improvements would make the gateway more visible for motorists. A southern gateway for Milton has yet to be determined, but its location should be chosen based on the same criteria.

**Marlboro Hamlet**- The parking lot across Route 9W from St. Mary's Church on the southern end of Marlboro hamlet has been identified by previous studies as the appropriate location for the southern gateway sign. The intersection of Purdy Avenue and Route 9W to the north of the hamlet appears to be an appropriate place for the northern gateway area.



Figure 2: Marlboro hamlet southern gateway concept design, courtesy of Barton and Loguidice, 2015.

Ideally, gateway signs are installed on the right-hand side of the street so that they are more visually accessible for motorists. In the case of the Milton and Marlboro gateway signs, they should be installed on both sides of the street if possible, as their intention is to indicate both the entrance and exit of each hamlet for traffic traveling both north and south along Route 9W.

**The gateway examples shown in Figure 1**depict gateways areas with medians installed in the center of the roadway. While this is an effective approach for slowing traffic, medians may not be feasible for the 9W Corridor. Gateway areas should be designed with road and traffic type in mind. In addition, contextually relevant design elements should be incorporated into the gateway signs and landscaping, like the stone wall feature in the conceptual rendering shown in Figure 2 above.

The most appropriate application for a community gateway would be as an integral part of a larger traffic calming and corridor beautification project. The 2017-2018 Ulster County 9W Corridor study for the Town of Marlborough includes this type of transportation planning.

- b. Streetscape improvements.** Improvements to the streetscape are key to fostering a pattern of development in the waterfront area that enhances community character by creating safe, attractive and walkable streets in Marlborough. Installation of pedestrian scale lighting, connected sidewalks and shared use paths, as well as landscaping

improvements can help create an environment where pedestrians and bicyclists feel safe. Green infrastructure practices for stormwater management should be considered when designing streetscape improvements, as described in section IV. II. d. below.

**Lighting** – Pedestrian-scale lighting is lower in height than standard street lighting and is spaced closer together, creating a safer and more comfortable environment for pedestrians. Shielded, downward facing LED street lighting will reduce electricity costs compared to traditional sodium street lights, as well as minimize light pollution that may be disruptive to hamlet residents.

**Marlboro Hamlet** – Pedestrian-scale lighting should be installed in the core area along Route 9W and expand along King Street and Western Avenue.

**Milton Hamlet** - Pedestrian-scale lighting should be installed in the core commercial area on Main Street, and expand upward along Milton Turnpike to Route 9W, creating a welcoming atmosphere as pedestrians and motorists approach the hamlet.



Figure 3: Streetscape improvements can create a safer environmental for pedestrians

**Landscaping** – Similar to the Hamlet Gateway Areas, landscaping options can be used throughout the hamlets to slow traffic and create a more welcoming atmosphere for pedestrians.

**Street Trees** - There are many benefits of planting trees along road sides. Street trees are beneficial to the environment, signal to motorists to slow down, and add to the aesthetics of the area. Ideally, street trees are planted between the sidewalk and the roadway, consideration should be given to the height of the tree species, the size of the leaves and canopy, and the depth of the roots so that they do not interfere with the sidewalk and road surfaces. Cornell University provides a guide for selecting the appropriate trees based on a variety of factors, the guide can be found at: <http://www.hort.cornell.edu/uhi/outreach/recurbtree/pdfs/~recurbtrees.pdf>. A recent study and grant proposal identified areas along 9W in each hamlet where street trees should be located.

**Sidewalks** – The town currently suffers from a disconnected grid of sidewalks. In order to create a safer and more welcoming atmosphere for walking, steps must be taken to fill in the gaps. Sidewalk construction and improvements are best done in conjunction with larger road improvement projects, so the ability to coordinate with the town and county public works department on future projects is critical. Areas identified in the town's Safe Route to School Study (Alta Planning + Design, 2016) for sidewalk installation include:

- Route 9W between Old Post Road and Young Avenue
- Dubois Street
- Orange Street
- Bloom Street
- Birdsall Avenue
- McLaughlin Drive
- Purdy Avenue

In addition to these identified areas, there are many places throughout the town that would benefit from improvements in pedestrian accommodations, a more thorough study should be performed to identify these places.



Figure 4: Conceptual rendering of intersection improvements in Marlboro Hamlet

**Intersection Improvements** - In addition to installing sidewalks, there are improvements that can be made to intersections along the 9W corridor. These adjustments can improve safety for pedestrians, bicyclists and motorists. Intersections that were identified in the town's Safe Routes to School Study (Alta Planning + Design, 2016) as intersections recommended for crosswalk installation are the following:

- Birdsall Avenue and 9W (West)
- Orange Street and Western Avenue (East)
- Purdy Avenue and 9W (West)
- Birdsall Avenue and Prospect Street (East)
- South Street and Bloom Street (North, East, South, West)

**Milton Hamlet** – The four corners intersection is where NYS Route 9W meets Milton Turnpike and acts as the northern gateway area for Milton hamlet. Improvements such as sidewalks, signalized crossings, and strategic landscaping would work to improve the safety and aesthetics of this intersection while also incorporating features that naturally slow traffic by way of traffic calming.

**Marlboro Hamlet** - The Intersection of Route 9W, Western Avenue and King Street is well known throughout the area as a problem intersection, it was identified as “one of the largest barriers for pedestrian and bicycle travel in Marlborough” by the town’s Safe Routes to School Study (Alta Planning + Design, 2016). Here, Western Avenue and King Street converge with NYS Route 9W forming an odd traffic predicament for motorists, pedestrians and bicyclists alike. The Marlboro Hamlet Area Transportation Plan (2008) identified six different alternatives for the intersection of Route 9W, Western Avenue and King Street. These alternatives should be revisited and reevaluated to coincide with the Ulster County 9W Corridor Study that will be completed later in 2017-2018.

c. **Parking improvements** – In order to advance the policy of concentrating development and redevelopment in or adjacent to traditional waterfront centers in the hamlet areas, parking availability rises as an important concern of citizens and business owners in the town in order to support the revitalization of these areas. Recent and proposed commercial development has the potential to further decrease parking availability. In both hamlets, opportunities for shared parking arrangements should be explored between establishments that have different peak hours of operations. Potential opportunities exist with St. Mary’s Church in Marlboro and St. James’ Church and Town Hall in Milton, since all have predictable hours of operation. Although these parking lots may already be used in an informal way, establishing a formal agreement and clearly posted directional signs for parking would reduce some of the parking pressures in the hamlets.

An additional option to explore is to improve and expand on-street parking on the side streets surrounding each hamlet. Providing on street parking on a designated side of the street, with a time limitation would allow for additional parking near the commercial areas of the hamlet without affecting the neighborhood’s environment. Green infrastructure practices for stormwater management should be considered when designing parking improvements, as described in section IV. II. d. below.

d. **Green infrastructure standards and guidelines** – Opportunities to reduce stormwater runoff and improve the water quality of runoff in the waterfront area are presented as the town plans public works project and as the private sector considers future site improvements. The town can create a set of design standards or guidelines for commonly utilized materials and systems such as permeable pavement for large parking areas and rain gardens and other naturalized stormwater management and treatment systems, drawing from resource materials available including the NYSDEC Stormwater Management Design Manual.

**II. Increase riverfront accessibility** – A stated goal of this LWRP and of the town's 2002 Master Plan is to *strengthen connections with the Hudson River* by integrating the waterfront into the community by improving both physical and visual access to the river. Creating safe non-motorized accommodations to connect the community with the River is the first step to achieving this goal.

**a. Milton Landing Park** – Implement the improvements following the design standards and recommendations from the Milton Landing Park Master Plan. Maintain visual access to the Hudson River from the portions of Milton Landing Park located west of the CSX railroad tracks. Estimated costs for Milton Landing Park have been prepared and are provided in Appendix D, reflecting the importance of this project to the Town of Marlborough's waterfront revitalization.



Figure 5: Milton Waterfront Parks Master Plan (Behan Planning & Design, 2017)

**b. Milton Landing Pier** - In 2016, the town received a \$40,000 grant from New York State for an engineering study to evaluate the condition of the pier. Specific recommendations for the future use of the pier are found in the 2017 Milton Waterfront Master Plan. The next step is for the town to secure funding to rehabilitate and construct new south pier and related pier improvements.

**c. Milton Turnpike Shared Use Path** –Milton Turnpike serves as the main entrance into the hamlet of Milton including its intersection with Route 9W, this county road winds down a gradual hill from Route 9W and intersects Main Street in the Milton hamlet. Although this is a highly used road for pedestrians and motorists alike, it is only partially served by a sidewalk. The completion of the sidewalk by installing a shared use path along the remainder

of the road would secure safety for those who currently walk along this road, and encourage walking for those who currently perceive it to be unsafe. To continue on to the waterfront, the route utilizes the existing sidewalk on Main Street for one block and then turns east down Dock Road, also a county road, that winds down varied terrain, passing a pond and offering fantastic views of the Hudson River before entering Milton Landing Park home of the town's historic train station and publicly accessible piers.

The completion of the Milton Turnpike shared use path would not only create a safer environment for pedestrians, it would also serve to increase the physical connections between Milton hamlet and the Hudson River, a primary goal of the town and this LWRP.

**d. Marlboro Mills Waterfall Walkway** – The Marlboro Hamlet Economic Development Committee (MEDC) has developed the proposed Marlboro Mills Waterfall Walkway (MMWW) as a recreation and heritage trail project. The proposed trail will create a pedestrian experience and connection between the Marlboro Hamlet and the Hudson River waterfront. The trail will follow Lattintown Creek which winds past the commercial center's historic buildings and mill sites. The trail would provide dramatic views of the creek splashing over rocky ledges and include interpretive signage telling the story of the agricultural community, its water-powered industry, and connections to river transportation.

The social and economic history of the Marlboro hamlet is directly tied to the geographical features of Lattintown Creek and its Hudson River confluence. For almost 200 years spanning the 18<sup>th</sup> to 20<sup>th</sup> centuries the many shorter falls along the Creek powered mills serving the local agricultural economy by grinding grain, making baskets for produce and containers for fruit preserves, and sawing wood, making textiles and even cutting and storing ice. Today, the important historical and physical connections between Marlboro's industrial history, the modern Hamlet and the Hudson River have been lost. The MMWW trail and its public history interpretation elements is an opportunity to reestablish those lost connections.

Communities with public trails and historical sites are viewed as more attractive to home buyers and potential visitors. Additionally, access to trails has been shown to have significant public physical and mental health benefits.

Currently, the Town of Marlborough has limited outdoor public recreational facilities and no alternative transportation corridors or publicly interpreted historic or natural landscapes. Only two percent of Marlborough's land is public open space, well below the Ulster County average of 31 percent. The MMWW trail would be the Marlboro Hamlet's first public trail system, and the Town of Marlborough's second public trail and recreational opportunity.

The MMWW trail is part of a town-wide vision to make Marlborough and its hamlets a destination with more attractive buildings and an appealing mix of shopping and other cultural, historical and recreational experiences. The trail, when completed, will link the town's natural and industrial history sites with a mix of on- and off-street trails, with existing and proposed bridges creating a variety of routes in a mix of urban and wooded environments. Signage would interpret the natural, social and industrial history of the creek, Marlboro Hamlet and mills, making the trail a heritage tourism destination as well as a recreational amenity.



Figure 6: The proposed trail brings visitors past a rare surviving waterwheel and drive gears from Wright's Grist Mill. Image courtesy of Matthew Kierstead.

**e. Hamlets of Marlborough shared use path** – In an effort to improve connections between the hamlets, the town should explore the potential of connecting Milton and Marlboro by a shared use path. Ideally, this path would be separated from Route 9W in order to increase safety for bicyclists and pedestrians. Where possible, this path would diverge from Route 9W and follow alternative routes and back roads.

In the longer term, the town should seek to collaborate with the Hudson River Valley Greenway and the Town of Lloyd. The town should explore the potential of a non-motorized connection from Milton hamlet, through the Town of Lloyd via Main Street/North Road that connects to Franny Reese Park and the Walkway over the Hudson to the Hudson River Valley Greenway Trail.

**f. Collaborate with Tilcon New York** – Coupled with the formation of the MMWW trail, collaborating with Tilcon New York, Inc. for the possible donation, purchase, or use of a portion of the company's property in Marlborough would create additional opportunities for public access to the Hudson River and greenspace.

The site of a former Tilcon New York, Inc. quarry lies in the southern portion of the town and encompasses approximately 244 acres along the Hudson River waterfront. The northern portion of the property is adjacent to the proposed site of the MMWW trail that follows Lattintown Creek and also the Marlboro Marina area.

**g. Marlboro Waterfront Park** – The town should evaluate the option of establishing an additional waterfront park in the hamlet of Marlboro. The area near the Marlboro Marina should be explored as a possible location. An additional park would increase access to the

Hudson River by creating a nature preserve park along the shores of the river in the area south of Marlboro Landing.

**h. The Hudson River Greenway Water Trail** - The Hudson River Greenway Water Trail connects access points along the Hudson River with land-based "trail heads". An existing Blue trail head has been established at Milton Landing Park; the creation of an additional trail head in Marlboro would attract more recreational visitors, but also serve to connect the hamlets in a non-motorized way. Improving and promoting water-based recreation access points along the Greenway Water Trail and connecting them to the hamlets would increase visitation from canoeists and kayakers and contribute to the local economy.

### **III. Feasibility study for youth center or youth drop-in facility**

The data on declining school enrollments and loss of youth populations is of concern to the town causing decreasing stability of the demographic base and the related stability of the town's residential area. This concern impacts the waterfront revitalization policy to protect stable residential areas. By providing support services to residential areas in the hamlets, people will want to live in the community, contributing to long-term economic stability and providing the tax revenue that will maintain waterfront parks and community infrastructure. The youth center could be connected to the waterfront by the trail systems proposed elsewhere in this LWRP, providing exercise opportunities for youth and their families. Through community forums and group discussions with Marlborough's school age population, the idea of a youth center and drop-in facility arose as a way to support existing youth populations and to help attract households that can help stabilize the residential base and demographics of the town. The nearby Town of Woodstock has been successful with a popular similar facility.

In Marlborough, with limited pedestrian infrastructure, steep terrain and narrow shoulders, teens feel unsafe walking very many places. Without access to a car, many are left with minimal after-school activities save for school sanctioned sports and other after-school clubs. Teens and community members alike have expressed interest in evaluating the possibility of opening a drop-in facility for after school and weekend hours. This facility would be a safe place where teens can drop in for as long as they like, socialize with friends, use the internet, collaborate on homework assignments and meet new people. A high school group is currently putting together a survey to give to their peers to further explore interest in this sort of facility.

This facility would require a space; in Woodstock the town acquired an old house. The facility must be located in an area that is easily accessible from the high school and an employee or volunteer would be required in order to staff it.

**IV. Economic Development** – A stated goal of this LWRP is to *Revitalize Milton and Marlboro Hamlets*, and to further the policy of concentrating development and redevelopment in or adjacent to traditional waterfront communities. Historically, the hamlets served as the heart of

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the waterfront area and commercial centers for the town. Since then, development patterns have shifted consumer attention away from these traditional centers. There exists an opportunity in Marlborough to refocus commercial attention back to the hamlets by addressing public infrastructure necessary to support hamlet revitalization including public utilities, public parking, and pedestrian and streetscape enhancements.

- a. [Collaboration between each hamlet's economic development committee](#) – there is considerable economic investment and potential in each hamlet. A collaborative approach to economic development throughout the town could make the town more desirable for investors. The Hamlet of Milton Associates is an alliance of community members engaged in revitalizing and beautifying Milton hamlet. The Hamlet of Marlboro Economic Development Committee shares similar goals, but is based in Marlboro hamlet. While these committees do meaningful work for their respective hamlets, a joint effort may result in a powerful approach to revitalizing the hamlets of Marlborough.
- b. [Develop a town plan to work with investors](#) – The town should develop a plan to collaborate with investors in order to help them secure any incentives that are available through the county, state and IDA.

**V. Develop a Historic Resources Survey for the town** - A Historic Resource Survey provides the means by which to identify and document historic resources and evaluate their significance. The town has not conducted a professional comprehensive survey of its historical assets since the enacting of the National Historic Preservation Act of 1966. Marlborough has numerous buildings already listed on the National Register of Historic Place, adding to this list would not only give the town a more comprehensive look at its historic resources, but would also help develop heritage tourism in the area – a growing and popular market that would seamlessly add to the already popular agritourism industry in the town.

Heritage tourism is the fastest growing of New York's visitor industry. The National Trust for Historic Preservation defines heritage tourism as "traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past." Heritage tourism can include cultural, historic, and natural resources, all of which Marlborough has an abundance of. In addition to the proposed MMWW, there is an opportunity to establish a historic walking tour that connects the town's historical resources with the town's existing agricultural resources, they themselves an important part of the town's history.

**a. Historic walking tour** – Marlborough is a town steeped in history – in addition to its vast array of historical buildings, landmarks and vistas, there are tales and relics of Revolutionary War cannon fire, and early water-powered mill industries. A benefit to residents and tourists alike, a historical walking tour throughout the town and its hamlets would create a stimulating educational experience. This is an endeavor that Milton and Marlboro hamlets should undertake together to promote the hamlets as parts of the larger, historic Town of Marlborough.

- Interpretive signage at historic sites, buildings, vistas, and ruins;
- Integrated wayfinding points serve as a visual and creative way to direct visitors through the town and to the waterfront. These signs also serve as an opportunity to develop and establish a brand identity for the town;
- Promotional brochures serve as an effective way to distribute information about the town's history, as well as a way to promote businesses and other services the town has to offer.<sup>1</sup>

## VI. Develop an Agricultural Enhancement and Farmland Protection Plan

The best strategy to maintain farmland is to keep farmland profitable, but even the most profitable farms can be vulnerable to subdivision and development. It will be important to follow through



Image courtesy of: Hastings-on-Hudson Historical Society

The Historical Society of Hastings-on-Hudson has developed a self-guided history walking tour through the village. The tour features 34 descriptive signs at sites of historic interest including the industrial waterfront, local churches and historic homes and buildings.

<sup>1</sup> Should the town contemplate creating a historic buildings protection plan or preservation ordinance in the future it can consider other nearby community's efforts such as the Village of Rhinebeck's code as well as NYS Office of Parks, Recreation and Historic Preservation's model law.

on the land use recommendations in the town comprehensive plan. The agricultural community in partnership with the town and with funding support from New York State Department of Agriculture and Markets should consider drafting and adopting an agriculture and farmland preservation plan. Not only do these plans help establish agriculture as a critical land use in the town through local policies, they also develop a framework for the town to promote farming and agritourism, and place the town and local landowners in a better position to receive state and federal monies for farmland conservation.

## **VII. Review and Update Town Zoning Ordinance and Subdivision Regulations**

Address the land use recommendations in the comprehensive plan including review and refinement of the zoning ordinance to address residential growth, affordable/workforce housing, and riverview enterprise areas. Review the zoning ordinance including the zoning map for potential expansion of the hamlet areas and provision for additional permitted uses including consideration of opportunities for expanded residential options and mix of housing types including apartments above retail and commercial uses. Consider opportunities to encourage water-dependent and water-enhanced uses in riverview enterprise areas.

## Section V: Techniques for Local Implementation of the Local Waterfront Revitalization Program

### Existing Land Use Policies and Regulations:

**Comprehensive Plan**--The Town of Marlborough Comprehensive Plan is a policy guide for the area's long-term development and conservation of resources. The town's comprehensive plan is being updated in coordination with the LWRP.

**Zoning Ordinance** - The Town of Marlborough Zoning Ordinance regulates the use and intensity of law within the municipality. Within the LWRP boundary area, the following zoning districts occur:

C-1	Commercial
R	Residential
R-1	Residential – 1
RAG	Rural Agricultural
IND	Industrial
HD	Highway Development

**Subdivision Regulations** – The Planning Board of the Town of Marlborough is authorized and empowered to approve, approve with modifications and disapprove of the subdivision of any lot, tract or parcel of land as part of a plan for the orderly, efficient and economical development of the town. Subdivision regulation, as a means of land use control, will enforce the same policies enforced by zoning regulations.

**State Environmental Quality Review Act (SEQRA)** - All activities must conform to the State Environmental Quality Review Act (SEQRA).

**Proposed Town Laws and Regulations Necessary to Implement the LWRP:** At this time there are two local laws that are required to implement the LWRP—a local consistency law and a harbor management law. (Any other laws that may be required in the future would only be determined after additional planning and analysis as discussed in previous sections of this document.)

**Adoption of a Local Consistency Review Law** - To implement the LWRP, the Town of Marlborough will adopt a Local Consistency Review Law (Appendix E). The Waterfront Consistency Law provides a framework for agencies of the Town of Marlborough to consider the policies and purposes of the Local Waterfront Revitalization Program when reviewing applications for actions or direct agency actions located in the coastal area; and to insure that such actions and direct actions are consistent with the said policies and purposes. This local law helps implement all LWRP Policies and the proposed land and water uses identified within the LWRP.

**Harbor Management Law** – The Harbor Management Law (HML) regulates the speed, use, operation, anchoring, and mooring of vessels, and the use of waters within the jurisdiction of the Town of Marlborough in a manner to protect and promote the public health, safety and general welfare. (This law can be found in Appendix F.)

### **Management Structure to Implement the LWRP:**

#### **A. Responsibility for Overall Management and Coordination of the LWRP and Specific Responsibilities for Implementation.**

Official Overall LWRP Coordination: The Town Board is the Lead Agency for all LWRP activities, and the Town Supervisor is designated as the local official responsible for overall management and coordination of the LWRP. Successful implementation of the Local Waterfront Revitalization Program will require the participation of the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Inspector/Code Enforcement Officer, and other town departments, boards, along with town consultants including Town Engineer, Town Attorney and Town Planner.

1. The Town Supervisor is the local official responsible for overall management and coordination of the LWRP. The Supervisor will apply for funding on behalf of the town to implement projects and programs identified in the LWRP. Any proposed grant agreements with any State, Federal, or other sources to support projects under the LWRP shall require Town Board approval.
2. The Town Clerk will be responsible for correspondence, communications, and record keeping for town government actions pertaining to the implementation of the LWRP.
3. The Planning Board shall be responsible for undertaking site plan and subdivision reviews within the town, including the Waterfront Area. The Planning Board will coordinate review of actions in the town's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations to other town agencies in the implementation of the LWRP, its policies and projects.
4. The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to the Town of Marlborough Waterfront Consistency Review Law. The ZBA will hear and render decision on variance applications and appeals involving property or activities within the waterfront area.
5. The Building Inspector and Code Enforcement Officer shall be responsible for enforcing the zoning regulations and identifying violations of the Town of Marlborough Waterfront Consistency Review Law.

All agencies of the town will maintain their present responsibilities for programs, projects and regulations.

#### **B. Procedures for Reviewing Local Actions for Consistency with the LWRP**

The Local Consistency Law requires all proposed Actions, as defined in the Town of Marlborough Waterfront Consistency Review Law, directly undertaken, approved or funded by the town within

the waterfront area are consistent with the policies of this LWRP. Consistency review and certification procedures are set forth in the town's Consistency Review Law.

The review process for all projects will be two-fold. Local projects will require review for consistency with the LWRP in accordance with procedures set forth in the Local Consistency Review Law. Proposed State actions will be reviewed in accordance with guidelines established by the New York State Department of State (DOS). These guidelines are provided in Appendix H: New York State Department of State Coastal Management Program – Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect.

### C. Financial Resources Necessary to Implement the LWRP

Financing the implementation of the LWRP falls into two broad categories: day-to-day management of the program; and development of long-term projects. The day-to-day management of the program will be covered by the town administration and staff. Due to fiscal constraints, the town will need to solicit grants and other funding support for implementation of the projects in the plan. The town will be prepared to cover its matching share prior to the execution of any grant agreements.

The town often relies on resident volunteers on its boards and committees. This LWRP was prepared by such a volunteer citizen group.

The long-term projects, such as those proposed in Section V will qualify for funding and support from State, Federal and private sources. The town will pursue support from these sources in the form of grants and other forms of financial and technical assistance. Town representatives will work in collaboration with the DOS Office of Planning, Development and Community Infrastructure and other agencies as appropriate to secure these funds.

The town highway department as well as local volunteers have also provided labor, equipment and materials to make improvements to the waterfront areas including the Milton Landing Park and Train Station, among other areas. This collaborative effort will be an important part of continuing the community's effort to make improvements to public spaces for the benefit of both current and future generations.

**Other Funding Options** – Public support for farmland protection is strong, and New York State has been a leader in the support. In addition to funding from New York State, funding for open space and farmland protection can be derived from the municipality itself or the county through the following strategies:

- *Municipal Bonds.* Municipal bonds are among the most common sources of funds for the public financing of open space projects in the Hudson Valley. Twelve Hudson Valley municipalities have approved ballot measures authorizing general obligation and serial bonds since the late 1990s, creating more than \$40 million in new funding to protect open space and farms.

- *County Sales Tax.* Counties may direct sales tax revenue toward open space projects. New York State sales tax is fixed at 4 percent. Counties can levy a tax of up to 3 percent, or higher with approval of the Legislature and governor. The New York State Comptroller's 2015 Annual Report on Local Governments notes that sales taxes have regained an upward trend but have yet to meet the average growth experienced prior to the Great Recession. Tax revenue statewide grew 3.1 percent in the first three quarters of 2015 compared to the same period in 2014. In the Mid-Hudson Region, sales tax collections grew by 0.7 percent in the first ten months of 2015 (Office of the New York State Comptroller, 2016).
- *Community Preservation Acts.* These acts create a mechanism for localities to enact a real estate transfer tax dedicated to protect natural, historic, recreational and agricultural land. Only communities with approval by the state Legislature, governor and local voters may create a Community Preservation Fund (CPF). In New York State, \$1 billion in new funding has been generated, including \$20 million by the towns of Red Hook and Warwick, and the remainder in Suffolk County, Long Island. A bill authorizing municipalities in Ulster County to be added to the Hudson Valley CPA passed the New York State Senate and Assembly in June 2019 and was signed into law on December 6, 2019. This law gives Ulster County municipalities the authority to create their own CPF by developing a community preservation plan and holding a public referendum.

## **Section VI: Federal and State Actions Likely to Affect Implementation of the Program**

State and Federal actions will affect and be affected by implementation of the Town of Marlborough LWRP. Under State Law and the U.S. Coastal Zoning Management Act, certain State and Federal actions within or affecting the local waterfront area must be consistent or consistent to the maximum extent practicable with the enforceable policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State and Federal agencies is also likely to be necessary to implement specific provisions of the LWRP.

### **A. State Actions and Programs which should be undertaken in a Manner Consistent with the LWRP**

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with approved LWRPs. The following list of State actions and programs is that list. The State Waterfront Revitalization of Coastal Areas and Inland Waterways Act requires that an LWRP identifies those elements of the program that can be implemented by the local government, unaided, and those that can only be implemented with the aid of other levels of government or other agencies. Such statement shall include those permit, license, certification or approval programs; grant, loan subsidy or other funding assistance programs; facilities construction, and planning programs that may affect the achievement of the LWRP.

#### **OFFICE FOR THE AGING**

- 1.0 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

#### **DEPARTMENT OF AGRICULTURE AND MARKETS**

- 1.00 Agricultural Districts Program
- 2.00 Rural Development Program
- 3.00 Farm Worker Services Program
- 4.00 Permit and approval programs:

- 4.01 Custom Slaughters/Processor Permit
- 4.02 Processing Plant License
- 4.03 Refrigerated Warehouse and/or Locker Plant License
- 5.00 Farmland Protection Implementation Grant
- 6.00 Agricultural Nonpoint Source Abatement and Control Program

**DIVISION OF ALCOHOLIC BEVERAGE CONTROL/ STATE LIQUOR AUTHORITY**

- 1.00 Permit and Approval Programs:
  - 1.01 Ball Park - Stadium License
  - 1.02 Bottle Club License
  - 1.03 Bottling Permits
  - 1.04 Brewer's Licenses and Permits
  - 1.05 Brewer's Retail Beer License
  - 1.06 Catering Establishment Liquor License
  - 1.07 Cider Producer's and Wholesaler's Licenses
  - 1.08 Club Beer, Liquor, and Wine Licenses
  - 1.09 Distiller's Licenses
  - 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
  - 1.11 Farm Winery and Winery Licenses
  - 1.12 Hotel Beer, Wine, and Liquor Licenses
  - 1.13 Industrial Alcohol Manufacturer's Permits
  - 1.14 Liquor Store License
  - 1.15 On-Premises Liquor Licenses
  - 1.16 Plenary Permit (Miscellaneous-Annual)
  - 1.17 Summer Beer and Liquor Licenses
  - 1.18 Tavern/Restaurant and Restaurant Wine Licenses

- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

## **OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**

- 1.00 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.00 Permit and approval:
  - 3.01 Letter Approval for Certificate of Need
  - 3.02 Operating Certificate (Alcoholism Facility)
  - 3.03 Operating Certificate (Community Residence)
  - 3.04 Operating Certificate (Outpatient Facility)
  - 3.05 Operating Certificate (Sobering-Up Station)

## **COUNCIL ON THE ARTS**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Architecture and environmental arts program.

## **OFFICE OF CHILDREN AND FAMILY SERVICES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Homeless Housing and Assistance Program.

3.00 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities)
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

## **DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION**

1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **DORMITORY AUTHORITY OF THE STATE OF NEW YORK**

1.00 Financing of higher education and health care facilities.

2.00 Planning and design services assistance program.

## **EDUCATION DEPARTMENT**

1.00 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.

2.00 Permit and approval programs:

- 2.01 Certification of Incorporation (Regents Charter)
- 2.02 Private Business School Registration
- 2.03 Private School License
- 2.04 Registered Manufacturer of Drugs and/or Devices

- 2.05 Registered Pharmacy Certificate
  - 2.06 Registered Wholesale of Drugs and/or Devices
  - 2.07 Registered Wholesaler-Repacker of Drugs and/or Devices
  - 2.08 Storekeeper's Certificate
- 3.00 Administration of Article 5, Section 233 of the Educational Law regarding the removal of archaeological and paleontological objects under the waters of the State.

#### **OFFICE OF EMERGENCY MANAGEMENT**

- hazard identification,
- loss prevention, planning, training, operational response to emergencies,
- technical support, and disaster recovery assistance.

#### **EMPIRE STATE DEVELOPMENT/ EMPIRE STATE DEVELOPMENT CORPORATION**

- 1.00 Preparation or revision of statewide or specific plans to address State economic development needs.
- 2.00 Allocation of the state tax-free bonding reserve.

#### **ENERGY RESEARCH AND DEVELOPMENT AUTHORITY**

- 1.00 Issuance of revenue bonds to finance pollution abatement modifications in power-generation facilities and various energy projects.
- 2.00 New Construction Program – provide assistance to incorporate energy-efficiency measures into the design, construction and operation of new and substantially renovated buildings.
- 3.00 Existing Facilities Program – offers incentives for a variety of energy projects

#### **DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of lands under the jurisdiction of the Department.
- 2.00 Classification of Waters Program; classification of land areas under the Clean Air Act.

3.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

4.00 Financial assistance/grant programs:

- 4.01 Capital projects for limiting air pollution
- 4.02 Cleanup of toxic waste dumps
- 4.03 Flood control, beach erosion, and other water resource projects
- 4.04 Operating aid to municipal wastewater treatment facilities
- 4.05 Resource recovery and solid waste management capital projects
- 4.06 Wastewater treatment facilities

6.00 Implementation of the Environmental Quality Bond Act of 1972, including:

- (a) Water Quality Improvement Projects
- (b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects, and Waterways Projects.

7.00 Marine Finfish and Shellfish Programs

9.00 Permit and approval programs

Air Resources

- 9.01 Certificate of Approval for Air Pollution Episode Action Plan
- 9.02 Certificate of Compliance for Tax Relief – Air Pollution Control Facility
- 9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; process, exhaust or Ventilation System
- 9.04 Permit for Burial of Radioactive Material
- 9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer
- 9.06 Permit for Restricted Burning
- 9.07 Permit to Construct; a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System

Construction Management

- 9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities

Fish and Wildlife

- 9.09 Certificate to Possess and Sell Hatchery Trout in New York State
- 9.10 Commercial Inland Fisheries Licenses
- 9.11 Fishing Preserve License
- 9.12 Fur Breeder's License
- 9.13 Game Dealer's License
- 9.14 Licenses to breed Domestic Game Animals
- 9.15 License to Possess and Sell Live Game
- 9.16 Permit to Import, Transport and/or Export under Section 184.1 (11-0511)
- 9.17 Permit to Raise and Sell trout
- 9.18 Private Bass Hatchery Permit
- 9.19 Shooting Preserve Licenses
- 9.20 Taxidermy License
- 9.21 Permit – Article 15, (Protection of Water) – Dredge and Deposit Material in a Waterway
- 9.22 Permit – Article 15, (Protection of Water) – Stream Bed or Bank Disturbances
- 9.23 Permit – Article 24, (Freshwater Wetlands)

Hazardous Substances

- 9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
- 9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
- 9.26 Permit to Use Chemicals for the Control or Elimination of Undesirable Fish

Lands and Forest

- 9.27 Certificate of Environmental Safety (Liquid Natural Gas/Liquid Petroleum Gas)
- 9.28 Floating Object Permit
- 9.29 Marine Regatta Permit
- 9.30 Navigation Aid Permit

Marine Resources

- 9.31 Digger's Permit (Shellfish)
- 9.32 License of Menhaden Fishing Vessel
- 9.33 License for Non Resident Food Fishing Vessel
- 9.34 Non Resident Lobster Permit
- 9.35 Marine Hatchery and/or Off Bottom Culture Shellfish Permits
- 9.36 Permits to Take Blue Claw Crabs
- 9.37 Permit to Use Pond or Trap Net
- 9.38 Resident Commercial Lobster Permit
- 9.39 Shellfish Bed Permit
- 9.40 Shellfish Shipper's Permits
- 9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
- 9.42 Permit – Article 25, (Tidal Wetlands)

Mineral Resources

- 9.43 Mining Permit
- 9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
- 9.45 Underground Storage Permit (Gas)
- 9.46 Well Drilling Permit (Oil, Gas and Solution Salt Mining)

Solid Wastes

- 9.47 Permit to Construct and/or operate a Solid Waste Management Facility
- 9.48 Septic Tank Cleaner and Industrial Waste Collector Permit

Water Resources

- 9.49 Approval of Plans for Wastewater Disposal Systems
- 9.50 Certificate of Approval of Realty Subdivision Plans
- 9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)

- 9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
- 9.53 Permit Article 36, (Construction in Flood Hazard Areas)
- 9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.55 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas
- 9.56 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.57 Approval – Drainage Improvement District
- 9.58 Approval – Water (Diversions for Power)
- 9.59 Approval of Well System and Permit to Operate
- 9.60 Permit – Article 15, (Protection of Water) – Dam
- 9.61 Permit – Article 15, Title 15 (Water Supply)
- 9.62 River Improvement District Permits
- 9.63 River Regulatory District approvals
- 9.64 Well Drilling Certificate of Registration
- 9.65 401 Water Quality Certification
- 10.00 Preparation and revision of Air Pollution State Implementation Plan.
- 11.00 Preparation and revision of Continuous Executive Program Plan.
- 12.00 Preparation and revision of Statewide Environmental Plan.
- 13.00 Protection of Natural and Man-made Beauty Program.
- 14.00 Urban Fisheries Program.
- 15.00 Urban Forestry Program.
- 16.00 Urban Wildlife Program.

## **ENVIRONMENTAL FACILITIES CORPORATION**

- 1.0 Financing program for pollution control facilities for industrial firms and small businesses.

**DEPARTMENT OF FINANCIAL SERVICES (DEPARTMENT OF BANKING)**

1.00 Permit and approval programs:

- 1.01 Authorization Certificate (Bank Branch)
- 1.02 Authorization Certificate (Bank Change of Location)
- 1.03 Authorization Certificate (Bank Charter)
- 1.04 Authorization Certificate (Credit Union Change of Location)
- 1.05 Authorization Certificate (Credit Union Charter)
- 1.06 Authorization Certificate (Credit Union Station)
- 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
- 1.08 Authorization Certificate (Foreign Banking Corp. Public Accommodations Office)
- 1.09 Authorization Certificate (Investment Company Branch)
- 1.10 Authorization Certificate (Investment Company Change of Location)
- 1.11 Authorization Certificate (Investment Company Charter)
- 1.12 Authorization Certificate (Licensed Lender Change of Location)
- 1.13 Authorization Certificate (Mutual Trust Company Charter)
- 1.14 Authorization Certificate (Private Banker Charter)
- 1.15 Authorization Certificate (Public Accommodation Office – Banks)
- 1.16 Authorization Certificate (Safe Deposit Company Branch)
- 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
- 1.18 Authorization Certificate (Safe Deposit Company Charter)
- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank DeNovo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)

- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company – Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

## **OFFICE OF GENERAL SERVICES**

- 1.00 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.00 Administration of Article 4 B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.00 Facilities construction, rehabilitation, expansion, or demolition.
- 4.00 Administration of Article 5, Section 233, Subsection 5 of the Education Law on removal of archaeological and paleontological objects under the waters of the State.
- 5.00 Administration of Article 3, Section 32 of the Navigation Law regarding location of structures in or on navigable waters.
- 6.00 Section 334 of the State Real Estate Law regarding subdivision of waterfront properties on navigable waters to include the location of riparian lines.

## **DEPARTMENT OF HEALTH**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:

- 2.01 Approval of Completed Works for Public Water Supply Improvements
- 2.02 Approval of Plans for Public Water Supply Improvements.
- 2.03 Certificate of Need (Health Related Facility except Hospitals)
- 2.04 Certificate of Need (Hospitals)
- 2.05 Operating Certificate (Diagnostic and Treatment Center)
- 2.06 Operating Certificate (Health Related Facility)
- 2.07 Operating Certificate (Hospice)
- 2.08 Operating Certificate (Hospital)
- 2.09 Operating Certificate (Nursing Home)
- 2.10 Shared Health Facility Registration Certificate

**DIVISION OF HOMES AND COMMUNITY RENEWAL and its subsidiaries and affiliates**

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Financial assistance/grant programs:

- 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
- 2.02 Housing Development Fund Programs
- 2.03 Neighborhood Preservation Companies Program
- 2.04 Public Housing Programs
- 2.05 Rural Initiatives Grant Program
- 2.06 Rural Preservation Companies Program
- 2.07 Rural Rental Assistance Program
- 2.08 Special Needs Demonstration Projects
- 2.09 Urban Initiatives Grant Program
- 2.10 Urban Renewal Programs

3.00 Preparation and implementation of plans to address housing and community renewal needs.

## **OFFICE OF MENTAL HEALTH**

1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.00 Permit and approval programs:

- 2.01 Operating Certificate (Community Residence)
- 2.02 Operating Certificate (Family Care Homes)
- 2.03 Operating Certificate (Inpatient Facility)
- 2.04 Operating Certificate (Outpatient Facility)

## **DIVISION OF MILITARY AND NAVAL AFFAIRS**

1.0 Preparation and implementation of the State Disaster Preparedness Plan.

## **NATURAL HERITAGE TRUST**

1.0 Funding program for natural heritage institutions.

## **OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION (including Regional State Park Commission)**

1.00 Acquisition, disposition, lease, grant of easement, or other activities related to the management of land under the jurisdiction of the Office.

2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

3.00 Funding program for recreational boating, safety, and enforcement.

4.00 Funding program for State and local historic preservation projects.

5.00 Land and Water Conservation Fund programs.

6.00 Nomination of properties to the Federal and/or State Register of Historic Places.

- 7.00 Permit and approval programs:
  - 7.01 Floating Objects Permit
  - 7.02 Marine Regatta Permit
  - 7.03 Navigation Aide Permit
  - 7.04 Posting of Signs Outside State Parks
- 8.00 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.00 Recreation services program.
- 10.00 Urban Cultural Parks Program.
- 11.00 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.

### **OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES**

- 1.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.00 Permit and approval programs:
  - 2.01 Establishment and Construction Prior Approval
  - 2.02 Operating Certificate Community Residence
  - 2.03 Outpatient Facility Operating Certificate

### **POWER AUTHORITY OF THE STATE OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition.

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### **ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY (regional agency)**

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- 1.00 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.00 Increases in special fares for transportation services to public water-related recreation resources.

## **NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION**

- 1.00 Corporation for Innovation Development Program.
- 2.00 Center for Advanced Technology Program.

## **DEPARTMENT OF STATE**

- 1.00 Appalachian Regional Development Program.
- 2.00 Coastal Management Program.
- 2.10 Planning, construction, rehabilitation, expansion, demolition or the funding of such activities and/or projects funded through the Environmental Protection Fund (Environmental Protection Act of 1993) or Clean Water/Clean Air Bond Act of 1996.
- 3.00 Community Services Block Grant Program.
- 4.00 Permit and approval programs:
  - 4.01 Billiard Room License
  - 4.02 Cemetery Operator
  - 4.03 Uniform Fire Prevention and Building Code

## **STATE UNIVERSITY CONSTRUCTION FUND**

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **STATE UNIVERSITY OF NEW YORK**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the University.
- 2.00 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

## **DEPARTMENT OF TRANSPORTATION**

- 1.00 Acquisition, disposition, lease, grant of easement, and other activities related to the management of land under the jurisdiction of the Department.
- 2.00 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:
  - (a) Highways and parkways
  - (b) Bridges on the State highways system
  - (c) Highway and parkway maintenance facilities
  - (d) Rail facilities
- 3.00 Financial assistance/grant programs:
  - 3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)
  - 3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York
  - 3.03 Funding programs for rehabilitation and replacement of municipal bridges
  - 3.04 Subsidies program for marginal branch lines abandoned by Conrail
  - 3.05 Subsidies program for passenger rail service
- 4.00 Permits and approval programs:
  - 4.01 Approval of applications for airport improvements (construction projects)
  - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
  - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities

- 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
- 4.05 Certificate of Convenience and Necessity to Operate a Railroad
- 4.06 Highway Work Permits
- 4.07 License to Operate Major Petroleum Facilities
- 4.08 Outdoor Advertising Permit (for off premises advertising signs adjacent to interstate and primary highway)
- 4.09 Real Property Division Permit for Use of State Owned Property
- 5.00 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.00 Water Operation and Maintenance Program Activities related to the containment of petroleum spills and development of an emergency oil spill control network.

#### **DIVISION OF YOUTH**

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding for approval of such activities.

## B. Federal Activities Affecting Land and Water Uses and Natural Resources in the Coastal Zone of New York State

*Note: This LWRP's list of the federal agency activities is identical to the most recent version of the Table 3 list in the New York State Coastal Management Program as approved by the federal Office for Coastal Management on May 7, 2017. Please contact the New York State Department of State, Office of Planning and Development, at (518) 474-6000, for any updates to New York State Coastal Management Program Table 3 federal agency activities list that may have occurred post-approval of this LWRP.*

This list has been prepared in accordance with the consistency provisions of the federal Coastal Zone Management Act and implementing regulations in 15 CFR Part 930. It is not exhaustive of all activities subject to the consistency provisions of the federal Coastal Zone Management Act, implementing regulations in 15 CFR Part 930, and the New York Coastal Management Program. It includes activities requiring:

1. the submission of consistency determinations by federal agencies;
2. the submission of consistency certifications by entities other than federal agencies; and
3. the submission of necessary data and information to the New York State Department of State, in accordance with 15 CFR Part 930, Subparts C, D, E, F and I, and the New York Coastal Management Program.

### **1. Activities Undertaken Directly by or on Behalf of Federal Agencies**

The following activities, undertaken directly by or on behalf of the identified federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart C, and the New York Coastal Management Program.

#### **Department of Commerce, National Marine Fisheries Service:**

- Fisheries Management Plans

#### **Department of Defense, Army Corps of Engineers:**

- Proposed authorizations for dredging, channel improvement, breakwaters, other navigational works, erosion control structures, beach replenishment, dams or flood control works, ice management practices and activities, and other projects with the potential to impact coastal lands and waters.
- Land acquisition for spoil disposal or other purposes.
- Selection of open water disposal sites.

#### **Department of Defense, Air Force, Army and Navy:**

- Location, design, and acquisition of new or expanded defense installations (active or reserve status, including associated housing, transportation or other facilities).

- Plans, procedures and facilities for handling or storage use zones.
- Establishment of impact, compatibility or restricted use zones.

**Department of Energy:**

- Prohibition orders.

**General Services Administration:**

- Acquisition, location and design of proposed federal government property or buildings, whether leased or owned by the federal government.

**Department of Interior, Fish and Wildlife Service:**

- Management of National Wildlife refuges and proposed acquisitions.

**Department of Interior, National Park Service:**

- National Park and Seashore management and proposed acquisitions.

**Department of Interior, Bureau of Ocean Energy Management**

- OCS lease sale activities including tract selection, lease sale stipulations, etc.

**Department of Homeland Security, Coast Guard:**

- Location and design, construction or enlargement of Coast Guard stations, bases, and lighthouses.
- Location, placement or removal of navigation devices which are not part of the routine operations under-the Aids to Navigation Program (ATON).
- Expansion, abandonment, designation or anchorages, lightering areas or shipping lanes and ice management practices and activities.

**Department of Transportation, Federal Aviation Administration:**

- Location and design, construction, maintenance, and demolition of Federal aids to air navigation.

**Department of Transportation, St. Lawrence Seaway Development Corporation:**

- Acquisition, location, design, improvement and construction of new and existing facilities for the operation of the Seaway, including traffic safety, traffic control and length of navigation season.

**Department of Transportation, Federal Highway Administration:**

- Highway construction

**2. Federal Licenses and Permits and Other Forms of Approval or Authorization**

The following activities, requiring permits, licenses, or other forms of authorization or approval from federal agencies, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15 CFR Part 930, Subpart D, and the New York Coastal Management Program.

**Department of Defense, Army Corps of Engineers:**

- Construction of dams, dikes or ditches across navigable waters, or obstruction or alteration of navigable waters required under Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401, 403).
- Establishment of harbor lines pursuant to Section 11 of the Rivers and Harbors Act of 1899 (33 U.S.C. 404, 405).
- Occupation of seawall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the U.S. pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- Approval of plans for improvements made at private expense under USACE supervision pursuant to the Rivers and Harbors Act of 1902 (33 U.S.C. 565).
- Disposal of dredged spoils into the waters of the U.S., pursuant to the Clean Water Act, Section 404 (33 U.S.C. 1344).
- All actions for which permits are required pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
- Construction of artificial islands and fixed structures in Long Island Sound pursuant to Section 4 (f) of the River and Harbors Act of 1912 (33 U.S.C.).

**Department of Energy, Federal Energy Regulatory Commission:**

- Licenses for non-federal hydroelectric projects and primary transmission lines under Sections 3 (11), 4 (e) and 15 of the Federal Power Act (16 U.S.C. 796 (11), 797 (11) and 808).
- Orders for interconnection of electric transmission facilities under Section 202 (b) of the Federal Power Act (15 U.S.C. 824 a (b)).
- Certificates for the construction and operation of interstate natural gas pipeline facilities, including both pipelines and terminal facilities under Section 7 (c) of the Natural Gas Act (15 U.S.C. 717 f (c)).
- Permission and approval for the abandonment of natural gas pipeline facilities under Section 7(b) of the Natural Gas Act (15 U.S.C. 717 f (b)).

**Department of Energy, Economic Regulatory Commission:**

- Regulation of gas pipelines, and licensing of import or export of natural gas pursuant to the Natural Gas Act (15 U.S.C. 717) and the Energy Reorganization Act of 1974.
- Exemptions from prohibition orders.

**Environmental Protection Agency:**

- NPDES permits and other permits for Federal installations, discharges in contiguous zones and ocean waters, sludge runoff and aquaculture permits pursuant to Sections 401, 402, 403, 405, and 318 of the Federal Grater Pollution Control Act of 1972 (33 U.S.C. 1341, 1342, 1343, and 1328).
- Permits pursuant to the Resources Recovery and Conservation Act of 1976.
- Permits pursuant to the underground injection Control program under Section 1424 of the Safe Water Drinking Water Act (42 U.S.C. 300 h-c).
- Permits pursuant to the Clean Air Act of 1976 (42 U.S.C. 1857).

**Department of Interior, Fish and Wildlife Services:**

- Endangered species permits pursuant to the Endangered Species Act (16 U.S.C. 153 (a)).

**Department of Interior, Bureau of Ocean Energy Management:**

- Permits to drill, rights of use and easements for construction and maintenance of pipelines, gathering and flow lines and associated structures pursuant to 43 U.S.C. 1334, exploration and development plans, and any other permits or authorizations granted for activities described in detail in OCS exploration, development, and production plans.
- Permits required for pipelines crossing federal lands, including OCS lands, and associated activities pursuant to the OCS Lands Act (43 U.S.C. 1334) and 43 U.S.C. 931 (c) and 20 U.S.C. 185.

**Surface Transportation Board:**

- Authority to abandon railway lines (to the extent that the abandonment involves removal of trackage and disposition of right-of-way); authority to construct railroads; authority to construct slurry pipelines.

**Nuclear Regulatory Commission:**

- Licensing and certification of the siting, construction, and operation of nuclear power plants, pursuant to Atomic Energy Act of 1954, Title II of the Energy Reorganization Act of 1974 and the National Environmental Policy Act of 1969.

**Department of Transportation:**

- Construction or modification of bridges, causeways or pipelines over navigable waters pursuant to 49 U.S.C. 1455.
- Permits for Deepwater Ports pursuant to the Deepwater Ports Act of 1974 (33 U.S.C. 1501).

**Department of Transportation, Federal Aviation Administration:**

- Permits and licenses for construction, operation or alteration of airports.

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**3. Federal Financial Assistance to State and Local Governments**

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The following activities, involving financial assistance from federal agencies to state and local governments, are subject to the consistency provisions of the Coastal Zone Management Act, its implementing regulations in 15CFR Part 930, Subpart F, and the New York Coastal Management Program. When these activities involve financial assistance for entities other than State and local governments, the activities are subject to the consistency provisions of 15 CFR Part 930, Subpart C.

**Department of Agriculture**

- 10.068 Rural Clean Water Program
- 10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
- 10.410 Low to Moderate Income Housing Loans
- 10.411 Rural Housing Site Loans
- 10.413 Recreation Facility Loans
- 10.414 Resource Conservation and Development Loans
- 10.415 Rural Rental Housing Loans
- 10.416 Soil and Water Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans
- 10.422 Business and Industrial Loans
- 10.423 Community Facilities Loans
- 10.424 Industrial Development Grants
- 10.426 Area Development Assistance Planning Grants
- 10.429 Above Moderate Income Housing Loans
- 10.430 Energy Impacted Area Development Assistance Program
- 10.901 Resource Conservation and Development
- 10.902 Soil and Water Conservation
- 10.904 Watershed Protection and Flood Prevention
- 10.906 River Basin Surveys and Investigations

**Department of Commerce**

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities
  - 11.301 Economic Development - Business Development Assistance
  - 11.302 Economic Development - Support for Planning Organizations
  - 11.304 Economic Development - State and Local Economic Development Planning
  - 11.305 Economic Development - State and Local Economic Development Planning
  - 11.307 Special Economic Development and Adjustment Assistance Program - Long Term Economic Deterioration
  - 11.308 Grants to States for Supplemental and Basic Funding of Titles I, II, III, IV, and V Activities
  - 11.405 Anadromous and Great Lakes Fisheries Conservation
  - 11.407 Commercial Fisheries Research and Development
  - 11.417 Sea Grant Support
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11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements Program

11.501 Development and Promotion of Ports and Intermodal Transportation

11.509 Development and Promotion of Domestic Water-borne Transport Systems

**Department of Housing and Urban Development**

14. 112 Mortgage Insurance - Construction or Substantial Rehabilitation of Condominium Projects

14. 115 Mortgage Insurance - Development of Sales Type Cooperative Projects

14. 117 Mortgage Insurance - Homes

14. 124 Mortgage Insurance - Investor Sponsored Cooperative Housing

14. 125 Mortgage Insurance - Land Development and New Communities

14. 126 Mortgage Insurance - Managers ant Type Cooperative Projects

14. 127 Mortgage Insurance - Mobile Home Parks

14. 218 Community Development Block Grants/Entitlement Grants

14. 219 Community Development Block Grants/Small Cities Program

14. 221 Urban Development Action Grants

14. 223 Indian Community Development Block Grant Program

**Department of the Interior**

15.400 Outdoor Recreation - Acquisition, Development and Planning

15.402 Outdoor Recreation - Technical Assistance

15.403 Disposal of Federal Surplus Real Property for Parks, Recreation, and Historic Monuments

15.411 Historic Preservation Grants-In-Aid

15.417 Urban Park and Recreation Recovery Program

15.600 Anadromous Fish Conservation

15.605 Fish Restoration

15.611 Wildlife Restoration

15.613 Marine Mammal Grant Program

15.802 Minerals Discovery Loan Program

15.950 National Water Research and Development Program

15.951 Water Resources Research and Technology - Assistance to State Institutes

15.952 Water Research and Technology-Matching Funds to State Institutes

**Department of Transportation**

20.102 Airport Development Aid Program

20.103 Airport Planning Grant Program

20.205 Highway Research, Planning, and Construction Railroad Rehabilitation and Improvement - Guarantee of Obligations

20.309 Railroad Rehabilitation and Improvement – Guarantee of Obligations

20.310 Railroad Rehabilitation and Improvement - Redeemable Preference Shares

20.506 Urban Mass Transportation Demonstration Grants

20.509 Public Transportation for Rural and Small Urban Areas

**General Services Administration**

39.002 Disposal of Federal Surplus Real Property

**Community Services Administration**

49.002 Community Action

49.011 Community Economic Development

49.013 State Economic Opportunity Offices

49.017 Rural Development Loan Fund

49.018 Housing and Community Development (Rural Housing)

**Small Business Administration**

59.012 Small Business Loans

59.013 State and Local Development Company Loans

59.024 Water Pollution Control Loans

59.025 Air Pollution Control Loans

59.031 Small Business Pollution Control Financing Guarantee

**Environmental Protection Agency**

66.001 Air Pollution Control Program Grants

66.418 Construction Grants for Wastewater Treatment Works

66.426 Water Pollution Control - State and Area-wide Water Quality Management Planning Agency

66.451 Solid and Hazardous Waste Management Program Support Grants

66.452 Solid Waste Management Demonstration Grants

66.600 Environmental Protection Consolidated Grants Program Support

66.800 Comprehensive Environmental Response, Compensation and Liability (Superfund)

*Note: Numbers refer to the Catalog of Federal Domestic Assistance Programs, 1980 and its subsequent updates.*

## C. Federal and State Actions and Programs Necessary to Further the LWRP

The development of a viable, successful waterfront program depends on all levels of government working to implement the policies stated in Section III of this document. The following indicate actions of the State and Federal governmental agencies necessary for implementation of Marlborough's LWRP.

### 1. State Agencies

Department of Economic Development

- A. Any action or provision of funds for the development or promotion of tourism related activities.

Department of Environmental Conservation

- A. Development, construction, renovations, or expansion of recreational facilities/projects.

Office of General Services

- A. Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

Greenway Heritage Conservancy for the Hudson River Valley

- A. Provision for funding for the greenway projects and planning, including the Hudson River Trail.

Hudson River Valley Greenway Communities Council

- A. Provision of funding for Greenway projects and planning.

Office of Parks, Recreation and Historic Preservation

- A. Planning, construction, renovation, expansion or provision of funding for recreational facilities.
- B. Provision of funding for State and local activities from the Land and Water Conservation Fund.
- C. Provision of funding for recreation services programs.
- D. Provision of funding for State and local historic preservation activities in order to aid the preservation, restoration and adaptive reuse of Marlborough's historic structures.

Department of State

- A. Provision of funding for the implementation of the Local Waterfront Revitalization Program.

## Section VII: Local Commitment

A Comprehensive Plan and LWRP Advisory Committee was created to inform the direction of this LWRP and Comprehensive Plan. The committee is comprised of volunteers representing the Town Board, the agricultural community, the Marlboro Economic Development Committee, the Hamlet of Milton Association as well as LWRP area residents and business owners. This committee met on a regular basis to review draft work products, and provide input on the direction and recommendations for LWRP and Comprehensive Plan. The town planning board has reviewed the draft LWRP and Comprehensive Plan and provided input to the town board. The town board is ultimately responsible for the final review and adoption of these important policy documents for the town.

The Advisory Committee met on the following dates:

- June 15, 2016
- September 22, 2016
- October 20, 2016
- January 19, 2017
- March 30, 2017
- April 6, 2017

In addition to regular Advisory Committee meetings, the town also held four community forums, each focused on specific topics, and well as two public meetings. These meetings were held as follows:

- |                     |   |
|---------------------|---|
| • November 17, 2016 | Town Meeting  |
| • December 1, 2016  | Community Forum - Economic Development, Hamlet Revitalization and Waterfront Access |
| • December 15, 2016 | Community Forum – Housing & Community and Youth Services                            |
| • February 23, 2017 | Community Forum - Linking Land Use, Historic Preservation & Community Character     |
| • March 9, 2017     | Community Forum – Planning for Agriculture  |
| • April 20, 2017    | Town Meeting  |
| • May 24, 2017      | Stakeholder Meeting   |
| • June 12, 2017     | Town Board Presentation   |

These meetings helped to inform the direction of this LWRP and the goals of the community.

Regional Consultation. Regional organizations including the Ulster County Planning Department and the Ulster County Soil and Water Conservation District were consulted during the development of the LWRP.

State Agency Consultation. State agencies including the New York State Department of State and the Hudson River Estuary Program (part of the New York State Department of Environmental Conservation) were consulted throughout the LWRP process.

New York State Environmental Quality Review Act (SEQRA). In order to simplify and coordinate the required state environmental quality review (SEQR) process, this LWRP along with the Comprehensive Plan have been developed simultaneously and were reviewed together as part of a draft generic environmental impact statement (DGEIS). The Town of Marlborough intends to adopt the LWRP and Comprehensive Plan update pursuant to the requirements of New York State law and will also be considering local laws to implement these planning documents.

The local adoption of an LWRP is a Type 1 Action pursuant to SEQRA. In accordance with Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, the Town of Marlborough Town Board was designated as the SEQR Lead Agency. A Draft Generic Environmental Impact Statement (DGEIS) has been prepared to identify and evaluate the potential impacts of adopting the LWRP and supporting local regulations. The findings of the DGEIS indicate that the adoption of the LWRP and proposed supporting regulations will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public.

The Town Board, as Lead Agency has determined that adoption of the LWRP and its associated Consistency Review Law is not anticipated to result in any significant adverse impacts on the environment. To conclude the process, the town issued a Negative Declaration Notice of Determination of Non-Significance, and formally adopted the LWRP.

# Town of Marlborough, NY

## Local Waterfront Revitalization Program

### Map Book

- Map 1: Local Waterfront Revitalization Area Boundary Map**
- Map 2: Zoning Map**
- Map 3: Streams and Wetlands Map**
- Map 4: Topography Maps 4A - 4F**
- Map 5: Soil Quality Map**
- Map 6: Roadways Map**
- Map 7: Agricultural Districts**

## Local Waterfront Revitalization Area Boundary Map 1

- Waterfront Revitalization Area
- Town of Marlborough
- Hudson River



N

Plattekill

Lloyd

Poughkeepsie

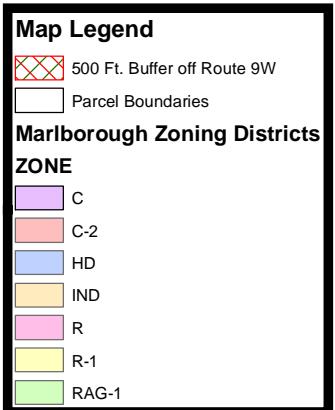
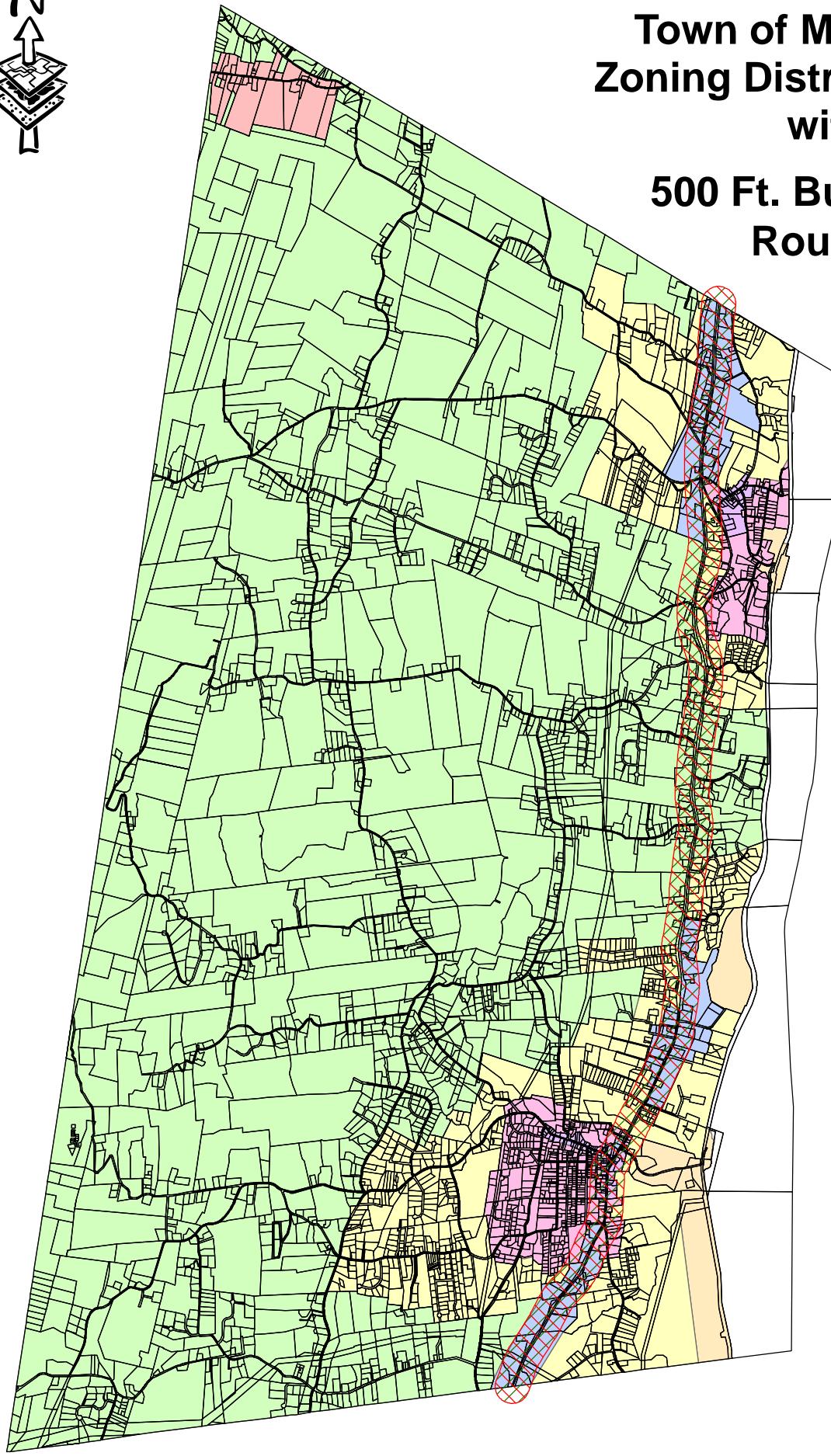
Wappinger

Newburgh

0 0.5 1 2 Miles

**Town of Marlborough  
Zoning Districts - Map 2  
with**

**500 Ft. Buffer Along  
Route 9W**



# Streams and Wetlands Map 3

## Town of Marlborough, NY

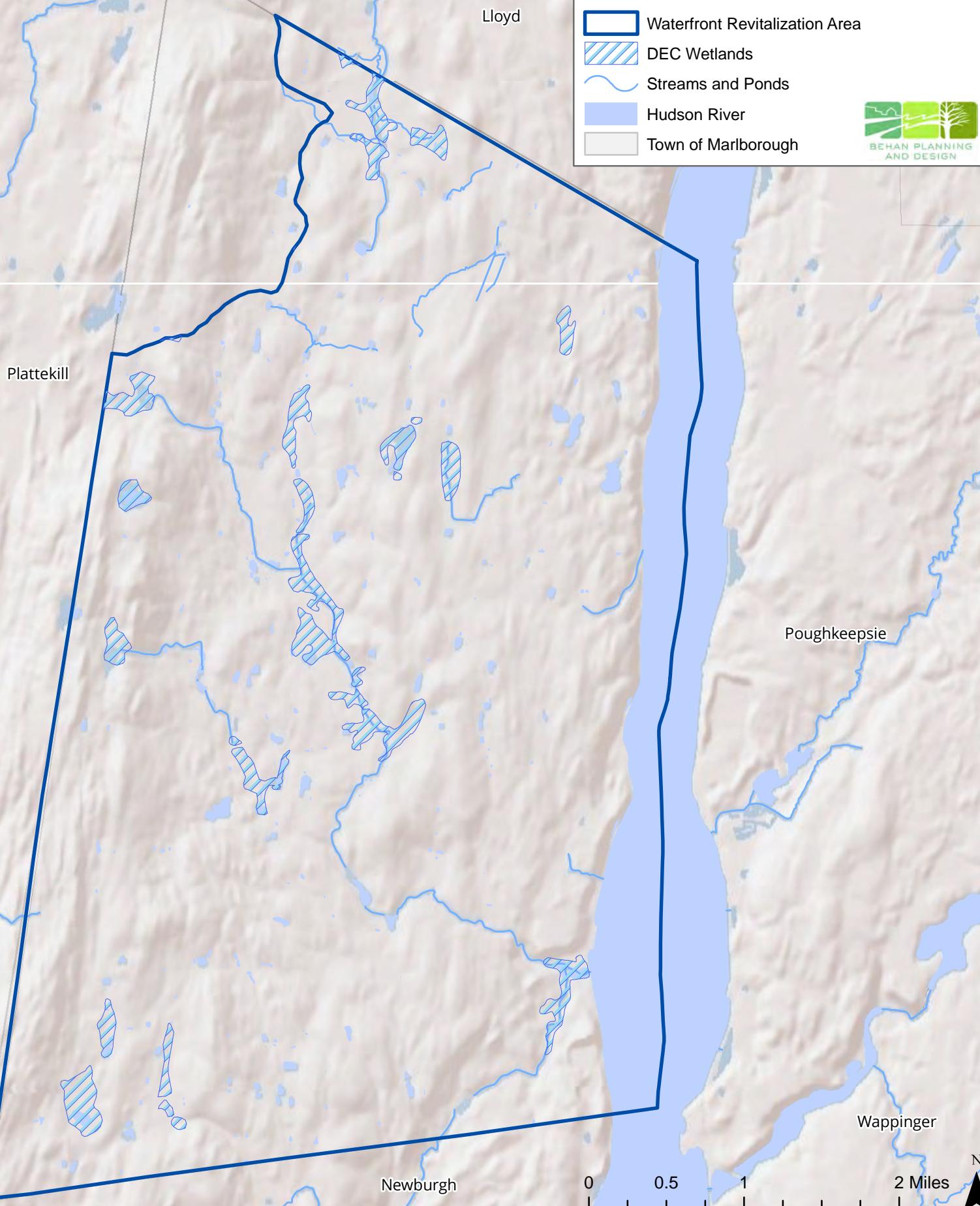
Waterfront Revitalization Area

DEC Wetlands

Streams and Ponds

Hudson River

Town of Marlborough



# Town of Marlborough Topography Map 4



 Towns

 USGS 10 Meter Contours

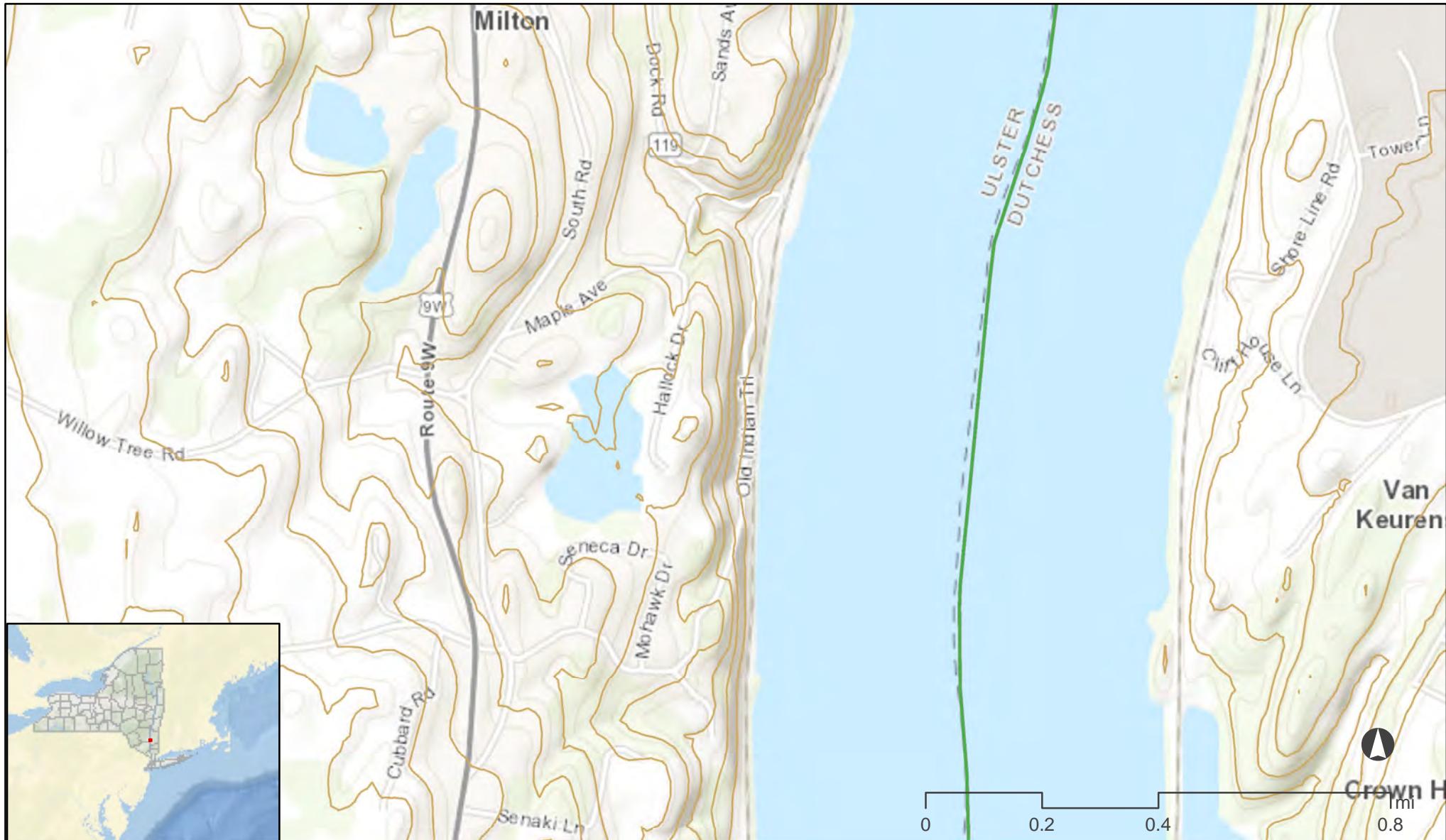
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# Town of Marlborough Topography Map 4



Towns

USGS 10 Meter Contours

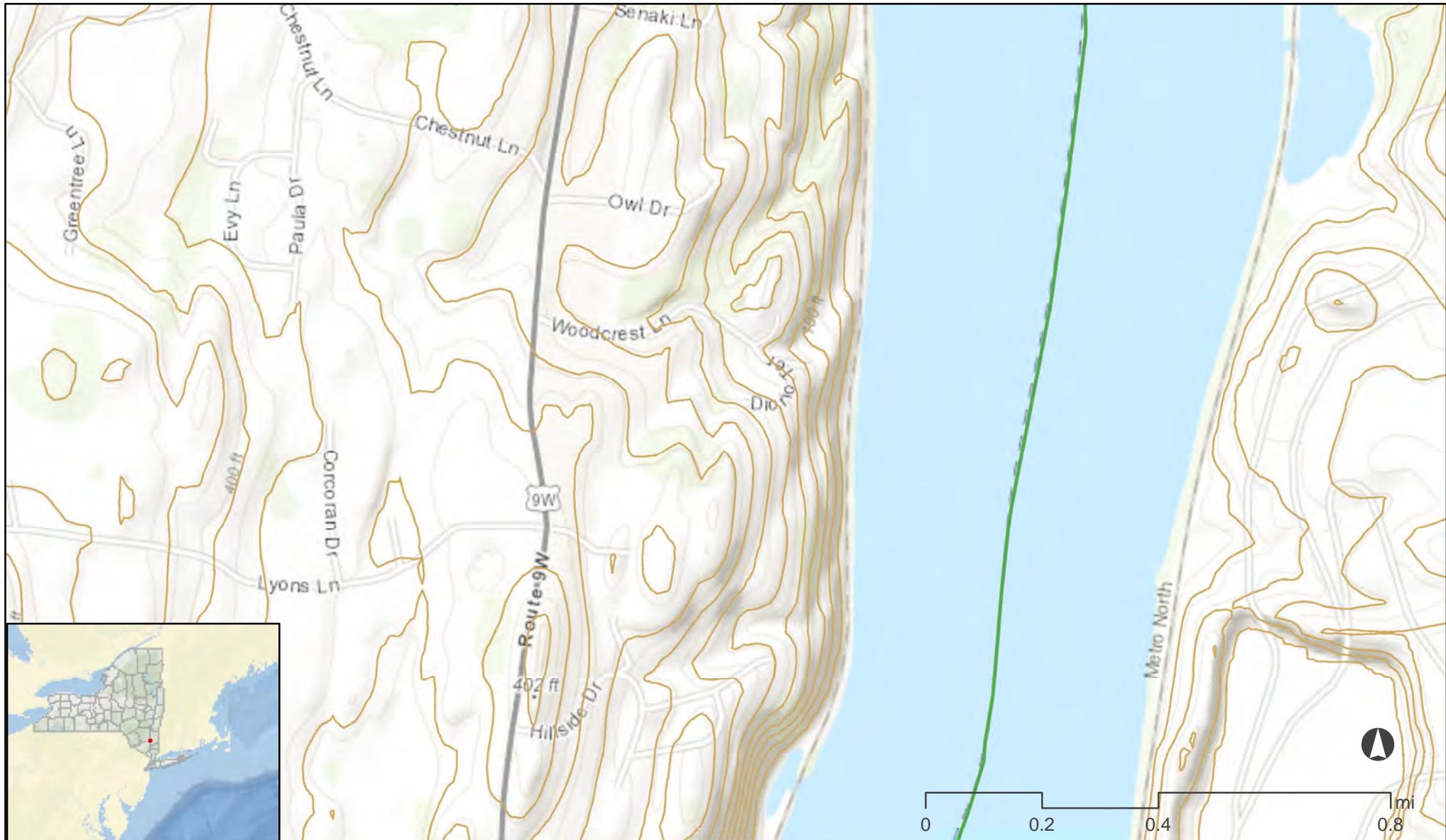
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# Town of Marlborough Topography Map 4



Towns

USGS 10 Meter Contours

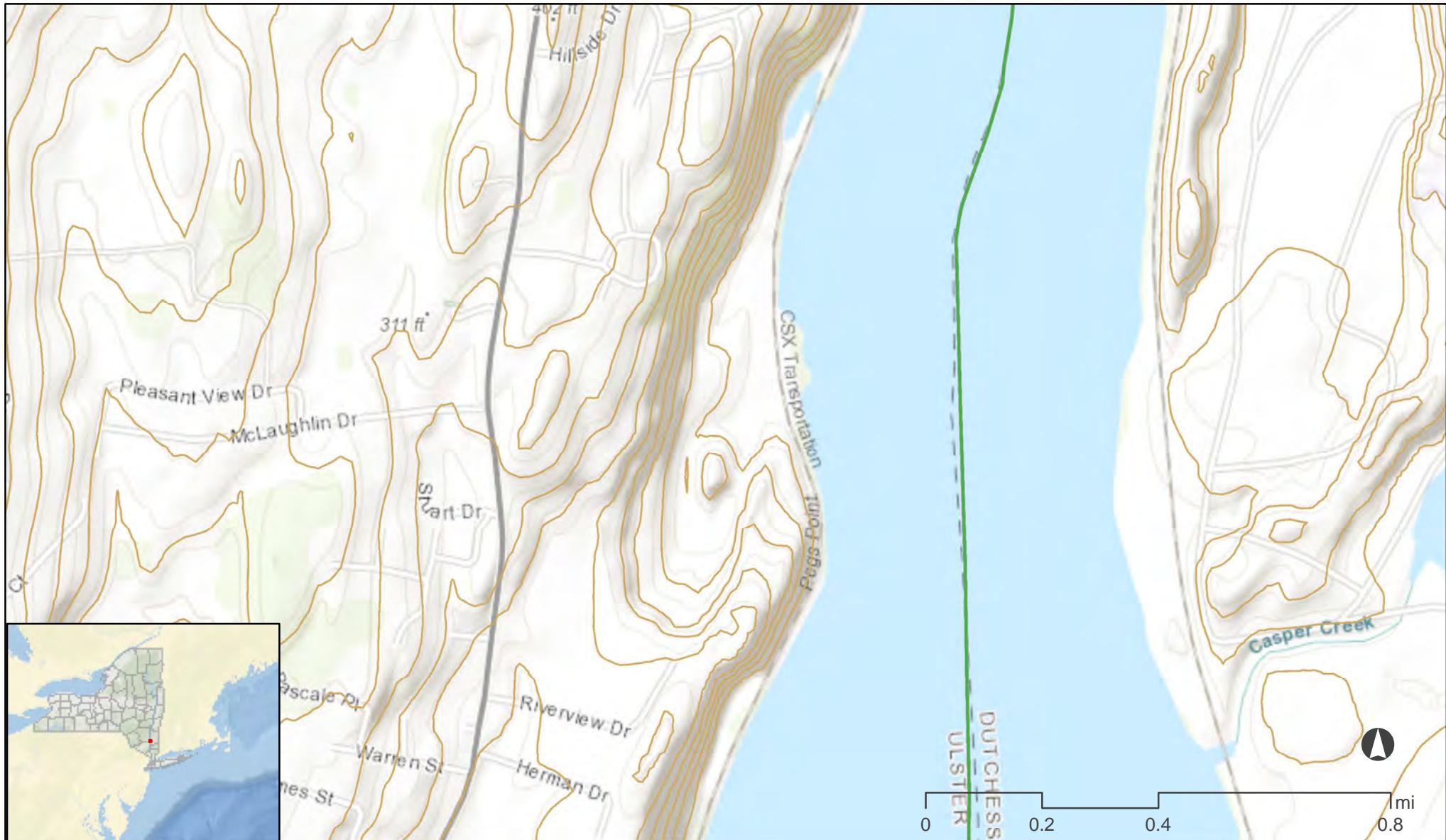
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# Town of Marlborough Topography Map 4



Towns

USGS 10 Meter Contours

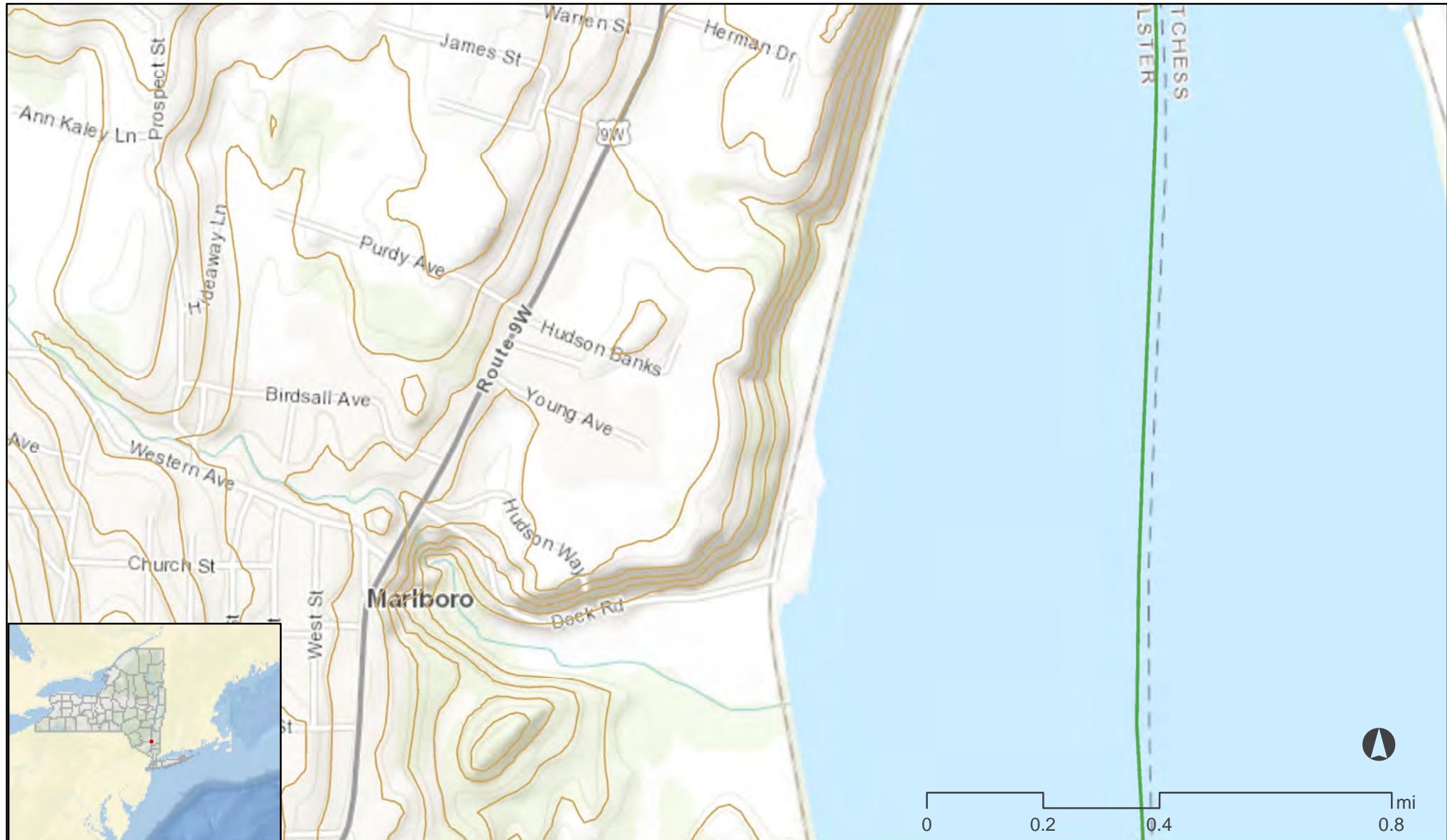
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# Town of Marlborough Topography Map 4



Towns

USGS 10 Meter Contours

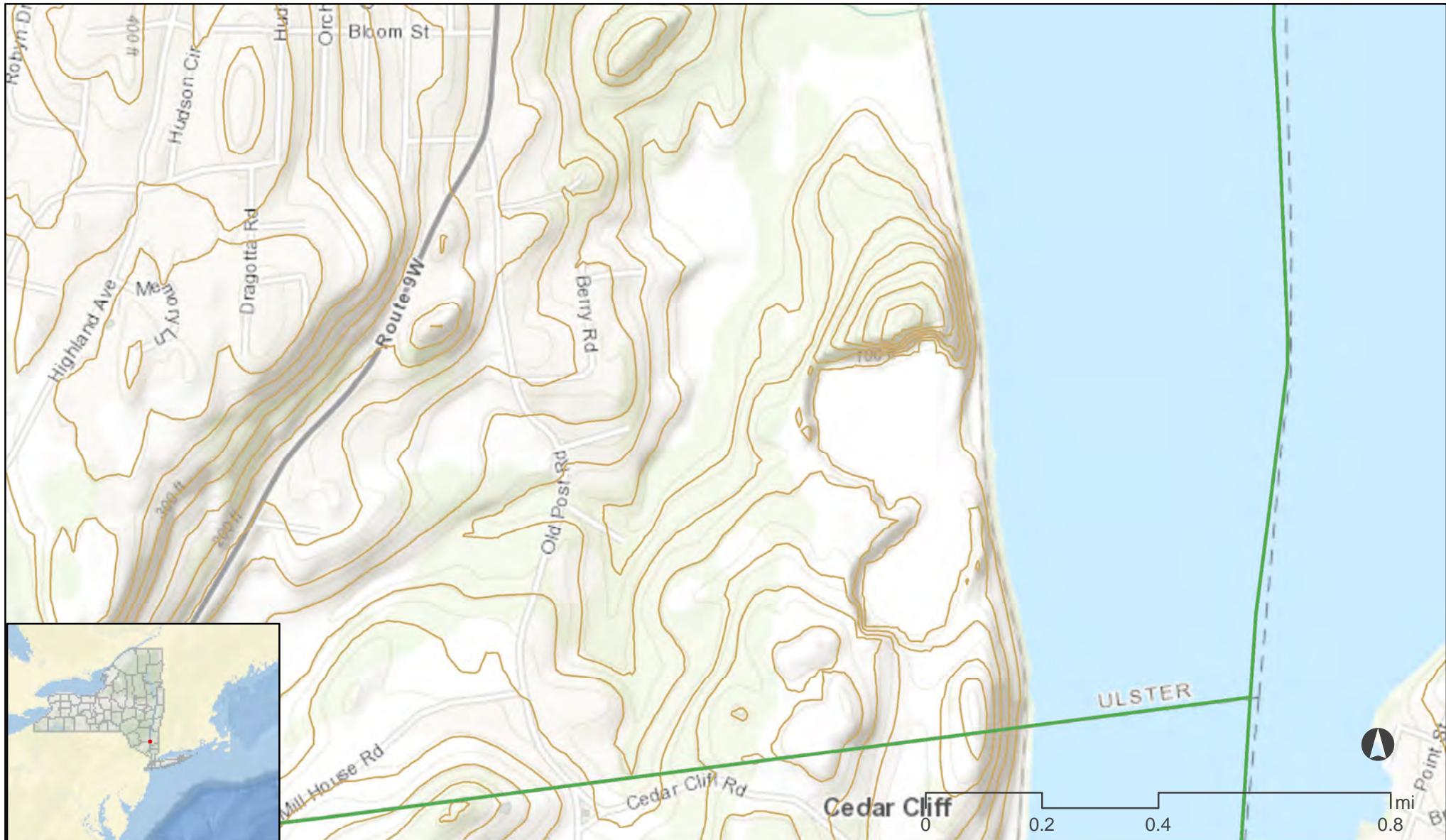
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# Town of Marlborough Topography Map 4



Towns

USGS 10 Meter Contours

Approach.Coastline\_line



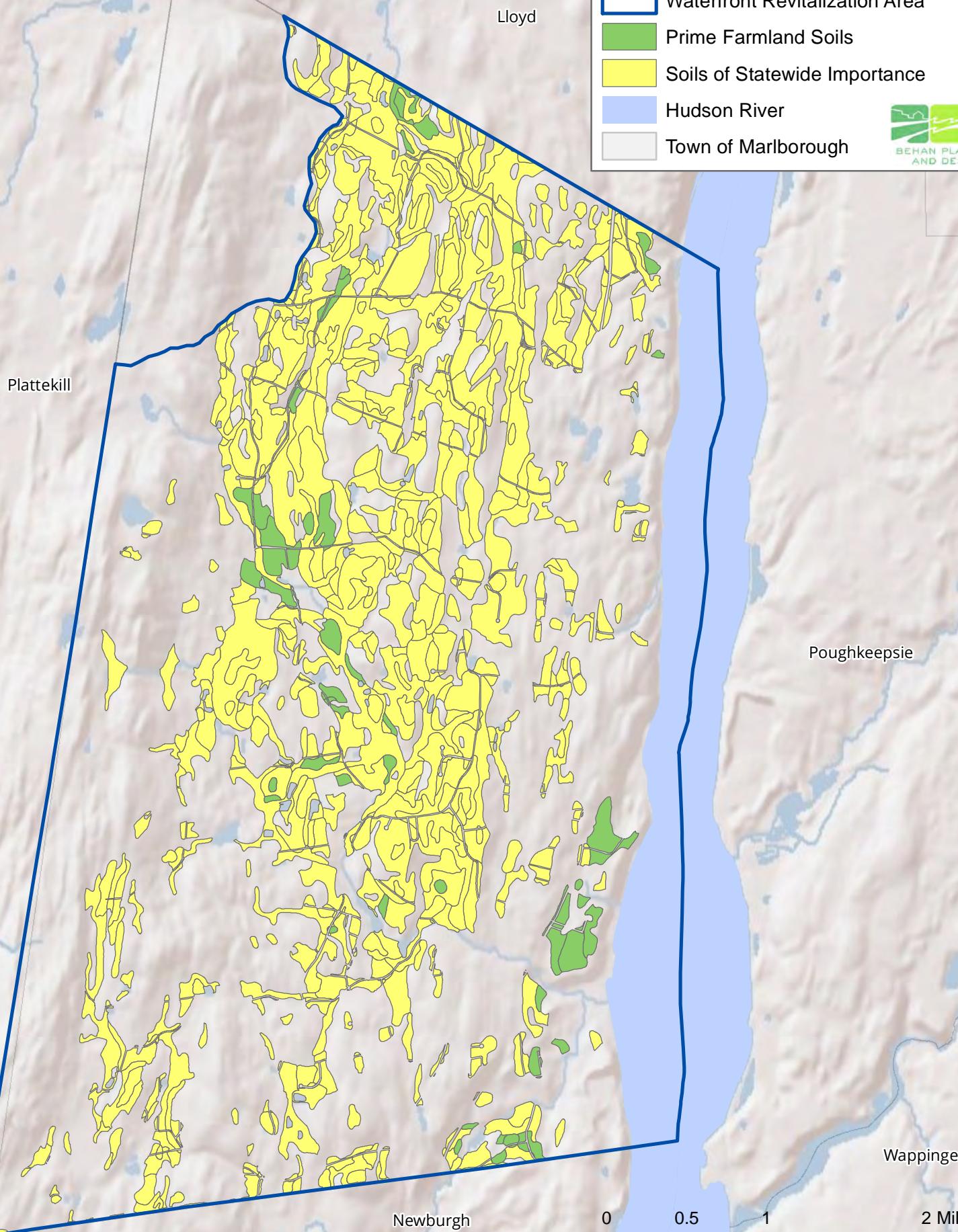
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of State**

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# Soil Quality Map 5

## Town of Marlborough, NY

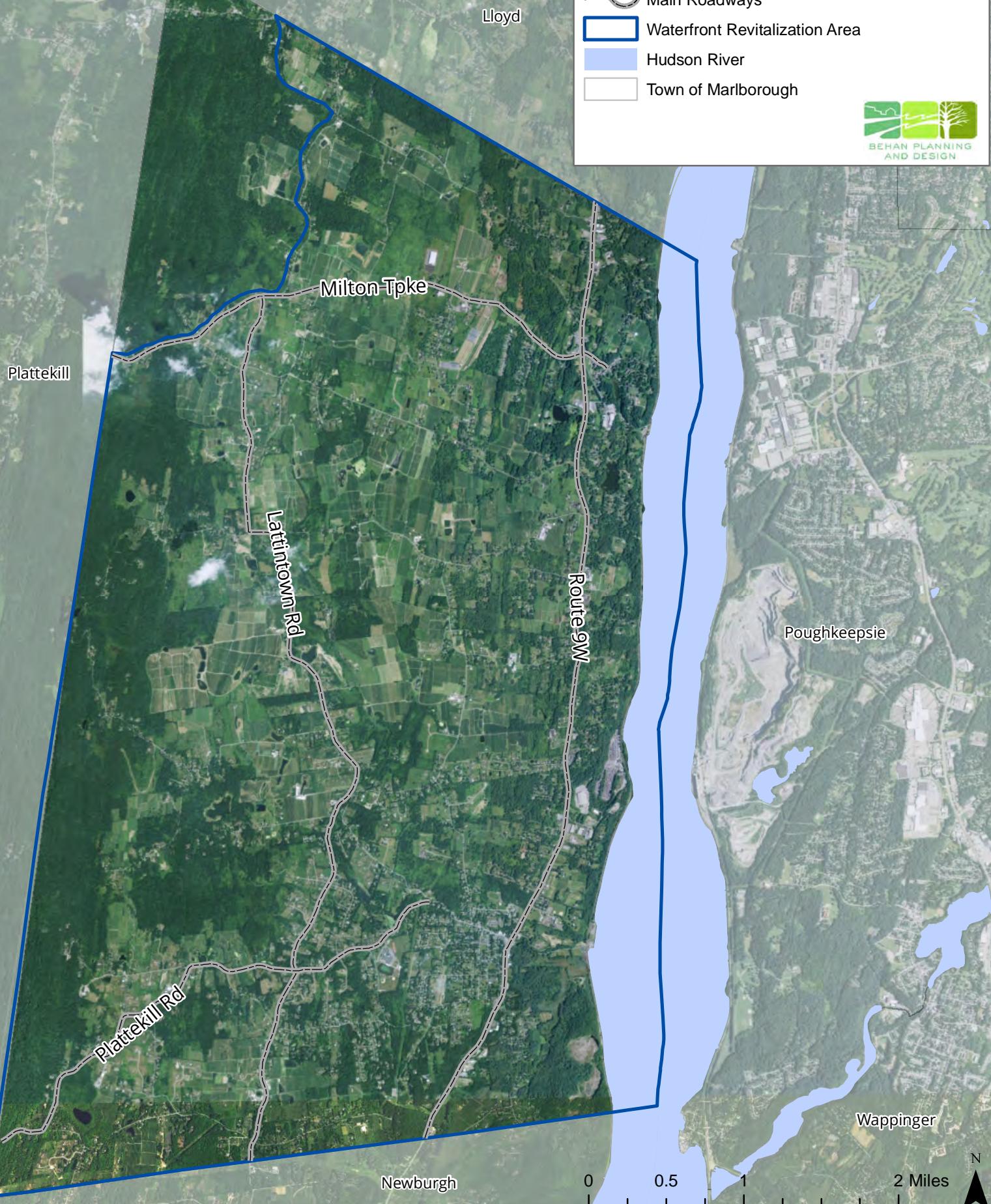
- Waterfront Revitalization Area
- Prime Farmland Soils
- Soils of Statewide Importance
- Hudson River
- Town of Marlborough



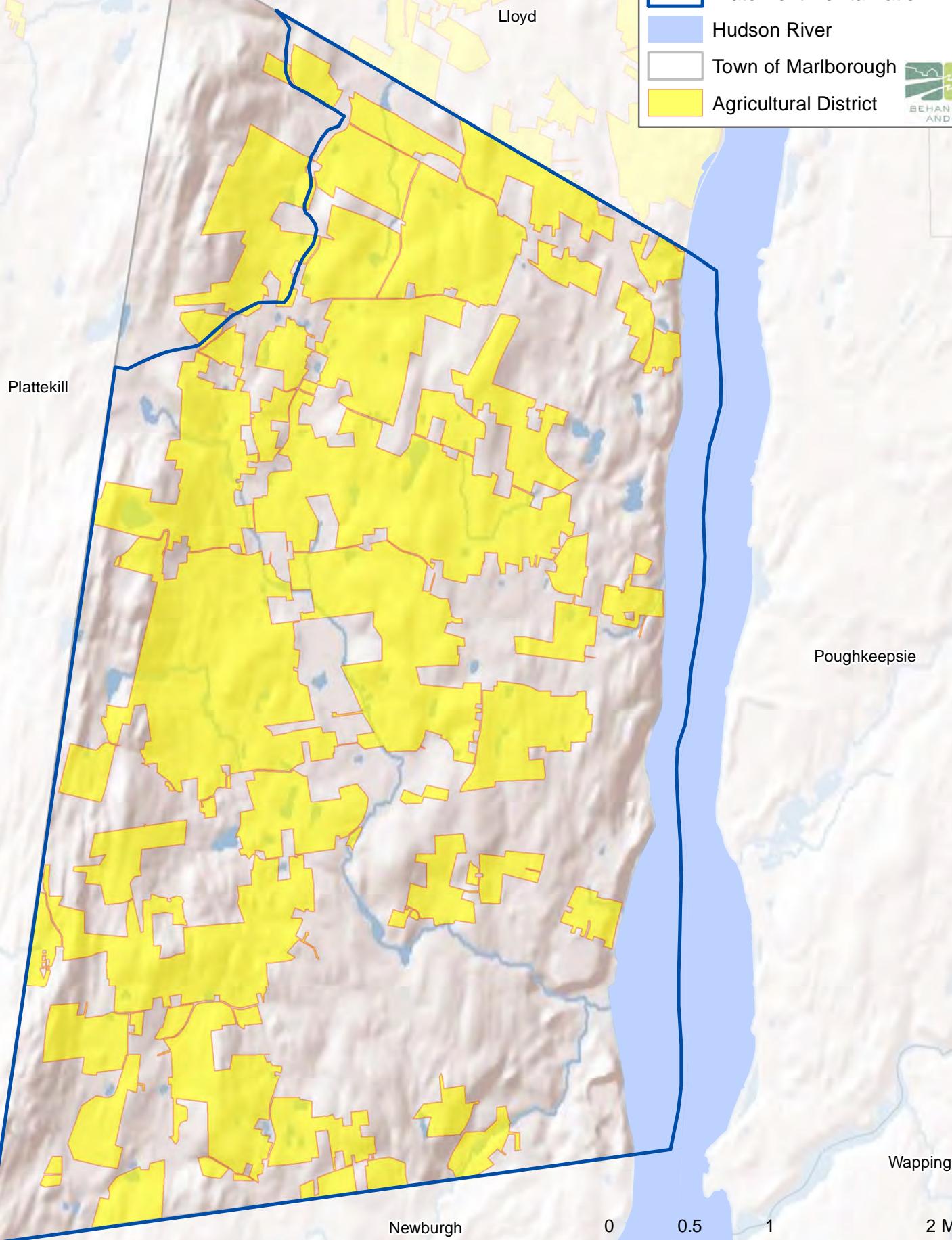
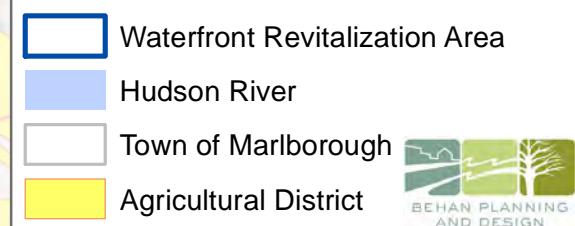
# Roadways Map 6

## Town of Marlborough, NY

- Main Roadways
- Waterfront Revitalization Area
- Hudson River
- Town of Marlborough



## Agricultural Districts Map 7 Town of Marlborough, NY



Newburgh

0

0.5

1

2 Miles

N

## Appendix A

# Town of Marlborough, NY Harbor Management Plan

DRAFT – April 2019

This document was developed as part of a Local Waterfront Revitalization Plan for the Town of Marlborough. The Local Waterfront Revitalization Program is being prepared in cooperation with the New York State Department of State with funds provided under Title 11 of the NYS Environmental Protection Fund.



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## **Harbor Management Plan**

### **I. Introduction and Purpose**

Increases in the number of commercial and recreational boats, along with the development of other activities and watercraft, have resulted in increased competition for space and conflicts between different water activities along the shores of New York State. Conflicts have arisen between commercial and recreational use of the water, as well as natural resources and water quality. Such conflicts, and a lack of clear authority to resolve them, have undermined the quality of many harbors and their ability to support a variety of different uses.

There has historically been a lack of clear municipal authority to adequately plan and regulate activities occurring in nearshore areas. The ability for municipalities to manage activities in nearshore areas has been largely limited to regulating vessel use, speed, anchoring, and mooring. Municipal regulation of other activities on underwater lands varies and is sometimes different for cities, towns and villages and can often overlap with federal and state ordinances.

In order to help address these issues and give individual municipalities better control of local harbor issues, Article 42 – the Waterfront Revitalization and Coastal Resources Act was amended to provide local governments with the clear authority to comprehensively manage activities in nearshore areas through harbor management plans and local laws.

Harbor Management Plans are intended to act as a “water-specific” component of a Local Waterfront Revitalization Program (LWRP), which have historically focused on land-use issues only. They are intended to address issues of conflict and competition of space for different uses, public safety and protection of natural resources. Today, harbor management plans are a required component of any new LWRP.

## **II. The Harbor Management Area (HMA)**

The HMA includes the portion of the Hudson River and its bays within the Town of Marlborough. The HMA includes both surface waters and the lands adjacent to the surface waters which may influence what takes place on the surface waters and whose use, in turn, may be influenced by what takes place on the surface waters. As shown by the white dashed line on the Harbor Management Plan Overview Map, the eastern waterside extents of the HMA extend out into the river 1,500 feet from the mean low water line, or to the eastern boundary between the Town of Marlborough and the Town of Poughkeepsie if the boundary is less the 1,500 feet from the mean low water line.

### **A. Issues and Opportunities**

A brief summary of the issues and opportunities identified for the Town of Marlborough HMA include the following:

- Despite the fact that the entire eastern border of the town abuts the Hudson River, physical constraints and prior land development patterns have provided a limited amount of waterfront available for public access;
- Prior land development patterns have not taken advantage of the river as much as they could have, and it remains an underutilized resource;
- The only existing public access pier is in a state of disrepair and needs to be rehabilitated;
- There is a limited amount of public marina space, launching areas and parking;
- There is a very limited amount of improved public recreation areas along the waterfront;
- Waterfront improvements are subject to damage from rising floodwaters and storm events;
- Providing more access to the river and a diversity of waterfront activities will likely improve the quality of life for local residents, attract tourism and stimulate economic growth.

## B. Objectives

The overall objectives of the Harbor Management Plan are as follows:

- Strengthen the existing waterfront access points and attractions;
- Repair and protect the few existing public access points on the river to ensure they are not lost or damaged;
- Protect the quality of natural resources along the river, including scenic visual quality, water quality and natural habitats;
- Support existing and new water-dependent uses at select locations along the river which will help attract tourism, stimulate economic growth and improve the quality of recreation for residents;
- Allow for a greater diversity of uses and water-related activities along the waterfront such as marinas, fishing, picnics, camping, lodging and restaurants;
- Accommodate appropriate expansion of public and private existing boating facilities to accommodate a wider selection and number of watercraft for tourism and recreation.
- Properly manage and plan for future growth along the waterfront.

*(See Harbor Management Plan Overview Map attached at the end of this document)*

## III. Description and Harbor Management Issues

### A. Town and Harbor Description

The Town of Marlborough is located on western shores of the Hudson River between the Mid-Hudson Bridge and the Newburgh-Beacon Bridge, in southern Ulster County. Due to its location, approximately halfway between New York City and the City of Albany, this area of the state is known as the Mid-Hudson Region. The HMA includes approximately 5.7 miles of shoreline and adjacent waters of the Hudson River.

This portion of the river is also known as part of the Hudson River Estuary, which extends from New York City 150 miles to Troy, NY. Because of its mix of both freshwater and saltwater, the estuary is an important water body as it supports a variety of fish and wildlife, including rare plants and other ecological communities. It provides spawning grounds, migratory and nursery habitat, and its deep channel is one of the largest spawning areas for Atlantic Sturgeon. It also provides habitats for diverse fisheries including Shortnose Sturgeon, Striped Bass, Blue Crab and various waterfowl.

Due to the sloping terrain from west to east, a majority of the Town of Marlborough acts as a watershed which drains down the slope into this portion of the Hudson River. Lattintown Creek in particular, which includes Jews Creek and other smaller tributaries, comprises a significant watershed which covers a majority of the town and drains into the southern portion of the HMA. Additional detail concerning local creeks and wetlands is discussed in the Town of Marlborough LWRP.

Within the HMA, there are three areas of particular interest and potential for harbor improvements, highlighted on the Harbor Management Plan Overview Map. At the northern end, adjacent to the Hamlet of Milton, is Milton Landing. This area includes a historic train station along the water, docks, public accessibility and town-owned land which has potential for enhanced public use and recreation. At the southern end, adjacent to Marlboro Hamlet, is the Marlboro Harbor. This harbor includes a privately-operated marina and boat storage facility and also allows public accessibility (boat launching for a nominal fee). At the very southern edge of the town, the lands of the former Quarry also provide the potential for enhanced public use. The town has negotiated a lease arrangement on a portion of these lands to accommodate a trail and other passive public uses along the creek with connections to NYS Route 9W and the hamlet center.

Along the entire stretch of the HMA, the CSX Railroad line runs north-south immediately adjacent to the Hudson River. This railroad line presents a challenge to un-interrupted public accessibility of the water.

## **B. Harbor Navigation and Safety**

Due to its relatively abrupt channel depth, the Hudson River in this area is considered a deep water navigation channel (“Kingston-Poughkeepsie Deepwater Habitat”) with relatively few shallow areas along the shoreline. This provides good navigation waters for boats, even close to the shore. National Oceanic and Atmospheric Administration coast survey charts indicate that the channel depths typically range from 40-50 feet, with some areas exceeding 60 feet. This chart also indicates there are a few known hazards within the HMA, including submerged wreckage or debris which hug the shoreline adjacent to Marlboro Hamlet and again at Pegs Point, which includes a submerged cable crossing area.

## **C. Historic Maritime Resources**

Early historical narratives indicated that the town developed and prospered due to its proximity to the river. Early settlers utilized the access to the river at Milton Landing to ship crops to New York City by steamboat. The development of the Farmer’s Bridge and Turnpike Company in 1808 allowed farmers from as far away as the Town of Shawangunk to utilize the port. By the mid-1800s, Milton Landing was a busy and well-known shipping port.

In addition to shipping, early settlers in the hamlet of Marlboro utilized the river and streams to power mills and establish the first manufacturing industries in the town.

Former industrial sites of Suburban Propane and Tilcon New York, Inc. utilized the river for shipping. For over half a century, Suburban Propane transported petroleum via ships and barges up the Hudson River to be stored at the site in Marlborough. The site’s access to deep water allowed large vessels to connect to a pipeline that pumped petroleum across the rail line up to above-ground storage tanks on the property.

The Tilcon New York, Inc. quarry site at the southern border of the town used the river for shipping, utilizing a conveyor that crosses the railroad tracks. This quarry ceased operations in the mid-1970s, but the conveyor and much of the infrastructure remains on the shores of the river.

## **D. Maritime Economy / Commercial & Recreational Users**

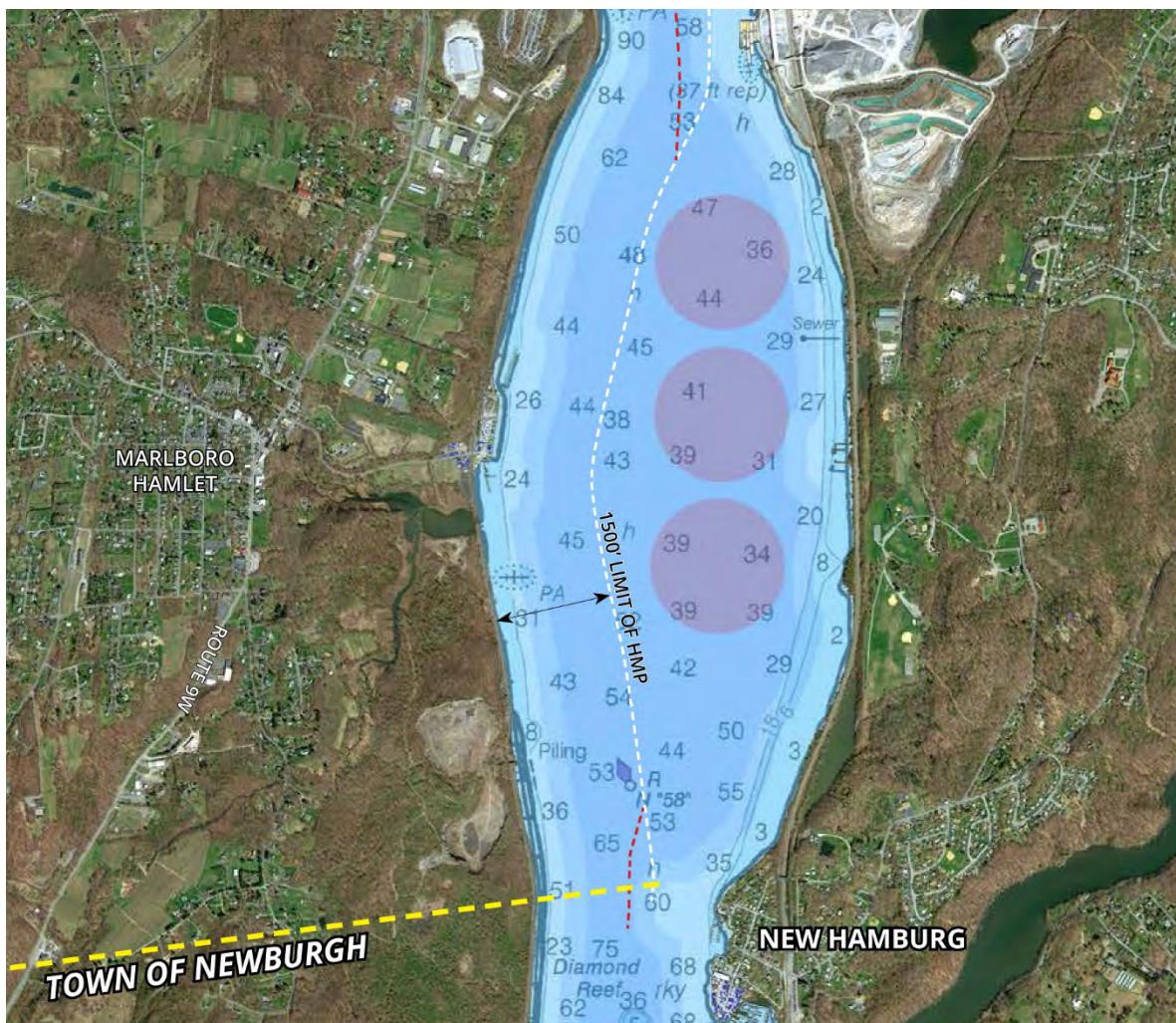
There is currently no commercial maritime activity with the Harbor Management Area, however recreational services are provided at the marina at Marlboro Harbor, which includes Marlboro Yacht Club and West Shore Marine Services.

### **Proposed Large Commercial Vessel Long-Term Anchorage Locations**

The U.S. Coast Guard had been considering the establishment of up to 10 new anchorage grounds for commercial vessels in the Hudson River to meet increased industrial demand. One of the proposed “long-term” anchorage locations (for up to three large vessels) is just outside the Town of Marlborough. The current status of that proposal is inactive, however, should this project potentially move forward for additional consideration in the future, the town would be

concerned about the placement of this facility and its potential impact to the local waterfront revitalization program and the harbor management plan.

The potential impact or hazards to be considered as part of this decision are largely dependent on the types of shipping cargo being shipped and anchored—specific types of vessels or cargo may be deemed acceptable to the community while others may not. Some of this increased anchorage demand comes from industrial expansion at the Port of Albany, which is beginning to transfer more crude oil shipped from western states, and is also seeking to transfer Alberta tar sands crude oil. Because of this, increased potential for oil spills are a concern. There is also the potential for disturbance of the riverbed from long term anchoring and movement of vessels, as well as the visual impact and light pollution of large shipping vessels being parked off shore for long periods of time. Local communities that are potential anchoring sites have very little to gain from hosting, but would have to live with any impacts. Should future anchorages be proposed in or adjacent to the Marlborough HMA, the town would potentially be impacted by them and should take advantage of the opportunity to make sure community concerns are officially noted.



Map illustrating the location of the three proposed river anchorage locations, indicated as 1800 foot "swing circles", in the Hudson River.

## E. Waterfront Access & Infrastructure

As noted above, land area adjacent to the Hudson River along the entire HMA from north to south includes a rail line currently owned and operated by CSX Railroad, which creates a potential obstacle to public access of the waterfront. Public access is also limited in many areas by private land along the waterfront and steep slopes. River access occurs primarily in two places within the HMA: Milton Landing and Marlboro Landing.

### Milton Landing Park

Milton Landing Park currently provides two piers; the north pier is open to the public and is used for recreational fishing and general enjoyment of the river. The southern pier has suffered damage and disrepair, and is not currently open to the public. The integrity and condition of the south pier was evaluated in a report completed in October 2016 by Tighe & Bond Engineers. This report outlined the repairs and upgrades which would be required to make the pier safe for public access again and accommodate larger river vessels such as the Clearwater sloop and Columbia steamship for tourism and recreation. It is estimated that approximately \$1.4 million in repairs and upgrades would be required to meet these goals.

When fully restored, the southern pier is envisioned to be utilized for deep water docking and mooring capabilities for larger craft and enhanced opportunities for is water-based recreation, tourism and education. Opportunities to expand docking facilities for seasonal and transient recreational boating as well as improved canoe/kayak and areas for fishing access are anticipated and could be accommodated at Milton Landing.



Conceptual plan for Milton Landing Park Behan Planning and Design, 2017

Immediately adjacent to the piers, the upland portions of Milton Landing Park provide several acres of town-owned land which is in the process of being upgraded. The property includes the historic Milton Train Station building which has recently been restored. Conceptual master plans for the park include a gazebo, band stand, picnic and camping areas, garden, restrooms and parking. The town has adopted a master plan for this park, which is anticipated to be completed in phases over the next several years. It is anticipated that the new public park, combined with the restored pier and docking capabilities for larger watercraft will make the Milton Landing area a popular destination on the edge of the river.

### Marlboro Harbor

Marlboro Harbor, located at the end of Dock Road, is waterfront property owned by West Shore Marine Services and Marlboro Yacht Club. These two properties provide some of the best current access to the waterfront, including water recreation services. West Shore Marine has 180 slips for boats up to 60 feet long. Marlboro Yacht



Marlboro Landing view looking north. Image from Google.

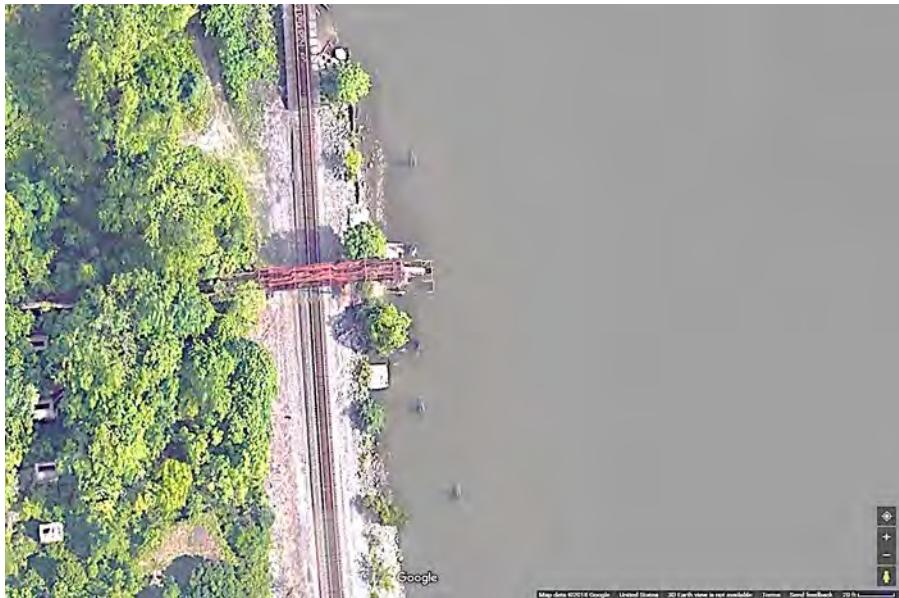
Club is a member-based facility which includes limited dock and mooring space available for daily use by guests. A boat launch and pump-out facility is available to the public for a nominal fee. The property here includes a tented picnic area, with tables and seating, gas grills, bathrooms, boat launch and a fuel dock for both diesel and gasoline. Continuation of these uses is important to the long-term harbor management strategy. Opportunities to expand docking facilities for seasonal and transient recreational boating as well as improved canoe/kayak and areas for fishing access are anticipated and could be accommodated at Marlboro Harbor.

### Quarry Pier & Other Opportunities

In addition to the two main points of public waterfront access, the former quarry lands owned by Tilcon at the southern end of the HMA have the potential for adaptive reuse in this area for recreational purposes. This location features remnants of the former mining and excavation work, including a gantry which helped to transport raw materials down to the river's edge. The town has negotiated a lease for approximately 40 acres of the site that totals more than 200 acres. The town's lease will allow for passive recreation (trails, etc.) and supporting uses (parking, etc.). (The town is interested in the future disposition of the entire property but currently is not in a position to purchase these lands.)

Future opportunities to take advantage of the old pier and gantry to determine desirability and feasibility for adaptive reuse to provide river access can be explored by the town in partnership with the property owner. This area could serve, long-term, as a third waterfront access point

including docking facilities.



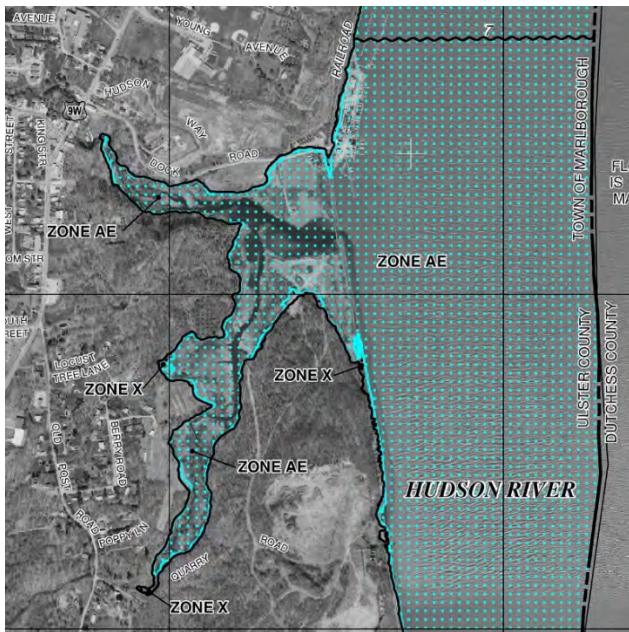
**Pier (Piles) and Gantry over Railroad at inactive quarry site. (image source: google maps)**

North of the Tilcon property, on Dock Road, the Town of Marlborough owns a 2.29 acre property which is currently vacant, with access to Lattintown Creek, which could also be utilized for some public recreation or other similar use such as a canoe/kayak launch..

The remainder of the off-shore area in the HMA is planned for low-intensity use (i.e., no extensive docking, moorings or similar in-water facilities). The remainder of the shoreline within the HMA consists almost entirely of private land, with one potential exception. A potential future public access point occurs at the terminus of Van Orden Road, which appears to continue as a paper-street and footpath down to the river, terminating at the CSX rail line. The property that the paper-street appears to be located on is privately owned and is zoned R1- Residential. (There are no plans to utilize this street for any other purposes at this time).

## F. Flooding.

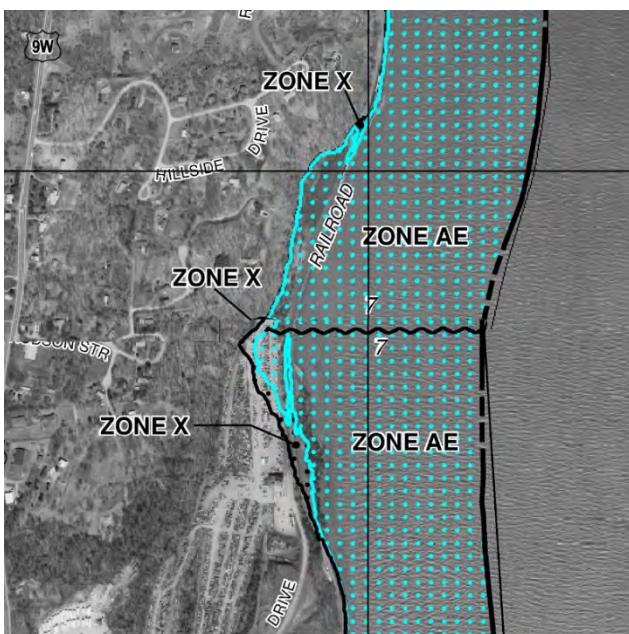
The Town of Marlborough HMA includes some areas prone to flooding, including areas designated by FEMA flood maps as Special Flood Hazard Areas, which are subject to 100-year floods, and Zone 'X', subject to 50-year floods. Due to the steep slopes on the riverbank, these flood areas are generally confined to localized areas, as described below in order of potential flooding magnitude.



Area One shown above. Source: FEMA Flood Insurance Rate Maps, September 2009

### Area One – Lattintown Creek Inlet

The Lattintown Creek Inlet represents the most significant flood area, where floodwaters are projected to cover a sizable area on either side of the creek, up to and beyond Dock Road as shown on the image below. Included within this area is the entire improved area owned by West Shore Marine Services and Marlboro Yacht Club, including their buildings, parking and boat storage areas. Otherwise, the projected flood area does not appear to include any improved areas.



Area Two shown above. Source: FEMA Flood Insurance Rate Maps, September 2009

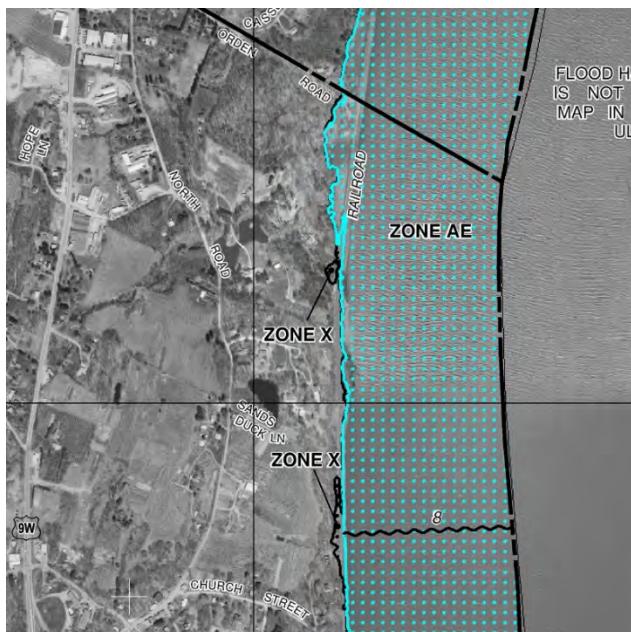
### Area Two – Peg's Point

Peg's Point represents the second largest area of flooding within the HMA. Projected flooding in this area would extend westward of the CSX railroad line, covering portions of Riverview Drive and Copart / Ridesafely Auction property vehicle storage area, and un-improved areas to the north.



### Area Three – Milton Landing

The outcropping of exposed shoreline on the east side of the CSX railroad at Milton Landing, including the Piers, are within the projected 100-year flood zone.



### Area Four – North Side

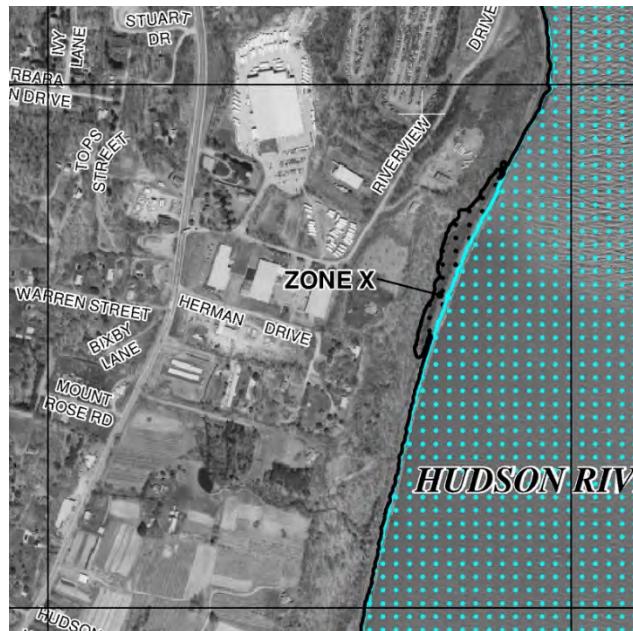
At the northern end of the HMA, up to and extending beyond the Lloyd town line, potential flooding is projected to occur in some areas west of the CSX railroad line. These areas do not appear to include any structures or improved areas.

Area Four shown above. Source: FEMA Flood Insurance Rate Maps, September 2009

## Area Five – Riverview Drive

East of Riverview Drive, some potential flooding is projected to occur beyond the CSX railroad tracks. This area includes lands which are already wet and subject to ponding. There do not appear to be any structures or improved areas within this zone.

Overall, there are very few structures or improved areas projected to be within the flood zone. Notably, the two town wastewater treatment plants are both outside and uphill of the projected flooding areas. Due to the steep terrain along the riverbank, significant water level rises of the Hudson River are modeled to have only a minor impact on the coast of Marlborough. An interactive online mapping program, developed by Scenic Hudson, can be used to view the projected inundations at various water level increases. This mapper can be viewed here: <http://www.scenichudson.org/slrmapper#>



Area Five shown above. Source: FEMA Flood Insurance Rate Maps, September 2009

## G. Water Quality and Natural Resources

A common measurement of water quality in the Hudson River is measuring the fecal contamination levels ("Enteroc count"), which measures the percentage of samples that exceeded a threshold of 60 parts per 100ml of water (the EPA recommended limit for safe swimming.)

Hudson River water quality data provided by a 2015 Riverkeeper report shows a summary of multiple data samples taken at 74 locations within the Hudson River. Testing locations in the vicinity of the HMA (upstream and downstream) included Marlboro Landing, Poughkeepsie, Norrie Point, Port Ewen, Beacon and Newburgh. The data collected indicated that the water quality within the HMA was generally within the EPA's threshold for safe swimming. Summary of samples taken near the shore at Marlboro Landing showed that only 7% of samples taken resulted in an Enteroc count greater than 60. The Geometric Mean (GM) of samples here was only 10.2 (a GM greater than 30 does not meet EPA recommendations) and the Statistical Threshold Value (STV) was only 5 (an STV greater than 110 does not meet EPA recommendations). Other sample locations located further upstream from the Marlborough HMA did not score so well, particularly near urbanized areas. Estuary and tributary areas at Kingston, Athens and Albany exceeded the EPA recommended levels, as did Newburgh to the south. Additional detail concerning water quality of local streams and creeks is discussed in the Town of Marlborough LWRP.

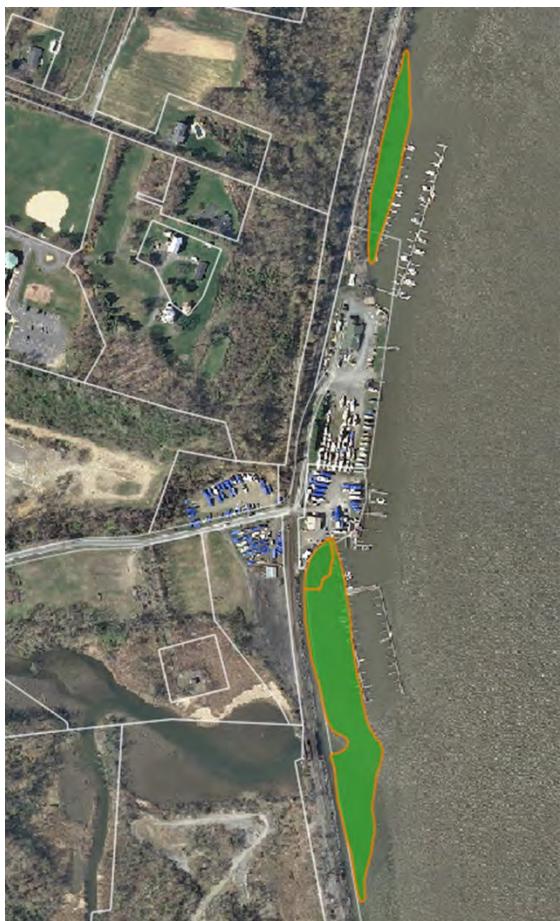
The complete Riverkeeper 2015 Hudson River water quality report can be viewed here:  
[www.riverkeeper.org/wp-content/uploads/2015/06/Riverkeeper\\_WQReport\\_2015\\_Final.pdf](http://www.riverkeeper.org/wp-content/uploads/2015/06/Riverkeeper_WQReport_2015_Final.pdf)

The DEC Hudson River Estuary Program can provide additional data on Hudson River water quality parameters collected by DEC as well as partners such as Riverkeeper. See:  
<https://www.dec.ny.gov/lands/4920.html>

## H. Submerged Aquatic Vegetation

As noted by NYSDEC ([www.regulations.gov/document?D=USCG-2016-0132-2539](http://www.regulations.gov/document?D=USCG-2016-0132-2539)), submerged aquatic vegetation (SAV) consists of plants that typically grow and thrive under water, such as "water celery" (*Vallisneria americana*) and "clasping leaved pondweed" (*Potamogeton perfoliatus*), which are native to the Hudson River. SAV beds can be found in various parts of the Hudson River, and are important because they provide habitat for young fish while they grow. In this sense, they act as fish nurseries, helping to restock the river with mature fish. They also provide food for waterfowl, are a habitat for smaller organisms and are an important source of oxygen in the water.

SAVs beds in the Hudson River have been in a recent decline, and many were destroyed from dredging and/or filling, as well as sedimentation from severe storms (see <https://www.dec.ny.gov/lands/87648.html>). Non-native SAVs such as water chestnut (*Trapa natans*) and "Eurasian water milfoil" (*Myriophyllum spicatum*) are also impacting SAV beds. These two species are considered invasive meaning that they degrade, change or displace native habitats and are harmful to fish, wildlife and plant resources. Efforts to conserve and protect SAV beds include restoration planning, regulations protecting their disturbance, and invasive species control.



Areas of submerged aquatic vegetation beds around Marlboro Landing

SAV beds can be found in a few small areas within the Marlborough HMA, typically along the river's edge. There are known beds located just north and south of the Marlboro Landing area—as shown in the image at left—and can also be found just north and south of Milton Landing. (A complete map showing the known locations of submerged aquatic vegetation within the HMA is attached at the end of this document.)

Because non-invasive/native submerged aquatic vegetation is a sensitive resource, planning should be used to avoid disturbance in these areas. If disturbance is necessary, the proper permits must be obtained by the Department of Environmental Conservation.

*(Submerged Aquatic Vegetation Map (SAV) provided at end of document.)*

## Aquatic Invasive Species Impacts and Management

Aquatic invasive species (AIS) are organisms that are not native to the aquatic ecosystem and can threaten an area's aquatic ecology, economy, and even human health. New York State and the Hudson River Estuary are particularly vulnerable to AIS introduction because of the abundant marine and fresh water resources, and easy accessibility by ocean-going vessels.

The fertile environment of the Hudson River provides excellent habitat for invasive species which often have few predators and spread rapidly once they are introduced. There are almost 300 invasive species in the Hudson River Estuary area alone, including zebra mussels and water chestnuts, all of which have the potential to cause great harm to the area which they inhabit. The impacts of AIS can be aesthetically unpleasing or economically disruptive, but they can also be devastating to native species who are sometimes outcompeted by the aquatic interlopers for food, sunlight or nutrients.

Management of these invading species will require a partnership between State and Federal agencies, local governments, businesses, environmental organizations and concerned citizens. The New York State Department of Environmental Conservation (NYSDEC) published an Aquatic Invasive Species Management Plan in July 2015. The plan seeks to prevent the introduction and spread of aquatic invasive species in New York State through four strategies: Education and Outreach; Leadership and Coordination; Research and Information; and Regulatory and Legislative. The NYSDEC AIS Management Plan can be found at:  
[http://www.dec.ny.gov/docs/fish\\_marine\\_pdf/nysisplan15.pdf](http://www.dec.ny.gov/docs/fish_marine_pdf/nysisplan15.pdf).

### I. Waterfront Zoning

The town of Marlborough HMA includes over 31,000 linear feet of waterfront along the Hudson River. A majority of this waterfront is currently zoned and used as Residential (R, R-1, R-Ag-1) and Industrial (IND). These zoning districts control what types of land uses are permitted along the waterfront, and can potentially prevent desired waterfront uses from being developed. It is an important long-term consideration to ensure that the town allows uses that will contribute to active and passive enjoyment of the riverfront by allowing activities such as parks, restaurants, hotels, marinas and other businesses where people can gather to enjoy the views of the river. These uses also provide an opportunity for economic growth.

A review of the existing zoning shows that, along a majority of the waterfront, many of the desired waterfront uses which would meet these goals are currently permitted by right or by special permit. Some uses which could be beneficial to attracting economic development and activity along the water however are not permitted. Most notably, the Industrial (IND) zoning district—which makes up 40% of the waterfront—excludes many of these types of desired uses.

Town of Marlborough Waterfront – Zoning Use Analysis			
Zone	Percentage of Coastline	Desired Waterfront Uses which are Currently Allowed	Desired Waterfront Uses which Could Be Added
<b>IND</b>	40%	Waterfront parks	
<b>R-1</b>	35%	Parks & playgrounds Community buildings Clubs & lodges Fraternal organizations Bed & breakfasts Recreation uses (10 acres min) Resort Hotel (10 acres min)	Brew pub Boat ramp Commercial recreation Docking facilities Marina Restaurant or Bar Watercraft sales, rental or service Watercraft fuel sales
<b>R-Ag-1</b>	13%	Parks & playgrounds Community buildings Clubs & lodges Fraternal organizations Recreation and amusement uses Golf course Swim clubs Resort hotel	
<b>R</b>	12%	Parks & playgrounds Community buildings Clubs & lodges Fraternal organizations Bed & breakfasts	

The Town of Marlborough could consider broadening the list of allowable uses in these waterfront areas to attract redevelopment and tourism activity on the river. If there is concern about allowing some new uses in the entirety of these districts, a provision could be added that they would only be permitted on parcels within a certain distance of the river, or could be added as part of a limited waterfront overlay. Additional discussion regarding water-dependent and water enhanced uses is found in the Marlborough LWRP.

## J. Waterfront Land Use and Redevelopment

There are very few vacant or otherwise underutilized properties along the shoreline of the HMA which are zoned for non-residential uses. The largest parcel, the former Tilcon quarry, is 199 acres in size and zoned for industrial use. This single parcel represents the largest property frontage on the river. Successful adaptive reuse or redevelopment of this property with water-related uses could provide the Town of Marlborough with a substantial Hudson River presence. However, the railroad tracks remain an obstacle to direct water access along the entire shoreline. The two areas within the HMA which have dry land on the river side of the railroad tracks are at Marlboro Harbor and Milton Landing. These two areas also benefit from at-grade

crossings which have already been established, and therefore are prime candidates to focus attention on for improvements.

## **K. Jurisdictional Effect**

Although the boundaries of the HMA extend out to the centerline of the Hudson River, the existing codes of the Town of Marlborough are limited in jurisdiction to areas west of the mean high water levels of the river. These codes do not have any affect within the waterway of the Hudson River, and therefore are currently limited in their ability to influence or enforce the recommendations of this harbor management plan. They also limit the ability of the town to control other issues which may impact health and safety.

The Town of Marlborough should adopt an ordinance or local law which will specifically enable regulations and standards for structures and activities beyond the mean high water level of the river. Such an ordinance or local law could potentially be used to:

- Plan for efficient and equitable future growth of both public and private moorings;
- Provide boundaries that will help ensure that future structures and activities on the river do not encroach into sensitive habitat areas or recognized boating channels;
- Establish basic standards for the protection of the shoreline and reduction of erosion;
- Establish recommended beach or swimming areas;
- Limit or prohibit specific activities such as the discharge of sewage, parasailing or unsafe watercraft speeds;
- Enable additional Planning Board review criteria for development or disturbance on the banks of the river;
- Establish reasonable areas of jurisdiction;
- Influence and regulate other issues recommended in this and future harbor management plans.

## L. Existing Authorities

The following agencies and entities have jurisdiction within the HMA.

Existing Authorities	
Federal	Coast Guard, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration
New York State	NYS Police, NYS Department of Environmental Conservation, NYS Department of Transportation, NYS Department of State, NYS Office of General Services
Ulster County	County Sheriff's Office, County Emergency Management, County Planning
Town of Marlborough	Town Board, Planning Board, Zoning Board of Appeals, Marlborough Police Department, Fire Department, Department of Public Works, Building Department

## IV. Objectives and Implementation

Harbor management plans can address many maritime planning issues. They consider regional needs and, as applicable, the competing needs of commercial shipping and recreational boating, commercial and recreational fishing, waste management, dredging, public access, recreation, habitat and other natural resource protection, water quality, open space needs, aesthetic values and the public interest in underwater lands. The following includes recommended objectives to address these issues, and specific ways these can be implemented.

### **Objective 1. Strengthen Existing Waterfront Access and Attractions (See LWRP Policies 1, 9, and 10).**

Due to the limited areas where access can be gained to the water, priority consideration should be given to focusing efforts on improvements to the two current access points at Milton Landing and Marlboro Harbor.

#### **Milton Landing:**

- Continue improvements to the waterfront public park at Milton Landing based on a park master plan.
- Continue efforts to restore the existing train station to be used for community events and integrate train station improvements into the park master plan.
- Establish seasonal events that will attract residents and visitors to the Milton Landing waterfront public park to increase public awareness of this new community amenity.
- Initiate the recommended repairs of the south pier to make it accessible to pedestrians and boats.
- Coordinate arrangements with recreational/tourism vessels such as the Clearwater sloop and Columbia steamship to host events at the restored pier.
- Continue to improve physical connections and activities between the landing and the larger Milton Hamlet area to create economic revitalization opportunities.

#### **Marlboro Harbor:**

- Discuss with the owners of West Shore Marine Services and Marlboro Yacht Club what their long-term plans are for their facilities, and potential options for expansion or diversification.
- Continue to work with the owners of these facilities to see if the town can assist them with plans for improvements or expansions.

- Increase public waterfront access and capacity, in particular for non-motorized watercraft.
- Investigate the potential for seasonal public events which could take place at Marlboro Harbor in conjunction with existing private enterprises which could attract residents and increase use of the waterfront.

**Objective 2. Update zoning to better accommodate a mix of desired uses along the waterfront which will promote tourism and recreation (See LWRP Policies 1, 9, and 10).**

The town should ensure that it permits a diverse mix of water dependent uses along the waterfront that will highlight and leverage this important local resource for improved quality of life and economic growth.

- Consider developing a master plan for the Tilcon property in collaboration with the property owner to identify a mix of conservation, recreation and private development opportunities which would add to the assets of the community.
- Based on a master plan, consider rezoning of the former Tilcon quarry property which will broaden the allowable uses and increase the potential for adaptive reuse of this large segment of underutilized waterfront and include consideration of town ownership to the extent determined desirable and feasible after the development of the recommended master plan.
- Update the allowable uses in the R, R-1 and R-Ag-1 districts or consider an overlay district to include specific water-dependent uses such as boat ramps and docking facilities.
- Consider allowing additional uses along the waterfront—within a specified distance or an overlay—such as marina, restaurant and bar, brew pub, commercial recreation, watercraft sales rental or service and watercraft fuel sales with specific provisions and protections for the residential districts.

**Objective 3. Protect the shoreline areas from loss and disruption from major flooding events (See LWRP Policy 4).**

- Discuss with the owners of West Shore Marine Services and Marlboro Yacht Club options and plans to protect their existing structures and boat storage areas from loss during a major flood event. Town code enforcement personnel should coordinate with property owners to ensure safeguarding of hazardous materials stored in flood zones.
- Ensure that the new pier and other improvements within the flood zone at Milton Landing will be resilient to future flood and debris damage.

**Objective 4. Protect the Hudson River from contamination which would degrade water quality (See LWRP Policy 5).**

- Work with the owners and operators of the Copart Auction facility on Riverview Drive to ensure they have adequate contingency plans to relocate the vehicles stored in the flood zone prior to a major storm.
- Identify sewer district expansion areas to accommodate new growth in appropriate areas to ensure water is properly treated.
- Plan for future stormwater and sewer infrastructure systems which will avoid sewer overflow discharges into the waterway.
- Continue to carefully review site plan applications in the vicinity of the waterways to ensure that stormwater runoff is contained and prevented from contaminating the water.
- Implement naturalized stormwater treatment methods and other green infrastructure techniques to protect water quality.

**Objective 5. Properly manage and plan for activities along the waterfront (See LWRP Policies 1, 4, 9, and 10).**

- Adopt a Harbor Management Ordinance or Local Law which will allow better planning and management of activities on the river.  
In particular, implementation activities associated with this Harbor Management Plan should consider the two active harbor areas (Milton Landing and Marlboro Harbor) including potential for expanded docking and mooring areas and upland support areas. Longer term, the future potential reuse of the pier, gantry and upland areas at the inactive Tilcon Quarry should be considered to encourage water-dependent and recreational activities along and in the Hudson River.

## LEGEND

- Marlborough Town Boundary
- Boundary of Harbor Management Area, as determined by 1,500 feet from shoreline, or to centerline of waterway.
- Dock and Mooring Areas

## MILTON LANDING



View looking north. Milton Landing includes a dock, a historic revitalized train station, and multiple parcels of land in ownership by the town which will be updated to include public amenities and recreational activities such as a park and outdoor performance space.

## MARLBORO HARBOR

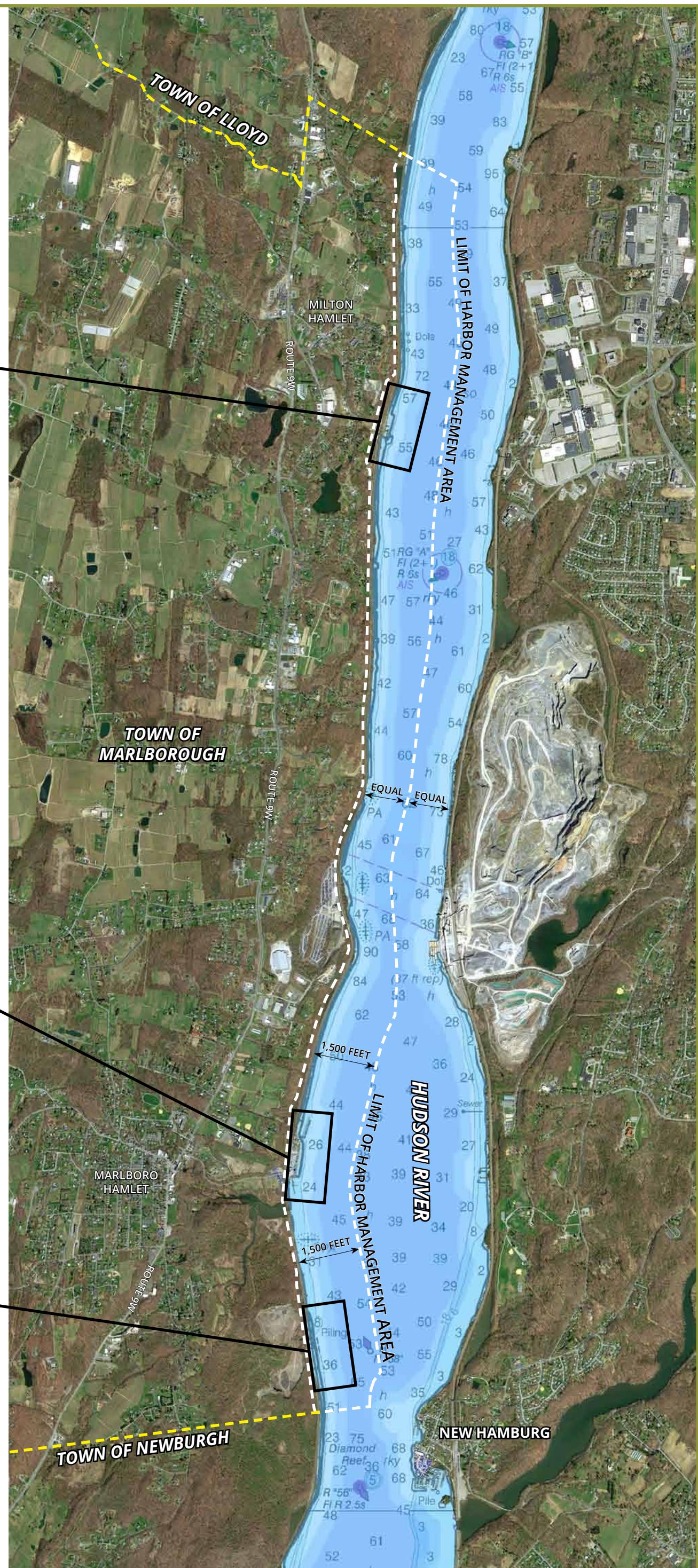


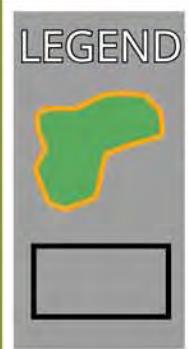
View looking north. Marlboro Harbor includes an active marina, boat storage and the Marlboro Yacht Club. These facilities provide water access, picnic areas, gas grills and services such as a boat launch and fuel dock.

## QUARRY PIER



View looking north. Adjacent to the old quarry, this inactive area features remnants of the old mining and excavation work, including concrete structure foundations and structures which helped transport raw materials on the Hudson River.





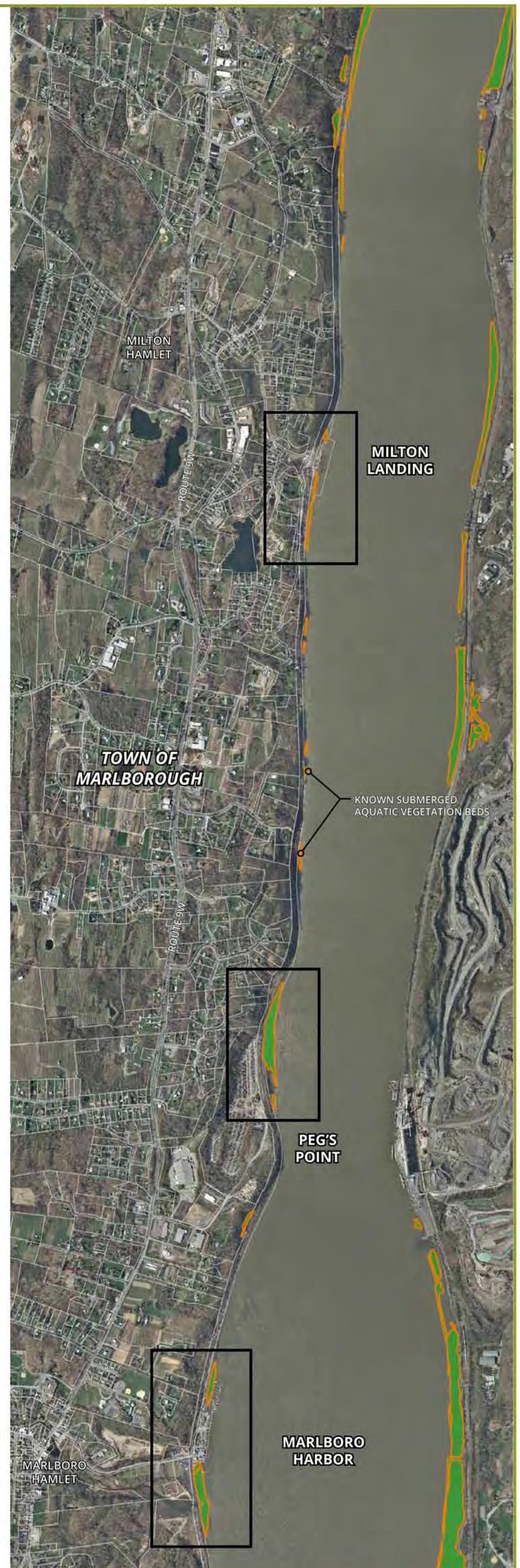
## MILTON LANDING



## PEG'S POINT



## MARLBORO HARBOR



# Appendix B

## Town of Marlborough, NY Comprehensive Plan

November 2017



PREPARED FOR:



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# Town of Marlborough, NY

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Alphonso Lanzetta, Town Supervisor  
Howard Baker  
Scott Corcoran  
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Ed Molinelli

## Advisory Committee Members

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John Demarco  
CJ Hartwell-Kelly  
Chip Kent  
Vivian Lanzarone  
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A special thanks and acknowledgement to all individuals, groups and organizations that helped with, and contributed to the development of this plan.

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**Hudson River  
Valley Greenway**



**Department  
of State**

November 15, 2017

Alphonso Lanzetta  
Town Supervisor  
Town of Marlborough  
21 Milton Turnpike, Suite 200  
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Milton, NY 12547



**RE: Comprehensive Plan – Town of Marlborough, NY**

Dear Supervisor Al Lanzetta and Members of the Town Board:

On behalf of our company and our consulting team, I am so pleased to be conveying to you this update to the Town of Marlborough Comprehensive Plan.

We are truly grateful to have been allowed the opportunity to serve the town on this very important project. We could not have done this project justice without gaining so much insight from the advisory committee members who contributed their valuable time, ideas and aspirations for the town. Our meetings were fun, engaging, creative and sometimes—well . . . let's just say "interesting". In the end, everyone contributed excellent ideas and much of what you will see in the plan is reflected in the outcome of the discussions we held with the advisory committee. As well a large number of people from across the community participated in the series of workshops that were conducted to provide input to the comprehensive plan.

One of the remarkable traits of the town is the community spirit that I hope you all recognize as your gift to each other—the attitude of working together is pervasive and I have never seen a greater amount of volunteerism in any other community. There were many moments in the process that come to mind as particularly enjoyable—and the time we got to spend with some of the seniors at Mr. Brian Barbulean's class at Marlboro High School was among the high points. If those motivated young people are the future of Marlborough then you can all relax—the town is in good hands as you look ahead. That group of students went above and beyond and put together a questionnaire that surveyed students and others' opinions about issues, needs and town assets and positive elements that we considered and highlighted when drafting the recommendations in the plan.

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The town board's leadership in advancing this project is truly appreciated and we trust you will find the document of utility as you look to continue to make the town a better place to live, work and enjoy.

Finally, I know you don't think that once you adopt the plan that the work is done. Celebrate its completion, recognizing the comprehensive plan is a call to action—to continue to stay ahead of the curve so the opportunities for the town are capitalized upon before they are missed and that the problems that lie around the corner are addressed before they become too big so that your shared vision for the community will become realized. Thank you for this opportunity to be of service.

Yours truly,



John Behan, AICP

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## **I. Introduction**

The Town of Marlborough has identified the importance of updating the 2002 Marlborough Comprehensive Master Plan to reflect the current needs, goals and opportunities in the town. As Marlborough continues to evolve, the community is looking toward continued enhancements of the historic hamlets and waterfront areas, management of traffic, land use and *aesthetics* of the highway corridors, fostering economic development, enhancing agriculture, and conserving important open spaces and natural resources. The analysis and recommendations in this plan will provide the foundation for future zoning updates and amendments and other public investment strategies.

This update to the town's comprehensive plan is being developed in parallel with a Local Waterfront Revitalization Program (LWRP) to guide the town's land use and revitalization initiatives in a coordinated manner. Fortunately, these efforts are being funded by grants from the Office of Planning and Development, New York State Department of State and the Hudson River Valley Greenway through the Environmental Protection Fund. Both of these planning initiatives are being reviewed as part of the draft generic environmental impact statement (DGEIS) that will allow the town to consider the environmental impacts and benefits of these two initiatives prior to their adoption as official plans for the town.

The comprehensive plan provides a set of goals, policies and objectives for the future growth of the entire town and focuses on land use, development, and zoning-related recommendations. The draft generic environmental impact statement (DGEIS) considers the generic impacts of the adoption of the updated comprehensive plan and the waterfront revitalization program. As the point of the DGEIS is to consider the broad, policy-level impacts of the effects of these two plans, the DGEIS does not address individual projects which may be proposed in the future. The DGEIS establishes thresholds for which future actions can be carried out without further environmental review and the extent to which further environmental review would be required.

## II. Regional Setting

Marlborough is located in the Hudson Valley in southeastern Ulster County, New York. It is bound by the Hudson River on the east, the Marlborough Mountains and the Town of Plattekill to the west, the Town of Newburgh in Orange County to the south, and the Town of Lloyd to the north. The town is directly served by New York State 9W which runs north to south parallel to the Hudson River. There are two historic riverfront hamlets: Marlboro and Milton, both located within the 9W corridor on the eastern side of the town.



Ulster County is located approximately midway between New York City and Albany in the area known as the Mid-Hudson Region. The economy of the Mid-Hudson has traditionally been based on agriculture and tourism. For the second half of the twentieth century, manufacturing was an important economic driver in the region. IBM manufacturing facilities in Dutchess and Ulster Counties were the dominant private employer in both counties until large-scale downsizing began in the 1990s. While manufacturing has declined in the region, agriculture and tourism continue to play an important role in the economy and identity of Marlborough.

The apple and grape industries hold important and historical roles in the town, and wine making has emerged as an important regional attractor. In more recent years, agricultural operations have diversified to include organic vegetable farming and small fruit tree farming. A healthy agricultural tourism industry is established in the town, attracting tourists and maintaining the local identity as a farming community.

Currently, the largest job sectors in Marlborough are education services, manufacturing, and retail trade. Together, these industries employ almost 40 percent of those working in Marlborough. The prevalence of these employers in the town and region offer an opportunity for economic growth in Marlborough.

### III. Issues and Opportunities

As part of the LWRP process, a thorough inventory and analysis was conducted on the town's existing resources and characteristics (Section III of the LWRP document is attached by reference to this plan). Opportunities to build upon these resources were identified and are addressed in this plan.

**A. Continued Community Revitalization** – The town has unique historic river town hamlets of Milton and Marlboro and efforts to revitalize the hamlets in order to support expanding business and housing opportunities should continue. The creation of attractive open spaces and better connectivity between the hamlets, the surrounding farms, orchards, vineyards, and other farm-based attractions, as well as to the larger community and the region as a whole will be an important initiative for the town moving forward. These connections can be physical, through the creation of shared-used paths, sidewalks or other infrastructure improvements, or they can be through events and activities like farmers markets and festivals.

**B. Demographics** - Marlborough is a community of approximately 8,800 residents, and just under half of the town's population lives in one of the two hamlets. The town has experienced modest growth since 2000 with an increase in population of approximately 5.5%. This population growth is comparable to the growth experienced in the neighboring towns of Lloyd and Plattekill.

While Marlborough has experienced a modest increase in overall population, it has also experienced the largest decline in the under 40 population in the county in recent years. Between 2010 and 2015, the median age in the town grew from 37 to over 40. This demographic shift is noticeable in the Marlboro Central School District enrollments and projections. At its historical peak in 2005, the school district had 2,137 students and by 2015, enrollment fell by nearly 10%. This trend is expected to continue to 2025. (Marlboro Central School District, June 2016). The Marlboro Central

Total Projected Enrollment Grades K-12 Marlboro Central School District (2015-2025)

Year	Projected Enrollment
2015	1950
2016	1900
2017	1890
2018	1860
2019	1870
2020	1840
2021	1850
2022	1820
2023	1790
2024	1760
2025	1720

Data from Marlboro Central School District Demographic Study, June 2016

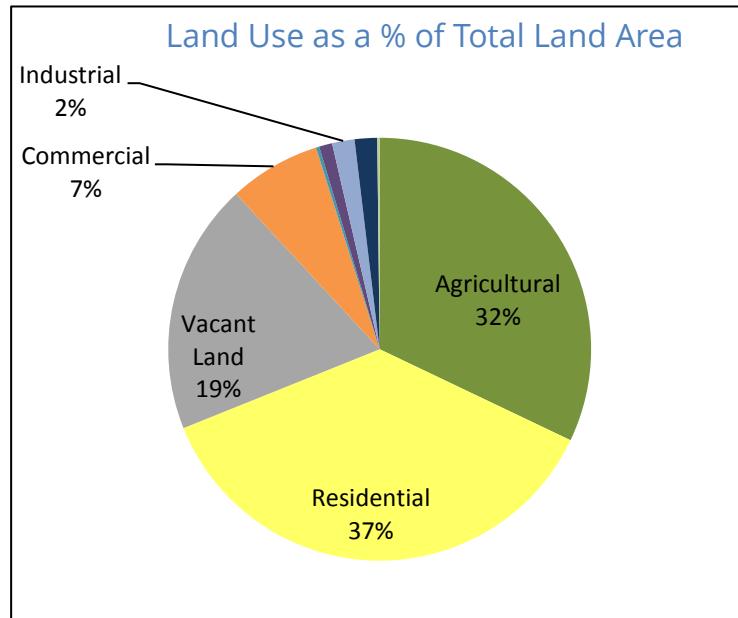
School District is an asset to the town and the academics, extra-curricular programs, athletics and facilities represent overall benefits to the community. The decrease in school enrollment is not seen as a negative indicator of the school district itself, but rather a general indicator of the changing demographics in the town and throughout the region.

Among the demographic trends identified in Marlborough, the three that must be considered for the future of the town include:

- 1. The projected decline in enrollment in the Marlboro Central School District;**
- 2. Projected relative decline in the “under 40” population;**
- 3. Projected increase in the senior and elderly population.**

These trends are not unique to Marlborough, but can contribute to increasing challenges in terms of the cost of community services for education and well-care for an aging population. Addressing these trends proactively will take increasing, multi-level efforts to encourage new and young households to remain or move into town, to help secure a diverse mix of affordable home ownership and home rental options and to increase the base of younger generations to balance the growth of an aging population and provide the needed services for these populations.

**C. Land Use** - Land use within the town is predominantly in agricultural, and Marlborough is home to nearly 12 percent of Ulster County's active farms. A large proportion of the town is located in a state-designated agricultural district administered through Ulster County. A recent land survey indicates that there are approximately fifty active agricultural operations in the town, amounting to nearly 4,500 acres of farmland.



*Data from the NYS Office of Real Property Tax Services*

The composition of land uses in the town contributes significantly to the unique character and quality of life enjoyed by the residents of Marlborough.

**Agriculture** – Agriculture was historically Marlborough’s economic mainstay and continues to play a key role in the town’s economy today. The majority of Marlborough’s active farmland lies in the upland areas west of NYS Route 9W. Despite its thriving agricultural community, Marlborough has not been immune to the state-wide trend of declining active farmland, between 2008 and 2015, properties classified as agricultural decreased by more than 6% while residential properties increase by approximately 4% over that same time period (NYS Office of Real Property Tax Services). It is important to note, that the decrease in agricultural land has been much more moderate than other places around the state, and there are some formerly inactive agricultural lands that have been cleared and put back into production both of which are positive signs for agriculture in the town. The farming community in the town is strong with many operators contributing to the region’s economy, and to the town’s healthy agritourism industry producing apples, grapes, wine, and other specialty crops.

**Residential Growth** - Marlborough has approximately 3,436 households averaging two to three people in size. The town as a whole grew by over 400 households, or a growth rate of 13 percent between 2000 and 2015. Mid-Hudson Valley home prices fell significantly following the housing collapse in 2008-2009. At present, the average home value in Marlborough is approximately \$204,000 (Zillow).

Denser residential development is located in and around the hamlets of Milton and Marlboro, with more rural style subdivisions expanding westward into the more rural landscapes of the town.

More than 60% of housing units in Marlborough are single-family homes, and this type of housing comprised the majority of new residential development in the town between 2001 and 2014. Three separate large-scale, multi-family developments occurred during different years during this period, each of which is located within one of the two hamlets. At its peak in 2007, the town issued 97 building permits for single-family homes and at its lowest in 2013, issued two permits each for two-family dwellings.

**Commercial Growth** – Commercial development can be found in the hamlet centers where locally owned businesses and restaurants serve the residents and the visitors of the community. Outside the hamlets, the 9W corridor is dominated by larger-scale highway strip style development with a mix of services, light industrial uses, auto sales and other similar businesses. Outside of the hamlets, restaurants are also an important commercial use along/near the highway. Recently, the hamlets have seen resurgence in new locally-owned businesses with new restaurants and shops locating there.

**Land Use Regulations** – The town currently has basic zoning regulations that specify allowed uses and bulk, height and setback requirements in each zoning district, but include little to no narrative or graphics on how development should look from a site planning perspective. This lack of design guidance makes it difficult for the planning board to ensure new projects meet the community's expectation. Including design guidelines in the zoning ordinance will provide an opportunity for the town to establish and clarify community expectations and incorporate a clear vision for future development in town into their land use regulations. These guidelines should rely on design patterns and concepts which emphasize the desired physical character of development and create a unified vision for the future of an area and the community. This will help contribute to the overall attractiveness and economic vitality of the town.

**D. Historical Background** – Marlborough is a town steeped in history. From early historical narratives of Native American fishing grounds, to the earliest European settlers in the 17<sup>th</sup> Century, to early train travel evidence of the town's past can be seen in its historic hamlets, buildings, landscapes and industrial ruins. The river provided not only transportation but was an important food source during the colonial and early industrial period and shad from the river were netted by the tens of thousands as a staple for protein over the long winter months during the town's early years.

The Town of Marlborough and its residents take great pride in the historical roots of the community. Many of the families in town have lived in Marlborough for multiple generations, and there are farming families that have been working on land in Marlborough for over 200 years. The strong and historical community ties that exist in Marlborough are elements that are important to maintain, and also elements that should be built upon for the future.

**E. Overall Connectivity** – Marlborough has many resources and attractions for residents and visitors to enjoy, however these attractions are scattered throughout the town and there is a significant lack of connectivity between them. The town in general is oriented north to south with the Hudson River and railroad tracks running along its eastern border. The major north/south roadway connections are Route 9W and Lattintown Road (Ulster County Route 11). Both the Milton and Marlboro hamlets are within the 9W corridor. Two of the major east/west connections through the town are Milton Turnpike (Ulster County Route 10), extending from the Milton hamlet westward, and Western Avenue (Ulster County Route 14, and 14A) in Marlboro hamlet. For the most part, these major connections throughout the town have minimal pedestrian and virtually no bicycle infrastructure that would provide for non-motorized connections between Marlborough's resources and attractions. Sidewalks, shared-use paths, and widened shoulders are elements that could be included along

connector routes and in hamlets to make Marlborough a more walkable and connected community. Intersection safety and connectivity, especially along NYS Route 9W is in great need of improvement including safe pedestrian crossings, consideration of alternative designs including roundabouts and separate facilities for bikes/pedestrians.

Throughout conversations with the town's youth and other residents a general concern that has been expressed is the inability to walk most places. Walking in Marlborough is generally challenging due to the lack of pedestrian infrastructure, both on and off the road. Lack of walkability is not only a safety issue; it is also a quality of life issue. Communities that are walkable are more attractive to home-buyers; they also contribute to the overall physical and mental health of their residents.

Significant strides have been made by the town to improve pedestrian accommodations in recent years. In 2016, a Safe Routes to School study was performed to identify areas in need of improvements. Since then, pedestrian amenities have been installed and upgraded around town, but gaps in the infrastructure continue to exist.

## IV. Vision Statement and Goals

The vision statement for the future of Marlborough was established following numerous committee meetings and public input sessions. This vision statement is designed to reflect what Marlborough is and where Marlborough is going and is used as guidance for this plan.

**Vision Statement:** *Marlborough is a unique riverfront town that offers a diverse range of business opportunities, cultural attractions and housing options set in a beautiful Hudson Valley landscape where agriculture and history are highly-valued elements of our community and our small town quality of life is the centerpiece of multi-generational living and civic endeavors.*

**Goals:** The stated goals of this comprehensive plan are the established goals of the community and therefore mirror those put forth in the LWRP. While the LWRP addresses the goals with coastal policies and recommended projects and actions for the waterfront area, the comprehensive plan seeks to accomplish the town's goals through recommendations for future land uses in the town.

The goals of this plan build upon the goals set forth in the 2002 Master Plan and mirror those in the LWRP in order to:

***Strengthen Connections with the River*** – Integrate the waterfront into the community by improving both physical and visual access to the river.

***Revitalize Milton and Marlboro Hamlets*** – Restore and improve Marlboro and Milton hamlets as the commercial and cultural centers of the town through strategic public and private investments in streetscapes, parking areas, and private properties in and around the hamlet areas and improve pedestrian and bicycle accommodation.

***Improve the NYS Route 9W Corridor*** – Collaborate with the New York State Department of Transportation (NYSDOT) and Ulster County to improve the safety and aesthetics of the highway corridor, calm traffic in the hamlet centers, and create a system that can better accommodate pedestrians and bicyclists and address the needs of the mobility impaired.

***Celebrate and protect natural and cultural resources*** – Maintain and protect the town's natural resources and better document the town's historic and cultural resources, and consider ways to protect and enhance these resources as a source of community revitalization.

***Enhance Agricultural Uses*** – Explore more ways to advance and promote agriculture within the town so that these traditions continue to be an important part of town life and the regional economy.

**Hudson River Valley Greenway Compact** – Marlborough has long been an active member of the Hudson River Valley Greenway and is recognized as a “compact community” in supporting the Greenway criteria which are well aligned with the town’s goals and objectives for this comprehensive plan.

The Greenway criteria are described by the Hudson River Valley Greenway Act as “the basis for attaining the goal of the Hudson River Valley Greenway”. These criteria complement the overall goals of the community of Marlborough and include:

- Natural and cultural resource protection,
- Regional planning,
- Economic development,
- Public access,
- Heritage and environmental education.

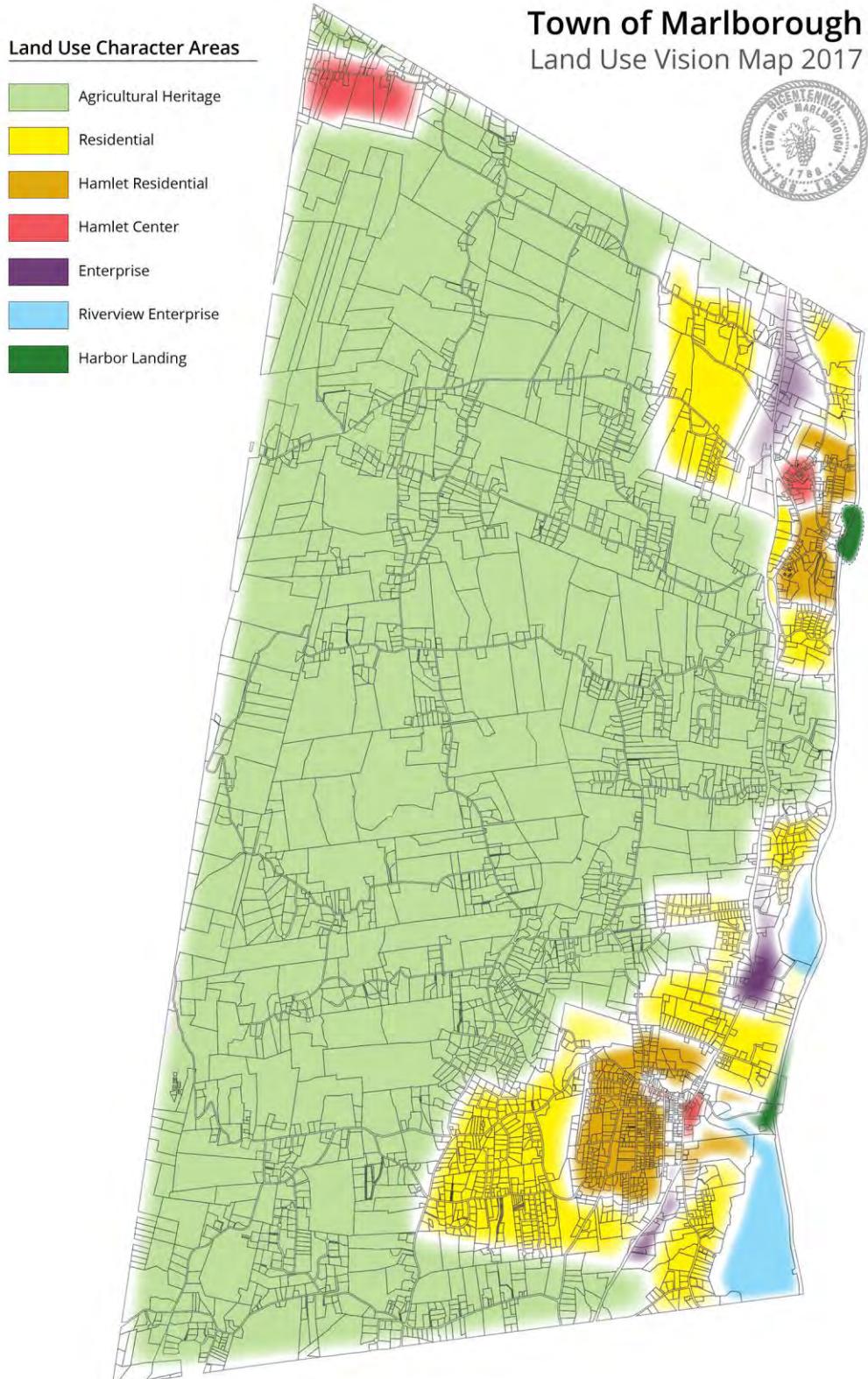


Northern pier at Milton Landing Park in Marlborough provides public access to the Hudson River.

The general nature of the Greenway criteria allows communities to develop locally-based projects which address community concerns while contributing to the overall framework of the Hudson River Valley Greenway.

## V. Land Use Vision Map

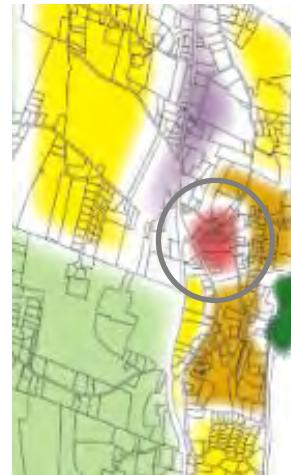
The land use plan has been divided into several character areas representing general land and development concepts with similar natural, cultural, or development features meant to outline future land use patterns. These character areas are depicted on the land use vision map on the following page. The character areas do not represent specific zoning boundaries, but rather, broad development, land use, and conservation categories. Nevertheless, these character areas should be considered and further refined when making updates to the town’s zoning ordinance.



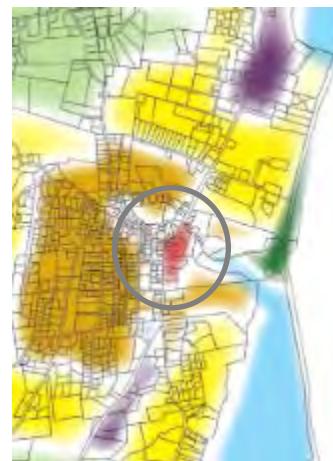
## Land Use Character Areas

Several land use areas have been identified on the map on the previous page. These areas are grouped together based on similar characteristics of current land uses and development types. The shared features and current and future uses for each character area are described in the following section. Planning issues to be considered for future growth, development and conservation are identified for each character area.

**Hamlet Center** – The hamlet centers are the locations of the historical settlement of the town, based around the transportation opportunities that the Hudson River supplied as well as the water-power opportunities that the many creeks and falls provided for the residents and industries in the area. Historically, these areas were the center of commerce and social interactions for residents and visitors to the town. Today, these areas represent an opportunity for commercial growth and mixed-use development that would provide a wider range of housing types in the town. Mixed-use development is a traditional type of settlement in which housing is situated above commercial storefronts located on the street-level. The Urban Land Institute's Mixed-Use Development Handbook characterizes mixed-use development areas are those that 1) provide three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) foster integration, density, and compatibility of land uses, and 3) create a walkable community with uninterrupted pedestrian



Milton Hamlet Center



Marlboro Hamlet Center



Route 44/  
Northwestern  
Hamlet Center

connections. Expansion of this type development can allow for increased housing opportunities for business owners, their employees, and young families moving to the area.

There are three areas defined as hamlet centers in the town, they are based on the two hamlets, Milton and Marlboro, and the area in the northwest portion of town around Milton Turnpike (Route 44). The Milton hamlet center is focused around Main Street where hamlet scale businesses, restaurants and community services are located. Any development in Milton should be sensitive to the existing neighborhood fabric and historic streetscape. In the Hamlet of Marlboro, the hamlet center area has a different feel because it is centered on



The hamlet center areas are the center of commerce and social interaction for the town.

Image courtesy of Vivian Photography

the much busier Route 9W and Western Avenue. Within Marlboro, consideration should be given to creating more of a sense of a hamlet center, perhaps with the creation of a small pocket park or green space that could host community events. Efforts should also be made to calm highway traffic and increase walkability and pedestrian safety in hamlet center character areas.

The hamlet center areas of Milton and Marlboro are primarily zoned Commercial (C-1) while the hamlet center in the northwestern portion of town is zoned Commercial (C-2), both designations that allow for retail businesses and services, professional offices, restaurants, automobile service, repair and filling stations, and dwelling units over ground floor commercial uses. These areas offer the opportunity to create a sense of place for the



The hamlet centers offer opportunity for infill commercial and mixed-use development.

Image courtesy of Rick Lashinsky & Meet me in Marlborough.

community by promoting a walkable, highly connected street layout with proximity to local businesses, restaurants and services. The proximity to restaurants and other services as well as the walkable nature of the hamlet centers position these character areas for the expansion of overnight lodging options like bed and breakfasts and small-scale inns that could provide

complimentary services to the town's already existing agritourism business and emerging heritage tourism industry.

In the most recent update to the zoning, the C-1 area in the Marlboro hamlet was decreased, converting areas along Western Avenue from C-1 to Residential. Considerations should be given to ensuring a connected system of sidewalks throughout the hamlet center and extending into the surrounding hamlet residential character areas, as well as installing crosswalks where appropriate both of which will create a safer and more welcoming environment for residents and visitors alike.

Future zoning amendments incorporating design guidelines in the hamlet center areas should consider the historical context of the hamlets. Buildings should be built close to the sidewalk line, with height and architectural elements that are contextually relevant and compatible with the existing buildings. Sidewalks, crosswalks, street trees, and pedestrian scale street lights should be incorporated throughout the hamlet center areas. Where possible, an off-street shared parking area should be formalized in each hamlet with shared parking between establishments and shared access should be sought in order to minimize curb cuts.

***Design with Marlborough in mind*** – design guidelines provide a way for the town to provide input on how new development should look, but also how it interacts with the surrounding community.



**Traditional Zoning** - Provides information on what is not allowed. New development is unpredictable.



**Design Guidelines** - Describes what is wanted and how it should look. Creates predictability in new development.

**Hamlet Residential** – Surrounding the hamlet center areas in Milton and Marlboro are the hamlet residential character areas, these areas are characterized by older, denser, traditional residential development patterns. The hamlet residential areas typically are served by existing sewer and/or water infrastructure; new residential development should be guided towards these areas.

The hamlet residential areas are comprised primarily of R-Residential zoning. This zoning designation allows for the orderly growth of established residential centers. Single-family and two-family detached homes are the main residential structures in these areas. Minimum lot size in this zoning district is currently between 10,000 and 20,000 square feet depending on access to utilities. The smaller lot sizes allow for a denser and more diverse development pattern. Residential infill development should be pursued in the hamlet residential areas where appropriate. Siting and encouraging more housing in these areas is important not only to enhancing the hamlet areas, but also to protecting the agricultural areas in the town by taking development pressure off of the farmland and reducing resource fragmentation.

The primary issues in these hamlet residential character areas are the enhancements to the built environment including pedestrian amenities and safety, and the aesthetics and design of the street. Design guidelines for the hamlet residential areas should consider the traditional pattern of smaller lot sizes and setbacks. In many traditional hamlet residential areas, the setbacks are varied offering interesting and unique streetscapes and lot frontages, this element should be considered and allowed in the design guidelines.



For new construction, smaller houses and row houses are appropriate for residential infill in the hamlet residential character areas.

**Enterprise** – Enterprise areas exist along the Route 9W corridor. These areas allow for both commercial and industrial uses such as office buildings, warehouses, and light manufacturing complexes.

The Enterprise areas are zoned primarily Highway Development (HD). The intent of this zoning designation is to provide an environment that is conducive to the development of light industrial and complementary commercial uses, including research and development institutions, professional and administrative facilities, warehousing and storage, distribution, and low-intensity processing.

Thus far, development in these areas is a scattered mix of services, light industrial, auto sales, retail, restaurants and other similar businesses. While this type of development is allowed in the zoning code and contributes to the town's tax base, care should be given to ensure that future development is sited and landscaped in such a way as to contribute to the aesthetic quality of the town and the 9W corridor.



Development in the Enterprise character areas should include pedestrian accommodations, partial screening of the buildings, and trees and other landscaping elements.

Other planning concerns for this character area include access management issues resulting from a large number of ingress and egress points along Route 9W, a heavily trafficked corridor. Future development in this area should consider a model of shared access points and business park type models to reduce access points and promote a more orderly type of development.

Design guidelines in the enterprise areas should ensure appropriate screening for businesses from the road using clusters of vegetation and stone walls where feasible. Pedestrian and bicycle accommodations separated from the roadway should be provided where possible. Future development should be clustered in a way that limits access points by enabling shared curb cuts and interconnected parking among adjacent businesses.

**Residential** – The Residential character areas of Marlborough support neighborhood development between the areas of the town with more intense residential and commercial uses and the more rural agricultural areas. Residential character areas are located on the outskirts of the hamlets and extend upland into the agricultural areas of the town. Residential development is less dense here than in the hamlet residential areas and much of this area is defined by large lot residential housing and subdivisions.

More than 60 percent of the housing units in Marlborough are single-family homes, and many new homes are built on a landscape that was once devoted to agriculture. The problem of farmland conservation is not one house or one development; the problem arises cumulatively overtime as we build out across the landscape. Working farmland and wildlife habitats are fragmented by building footprints, lawns, roads, and driveways potentially leading to decline in viable agricultural land and other connected open spaces.

This area is primarily zoned R-1 Residential with a minimum lot size of 1 acre, a consistent lot size for the intended moderate-density residential development. Future residential development in this area, particularly in the areas where working farmland is still present, should consider the effects of fragmentation and seek settlement patterns that reduce the division of farmland and wildlife habitat.



### **The Community Design Manual**

Ulster County Planning Board

March 2017

As the town looks to develop design guidelines, it is recommended these be customized to fit the unique setting in the town. Ulster County's design manual will be a helpful reference but would not be a substitute for the town creating its own standards.

Where residential development and working farmland do coincide, residential lots should be sited to minimize the impact/intrusion into farmland space, and a vegetative buffer located on the residential properties to separate residential from agricultural land should be required. Although the town currently has a right-to-farm law that protects farmers from nuisance complaints, the addition of a buffer zone between the two uses will further protect farm operations and promote good neighbor relations.

**Agricultural Heritage** – Marlborough's agricultural areas reflect one of the defining aspects of the land use characteristics of the town. These areas are widespread across the town. Also important are the extensive forest lands which include large tracts of woodlands across the Marlboro Mountains and some of the higher elevations. The agricultural heritage area lies primarily on the western side of the Route 9W corridor, in the upland areas of the town.

The 1970 land use survey and U.S. Census of Agriculture data confirmed the town's agricultural character with 64 percent of Marlborough's total land area in agricultural use. Today, agricultural remains one of the primary land uses in the town with approximately 32 percent of Marlborough classified as agricultural by the NYS Office of Real Property Tax Service (2015 Annual Assessment Rolls).



Marlborough's agricultural heritage is the result of generations of hard work and stewardship of the working landscape. Image courtesy of Matt Kierstead.

Maintaining the agricultural character and keeping land in farming in the future is a primary concern for the town. There are two key aspects which should be considered to ensure farming remains a key aspect of life in Marlborough: first, help keep farming profitable by enhancing agricultural uses and promoting agritourism; second, protect existing farmland from residential development that creates fragmentation and loss of agricultural viability.

For the most part, the agricultural heritage areas are zoned Rural Agricultural (RAG), a designation that is intended to encourage the continuation of agriculture and to preserve important natural and economic resources, and to create conditions conducive to rural life and country living in an area primarily dedicated to agriculture. While in general this description accurately describes the current conditions in the agricultural heritage areas, the RAG zoning also allows for a minimum lot size of 1-acre.

While it is understood that ability to subdivide and sell off a +/-1-acre lot for development is an important option for landowners to maintain, it should be considered that if this option was utilized to its fullest extent, at a density of 100 lots on 100 acres there would be a drastic change to the landscape and to the character of this rural and agricultural area. To fully examine this possibility, the town should consider conducting a build-out analysis based on the current zoning and review these findings with owners of large tracts of land with the idea of exploring alternative methods of subdivision design that would protect property values and protect the rural agricultural resources and character.

The concept of maximum density allowances should be explored as a way to maintain the rural quality of life in the agricultural heritage areas while maintaining the 1- acre minimum lot size.



Existing Conditions



Conventional Large - Lot Development



Conservation Development

Another option to explore for future development in this area is the conservation subdivision technique. Conservation subdivisions are intended to protect farmland and open space, particularly employed on new residential development.



*This model of conservation subdivision preserves the farmstead area and much of the forested area of the parcel while allowing moderately dense residential development.*

rural quality and scenic views of the area.

While the conservation subdivision model of development does not save the entire farm itself, it does preserve the agricultural character of the area without limiting a landowner's opportunity to develop. Lower density conservation subdivisions can yield equal to or net return to a landowner than higher density development.

**Harbor Landings** – There are two harbor landing areas in the town located at Milton Landing and Marlboro Landing. Milton Landing is the home of the historic Milton Train Station, a town park, and a pier that is utilized by the public for fishing and viewing the river. Marlboro Landing is shared by two private marinas, West Shore Marine and the Marlboro Yacht Club. Both marinas have dock space available for guest use and a boat launch is available to the public for a fee.

The harbor landing areas are the only places in Marlborough where the Hudson River can be accessed by the public for recreational purposes. These areas are zoned Industrial (IND) although based on the current and desired uses of the riverfront, that designation should be changed in order to avoid potential conflicting uses with the established waterfront parks and marina facilities. A stated goal of the community is to strengthen and establish more public connections to the river. The harbor landing areas are ideal locations for targeted enhancements to public river access.

A conservation subdivision takes a more holistic approach to development by looking at the entire parcel available, and the surrounding area and planning the subdivision with the goal of conserving as much of the parcel, farmland, forestland or open space as possible. In this model, a higher concentration of housing on parts of the land is allowed in order to reduce fragmentation of forest and farmland, and to allow for development while maintaining the



The harbor landing areas provide opportunities to expand public access and facilities along the Hudson River. These examples illustrate some of the many possibilities for Marlborough's waterfront and water view areas.

**Riverview Enterprise** – There are two riverview enterprise areas in Marlborough, both of which offer tremendous opportunities for the town to establish new connections, both visual and physical, with the Hudson River.

The northern riverview enterprise area is the site of the Copart auto salvage and auction operation, and formerly the site of a sand and gravel mine. This is an ideal location for this type of commercial use because it is shielded from view of the hamlets. Although it is not anticipated, if Copart was to cease operations here, this area should be retained as a technology based/ light industrial/manufacturing area. A small industrial park with multiple smaller facilities may be appropriate. The area is adjacent to an enterprise character area, which is zoned Highway Development and allows uses that may complement those in the riverview enterprise area. The expansion and connection of compatible uses in this area should be explored as a way to develop industrial business clusters that can benefit from a shared location, and increase tax revenue for the town.

The southern riverview enterprise area is located on Dock Road in the hamlet of Marlboro and extends throughout the Tilcon quarry area along the river. This entire character area is privately owned, and it is anticipated that Tilcon will retain the land as it currently stands for the foreseeable future. The Dock Road parcel should be evaluated for a potential multi-family, mixed-use development that could build upon and incorporate any future development in the Marlboro Landing area and take advantage of the Hudson River views.

## VI. Land Use Recommendations

Land use recommendations in this plan recognize that the Town of Marlborough is a patchwork quilt of land use patterns containing a mix of residential, farmland, forestland, and commercial corridors along with historic hamlets and waterfront areas.

**A. Agricultural** - Despite the importance of Marlborough's farms to the community and the region, there are very few conserved farms within the town. A conserved farm is an agricultural property that has been permanently protected through a conservation easement/purchase of development rights (PDR) or transfer of development rights (TDR) – both of which are mechanisms in which a landowner is compensated for his or her right to develop the land. The landowner retains ownership of the land and can continue to farm it; however, the potential for development has been removed conserving the property as agricultural land for the future.

In addition to maintaining farmland and the agricultural character of the town, conserved farms protect wildlife habitat and environmentally sensitive areas such as meadows, wetlands and streams. Well managed farmland can also help maintain surface and ground water quality. Farmland helps keep property taxes low by requiring, on average, just 37 cents of municipal services for every dollar it pays in taxes.

Agriculture and agritourism are important industries for the town, local organizations like Meet me in Marlborough and the Shawangunk Wine Trail draw visitors from New York City and around the region for winery tours, pick-your-own days at local farms and farm-to-table dining. The Hudson Valley Research Lab supports farmers in the area by conducting research and educational events in the area. The town should continue to support the efforts of those groups as well as continuing to support farmers markets, on-site retail operations and other value adding activities and agricultural related events.

**The Hudson Valley Research Laboratory (HVRL)** is a farmer owned, farm centered research station staffed by Cornell University faculty and staff. The HVRL, located in Highland, provides vital research and critical education and support to New York's farming community. To the farmers of Marlborough, this facility has provided important education regarding pest management and crop production. The town's policies should continue to support and enhance the efforts of HVRL.



The best strategy to maintain farmland is to keep farmland profitable, but even the most profitable farms can be vulnerable to subdivision and development. In a survey conducted by Ulster County in conjunction with the Ulster County Agricultural and Farmland Protection Plan, conservation easements and PDR were identified by a majority of farmers who responded as “very important” or “somewhat important” land use options in relation to farming (Ulster County Agriculture and Farmland Protection Plan, 1997). Preserving farms through conservation easements helps sustain the viability of existing farms and keeps the land available for the next generation of farmers. The town should explore continued partnership opportunities with local land trusts like Scenic Hudson or the Rondout-Esopus Land Conservancy to further advance conservation easements throughout Marlborough.

By continued and expanded collaboration, the town and the agricultural community should establish goals and strategies to keep agriculture strong in Marlborough, and develop answers to the following questions:

- The future of agriculture in Marlborough will be...?
- This will be achieved by....?
- Which will require...?

Conservation easements are voluntary and can be donated or sold by the landowner. Purchasing a farmer’s development rights provides a way to financially compensate willing landowners for not developing their land. Removing the development rights from a property not only provides the current landowner with a mechanism to derive capital from the land, but makes the possibility of purchasing the land more accessible for a new farmer. By removing the development potential through purchase of development rights, the land can later be sold at the lower agricultural value by someone, often a family member, seeking to buy the land and continue farm operations on the property.

Transfer of development rights (TDR) is a technique used to permanently protect farmland and other natural and cultural resources by redirecting development that would otherwise occur. Landowners within valuable agricultural and resource areas are financially compensated for choosing not to develop some or all of their land. The right to build a house or other structure is transferred from an area where development is discouraged (the “sending zone”) to an area where development is encouraged (the “receiving zone”).

In addition to the above conservation techniques, the agricultural community along with the town should consider drafting and adopting an agriculture and farmland preservation plan. Not only do these plans help establish agriculture as a critical land use in the town through local policies, they also develop a framework for the town to promote farming and

agritourism, and place the town and local landowners in a better position to receive state and federal monies for farmland conservation.

The New York State Department of Agriculture and Markets offers Farmland Protection Planning Grants (FPPG) which assist municipal governments in the development of agricultural and farmland protection plans.

**B. Residential Growth and Affordable/Workforce Housing** - Residential growth should be focused in and around the Hamlets of Marlboro and Milton, these areas are already serviced by the public water and sewer districts. Focusing additional development in the hamlets would reduce future municipal infrastructure costs. It will be important that a mix of housing types are available to accommodate the range of housing needs in Marlborough—in particular for those of low-moderate income including housing to accommodate those that work in the town. As the town looks to update its zoning, it should consider appropriate incentives to help produce affordable/workforce housing as part of a balanced mix of housing types in the town.

**Hamlet Center** - Expanding residential uses including multi-family housing above commercial types of uses at a scale that reflects some of the higher-density current use patterns will be helpful to strengthen hamlet livability as a place to live and work and find local services, restaurants, and cafes. Altering allowed building heights to three to four stories would be appropriate, along with increased residential densities to fit within those building sizes.

Design guidelines will be important to reflect local architectural character while allowing more updated architectural styles. While architectural elements that blend with historic details are important, equally important is creating an attractive environment for new investment and for supporting building design that fits and adds to the overall streetscape character and amenities of the hamlets.

Securing off-site parking areas will open up hamlet infill development while maintaining a compact form and increasing walkability which is important for economic viability.

**Hamlet Residential** - The lot sizes and other dimensional aspects of this character area should reflect a compact settlement pattern where walkability is a key part of design. Lot widths, yard setbacks and lot sizes should be small enough to allow compact development of single-family, two-family and townhome type development. Typically lot widths around 50-60 feet, 5-10 feet side yard setbacks and lot areas around 7,000 to 8,000 square feet for detached dwellings with water and sewer are appropriate for this area.

Planning and providing for a diversity of housing types in and around the hamlets is a strategy that can provide more affordable housing and attract a more diverse population of people to the town. The hamlets are the ideal places to create and encourage different housing types including duplexes and townhomes. In addition to addressing issues of affordability, a greater range of housing types may attract young families with school age children to the town. As previously noted, enrollment in the Marlboro Central School District has been in decline for the past decade and is projected to continue to decline. Increasing the population of school-aged children to reverse the current downward projection should be viewed as an opportunity rather than a burden. The school district currently has the capacity to increase enrollment and doing so will only add to the vibrant education environment that already exists in Marlborough.

When possible, existing housing should be maintained and rehabilitated in the hamlet areas. The hamlets and surrounding neighborhoods have a combination of older and historic houses mixed with newer residential structures. While new development should be encouraged, the older homes should be maintained whenever possible as they add to the character of the community and provide a glimpse into Marlborough's historic past.

Infill development in the hamlet center and residential areas should be encouraged to maintain the desired density and a diversity of housing choices. Other areas in the town should be evaluated for possible growth based on available infrastructure and existing uses.

**Agricultural Heritage** - Additional elements should be added to the town's site plan review process to further protect agricultural land, like requiring buffer areas and residential/other uses if required between farm uses. This provision should be added to the zoning code for new residential development that abuts the agricultural district or active farmland. The buffer should be located on the residential property. Ideally, these buffers should be at least 50 feet in width and planted heavily with a mixture of grasses and low growing indigenous shrubs and a variety of trees.

Measures should also be taken to maintain a contiguous landscape of farmland in the agricultural areas of town. These measures include avoiding the approval of subdivisions that result in piecemeal residential development, consideration of conservation subdivision design requirements and limiting excessive strip residential development along rural roads.

**C. Historic Resources** - Marlborough is a town with a tremendous history, much of which can be seen in its housing stock. While many of the older homes are well-maintained and cared for, it is a well-known dilemma that upkeep on an older house is expensive and more time consuming than maintaining a new home, and once the repairs cease, old homes

can decline quickly and can result in “demolition by neglect” due to the absence of routine maintenance and repair. This is an all too common fate of historic housing. While it is understood that maintenance of older homes is often difficult, time consuming, and costly, maintaining the integrity and appearance of these homes is an important contribution to the community.

The town together with the code enforcement officer can work to prevent older and historic homes from falling into disrepair by ensuring maintenance through annual inspections to evaluate code compliance. The town could assist historic home owners in developing a voluntary maintenance program which ensures that measures are taken to maintain the essential structure of the building. The code enforcement officer could meet with the homeowner annually to make sure that the maintenance program is being followed. In many historic communities, non-profit historic preservation organizations have been created with the goal of helping property owners recognize, preserve and enhance historic properties.

The first step in protecting the historic housing stock in Marlborough is to first identify and locate these important resources. This can be done through a cultural resources survey conducted by a historic preservation consultant. A cultural resources survey identifies all historic buildings and structures as well as all prehistoric and visible historic archaeological sites. Once these sites are identified there are historical preservation planning incentives and programs such as preservation tax credits that can be taken advantage of to assist in the renovation and maintenance of the historical building stock in the town.



Shared-use paths provide off-road connections that can be used for recreation and community and can be more desirable for a larger number of users along high-volume roads like Route 9W than sidewalks or bike lanes.

Other options include the National Register (NR) program, administered by the National Park Service, a component of the National Historic Preservation Act of 1966. NR listing adds prestige to a property, placing it on a national list of historically significant properties. NR listing does not prevent a property owner from altering or demolishing a listed building and has several significant benefits. Inclusion on the NR can protect properties from the effects of publicly-funded projects through the environmental review process. Income-producing NR-listed properties can be eligible for tax credits for restoration conducted according to the

Secretary of the Interior's Standards for Rehabilitation. NR listing does not result in any property tax or valuation increases, but can potentially increase property resale value. Where there are multiple adjacent historic properties they can be listed together to form a National Register Historic District (NRHD).

**D. Circulation and Transportation** – The town and in particular the hamlet areas are in need of mobility and streetscape improvements, specifically along Route 9W which runs north to south through the town and serves as the main street for Marlboro hamlet. While this route brings a large number of motorists through the town on a regular basis, the design of the roadway and the corridor does not encourage them to stop, visit, or spend time in Marlborough.

Ulster County is conducting a Route 9W corridor study that will cover the route through the majority of Marlborough from the Town of Lloyd along Route 9W to Western Avenue in Marlboro hamlet. While this is a significant portion of the town, a comprehensive, town-wide approach to the safety and aesthetics of this corridor should be undertaken to better address these issues.

Traffic circulation is an issue within the town especially on Route 9W through Marlboro hamlet at the intersection of Western Avenue, King Street and Route 9W where the intersection of three roads creates an odd situation for motorists. This intersection has been studied by previous town plans, these plans should be revisited and their recommendations should be considered and implemented.

The town, county, and New York State should consider implementing a complete streets policy especially within and between the hamlet areas. Complete streets are roadways that are constructed and designed to enable

**Increasing north-south connectivity for bicycles and pedestrians:**

Marlborough's Lattintown Road winds its way through Marlborough's upland areas providing spectacular views of the town's agricultural lands and the Hudson River Valley. For these reasons and many more, the busy roadway attracts many of the area's avid cyclists who enjoy the challenge of an uphill climb and the reward of a beautiful view at the top. The road itself, a county highway, offers very little shoulder for cyclists to travel in, and therefore they often ride in the travel lane along with motorists. This situation prevents many visitors and residents from walking or cycling along this scenic route. Lattintown Road seems like an ideal location for a shared-use path; however the topography and agricultural uses that surround the road prevent such an option. Here, widening and improving the shoulder along the county highway to accommodate bicyclists and pedestrians alike would increase safety, attract more visitors to this location, and ease the burden on traffic that often results from a tour of cyclists.

safe access for pedestrians, bicyclists and motorists alike. Elements should include completing sidewalk and crosswalk connectivity throughout the hamlets; and ensuring major roadways have a wide enough shoulder or a shared-use side path which pedestrians and bicyclists could use safely along-side motorists. Priority areas for improvements are identified in the town's Safe Routes to School (Alta Planning + Design, 2016); these improvements should be considered whenever construction or upgrades are performed on the town's roadways.

**E. Natural Resources Conservation** - Marlborough contains many important natural features that contribute to scenic beauty, the tourism economy, and the ecological health of the region. Wetlands, open spaces, forested hillsides, soils of statewide importance for agriculture, and the Hudson River each play an important role in the town. The conservation and protection of these important natural resources should be taken into account when considering future development.

**Open spaces** - Open spaces are a vital part of Marlborough's landscape. In addition to providing areas for recreation and public enjoyment open spaces protect and buffer wildlife habitat and environmentally sensitive areas such as meadows, wetlands and streams and protect the local drinking water supply.

Approximately 2 percent of the town's total land area is permanently protected as open space, while the average for Ulster County towns is 31 percent. (Catskill Center for Conservation and Development and Open Space Institute, 2006, as sited in the Ulster County Open Space Plan, 2007). As a result, Marlborough stands to be fully developed with no guarantee that the town will keep its open space character in the future. The town should work with landowners to find mutually agreeable ways to protect open space resources for a number of reasons including conserving important farmland, maintaining clean streams and waters, providing wildlife habitat, and preserving scenic views and rural open landscapes.

**Forestlands** - The forested hills descending from the Marlborough Mountain range are part of a globally significant forest patch that extends into the Town of Plattekill. Globally significant forest patches range in size from 15,000 to 600,000 acres and represent the largest, most intact forests. The size and natural condition of these forests support ecological processes, natural communities, and populations of forest-interior plant and animal species. Smaller patches of forest are located in the southeastern and northwestern portions of town. Forests of this size, at least 200 acres in size, are considered the minimum threshold for intact forest ecosystems capable of supporting forest-interior bird species. Maintaining

these unfragmented forest areas should be a consideration for any future natural resource conservation endeavor.

**Water Resources** - There are many small creeks and streams that run throughout Marlborough, beginning in the mountains to the west and emptying into the Hudson River to the east of the town. These waterbodies are important to the history of the town and were once used for powering the extensive water-powered mills and manufacturing operations that were concentrated in the Marlboro and Milton hamlets. There are three known trout streams within the town including Lattintown Creek. Maintaining the health of these waterways is important for the future by taking measure to reduce runoff of silt and other debris in order to keep these tributaries clean.

**Parks and Recreational Resources** - In Marlborough, there are two established parks with an additional park under development. The largest of the established parks, Cluett-Schantz Park is located in the Hamlet of Milton along Route 9W and encompasses approximately 20 acres with sports fields and walking paths for recreation. Milton Landing Park is smaller and is primarily used for fishing and access to the river and contains the historic Milton Train Station which is used for community meetings and events. Other improvements are planned for Milton Landing Park. A dog park was recently opened (an Eagle Scout project led by Robert Ahlers) in the park and it will soon offer passive recreation options, hiking trails and camp sites.



Proposed enhancements to the Milton Waterfront Park.  
Behan Planning and Design, 2017

With the addition and improvement of Milton Landing Park, land space reserved for parks in the town will increase by over 50 percent. As residential development continues to grow in the upland areas of the town, the town should look into the possibility of future park needs for the Marlboro hamlet and more longer term toward putting aside conservation/passive recreation land in the area known as Lattingtown hamlet for a future park that would serve the growing residential population in that portion of Marlborough.

**Energy Sustainability** - The town should investigate the benefits of becoming designated by New York State as a climate smart community. Members make up a network of New York communities engaged in reducing greenhouse gas (GHG) emissions and improving climate

resilience. Climate smart communities look to minimize the risks of climate change and reduce its long-term costs and reduce greenhouse gas emissions. This designation allows the town to be eligible for funding for energy efficiency programs

**F. Economic Development and Community Enhancement** - Marlborough's economy is a key contributor to the region's prosperity. The Mid-Hudson Regional Economic Development Council has identified the "food and beverage manufacturing supply chain" as a manufacturing-based industry cluster for the purpose of the state's manufacturing extension program. Employment in this sector grew by about 40 percent in the past 10 years in the Mid-Hudson region with average earnings at more than \$70,000.

Opportunities exist for local companies in the food and beverage supply chain to potentially secure financial and other support through the state's economic development programs including education and outreach from the Hudson Valley Technology Development Center (HVTDC), expansion of promotional tools through Hudson Valley Tourism, and potential investment in expansion of companies in the Mid-Hudson region through the consolidated funding application (CFA) process.

**Tourism** – Due to its convenient location about 70 miles north of New York City and it's a remarkable surroundings, Marlborough has emerged as an attraction for many in the New York City Metro-area. The unique agricultural, cultural, and historical heritage in Marlborough creates an exciting tourism opportunity for the town to tap into and expand upon.

Agricultural tourism or agritourism has emerged as a major contributor to the economic base and the tourism base for the Town of Marlborough. Farm stands, U-pick operations and winery tours are among the major draws for visitors from near and far. An opportunity that is missed from visitors for agritourism is the ability to lodge them overnight. Expanding lodging options in the town, particularly in the hamlet center areas, where guests could walk to services and



Image: [www.buttermilkfallsinn.com](http://www.buttermilkfallsinn.com)

The Buttermilk Falls Inn has become a popular destination for visitors to the area. Located in Milton, the inn offers luxury accommodations in a circa 1764 building with Hudson River Views. There is also a spa and restaurant on site.

The Buttermilk Falls Inn partners with other local attractions like The Falcon in Marlboro to offer entertainment packages to their guests.

amenities, would increase the attraction for far away visitors and increase the income distributed by visitors throughout more of the town.

Place-based or heritage tourism is an opportunity to capitalize on the town's proximity to the Hudson River, the Marlborough Mountains and its vast historic resources. Like agricultural tourism, Marlborough's unique history presents an opportunity for the town to attract new visitors through historical interpretation and heritage tourism.

The Marlborough Economic Development Committee has proposed a trail project that follows Lattintown Creek through Marlboro's historic business district and industrial ruins. This path, the "Marlboro Mills Waterfall Walkway" will include interpretation of local historical themes including the mills and early industries, and the farms-to-river port connection. The Milton Landing Committee is planning a trail system and park improvements in that hamlet. These trail systems will increase public open space access and reconnect the historical commercial centers to the Hudson River waterfront. The addition of these trails will help position the hamlets as destinations for visitors and residents interested in learning about Marlborough's history while exercising and enjoying views of the Hudson River.

Waterfront tourism opportunities exist in both harbor landing areas. The Hudson River Greenway Water Trail or "blueway" is a series of launches and landings along the Hudson River, creating a water trail for non-motorized vessels like canoes and kayaks. A "trailhead" for the blueway has been established at Milton Landing Park where there are facilities for picnics and camping. Establishing a similar facility at the Marlboro docks would increase connectivity between the hamlets and increase opportunities for those seeking to recreate in the area.

The Marlboro harbor landing area is home to West Shore Marine and the Marlboro Yacht Club. Located less than a mile from the hamlet of Marlboro, these facilities can accommodate over 200 boats. Although these are member-based facilities, both have capacity for visitor docking. Creating better pedestrian connections between the Marlboro docks and the hamlet center would open up the hamlet for day visitors arriving via boat for lunch or dinner, or to take in the sights.

Like Marlboro Landing, Milton Landing has great potential to be established as a tourist destination. In addition to the historic Milton Train Station and the recreational amenities offered by the soon-to-be Milton Waterfront Park, Milton Landing also has a pier with the potential to dock a deep water vessel. In 2016, a structural evaluation was performed on the pier to determine its ability to accommodate the Hudson River Sleep Clearwater as well as the steam day-liner, the SS Columbia.

The historic SS Columbia, currently under renovation, is 207 feet in length and 60 feet wide and was designed to carry 3,200 passengers. Once restored, the SS Columbia is envisioned to be “a floating platform for arts, education, and entertainment connecting New York City to the Hudson Valley” ([sscolumbia.org](http://sscolumbia.org)). Making the necessary pier improvements as well as forming connections between Milton Landing and Milton hamlet and into the rest of the town should be a priority in order to accommodate and take full advantage of the potential the SS Columbia may provide. In the near-term, the town should continue to seek funding support through the consolidated funding application (CFA) process from New York State to support the full implementation of the park master plan. Funding for construction plans, specifications, bid documents and construction of improvements for all of the park elements including reconstruction of the south pier to support landing of tour vessels including the SS Columbia to support regional tourism development and educational education.



The SS Columbia is one of only two remaining excursion steamboats from the 20<sup>th</sup> century.

Image courtesy of [sscolumbia.org](http://sscolumbia.org)

Arts and cultural tourism utilizes the strong connections to the arts in the Mid-Hudson Valley. The spectacular landscapes of the region were made famous by Thomas Cole and the other painters of the Hudson River School in the mid-19<sup>th</sup> century. Known as “The Birthplace of American Art”, the beautiful scenery and closeness to nature provided by the valley continues to inspire artists today and has attracted communities of authors, poets, painters and musicians.

Today Marlborough continues to attract artists seeking refuge from nearby New York City and inspiration from the natural surroundings. The Falcon, located in a renovated button factory in Marlboro hamlet, attracts a strong lineup of performers and serves as a powerful regional attractor for jazz concerts and exhibits. The Falcon has developed into an anchor for the hamlet of Marlboro, the town should seek to expand upon this attraction.

Marlborough’s location nested above the Hudson River in the Mid-Hudson Valley offers some unique economic development opportunities. There are currently two locations, identified in the Future Land Use map as riverview enterprise areas which offer views of the Hudson River and the surrounding landscapes. Both of these sites, currently zoned industrial, are privately owned, but should be explored as possible locations for future redevelopment, investment and economic opportunities for the town.

**Power Plants** - These plants are important assets to the town, school district and Hudson region for both energy production and for the role they play in the fiscal health of the community. The Roseton generating station is a dual fuel-fired 1,242 megawatt facility put on-line in 1974 and is capable of running on both natural gas and fuel oil. The older Danskammer generating station, first put on-line in 1951, is partially dual fuel-fired. The considerable devaluation of the Roseton and Danskammer power plants is a primary reason why the town's tax base has eroded and finds itself in a situation of assessing a tax rate higher than that favored by residents and businesses. Especially significant is the high tax burden generated by school taxes. In the most recent awarding of a PILOT (payment in-lieu of taxes) agreement to the power plants, the town had only a very limited role in the negotiations with the operator and was also removed from the valuation of the power plants' revenue potential as well as the determination of an equitable tax obligation.

Although the current PILOT does not expire until the 2021-2022 school year, it is important for the town to proactively address the taxability of the power plants, especially given the potential for increased demand for natural gas alongside the planned decommissioning of the Indian Point nuclear power plant. Representatives of the town have already begun discussions with the Town of Newburgh. However, the town and Marlboro school district could also form a broad multi-agency task force including the plant owner/operator representatives that meets quarterly/semi-annually to address operational, fiscal, and environmental issues including plant needs, community needs and ultimately address the negotiation process with the plants operators on their tax burden upon expiration of the current PILOT. A second strategy that should be undertaken by the town in collaboration with other taxing jurisdictions is an independent valuation of the power plants by a consultant versed in the financial operations of infrastructure and also energy demand modeling to understand the revenue calculations used to determine the equitable tax burden for the plants.

**Agricultural Development** - This plan recognizes the importance of retaining and strengthening the town's agricultural sector, preventing the conversion of rural landscapes into low density residential development, and advancing transfer of development rights as a strategy for conservation as well as infill development within the hamlets. While agricultural land uses offer many benefits in addition to its employment benefits, its greatest town-wide economic impact is the potential for farms and vineyards to help define Marlborough's identity, stimulate hamlet revitalization, and support a more expansive hospitality sector. Many agricultural producers are investing heavily into their operations and expanding products and production and as example of the power of cooperative ventures, recently a coalition has been formed to organize wine producers harvesting a unique grape,

the Cabernet Franc. This coalition seeks to promote a signature grape as the basis for a distinctive wine specific to the region. These kind of expanded partnerships can help address the issues and opportunities identified in this plan and can be further explored should the agricultural community advance the idea of creating a town-wide agricultural development and farmland protection plan in partnership with the town and NYS Department of Agriculture and Markets

**Commercial and Industrial Development** - There are some underutilized industrial sites along the Route 9W corridor. However, the potential for industrial development is hamstrung by town's geographic position and removal from the interstate highways required to support the flow of manufactured goods. Potentially more successful, however, could be supply-chain businesses or resource and development ventures tied to the agriculture industry. One opportunity for furthering stimulating this development would be to ensure that the curricular program of a satellite educational campus in Marlborough be closely tied to stimulating innovation in the agriculture industry and supporting the incubation of ancillary businesses related to it.

**Hospitality and Restaurants** - One of Marlborough's core economic development challenges is that it does not have the hospitality infrastructure in place to capture the full tourism potential generated by the farms and vineyards. Specifically, visitors to Marlborough may come to a vineyard and farm to buy wine and pick their own produce but they are not incentivized to stay in Marlborough for a longer time. The Meet Me in Marlborough initiative is a very positive step in this direction. However, achieving the full potential of Marlborough as a tourist destination will require a more proactive marketing initiative, increased coordination between various farms and vineyards, completion of the hamlet trail networks, and a signage program that facilitates movements between the farms as well as the hamlets. Beyond all these changes, strong consideration should be given to the appropriate sites and supportive land use regulations for enabling a broader network of overnight accommodations (including hotels as well as bed and breakfasts) in the hamlets.

**Arts, Culture, & Entertainment** - Success of the Falcon performance venue is a good indication of the potential for Marlborough to draw increased visitation to arts, culture and entertainment venues. The town could make a more proactive effort to initiate dialogue with major regional arts institutions and gauge their willingness to satellite venues within the town, especially in the hamlets. Also, the comprehensive could identify sites that are especially appropriate for cultural institutions on the basis of their transportation access and adjacent land uses.

**G. Community Facilities and Utilities** - The major community facilities are the school district-town hall building complex, the 42-acre Cluett-Schantz Park on Route 9W and the Milton Landing Park. The hamlet of Marlboro remains removed from these parks and is in need of expanded open space opportunities. In addition to the proposed Marlboro Mills Waterfall Walkway, the town should consider acquiring or leasing land that would provide additional opportunities for the enjoyment of the outdoors and potential new public connections to the Hudson River. Recreational needs are directly proportional to population levels, and as Marlborough seeks to develop and grow, care should be given to also developing open space and recreational facilities for the growing population.

**Youth Services** - The Town of Marlborough values its youth, and along with the school district provides programs and activities for after school and in the summer time. Through conversations with high school students, some common themes have arisen. Many young people conveyed that it is difficult to walk anywhere in town, and that they feel it is necessary to drive everywhere. However, if students are not old enough to drive or do not have access to a car, they are often left with limited activities after school or on weekends. There are a large number of school sponsored clubs and activities, including some very strong sports teams, but there are few places in town where young people can have unstructured time away from home and school to spend with their friends.

Through these conversations, the idea of a Youth Center or Youth Drop-In facility has been developed as a safe activity for high-school aged kids. The town should reach out to other communities in the area who have successfully established a facility of this kind and explore the potential for such a facility in Marlborough. Ideally a drop-in youth center like this would be located within one or both of the hamlets.

**Water and Sewer** - Municipal water and sewer service is available throughout the hamlets. Water service continues out of Marlboro hamlet along South Street to Lattintown Road and south to the Newburgh town line. Water and sewer service is not available along Route 9W south of Marlboro hamlet, and perhaps more importantly, expansion of sewer service for growth areas north of each of the hamlets needs to be part of future economic development plans. A sewer treatment plant is located in each of the hamlets. Recent infrastructure upgrades in the Milton hamlet now incorporate water and sewer on Main Street and the surrounding roads. The town and individual developers have been working to extend sewer infrastructure to enable increased density for business and housing opportunities in and around Milton hamlet. The reach and capacity of the water and sewer districts should be taken into account when considering new development in the town. Any future extension to

these services should be made only where new development is appropriate, for example, to serve the enterprise character area to the north of Milton hamlet.

**Energy and Wireless** – It will continue to be important for the town to encourage the development of on-site solar and, where appropriate, solar fields (in particular in areas that are not located in important natural resource areas), deployment of LED and other energy conservation technologies, geothermal, use of green building materials (e.g., made from renewable/recycled materials), electric vehicle charging stations and similar measures to reduce the production of carbon dioxide and other fossil fuel byproducts.

Given the expanding importance of wireless communication to support cell phones and other device use, the town should continue to support installation of wireless transmission facilities that fit into the town with minimal visual impact.

**Municipal Stormwater** - The Town of Marlborough is a designated municipal separate stormwater sewer system (MS4) community and is required to develop a stormwater management program that will reduce the amount of pollutants carried by stormwater during storm events to waterbodies to the “maximum extent practicable”. The goal of the program is to improve water quality and recreational use of the waterways. As such, Marlborough has a program in place to manage stormwater.

The infrastructure of the stormwater systems in the town generally consist of stormwater conveyance systems such as pipes and swales, and water quantity and quality mitigation appurtenances such as stormwater retention and detention areas. These are in addition to the natural stormwater resources of the town such as wetlands, streams, and water bodies. The capacity of the town’s stormwater resources and effects of runoff from construction and new development should be considered when reviewing new proposals.

In addition to the existing stormwater infrastructure, the town should seek to expand its green infrastructure systems. Green infrastructure is a cost-effective approach to water



A community stormwater pond in Pittsford, NY provides stormwater management, habitat for fish and wildlife, and open space for recreation and enjoyment.

management that incorporates both the natural environmental and engineered systems to manage stormwater. By implementing one of this plan's previous recommendations to increase open space, the town would also be adding to its green infrastructure system and improving the management of its stormwater.

Open spaces play a key element in absorbing stormwater and preventing runoff from entering waterways too quickly. In addition to Marlborough's large amount of farmland, the creation of an additional park area with a stormwater pond would not only serve as an effective stormwater management technique, but also as a community gathering place and space for recreation.

## **VII. Conclusion**

The Town of Marlborough seeks to grow and develop in a way that maintains its agricultural heritage, pays homage to its history and protects vital environmental resources for the future. This comprehensive plan sets forth goals and recommendations that build upon the characteristics that make Marlborough a unique and special community to live in and to visit, and provides guidance for future growth, change, and resource protection in the town.

This plan seeks to achieve a community supported vision by encouraging continued enhancement and protection of agricultural uses, promoting new residential growth in and around the hamlets, encouraging economic growth in designated areas, and improving public access to the Hudson River. In order to achieve the town's vision, this plan provides basic design guidelines and well as some additional targeting recommendations for the priority areas of development throughout Marlborough. The guidelines and recommendations include provisions for pedestrian access like sidewalks and shared-use paths, streetscape improvements like landscaping and street lighting, and general guidance to ensure new development is done in a way that fits in and is sensitive to its surroundings.

This comprehensive plan has been developed as an update to the town's 2002 Comprehensive Master Plan, and should be updated and amended regularly. It is the intention of this document to present the current vision and goals of the community at this point in time. As changes occur and the needs of the community shifts, these goals and recommendations should be revisited and updated in order to remain current with the concerns, needs, and desires of the Town of Marlborough.



## Appendix C: Kingston – Poughkeepsie Deepwater Significant Fish and Wildlife Habitat

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Name of Area: Kingston-Poughkeepsie Deepwater  
Designated: August 15, 2012  
County: Ulster; Dutchess; Orange  
Town(s): Rhinebeck, Hyde Park, Poughkeepsie, Wappinger, Kingston, Esopus, Lloyd, Marlborough, Newburgh  
71/2' Quadrangle(s): Kingston East, NY; Hyde Park, NY; Poughkeepsie, NY; Wappingers Falls, NY

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<u>Score</u>	<u>Criterion</u>
<b>40</b>	<b>Ecosystem Rarity (ER)</b> An extensive area of deep, freshwater, estuarine habitat; rare in New York State; but somewhat common in the Hudson River. Geometric Mean: $\sqrt{64} \times \sqrt{25} = 40$
<b>54</b>	<b>Species Vulnerability (SV)</b> Shortnose sturgeon (E) wintering area and a habitat also used by Atlantic sturgeon (E). Additive division: $36 + 36/2 = 54$
<b>16</b>	<b>Human Use (HU)</b> Striped bass production in this area supports commercial and recreational fisheries in the State of New York.
<b>16</b>	<b>Population Level (PL)</b> Concentrations of sturgeon and other estuarine species are unusual in New York State.
<b>1.2</b>	<b>Replaceability (R)</b> Irreplaceable

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**Habitat Index (ER + SV + HU + PL) = 126**

**Significance (HI X R) = 151.2**

## **Significant Coastal Fish and Wildlife Habitats Program**

### **A Part of the New York Coastal Management Program**

#### **Background**

New York State's Coastal Management Program (CMP) includes a total of 13 policies which are applicable to development and use proposals within or affecting the State's coastal area. Any activity that is subject to review under Federal or State laws, or under applicable local laws contained in an approved local waterfront revitalization program will be judged for its consistency with these policies.

Once a determination is made that the proposed action is subject to consistency review, a specific policy aimed at the protection of fish and wildlife resources of statewide significance applies. The specific policy statement is as follows: "Significant coastal fish and wildlife habitats will be protected, preserved, and, where practical, restored so as to maintain their viability as habitats." The New York State Department of Environmental Conservation (DEC) evaluates the significance of coastal fish and wildlife habitats, and following a recommendation from the DEC, the Department of State designates and maps specific areas. Although designated habitat areas are delineated on the coastal area map, the applicability of this policy does not depend on the specific location of the habitat, but on the determination that the proposed action is subject to consistency review.

Significant coastal fish and wildlife habitats are evaluated, designated and mapped under the authority of the Coastal Management Program's enabling legislation, the Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42). These designations are subsequently incorporated in the Coastal Management Program under authority provided by the Federal Coastal Zone Management Act.

This narrative constitutes a record of the basis for this significant coastal fish and wildlife habitats designation and provides specific information regarding the fish and wildlife resources that depend on this area. General information is also provided to assist in evaluating impacts of proposed activities on parameters which are essential to the habitat's values. This information is to be used in conjunction with the habitat impairment test found in the impact assessment section to determine whether the proposed activities are consistent with this policy.

## Designated Habitat: Kingston – Poughkeepsie Deepwater

### Habitat Description

Kingston-Poughkeepsie Deepwater Habitat is an approximately 6,350 acre habitat that encompasses a 25 mile stretch of the Hudson River extending approximately from Kingston Point in the City of Kingston in Ulster County and the Village of Rhinecliff in Dutchess County to just south of Wappinger Creek in the Town of Wappinger in Dutchess County. The area is located in the Towns of Rhinebeck, Hyde Park, Poughkeepsie and Wappinger in Dutchess County, the Towns of Esopus, Lloyd, and Marlborough and the City of Kingston in Ulster County, and the Town of Newburgh in Orange County (7.5' Quadrangle: Kingston East, N.Y., Hyde Park, N.Y., Poughkeepsie, N.Y., and Wappingers Falls, N.Y.).

The significant habitat area is a nearly continuous deepwater section of the river ranging in water depth from 20 feet to 50 feet or greater, including a small area near Crum Elbow that exceeds 125 feet in depth.

### Fish and Wildlife Values

The Kingston-Poughkeepsie Deepwater Habitat is an extensive section of deepwater habitat in the Hudson River. Deepwater areas provide wintering habitat for shortnose sturgeon (*Acipenser brevirostrum*) (E) and Atlantic sturgeon (*Acipenser oxyrinchus*) (E) , and support a diversity of freshwater and migratory species in the Hudson River. Fish species found in this section of river include fourspine stickleback (*Apeltes quadratus*), hogchoker (*Trinectes maculatus*), killifish (*Fundulus diaphanus*), threespine stickleback (*Gasterosteus aculeatus*), white perch (*Morone americana*), bluegill (*Lepomis macrochirus*), brown bullhead (*Ameiurus nebulosus*), common carp (*Cyprinus carpio*), golden shiner (*Notemigonus crysoleucas*), largemouth bass (*Micropterus salmoides*), pumpkinseed (*Lepomis gibbosus*), smallmouth bass (*Micropterus dolomieu*), spottail shiner (*Notropis hudsonius*), white catfish (*Ameiurus catus*), yellow perch (*Perca flavescens*), alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), American shad (*Alosa sapidissima*), blueback herring (*Alosa aestivalis*), and striped bass (*Morone saxatilis*).

The Kingston-Poughkeepsie Deepwater Habitat is one of the largest and most well-known spawning areas for Atlantic sturgeon (E) and overwintering areas for shortnose sturgeon (E) in the Hudson River. Although habitat requirements of both sturgeon species are still being studied, it is believed that these deepwater areas may be critical year round. Yolk-sac

larvae, suspected to be Atlantic sturgeon (E), have been collected from this region at depths of 45 feet to 120 feet. Mature Atlantic sturgeon have been routinely captured in deep water on both sides of the river near the middle and near the southern end of the habitat area. Spawning also occurs in deep water along the southern east shore of the river. Shortnose sturgeon (E) use the portion of the river that generally is greater than 30 feet in depth. The majority of both Atlantic sturgeon (E) and shortnose sturgeon (E) taken for age-growth analysis during the biological survey in the 1930s came from within this habitat near Rhinecliff and Port Ewen. The Kingston- Poughkeepsie Deepwater Habitat also encompasses the reach of highest mean striped bass egg density from 1974-2006. Striped bass spawning over deepwater has been observed in this reach of the river.

The Kingston-Poughkeepsie Deepwater is a critical habitat for most estuarine-dependent fisheries originating from the Hudson River. This area contributes directly to the production of in-river and ocean populations of food, game, and forage fish species. Consequently, commercial and recreational fisheries throughout the North Atlantic benefit from these biological inputs from the Hudson River estuary.

The area provides habitat for blue crab (*Callinectes sapidus*) and concentrations of waterfowl such as American black duck (*Anas rubripes*), blue-winged teal (*Anas discors*), common goldeneye (*Bucephala clangula*), common merganser (*Mergus merganser*), gadwall (*Anas strepera*), greater scaup (*Aythya marila*), green-winged teal (*Anas crecca*), hooded merganser (*Lophodytes cucullatus*), lesser scaup (*Aythya affinis*), mallard (*Anas platyrhynchos*), northern pintail (*Anas acuta*), red-breasted merganser (*Mergus serrator*), and wood duck (*Aix sponsa*).

## **Impact Assessment**

Any activity that would substantially degrade water quality, increase turbidity or sedimentation, alter flows, salinity, or temperature, reduce water depths, or degrade or alter benthic communities in Kingston- Poughkeepsie Deepwater would result in significant impairment of the habitat. All species may be affected by water pollution, such as chemical contamination (including food chain effects resulting from bioaccumulation), oil spills, excessive turbidity or sediment loading, nonpoint source runoff, and waste disposal (including vessel wastes). Discharges or runoff of sewage effluent, pesticides, or other hazardous materials into the river may result in adverse impacts on the habitat area.

Any physical alteration of the habitat through dredging or filling (including dredge spoil disposal), would result in a direct loss of valuable habitat. Such activities could have significant impacts on striped bass and sturgeon populations during spawning, and incubation periods (May-July, primarily) and overwintering times. Habitat disturbances would be most detrimental during fish spawning and nursery periods, which generally extend from April through August for most warm water species.

Thermal impacts could have adverse effects on use of the area by migratory and resident species. Activities that result in the presence of significant electric, or magnetic, or electromagnetic field may affect benthic communities, migratory fish movement, and fish egg and larval development. Entrainment and impingement causes significant mortality to all life stages of fish, including endangered species. Activities that would enhance migratory, spawning, or nursery fish habitat, particularly where an area is essential to a species' life cycle or helps to restore an historic species population would be beneficial.

### **Habitat Impairment Test**

A **habitat impairment test** must be met for any activity that is subject to consistency review under Federal and State laws, or under applicable local laws contained in an approved local waterfront revitalization program. If the proposed action is subject to consistency review, then the habitat protection policy applies, whether the proposed action is to occur within or outside the designated area.

The specific **habitat impairment test** that must be met is as follows.

In order to protect and preserve a significant habitat, land and water uses or development shall not be undertaken if such actions would:

1. destroy the habitat; or,
2. significantly impair the viability of a habitat.

*Habitat destruction* is defined as the loss of fish or wildlife use through direct physical alteration, disturbance, or pollution of a designated area or through the indirect effects of these actions on a designated area. Habitat destruction may be indicated by changes in

vegetation, substrate, or hydrology, or increases in runoff, erosion, sedimentation, or pollutants.

*Significant impairment* is defined as reduction in vital resources (e.g., food, shelter, living space) or change in environmental conditions (e.g., temperature, substrate, and salinity) beyond the tolerance range of an organism. Indicators of a significantly impaired habitat focus on ecological alterations and may include but are not limited to reduced carrying capacity, changes in community structure (food chain relationships, species diversity), reduced productivity and/or increased incidence of disease and mortality.

The *tolerance range* of an organism is not defined as the physiological range of conditions beyond which a species will not survive at all, but as the ecological range of conditions that supports the species population or has the potential to support a restored population, where practical. Either the loss of individuals through an increase in emigration or an increase in death rate indicates that the tolerance range of an organism has been exceeded. An abrupt increase in death rate may occur as an environmental factor falls beyond a tolerance limit (a range has both upper and lower limits). Many environmental factors, however, do not have a sharply defined tolerance limit, but produce increasing emigration or death rates with increasing departure from conditions that are optimal for the species. The range of parameters which should be considered in applying the habitat impairment test includes but is not limited to the following:

1. physical parameters such as living space, circulation, flushing rates, tidal amplitude, turbidity, water temperature, depth (including loss of littoral zone), morphology, substrate type, vegetation, structure, erosion and sedimentation rates;
2. biological parameters such as community structure, food chain relationships, species diversity, predator/prey relationships, population size, mortality rates, reproductive rates, meristic features, behavioral patterns and migratory patterns; and,
3. chemical parameters such as dissolved oxygen, carbon dioxide, acidity, dissolved solids, nutrients, organics, salinity, and pollutants (heavy metals, toxics and hazardous materials).

## **Knowledgeable Contacts**

Natural Resources Bureau  
NYS Department of State  
99 Washington Ave, Suite 1010  
Albany, NY 12231  
Phone: (518) 474-6000

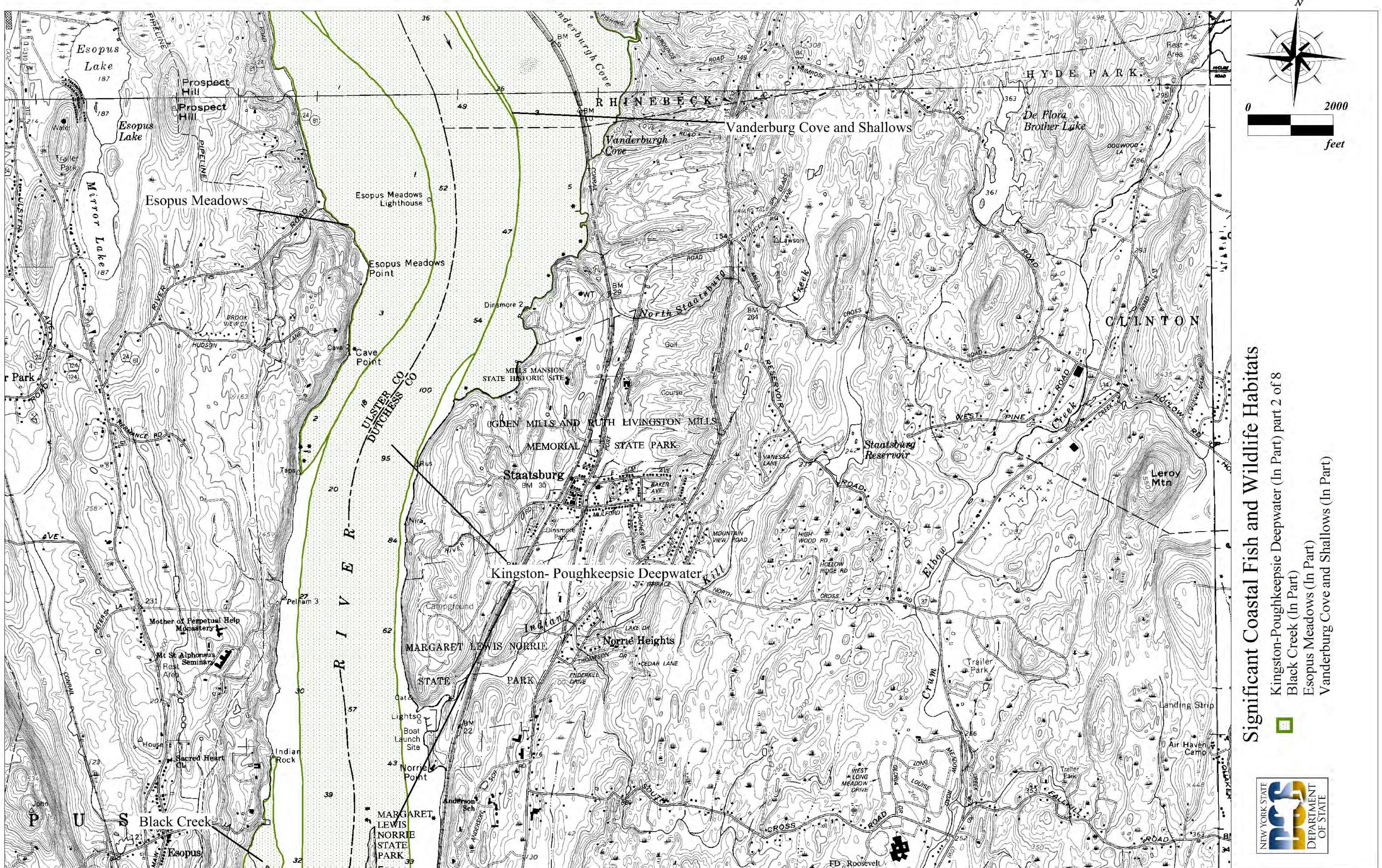
Hudson River National Estuarine Research Reserve  
Norrie Point Environmental Center  
PO Box 12580  
Staatsburg, NY 12580  
Phone: (518) 889-4745

Hudson River Fisheries Unit  
NYS Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561  
Phone: (845) 256-3071



## Significant Coastal Fish and Wildlife Habitats

- Kingston-Poughkeepsie Deepwater (In Part) part 1 of 8
- Esopus Meadows (In Part)
- Rondout Creek (In Part)
- Vanderburg Cove and Shallows (In Part)



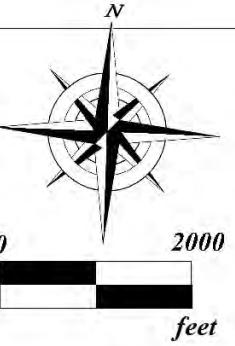
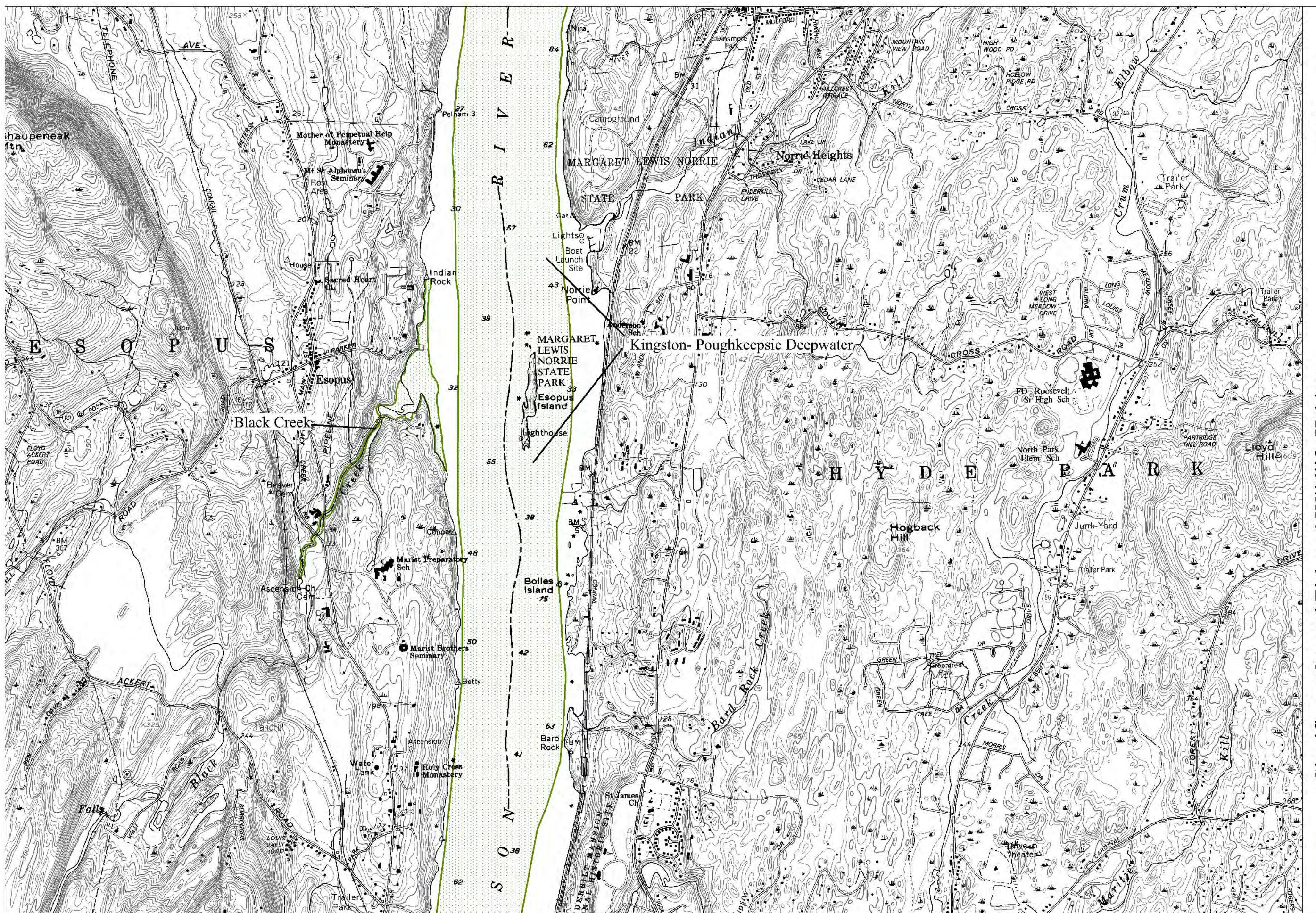
## Significant Coastal Fish and Wildlife Habitats

Kingston-Poughkeepsie Deepwater (In Part) part 2 of 8  
Black Creek (In Part)

Esopus Meadows (In  
Black Creek (part))

## Vanderburg Cove and Shallows (In Part)

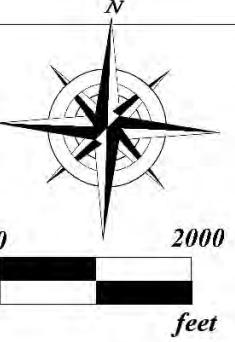
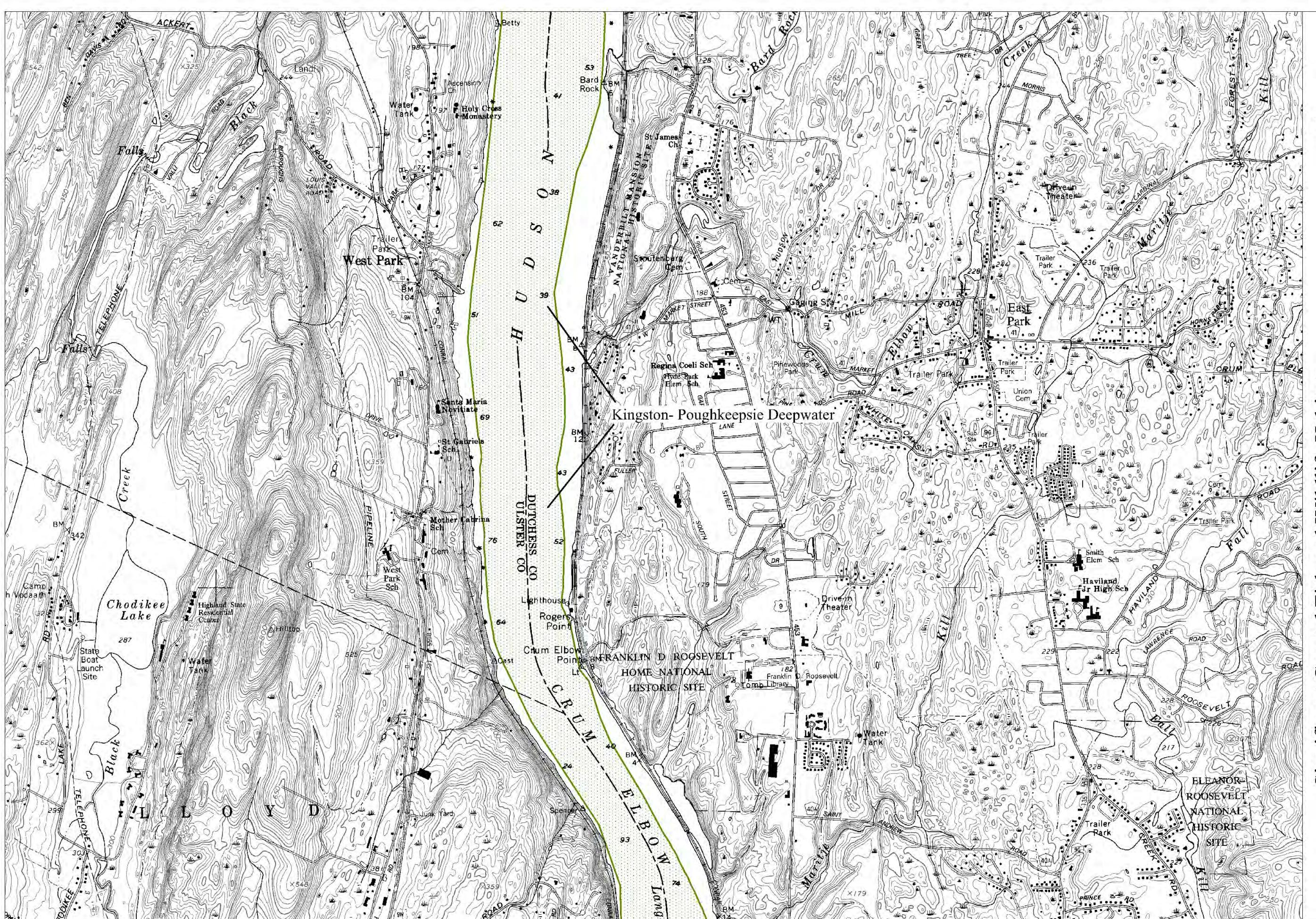




## Significant Coastal Fish and Wildlife Habitats

## Kingston-Poughkeepsie Deepwater (In Part) part 3 of 8 Black Creek



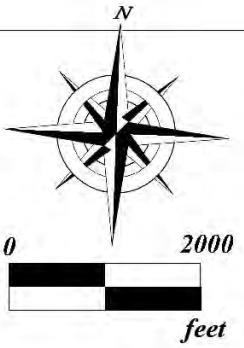


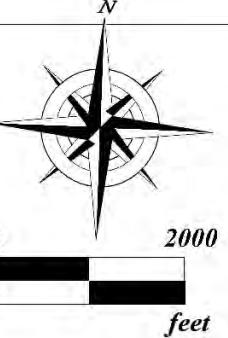
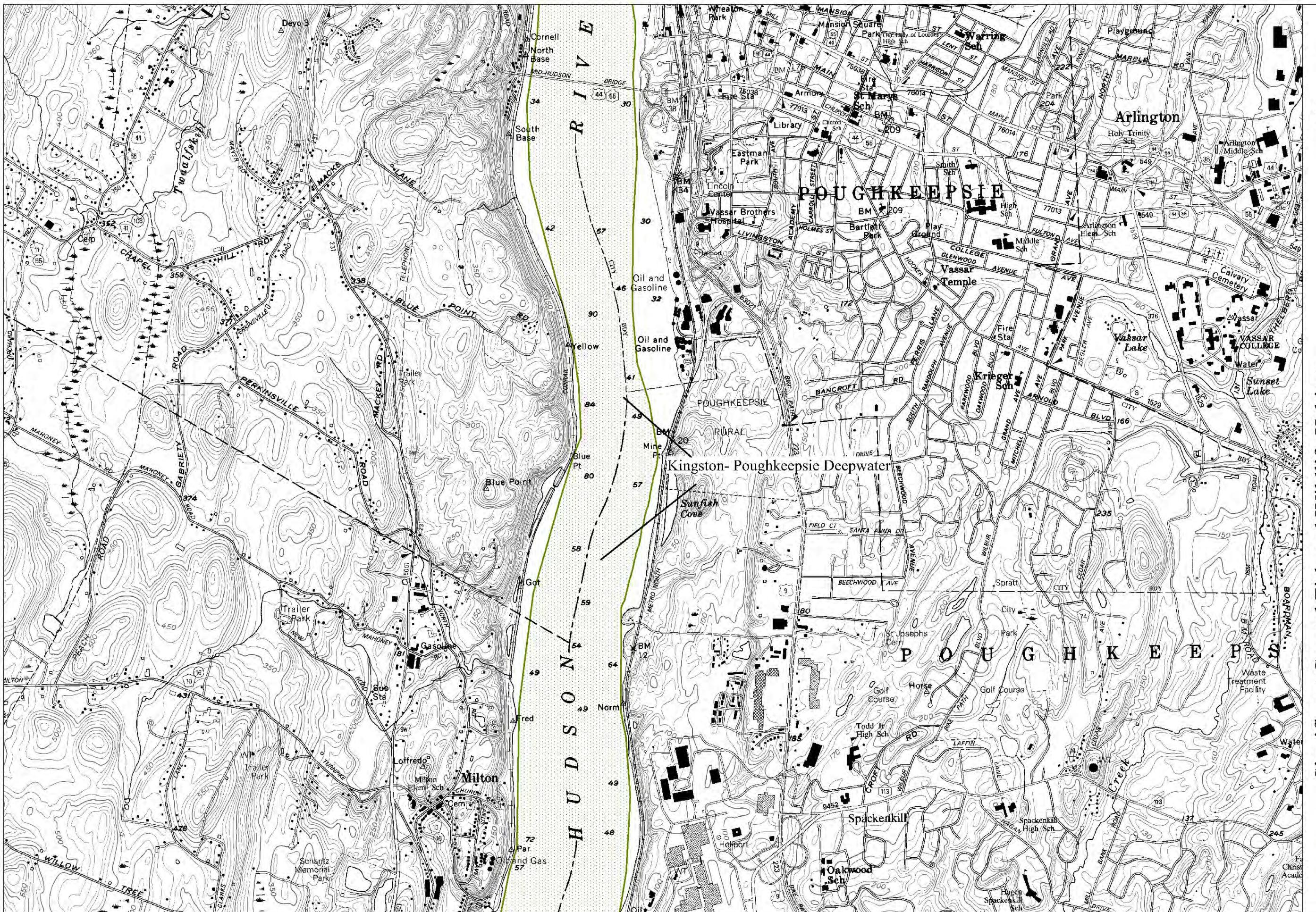
## Significant Coastal Fish and Wildlife Habitats



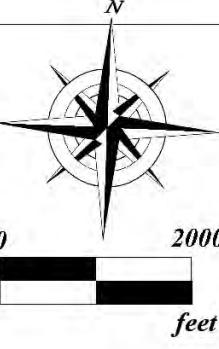
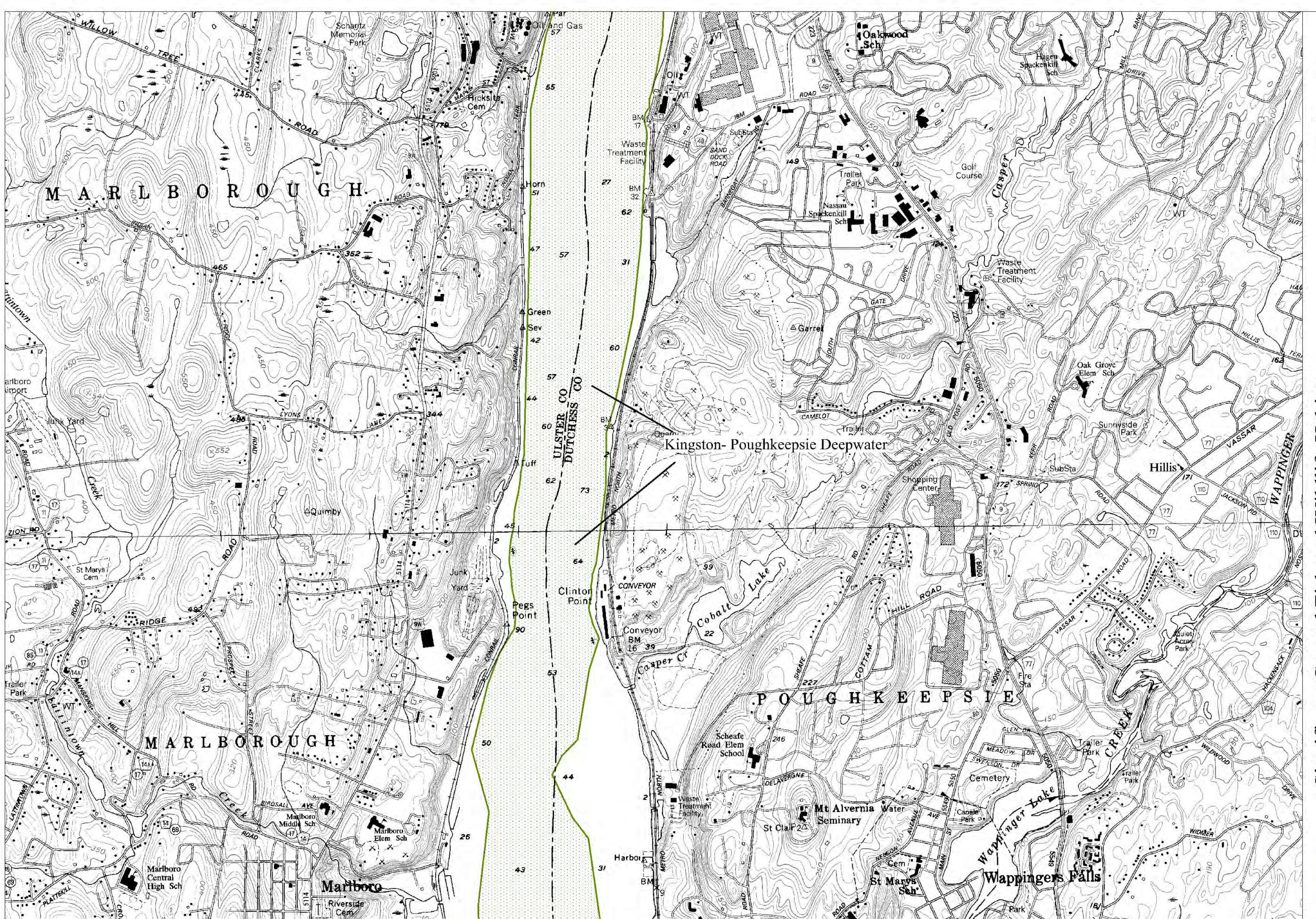
Significant Coastal Fish and Wildlife Habitats

Kingston-Poughkeepsie Deepwater (In Part)



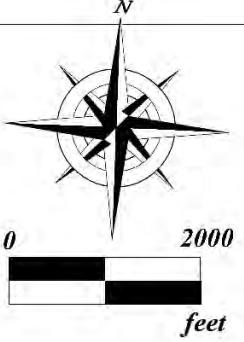
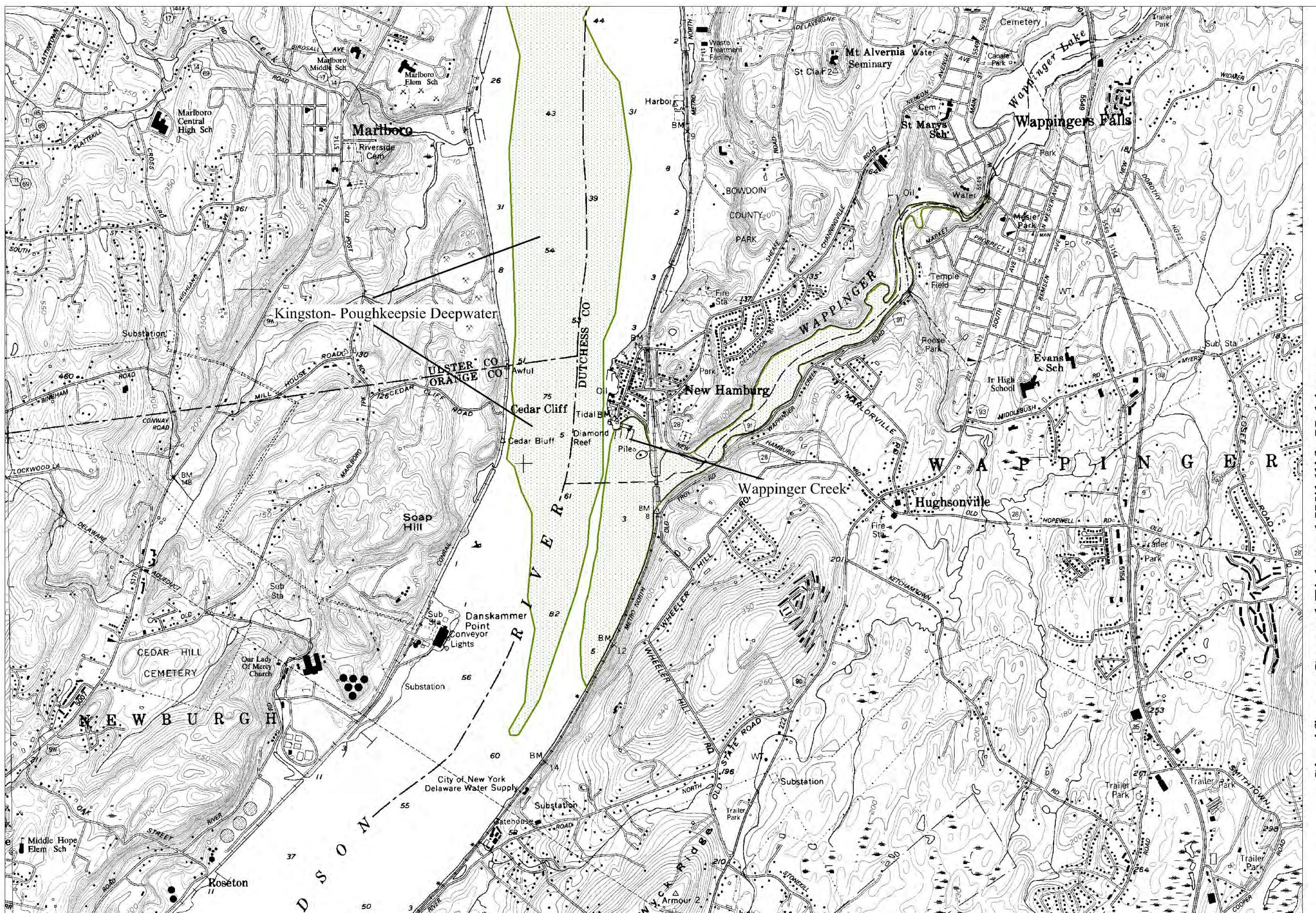


## Significant Coastal Fish and Wildlife Habitats



## Significant Coastal Fish and Wildlife Habitats

Kingston-Poughkeepsie Deepwater (In Part) part 7 of 8



## Significant Coastal Fish and Wildlife Habitats

Kingston-Poughkeepsie Deepwater (In Part) part 8 of 8  
Wappinger Creek



## Appendix D - Milton Landing Park Estimated Cost

	Description	Installed Price
<b>General Construction--All Sites</b>		
General Construction		
	Mobilization, Traffic Control, Survey, Stakeout	\$7,000
Erosion and Sediment Control		
	Silt Fence and Construction Entrance	\$3,075
Demolition		
	Grading, Excavation and Disposal	\$5,000
	Removal of Asphalt Concrete, Fence, Trees	\$7,000
<b>Subtotal</b>		<b>\$22,075</b>
<b>Site A - Waterfront Enhancements East of Railroad</b>		
Trails and Sidewalks		
	Welcoming Plaza Pavers, including subbase	\$75,000
	Stonedust path (subbase, 2" stonedust, grade and roll, geotextile w/subbase)	\$15,699
	Porous Pavement Pathway	\$26,250
Access Control		
	Belgian Block Curb	\$10,500
	Fence	\$10,500
Landscape		
	Topsoil, Seeding, Wildflowers, Trees, Shrubs and Perennials	\$10,000
Amenities		
	ADA-accessible Canoe/Kayak Launch	\$30,000
	Benches and Picnic Tables	\$20,800
<b>Subtotal</b>		<b>\$198,749</b>
<b>Site B - Train Station Access and Parking Improvements</b>		
Road		
	Permeable Paver Parking Area	\$140,000
	Removal of existing pavement, new subbase, apron, pavement installation and finishing	\$7,750
	Curbing (Concrete and Belgian block)	\$8,400
Sidewalk		
	Subbase, Concrete Sidewalk on Former Siding	\$8544
	Metal Pipe Rail along Siding Pedestrian Crossing of Stream	\$2,500
Landscape		
	Topsoil, Seeding, Wildflowers, Trees, Shrubs and Perennials	\$2,000
Amenities		
	Benches	\$3,200
<b>Subtotal</b>		<b>\$172,394</b>
		<b>Page 1 of 2</b>

<b>Site C - Parking Improvements and Bus Drop-off Area</b>		
Road	Subbase, Recycled Asphalt, Finishing	\$39,286
Sidewalk	Subbase and Sidewalks	\$18,512
	Sloped Granite/Belgian Block Curb	\$14,100
Landscape	Topsoil, Seeding, Wildflowers, Trees, Shrubs and Perennials	\$4,000
Amenities	Benches	\$3,200
	Fence	\$6,600
<b>Subtotal</b>		<b>\$85,698</b>
<b>Site D - Welcome Plaza and Seating Wall Area</b>		
Sidewalk	Subbase Course, Concrete Sidewalks, Welcome Plaza Seating Area	\$22,784
Landscape	Topsoil, Seeding, Wildflowers, Trees	\$7,690
Amenities	Seating Wall, Relocated Watchman's Booth	\$10,300
<b>Subtotal</b>		<b>\$40,774</b>
<b>Site E - Park Sign, Plantings, Stairs/ADA Access</b>		
Sidewalk	Subbase and Sidewalks	\$7832
	Belgian Block Curb	\$3,900
	Steps and Metal Pipe Stair Rail	\$8,600
	Catch Basin and PVC Pipe	\$5,600
	Retaining Wall	\$13,500
Landscape	Landscape	\$3,000
Amenities	Fence	\$2,400
<b>Subtotal</b>		<b>\$44,832</b>
<b>SUMMARY</b>		
	<b>Subtotals</b>	<b>\$564,522</b>
	Construction Administration and Inspection	\$39,517
	Final Design, Plans and Specifications	\$50,807
<b>TOTAL</b>		<b>\$654,846</b>
<p>The Consultant is providing this opinion of probable cost with the clear understanding and recognition that the Consultant has no control over the cost or availability of labor, equipment or materials, or over market conditions or the Contractor's method of pricing, and that the Consultant's opinions of probable construction costs are made on the basis of the Consultant's professional judgment and experience. The Consultant makes no warranty, express or implied, that the bids or the negotiated cost of the Work will not vary from the Consultant's opinion of probable construction cost. This opinion has been based on a conceptual sketch, and as such the items and costs are generally representative of items that may normally be utilized in construction similar in nature and scale. Prepared July 2019</p>		

## **Appendix E: Town of Marlborough Local Waterfront Revitalization Program Consistency Review Law**

### **Town of Marlborough Local Waterfront Revitalization Program Consistency Review Law – DRAFT September 10, 2018**

**Local Law #\_\_\_\_ of the Year 20\_\_\_\_**

Be it enacted by the Town Board of the Town of Marlborough as follows:

#### **General Provisions**

##### **I. Title.**

This local law will be known and may be cited as the Town of Marlborough Waterfront Revitalization Program (LWRP) Consistency Review Law.

##### **II. Authority and Purpose.**

- A. This local law is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act of the State of New York (Article 42 of the Executive Law).
- B. The purpose of this law is to provide a framework for the agencies of the Town of Marlborough to incorporate the policies and purposes contained in the Town of Marlborough Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions or direct agency actions located within the waterfront area; and to assure that such actions and direct actions undertaken by town agencies are consistent with the LWRP policies and purposes.
- C. It is the intention of the Town of Marlborough that the preservation, enhancement, and utilization of the unique waterfront area of the Town of Marlborough occur in a coordinated and comprehensive manner to ensure a proper balance between the protection of natural resources and the need to accommodate growth. Accordingly, this local law is intended to achieve such a balance, permitting the beneficial use of waterfront resources while preventing: degradation or loss of living waterfront resources and wildlife; diminution of open space areas or public access to the waterfront; disruption of natural waterfront processes; impairment of scenic or historical resources; losses due to flooding, erosion, and sedimentation; impairment of water quality or permanent adverse changes to ecological systems.
- D. The substantive provisions of this local law shall only apply when there is in existence a Town of Marlborough Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

##### **III. Applicability.**

- A. Consistency Provision for under Coordinated Review. All proposed Type I actions and all Unlisted Actions where a lead agency of the Town of Marlborough has been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review by the designated Lead Agency for consistency review as set forth herein.
- B. Consistency Provision for Uncoordinated Review. All proposed Unlisted Actions where a lead agency has been not been designated under coordinated review as defined by the State Environmental Quality Review Act (SEQRA) within the Waterfront Revitalization Area will be subject to review for consistency review as set forth herein. Only one local agency shall be required to make a consistency review determination in the order as set forth below:
  - 1) Town Board shall be responsible for consistency review of any Town Board action.
  - 2) Planning Board shall be responsible for consistency review of any Planning Board action.
  - 3) Zoning Board of Appeals shall be responsible for consistency review of any Zoning Board of Appeals action.
  - 4) Any other local agency shall be responsible for consistency review of its action.
- C. Local Review of Proposed State and Federal Actions. Any proposed State and federal actions within the Town of Marlborough's Waterfront Revitalization Area are subject to review in accordance with the guidelines established by the New York State Department of State.

#### **IV. Definitions.**

- A. Actions – include all the following, except minor actions:
  - 1) projects or physical activities, such as construction or other activities that may affect natural, or manmade, or other resources in the waterfront area, or the environment by changing the use, appearance or condition of any natural resource or structure, that: (1) are directly undertaken by an agency; (2) involve funding by an agency; or (3) require one or more new or modified approvals from an agency or agencies;
  - 2) agency planning and policy-making activities that may affect the environment and commit the agency to a definite course of future decisions;
  - 3) adoption of agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment; and
  - 4) any combination of the above.
- B. Agency – any board, agency, department, office, other body, or officer of the Town of Marlborough.
- C. Waterfront area - the waterfront revitalization area located within the boundaries of the Town of Marlborough and delineated and described in the Town's Local Waterfront Revitalization Program.

- D. Waterfront Assessment Form - the form, a sample of which is appended to this local law, used by an agency or other entity to assist in determining the consistency of an action with the Town of Marlborough Local Waterfront Revitalization Program.
- E. Code Enforcement Officer - the Building Inspector and/or Code Enforcement Officer of the Town of Marlborough.
- F. Consistent – the action will fully comply with the LWRP policy standards, conditions and objections and, whenever practicable, will advance one or more of them.
- G. Direct Actions – Actions planned and proposed for implementation by an agency, such as, but not limited to, a capital project, rule-making, procedure-making and policy-making.
- H. Environment - means all conditions, circumstances, and influences surrounding and affecting the development of living organisms or other resources in the waterfront area.
- I. Local Waterfront Revitalization Program (LWRP) – The Local Waterfront Revitalization Program of the Town of Marlborough, approved by the Secretary of State pursuant to the Waterfront Revitalization and Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the Clerk of the Town of Marlborough.
- J. Minor actions include the following actions, which are not subject to review under this law:
  - 1) maintenance or repair involving no substantial changes in an existing structure or facility;
  - 2) replacement, rehabilitation, or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, except for structures in areas designated by local law where structures may not be replaced, rehabilitated or reconstructed without a permit;
  - 3) repaving of existing paved highways not involving the addition of new travel lanes;
  - 4) street openings and right of way openings for the purpose of repair or maintenance of existing utility facilities;
  - 5) maintenance of existing landscaping or natural growth, except where threatened or endangered species of plants or animals are affected;
  - 6) granting of individual setback and lot line variances, except in relation to a regulated natural feature;
  - 7) minor temporary uses of land having negligible or no permanent impact on waterfront resources or the environment;
  - 8) installation of traffic control devices on existing streets, roads and highways;
  - 9) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;
  - 10) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;
  - 11) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated

- solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);
- 12) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;
  - 13) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
  - 14) collective bargaining activities;
  - 15) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
  - 16) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
  - 17) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
  - 18) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
  - 19) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
  - 20) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
  - 21) adoption of a moratorium on land development or construction;
  - 22) interpreting an existing code, rule or regulation;
  - 23) designation of local landmarks or their inclusion within historic district;
  - 24) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to waterfront resources or the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
  - 25) local legislative decisions such as rezoning where the Town Board determines the action will not be approved.

## **V. Management and Coordination of the Review of Actions.**

- A. The Town Supervisor shall be responsible for overall management and coordination of the LWRP. Town Supervisor may appoint a Waterfront Revitalization Committee or may delegate this responsibility to another existing committee of the town as approved by the

Town Board to assist the Town Supervisor in performing these responsibilities. The Town Supervisor, or the Waterfront Revitalization Committee, if appointed, shall:

- 1) Inform the Town Board on implementation, priorities, work assignments, timetables, and budgetary requirements of the LWRP.
  - 2) Make applications for funding from State, Federal, or other sources to finance projects under the LWRP.
  - 3) Coordinate and oversee liaison between Town agencies and departments, to further implementation of the LWRP.
  - 4) Prepare an annual report on progress achieved and problems encountered in implementing the LWRP, and recommend actions necessary for further implementation to the appropriate Town Board.
  - 5) Perform other functions regarding the waterfront area and direct such actions or projects as are necessary, or as the Town Board may deem appropriate, to implement the LWRP.
- B. In order to foster a strong relationship and maintain an active liaison among the agencies responsible for implementation of the LWRP, the Town Supervisor shall schedule at least semi-annually a LWRP coordinating council/assembly, including but not limited to representatives of the Town Board, Planning Board, Zoning Board of Appeals, Waterfront Advisory Committee, and such other departments or individuals charged with LWRP implementation.

## **VI. Waterfront Revitalization Committee.**

- A. A Committee may be created and if so created shall be hereafter known as the "Waterfront Revitalization Committee of the Town of Marlborough". The Committee shall meet quarterly and shall advise the Town Board on LWRP implementation and on policy, project and budget priorities, as well as on amendments to the LWRP. The Committee may also perform other functions regarding the waterfront area as the Town Board may assign to it from time to time.
- B. The Town Board is hereby authorized to appoint five (5) members to the Committee, all of whom shall be residents of the Town of Marlborough. Of the members of the Committee first appointed: one shall hold office for a term of one (1) year, one shall hold office for a term of two (2) years, one shall hold term for a term of three (3) years, one shall hold office for a term of four (4) years, and one shall hold office for a term of five (5) years from and after the expiration of the terms of their predecessors in office. Thereafter, all members shall be appointed for a term of five (5) years. Vacancies shall be filled by the Town Board by appointment for the unexpired term. Members may be removed by the Town Board for cause and after public hearing.
- C. The Town Board shall annually appoint one (1) committee member to serve as chairperson of the Committee. Upon failure of the Town Board to appoint a Chairperson, the members of the Committee shall elect a chairperson.

D. The Committee may employ such member as may be needed, as authorized by the Town Board, and shall have the power to adopt rules of procedure for the conduct of all business within its jurisdiction.

## **VII. Review of Actions.**

- A. Whenever a proposed action is located in the waterfront area each Town agency shall, prior to approving, funding or undertaking the action make a determination that it is consistent with the LWRP standards summarized in section I. below. No action in the coastal/waterfront area subject to review under this ordinance shall be approved, funded or undertaken by an agency without such a determination.
- B. The Town Supervisor, or appropriate Town Board, Agency or Committee, shall be responsible for coordinating review of actions in the Town's waterfront area for consistency with the LWRP, and will advise, assist and make consistency recommendations for other Town agencies in the implementation of the LWRP, its policies and projects, including physical, legislative, regulatory, administrative, and other actions included in the program. The Town Supervisor will also coordinate with NYS Department of State regarding consistency review for actions by State or Federal agencies.
- C. The Town Supervisor will assist each agency with preliminary evaluation of actions in the waterfront area, and with preparation of a WAF. Whenever an agency receives an application for approval or funding of an action, or as early as possible in the agency's formulation of a direct action to be located in the waterfront area, the agency shall refer to the Town Supervisor for preparation of a WAF, a sample of which is appended to this local law. The Town Supervisor will coordinate their preliminary evaluation with permitting or other review by each agency or the agencies considering an action.
- D. The Town Supervisor, or responsible Town Board, Agency or Committee, shall require the applicant to submit all completed applications, EAFs, and any other information deemed necessary to its consistency recommendation. The recommendation shall indicate whether, in the opinion of the Town Supervisor, or responsible Town Board, Agency or Committee, the proposed action is consistent with or inconsistent with one or more of the LWRP policy standards and objectives and shall elaborate in writing the basis for its opinion. The Town Supervisor, or responsible Town Board, Agency or Committee shall, along with its consistency recommendation, make any suggestions to the agency concerning modification of the proposed action, including the imposition of conditions, to make it consistent with LWRP policy standards and objectives or to greater advance them.
- E. If an action requires approval of more than one agency, decision making will be coordinated between agencies to determine which agency will conduct the final consistency review, and that agency will thereafter act as designated consistency review agency. Only one WAF per action will be prepared. If the agencies cannot agree, the Town Supervisor shall designate the consistency review agency.
- F. Upon recommendation of the Town Supervisor, or responsible Town Board, Agency or Committee, the agency shall consider whether the proposed action is consistent with the LWRP policy standards summarized in section I. below. Prior to making its determination

of consistency, the agency shall render a written determination of consistency based on the WAF, the Town Supervisor, or responsible Town Board, Agency or Committee recommendation and such other information as is deemed necessary to make its determination. No approval or decision shall be rendered for an action in the waterfront area without a determination of consistency. The designated agency will make the final determination of consistency.

- 1) The Zoning Board of Appeals is the designated agency for the determination of consistency for variance applications subject to this law. The Zoning Board of Appeals shall consider the written consistency recommendation of the Committee in the event and at the time it makes a decision to grant such a variance and shall impose appropriate conditions on the variance to make the activity consistent with the objectives of this law.
- G. Where an EIS is being prepared or required, the draft EIS must identify applicable LWRP policies and standards and include a discussion of the effects of the proposed action on such policy standards. No agency may make a final decision on an action that has been the subject of a final EIS and is located in the waterfront area until the agency has made a written finding regarding the consistency of the action with the local policy standards referred to in Section I. herein.
- H. In the event the Town Supervisor, or responsible Town Board, Agency or Committee's recommendation is that the action is inconsistent with the LWRP, and the agency makes a contrary determination of consistency, the agency shall elaborate in writing the basis for its disagreement with the recommendation and explain the manner and extent to which the action is consistent with the LWRP policy standards.
- I. Actions to be undertaken within the waterfront area shall be evaluated for consistency in accordance with the following summary of LWRP policies, which are derived from and further explained and described in the Town of Marlborough LWRP, a copy of which is on file in the Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV-Proposed Land and Water Uses and Projects of the LWRP, in making their consistency determination. The action shall be consistent with the policies to:

Policy 1: Foster a pattern of development in the waterfront area that enhances the community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

Policy 2: Preserve historic resources of the waterfront area

Policy 3: Enhance visual quality and protect scenic resources throughout the waterfront area

Policy 4: Minimize loss of life, structure, and natural resources from flooding and erosion.

Policy 5: Protect and improve water quality and supply in the waterfront area

Policy 6: Protect and restore the quality and function of the waterfront area ecosystem

Policy 7: Protect and improve air quality in the waterfront area

Policy 8: Minimize environmental degradation in the waterfront area from solid waste and hazardous substances and waste

Policy 9: Provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area

Policy 10: Protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.

Policy 11: Promote sustainable use of living aquatic resources in the waterfront area

Policy 12: Protect agricultural lands in the waterfront area

Policy 13: Promote appropriate use and development of energy and mineral resources

- J. If the agency determines that an action will be inconsistent with one or more LWRP policy standards or objectives, such action shall not be undertaken unless modified to be consistent with the LWRP policies.
- K. Each agency shall maintain a file for each action made the subject of a consistency determination. Such files shall be made available for public inspection upon request.

## **VIII. Enforcement.**

In the event that an activity is being performed in violation of this law or any conditions imposed thereunder, the Building Inspector or any other authorized official of the Town shall issue a stop work order and all work shall immediately cease. No further work or activity shall be undertaken on the project so long as a stop work order is in effect.

## **IX. Violations.**

- A. A person who violates any of the provisions of, or who fails to comply with any condition imposed by, this law shall have committed a violation, punishable by a fine not exceeding five hundred dollars (\$500.00) for a conviction of a first offense and punishable by a fine of one thousand dollars (\$1000.00) for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- B. The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this local law. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

## **X. Severability.**

The provisions of this law are severable. If any provision of this law is found invalid, such finding shall not affect the validity of this law as a whole or any law or provision hereof other than the provision so found to be invalid.

## **XI. Effective Date.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

## **Town of Marlborough Local Waterfront Revitalization Program**

### **Waterfront Assessment Form**

#### **A. INSTRUCTIONS (Please print or type all answers)**

1. Applicants, or in the case of direct actions, the Town of Marlborough responsible agency, shall complete this Waterfront Assessment Form (WAF) for proposed actions which are subject to the Town of Marlborough Waterfront Revitalization Program (LWRP) Consistency Review Law. This assessment is intended to supplement other information used by the designated Town of Marlborough agency in making a determination of consistency with the policy standards set forth in the LWRP Consistency Review Law.
2. Before answering the questions in Section C, the preparer of this form should review the policies summarized in the LWRP Consistency Review Law for Unlisted Actions and for Type I Actions, explanations of policy contained in the Local Waterfront Revitalization Program (LWRP), copies of which are on file in the Town Clerk's office. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.
3. If any questions in Section C on this form are answered "yes", then the proposed action may affect the achievement of the LWRP policy standards contained in the LWRP consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination regarding its consistency with the LWRP policy standards. If an action cannot be certified as consistent with the LWRP policy standards, it shall not be undertaken.

#### **B. DESCRIPTION OF SITE AND PROPOSED ACTION**

1. Name of applicant and Name of Contact Person: \_\_\_\_\_
2. Title/Description of Proposed Action: \_\_\_\_\_
3. Type of agency action (check all appropriate response(s)):
  - Directly undertake (e.g. capital construction, adoption of plan or local law, land transaction).
  - Fund (e.g. grant, bond, expenditure).
  - Permit, approve, license, certify.
4. Type of Approval Action Requested (check all that apply)
  - Site Plan Approval  Variance  Rezoning  Building Permit
  - Subdivision  Special Use Permit  Other
5. Attach Long or Short Environmental Assessment Form or for review under a Draft or Final Environmental Impact Statement, address therein the requirements of the town waterfront consistency law including the information required in this form.

6. Will the action be directly undertaken, require funding, or approval by a state or federal agency?  
Yes  No  If yes, which agency(ies) (list) \_\_\_\_\_

C. WATERFRONT ASSESSMENT – NOTE—IT IS ONLY NECESSARY TO ANSWER THE FOLLOWING QUESTIONS TO SUPPLEMENT THE INFORMATION PROVIDED IN A SHORT ENVIRONMENTAL ASSESSMENT FORM. OTHERWISE, TO REDUCE PAPERWORK, THE AGENCY SHALL RELY ON THE INFORMATION PROVIDED IN THE LONG FORM EAF OR DRAFT EIS, AS APPLICABLE TO CONDUCT THE WATERFRONT CONSISTENCY REVIEW.

(Mark either Y for "Yes" or N for "No" for each of the following questions):

1. Will the proposed action have a significant effect upon:

- (a) Commercial or recreational use of fish and wildlife resources?
- (b) Scenic quality of the waterfront environment?
- (c) Development of future, or existing water-dependent uses?
- (d) Stability of the shoreline?
- (e) Surface or groundwater quality?
- (f) Existing or potential public recreation opportunities?

2. Will the proposed action involve or result in any of the following:

- (a) Physical alteration of land along the shoreline, land under water or waterways?
- (b) Physical alteration of five acres or more of land located elsewhere in the waterfront area?  
\_\_\_\_
- (c) Energy facility not subject to Article VII or VIII of the Public Service Law?
- (d) Mining, excavation, filling or dredging?
- (f) Reduction of existing or potential public access to or along the shore?
- (g) Sale or change in use of publicly-owned lands located on the shoreline?
- (h) Change to a natural feature that provides protection against flooding or erosion?
- (i) Remove any mature forest (over 100 years old) or other locally important vegetation?
- (j) Transport, storage, treatment or disposal of solid waste or hazardous materials?
- (k) Shipment or storage of petroleum products?
- (l) Will the project affect any area designated as a tidal or freshwater wetland?

(m) Will the project alter drainage flow, patterns or surface water runoff on or from the site? \_\_\_\_\_

(n) Will best management practices be utilized to control stormwater runoff into waterfront waters? \_\_\_\_\_

3. Answer the following only if a project is to be located adjacent to shore:

(a) Will water-related recreation be provided? \_\_\_\_\_

(b) Will public access to the foreshore be provided? \_\_\_\_\_

(c) Does the project require a waterfront site? \_\_\_\_\_

(d) Will it supplant a recreational or maritime use? \_\_\_\_\_

(e) Do essential public services and facilities presently exist at or near the site? \_\_\_\_\_

4. Answer the following questions only if the project site is publicly owned:

(a) Will the project protect, maintain and/or increase the level and types of public access to water-related recreation resources and facilities? \_\_\_\_\_

(b) Will it involve the siting and construction of major energy facilities? \_\_\_\_\_

(c) Will it involve the discharge of effluents from major steam electric generating or industrial facilities into waterfront facilities? \_\_\_\_\_

(d) Is the project site presently used by the community neighborhood as an open space or recreation area? \_\_\_\_\_

(e) Does the present site offer or include scenic views or vistas known to be important to the community? \_\_\_\_\_

D. REMARKS OR ADDITIONAL INFORMATION: (Add any additional sheets to complete this form.)

If assistance or further information is needed to complete this form, please contact Town of Marlborough Code Enforcement Officer at [tcorcoran@marlboroughny.us](mailto:tcorcoran@marlboroughny.us) or call 845-795-2406 Ext. 7

Preparer's Name: \_\_\_\_\_

Title: \_\_\_\_\_ Agency: \_\_\_\_\_

Telephone Number: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix F: Town of Marlborough Harbor Management Law

### **Town of Marlborough, NY**

### **Local Law \_\_\_\_ 20\_\_\_\_ Harbor Management—DRAFT September 10, 2018**

#### **Chapter 98. Harbor Management**

##### **§ 98-1. Title.**

This chapter shall be entitled "Harbor Management." It shall be entered in the Town of Marlborough Code of Ordinances as Chapter 98.

##### **§ 98-2. Authority, intent and purpose.**

A. This chapter is enacted under the authority of § 10 of the Municipal Home Rule Law of New York State, the Waterfront Revitalization of Coastal Areas and Inland Waterways Act,[1] and applicable sections of the New York State Navigation Law.

*[1] Editor's Note: See Art. 42 of the Executive Law.*

B. The intent of this chapter is to regulate the speed, use, operation, anchoring, and mooring of vessels, and the use of waters within the jurisdiction of the Town of Marlborough in a manner to protect and promote the public health, safety and general welfare.

##### **§ 98-3. Applicability.**

A. This chapter shall apply to all waters within the jurisdiction of the Town of Marlborough, the waters of the Hudson River that are within a distance of 1,500 feet from the Town's shoreline, including the Lattintown Creek and Jews Creek from the confluence with the Hudson River upstream 1,500 feet. These waters shall be known as the "Town of Marlborough Harbor Management Area."

B. The Marlborough Harbor Area Overview Plan Map contained in the Town's Harbor Management Plan[1] identifies and establishes existing surface water uses, structures, and mooring areas.

*[1] Editor's Note: Said map and plan are on file in the Town offices.*

##### **§ 98-4 Definitions and word usage.**

A. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

##### **ABANDONED VESSEL**

Any vessel not moored, anchored or made fast to the shore and left unattended for a period greater than 24 hours, or left upon private property adjacent to the Harbor Management Area without consent of the property owner, for a period greater than 24 hours.

##### **AIDS TO NAVIGATION**

All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards, regulatory markers and/or fix their position.

##### **ANCHORAGE**

Any water area designated for anchoring or mooring.

**TOWN BOARD**

The Town Board of the Town of Marlborough.

**BOATHOUSE**

Any building or similar superstructure that has direct access to a body of navigable water and is used only for the storage and sheltering of watercraft and associated equipment and does not have plumbing or sanitary facilities.

**BOAT STORAGE, COMMERCIAL**

A place, site or structure used to park, house or store on any one lot, more than three vessels, excepting canoes, rowboats, kayaks or other boats less than 18 feet in length for private gain within a marina. This use shall not include "storage, commercial" as defined in this chapter.

**BOAT STORAGE, PRIVATE**

A place, site or structure used to park, house or store on any one lot, three or fewer vessels, excepting canoes, rowboats and kayaks.

**CHANNEL**

Federal, state or locally designated water areas specifically reserved for unobstructed movement of vessels.

**DOCK**

Any dock, wharf, structure or fixed platform extending out over the water built on floats, columns, open timber, piles or similar open-work structures.

**DOCK AND MOORING AREA**

Sections of the Harbor Management Area where groups of docks and moorings may be permitted.

**EMERGENCY**

A state of imminent or proximate danger to life or property.

**FAIRWAY**

Any designated and/or maintained water area reserved for unobstructed movement of vessels, including an area at least 25 feet in width adjacent to both sides of the Federal Navigation Channel.

**FEDERAL NAVIGATION CHANNEL**

The designated navigation channel in the Hudson River authorized by an act of congress, specifically reserved for the unobstructed movement of vessels and which is marked in water by aids to navigation maintained by the United States Coast Guard.

**FLOATING HOME**

Any structure constructed on a raft, barge, hull or other platform and moored or docked in the Harbor Management Area and used primarily for single or multiple-family habitation or as the domicile of any individual(s).

**HARBOR MANAGEMENT AREA**

The area encompassing all waters designated by the Local Waterfront Revitalization Area within the jurisdiction of the Town of Marlborough including the Lattintown Creek and Jews Creek from the confluence with the Hudson River upstream 1,500 feet, and the waters of the Hudson River that are within a distance of 1,500 feet from the Town's shoreline, and as depicted on the Town's Official Harbor Management Map on file in the Town Building Inspector's office. These waters shall be known as the "Town of Marlborough Harbor Management Area."

**HARBOR MANAGEMENT LAW**

This chapter of the Town of Marlborough establishing rules and regulations for the use and enjoyment of the waters of the Town of Marlborough Harbor Management Area and the lands immediately adjacent to the Harbor Management Area.

**HARBOR MANAGER**

That person appointed annually by the Town Supervisor with the consent of the Town Board who has full and primary responsibility and authority for implementing and enforcing all provisions of this chapter.

**LITTER**

Any bottles, glass, cans, scrap metal, junk, paper, garbage, rubbish, trash or similar refuse or human-generated or human-deposited debris.

**MOORING**

The attachment of or to attach a vessel to a pier or dock or other structure or the attachment of or to attach a vessel to the ground by means of tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator. The term "mooring" shall also include the placing of a boat at anchor for more than 12 hours consecutively.

**PERSONS**

Individuals, corporations, societies, associations, and partnerships using the facilities and areas within the Harbor Management Area.

**PUMP-OUT FACILITY**

A facility for pumping sewage from vessel holding tanks and other devices and containing those wastes before proper disposal into the Town of Marlborough sewage system.

**STATE**

The State of New York.

**SUPERSTRUCTURE**

A structure built as a vertical extension on top of a lower structure such as boathouse which is a storage building for boats built on top of cribs or piles.

**STORAGE, COMMERCIAL**

A business for hire in which a warehouseman, as defined in Section 7-102 of the Uniform Commercial Code of New York State, takes possession of goods and is responsible for the care and control of the stored goods. Goods stored for hire shall be completely enclosed within a building and may include boats, motorcycles, jet skis, or similar recreational vehicles.

**TRANSIENT BOATERS**

Persons traveling into the Harbor Management Area by boat and staying for a temporary period of time.

**UNDERWAY**

The condition of a vessel not at anchor and not made fast to the shore or ground.

**VESSEL**

Every floating device used or capable of being used as a means of transportation on water.

B. Word usage. "Shall" is mandatory; "May" is permissive.

**§ 98-5 Severability; conflicts; penalties; liability.**

- A. Invalidity of provisions. Should any provision of this chapter be held invalid or inoperative, the remainder shall continue in full force and effect.
- B. Conflict with other laws. In any case where a provision of this chapter is found to be in conflict with any other local provision, the article setting the higher standard in promoting the general public welfare shall be used.
- C. Enforcement. Authorized public servants of the Town as designated by the Town Supervisor with consent of the Town Board, the Building Inspector, the Town Police Department, the State Police, the Ulster County Sheriff's Department, and any other police or peace officer as defined in the New York State Criminal Procedure Law shall have authority to enforce the provisions of this chapter.
- D. Penalties for offenses.

(1) A person who violates any of the provisions of or fails to comply with any conditions imposed by this chapter shall have committed a violation, punishable by a fine not exceeding \$350 for a conviction of a first offense and punishable by a fine of \$700 for a conviction of a second or subsequent offense occurring within a period of five years. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

(2) The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

E. Liability. Persons using the waters within the limits of the Harbor Management Area shall assume all risk of personal injury and loss or damage to their property. The Town of Marlborough assumes no risk on account of accident, fire, theft, vandalism or acts of God.

**§ 98-6 Building permit required; exemptions; nontransferability.**

Except as otherwise provided in this chapter, no person shall place, locate, construct, maintain, expand or use any dock, pier, boathouse, structure or mooring buoy in any waters within the Harbor Management Area without a building permit issued in accordance with this chapter, the Town of Marlborough Zoning Ordinance, and any other applicable local laws. Docks, piers, boathouses, or other structures fewer than 200 square feet in area shall be exempt from the requirement for a building permit but shall comply with all other provisions of this chapter, the Town of Marlborough Zoning Regulations, and any other applicable local laws. Failure to comply with this section is a violation of this chapter. These permits are not transferable.

**§ 98-7 Office of Harbor Manager.**

A. Establishment. The office of the Town Harbor Manager may be established by the Town Supervisor with the consent of the Town Board. If established, the Town Supervisor, with the consent of the Town Board, shall appoint a Harbor Manager on an annual basis.

B. Powers and duties. It shall be the duty of the Harbor Manager, or other public officer of the Town so appointed by the Town Supervisor with the consent of the Town Board, to enforce the provisions of this chapter. The Harbor Manager or the Harbor Manager's designee, or other public officer of the Town so appointed, shall:

- (1) Examine all applications for all permits and issue permits only for construction and uses therein in accordance with the requirements of this chapter and all other laws, rules and regulations of the Town applicable at the time of application.
- (2) Create a dock and mooring permit system to control the placement of docks and moorings in the harbor.
- (3) Establish a permanent management system for harbor activities, operations and implementation actions consistent with the provisions of the Town's Local Waterfront Revitalization Program and Harbor Management Plan.

**§ 98-8 Permit applications and procedures.**

A. Form and content of application. In any instance in which a permit is required by this chapter, an applicant shall submit an application on a form prescribed by the Harbor Manager, Building Inspector or other public officer of the Town so appointed. The application is hereby submitted with a fee as set forth in the Town of Marlborough fee schedule,[1] accompanied by a plot plan drawn to scale, adequately dimensioned, showing the location of all existing docks, piers, boathouses, structures, mooring buoys, aids to navigation, abandoned vessels, anchorage areas, navigation channels or fairways. The applicant shall provide such other information as the Harbor Manager may require, including but not limited to filings with or permits from federal, state, Town or county authorities, description of the manner of construction and installation, the materials to be used, evidence of ownership or possessory right, by easement, license, right-of-way or other, regarding the abutting shoreline and grant or leases pursuant to Article 6 of the Public Lands Law of the State of New York, regarding lands under water.

*[1] Editor's Note: The fee schedule is on file in the Town offices.*

B. Issuance of permit. If the proposed activity conforms to all requirements of this chapter and does not impair navigational safety or unreasonably restrict public or private access to, on and within navigable waters within the Harbor Management Area, the Harbor Manager, Building Inspector or other public officer of the Town so appointed, shall issue a permit for a one-year period commencing upon approval of the permit.

C. Milton Landing Pier.

(1) Scheduling. The scheduling of all tour boat berthing and departure times, dock usage and tourism-related events shall be through the Office of the Town of Marlborough Harbor Manager or Town Supervisor. Such scheduling will be on first-come, first-served basis and as determined by the Town of Marlborough.

(2) No person shall cause any barge, boat, ship or other vessel to be made fast to the public dock known as "Milton Landing Pier" or to be made fast to any ship or vessel lying at such dock without first obtaining a permit pursuant to this section.

(3) The Town Board may establish fee, insurance and other requirements to permit docking of commercial vessels and temporary docking of transient vessels at the Milton Landing Pier and use of any related docking, mooring and kayak/canoe storage facility and shall include such fee and insurance requirements, if any, in the fee schedule.

**§ 98-9 Vessel operation.**

A. Dangerous operation prohibited. No person shall operate any vessel in any manner that unreasonably interferes with the free and proper use of the Harbor Management Area or any property on, in or

contiguous to the Harbor Management Area, or which endangers the users of the Harbor Management Area.

B. Identification.

- (1) No person shall operate or permit the operation of a vessel within the Harbor Management Area unless such vessel is required by law to be registered and numbered and bears a current validation sticker in accordance with the provisions of the New York State Vehicle and Traffic Law, if so required.
- (2) Every person operating a registered vessel shall, upon demand of any peace officer, federal officer or other person having authority to enforce the provisions of this chapter, produce the certificate of registration for inspection. Failure to produce the certificate of registration shall not be an offense, but shall be presumptive evidence of operating a vessel which is not registered as required by the New York State Vehicle and Traffic Law.

C. Vessel speed and restricted speed areas.

- (1) Every operator of a vessel shall at all times navigate the same in a careful and prudent manner in such a way as not to unreasonably interfere with the free and proper use of the navigable waters of the Harbor Management Area or unreasonably endanger any vessel or person. Reckless operation is prohibited as is operation under the influence of alcohol or any controlled substances.
- (2) No person shall operate a vessel within the Harbor Management Area at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
- (3) No person shall operate a vessel within the Harbor Management Area at such a speed as to cause a dangerous wake. The operator of a vessel shall be held responsible for any damage caused by such wake.
- (4) No person shall operate a vessel within a designated Dock and Mooring Area at a speed in excess of five miles per hour or at a speed that will cause a dangerous wake, whichever is the lesser speed.

D. Mufflers. No person shall operate a power vessel without having the exhaust from the engine run through a muffling device, so constructed and used as to muffle the noise from the exhaust in a reasonable manner.

E. Vessel enforcement authority.

- (1) The Town of Marlborough Police Department, the State Police, the Ulster County Sheriff's Department, and any other police or peace officer, as defined in the New York State Criminal Procedure Law, shall have the authority to enforce waterborne traffic in any part of the Harbor Management Area by use of authorized regulatory markers, signals, orders or directions at any time when deemed necessary in the interest of the safety of persons and vessels or other property.
- (2) No person shall moor or anchor any vessel so as to interfere with the free and unobstructed use of any channel, fairway, or berthing space in the Harbor Management Area.

F. Anchoring in Federal Navigation Channel prohibited. No person shall anchor any vessel in the Federal Navigation Channel, except in cases of emergencies.

G. Fishing. No person shall fish in the Harbor Management Area in such a manner so as to impede navigation. Vessel-based fishing in a manner that provides a hazard or inconvenience to navigation is prohibited.

**§ 98-10 Sanitation.**

A. Littering and discharge of pollutants prohibited. No person shall place, throw, deposit or discharge or cause to be placed, thrown, deposited or discharged into the Harbor Management Area any litter or other materials, including but not limited to any refuse or waste matter, sewage, petroleum products or by-products, paint, varnish, dead animals, fish parts or debris of any kind which renders the waters unsightly, noxious, unwholesome, or otherwise detrimental to the public health or welfare or to the enjoyment of the water for recreational purposes.

B. Marine toilets. No person shall operate a marine toilet at any time so as to cause or permit to pass or be discharged into the Harbor Management Area any untreated sewage or other waste matter or contaminant of any kind pursuant to § 33-c of the New York State Navigation Law.

C. Responsibility for sanitation of facilities. The owner, lessee, agent, manager or person in charge of a marine facility or water area shall at all times maintain the premises under his/her charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste materials.

D. Marine facility sanitation requirements.

(1) The owner or other person vested with the possession, management and control of a marine facility shall provide and maintain a sufficient number of trash receptacles for the deposit of litter at locations convenient to vessel users of such marine facilities. A maximum spacing of 100 feet between receptacles shall be maintained on all piers and docks. Failure to comply with this provision is a violation of this chapter.

(2) The owner or other person vested with the possession, management and control of a marine facility shall maintain suitable toilet facilities on shore for the accommodation of vessel users who are patrons of their marine facility. Failure to comply with this provision is a violation of this chapter.

(3) The owner or other person vested with the possession, management and control of a marine facility shall post a sign, clearly visible to vessel owners and operators, that states: "The Navigation Law of the State of New York provides strict penalties for the discharge of sewage in the waters of New York State. The local laws of the Town of Marlborough prohibit the discharge of litter, sewage, and refuse within the Marlborough Harbor Management Area." Failure to comply with this provision is a violation of this chapter.

(4) Any sewage pump-out facility required as a condition of Town, state or federal approval of a marine facility in the Harbor Management Area shall be maintained in proper working order and available for use as specified in Town, state or federal permits. Failure to comply with this provision is a violation of this chapter.

**§ 98-11 Removal of abandoned or derelict vessels and structures.**

A. Abandoned vessels and structures prohibited. No person shall abandon, sink or place a vessel, mooring or other structure within the Harbor Management Area where it may constitute a danger to navigation or to the safety of persons or property, or where it may prevent optimum use of the area.

B. Removal of abandoned vessels and structures.

(1) Any vessel or other structure abandoned or sunk or so placed may be removed or relocated at the direction of the Harbor Manager if corrective action is not taken by the owner, if known, within seven days after notification, or, if not known, after notice has been posted for that period on the vessel or object.

(2) Nothing herein contained shall prevent the Harbor Manager from taking measures with or without notice, if, in its judgment, such measures are necessary in order to provide for the safety of persons or property. The expense of such removal or relocation and any liability from injury to person or property incurred thereby shall be the responsibility of the owner.

**§ 98-12 Living aboard vessels.**

A. Regulation of floating homes. In order to provide for adequate access for vessels, for the safety of persons and property, for the protection of environmental quality, and for the optimum use of the Harbor Management Area, the Town Board or its designated agent(s) may regulate the use of floating homes in the Harbor Management Area.

B. Living aboard vessels permitted on temporary basis.

(1) Sleeping aboard vessels on a temporary basis is allowed as a secondary use to the vessel's principal commercial or recreational uses, provided that the vessel is berthed at a marine facility and where consistent with all Town, state and federal requirements concerning anchoring, lighting, taxation and other pertinent concerns, and provided that land-based support facilities and utilities, including sewage disposal facilities, are available.

(2) Sleeping aboard vessels moored or anchored within the Marlborough Harbor Management Area on a temporary basis, not to exceed two weeks, is allowed as a secondary use to the vessel's principal commercial or recreational uses where consistent with all Town, state, and federal requirements concerning anchoring, lighting, taxation and other pertinent concerns. For purposes here, the term "moored" shall only refer to vessels that are attached to the ground by means of tackle so designed that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

**§ 98-13 Berthing, mooring and anchoring of vessels.**

A. Owner responsibility for secure berthing, mooring and anchoring. The owner of any vessel berthed, moored or anchored within the Harbor Management Area shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent the vessel from breaking away.

B. Owner responsibility for damage. Each person anchoring or mooring a vessel in the Harbor Management Area shall be responsible for any damage to that vessel, or to any other vessel or any other property, caused by that vessel. The Town of Marlborough assumes no liability for personal injury or property damage that may result from the use of unsafe or otherwise inadequate anchoring or mooring tackle and assumes no risk on account of accident, fire, theft, vandalism or acts of God related to the anchoring or mooring of vessels in the Harbor Management Area.

C. Temporary anchoring permitted. Temporary anchoring of vessels for less than 8 hours is permitted provided such anchoring does not interfere with any established navigation channel, mooring or docking area or other vessel moored or docked.

D. Locations for moorings and permit required. No person shall place or utilize a mooring without first securing a permit as set forth herein. No person shall moor any vessel except in designated areas as shown in the harbor management plan as dock and mooring areas. No vessel moored or anchored, at full swing of its mooring or anchor line shall be within 75 feet of the Federal Navigation Channel of the Hudson River, or within 25 feet of any Town- or state-designated channel, fairway, or within 75 feet from any dock or other marine facility within the Harbor Management Area.

E. Locations for docks and permit required. No person shall install any berth or dock without first securing a permit as set forth herein. No person shall berth or dock any vessel, whether to mooring tackle or a pier or dock, in such a manner that it lies within the lines of any channel, swimming area, buffer area, turning basin or in proximity of a channel marker or in a manner that interferes with the full use of a channel, except in cases of emergency.

F. Regulation of docks and moorings. In order to provide for adequate access for vessels, for the safety of persons and property, for the protection of environmental quality, and for the optimum use of the Harbor Management Area, the Town Board or its designated agent(s) may regulate the placement of all docks and moorings in the Harbor Management Area in accordance with rules and procedures adopted by the Board.

**§ 98-14 Penalties for offenses. [1]**

A. A person who violates any of the provisions of or who fails to comply with any conditions imposed by this chapter shall have committed a violation, punishable by a fine not exceeding \$350 for a conviction of a first offense and punishable by a fine of \$700 for a conviction of a second or subsequent offense occurring within a period of five years. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.

B. The Town Attorney is authorized and directed to institute any and all actions and proceedings necessary to enforce this chapter. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

*[1]Editor's Note: See also § 98-5D.*

**§ 98-15 Effect.**

This chapter shall take effect immediately upon its adoption by the Town Board, approval by the New York State Secretary of State pursuant to Article 42 of the New York State Executive Law and its filing with the New York State Department of State in accordance with the provisions of the Municipal Home Rule Law.

## Appendix G: Draft Generic Environmental Impact Statement

### Summary

The proposed action of adoption of the Town of Marlborough's Local Waterfront Revitalization Program (LWRP) and Comprehensive Plan and the adoption of the local waterfront consistency review law and harbor management law are anticipated to provide benefits to the town and the community, these plans are not expected to result in any significant adverse environmental impacts, and will not result in a direct physical change to the area. The development of the LWRP and the Comprehensive Plan and these local law have carefully considered the environmental and contextual setting of the town which is reflected in the policies and recommendations and it is anticipated that these plans and local laws will result in an overall beneficial impact to the environment within the Town of Marlborough.

Much of Marlborough's history is directly tied to its proximity to the Hudson River but the town is separated from it in large part by steep slopes and railroad tracks. A main goal of the town, the LWRP and the Comprehensive Plan is to reconnect Marlborough, both visually and physically, with the river. The LWRP and Comprehensive Plan recommend growth and conservation in ways that are in balance with one another in ways that are beneficial to the town and the environment.

There are three alternative actions that the town can pursue including adoption of the LWRP and Comprehensive Plan and related local laws as proposed, adoption of an altered program or plan or laws, or not adopting the LWRP, the Comprehensive Plan or the local laws. There were no significant adverse impacts identified for the adoption of these proposed actions and no impacts were identified that required mitigation. The proposed action was determined to be the action most beneficial to the environment and the needs of the town and therefore would be the preferred alternative. No issues of controversy have been identified. The matters to be decided are summarized in the following table:

Action	Lead Agency	Involved Agency	Referral
Adoption of LWRP	Town Board	NYS Department of State	Town Planning Board State and Federal Agencies (See LWRP)

Adoption of Harbor Management Law	Town Board	NYS Department of State	State and Federal Agencies (See LWRP)
Adoption of Consistency Review Law	Town Board	NYS Department of State	State and Federal Agencies (See LWRP)
Adoption of Comprehensive Plan	Town Board		Town Planning Board, County Planning, Abutting Municipalities

A Draft GEIS is appropriate when an action having a town-wide effect and an impact on future policies and projects is proposed. This Draft GEIS is an analysis of the proposed adoption of the Town of Marlborough's Local Waterfront Revitalization Program (LWRP), its associated Harbor Management Plan (HMP) and local consistency laws, and a Comprehensive Plan, and does not supplant any site-specific environmental analysis that would typically be required for development projects subject to SEQR review. Being more general than a site-specific Environmental Impact Statement, a Draft GEIS can be used to consider and examine broad-based actions and does not address individual projects which may be proposed in the future.

The SEQRA process allows a municipality and the public to analyze effects of the proposed actions and the potential aggregate impacts of the proposed actions. As a generic EIS, it is meant to describe the potential impact of adoption of the Town of Marlborough's Local Waterfront Revitalization Program, its associated Harbor Management Plan and consistency laws, and the Comprehensive Plan. The adoption of these items by the town will not have an adverse environmental impact.

The adoption of the LWRP and plan will not result in the approval of any development activity, either private or public. All proposed new projects should be subject to site-specific or action-specific SEQR review, determination of significance, permitting (if necessary) and compliance with the precepts and policies of this LWRP and Comprehensive Plan.

## **Description of the proposed action**

The proposed action by the Town of Marlborough is to adopt a LWRP and its consistency law and harbor management law, as well as a Comprehensive Plan. The proposed DGEIS takes into consideration the land uses, management of development, and maintenance of resources for the areas involved, and provides a platform to analyze the proposed action. This DGEIS was prepared in accordance with the State Environmental Quality Review Act (SEQRA) and its implementing regulations 6 NYCRR Part 617. As a community located along the Hudson River, the town recognized the need take better advantage of this setting and has been working toward improving public access to the river along with other actions to help revitalize the town—in particular the hamlets of Marlboro and Milton.

The adoption of a waterfront revitalization program will provide a coordinated approach and provides the community an opportunity to better secure state funding support for its efforts. With state approval of the town's local waterfront revitalization program the town will secure its

leadership role in review of actions for compliance with the LWRP in the waterfront area. The adoption of the Marlborough LWRP will have no adverse impact on local jurisdiction or authorities. It does not give the state any overriding authority over local decisions, rather places the town at the forefront of decisions in the waterfront area.

The update to the town's comprehensive plan is timely and will help set the stage for the town to make better informed land use decisions and to develop implementation actions to accomplish the goals identified in the plan. It is intended that the comprehensive plan be adopted around the same time as the LWRP and related local laws

## **Potential Environmental Impacts and Mitigation**

### **Impact on Land and Mitigation**

Adoption of the LWRP and Comprehensive Plan by the Town of Marlborough is not anticipated to have any adverse impact on land resources in the town. Both the LWRP and Comprehensive Plan aim to conserve open spaces and agricultural resources in the town and to focus any residential and commercial development into the hamlets and surrounding areas. So, while there may be an increase in density and intensity of development in these areas, the critical open spaces that currently exist in Marlborough will remain. Erosion and flooding are not significant issues in Marlborough and no new development is proposed in the areas surrounding the Hudson River designated by the Federal Emergency Management Agency as flood hazard areas.

The land use element of the comprehensive plan has been divided into several character areas representing general land and development concepts with similar natural, cultural, or development features meant to outline future land use patterns. These character areas are depicted on the land use vision map on the following page. The character areas do not represent specific zoning boundaries, but rather, broad development, land use, and conservation categories. Planning issues to be considered for future growth, development and conservation are identified for each character area. Nevertheless, these character areas should be considered and further refined when making updates to the town's zoning ordinance. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Water and Mitigation**

Adoption of the LWRP and Comprehensive Plan by the Town of Marlborough will have no adverse impact on the existing water resources in the study area. The LWRP and Comprehensive Plan propose a trail along Lattintown Creek, a tributary to the Hudson River. This trail would effectively create a greenway along the creek where no development may occur. Buffers surrounding streams play a key role in improving water quality, and the buffer created by this trail will serve to reduce runoff and pollutants entering Lattintown Creek and ultimately reaching the Hudson River. Additionally, open spaces play a critical role in

maintaining water quality by way of infiltration which reduces stormwater runoff, improves aquifer recharge and reduces the level of pollutants that ultimately reach the waterways. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Air and Mitigation**

The adoption of the LWRP and Comprehensive Plan is not foreseen to have any adverse impact to the air quality in the LWRP area. In fact, both documents encourage the enhancement and permanent protection of farmland and the planning of additional land for public parks in the town. The projects proposed in the LWRP and Comprehensive Plan recommend landscaping and planting streets trees to improve the aesthetics of the street and act to slow traffic, the vegetation also plays the added role of improving air quality in the area. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Plants and Animals and Mitigation**

The adoption of the LWRP and Comprehensive Plan should have no adverse impacts on plants and animals in the study area. In fact, the plans promote the conservation of farmland and the creation of additional open space in the town. Preserving large tracts of open land reduces fragmentation of habitat for plants and animals which will benefit these species in the long-term. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Agricultural Land Resources and Mitigation**

Adoption of the LWRP and Comprehensive Plan by the Town of Marlborough will not adversely impact agricultural resources in the study area. A stated goal of both documents is to, "enhance agricultural uses [and] explore more ways to advance and promote agriculture within the town". Promotion of farmers' markets and agritourism activities can be found throughout both documents as well as exploration of techniques that can be used to protect farmland like purchase of development rights (PDR) and transfer of development rights (TDR). No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Aesthetic Resources and Mitigation**

By advocating for the enhancement and protection of agricultural land, the LWRP and Comprehensive Plan would both help maintain the farmland vistas that add to the character of Marlborough. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Historic and Archaeological Resources and Mitigation**

The LWRP and Comprehensive Plan will have beneficial impact on the historic and archaeological resources in the Town of Marlborough. One of the stated goals of the LWRP and Comprehensive Plan is to "celebrate and protect natural and cultural resources", this includes historic and archaeological resources. The plans go on to recommend an inventory of historic resources in the town as well as incorporating these resources into a trail project to increase heritage tourism in the town. Identifying the town's historic and archaeological resources is the first step to enhancing and protecting them. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Open Space and Recreation and Mitigation**

Overall, adoption of the LWRP and Comprehensive Plan by the Town of Marlborough will have a beneficial impact on open space and recreational resources throughout the town. A major project advocated by both the LWRP and Comprehensive Plan is the implementation of the proposed improvements to the Milton Waterfront Park, which includes open space for recreation, viewing areas, a dog park, camp sites and hiking trails leading down to the Hudson River. These improvements will have a direct connection to the Hudson River Valley Greenway's water trail which has a trailhead at Milton Landing, enhancing another opportunity for recreation in the area. The plans also recommend that the town acquires additional land for parks and open spaces in the town and advocates for the creation of a walking trail in Marlboro hamlet. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Critical Environmental Areas and Mitigation**

The adoption of the LWRP and Comprehensive Plan will have no adverse impact to the Kingston-Poughkeepsie Deepwater Habitat located in the area, a Critical Environmental area (CEA), established pursuant to subdivision 6 NYCRR 617.14(g), in the study area. No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Transportation and Mitigation**

The adoption of the LWRP and Comprehensive Plan will have a beneficial effect on transportation in the town by advocating for the Ulster County 9W Corridor study the goal of which is to provide access management and improve the flow of traffic along Route 9W throughout the majority of Marlborough. The LWRP also recommends implementing the recommendations for the 2016 Safe Routes to School Study (Alta Planning + Design). No significant adverse environmental impacts have been identified and no additional mitigation is required.

### **Impact on Energy and Mitigation**

The conservation of non-renewable energy resources, increase in the use of renewable resources, reduction of automobile trips and reduction of air pollution are all inherent aspects of

the LWRP and Comprehensive Plan. The adoption of the LWRP and Comprehensive Plan will have no significant adverse impact on energy resources and no additional mitigation is required.

### **Noise and Odor Impacts and Mitigation**

Adoption of the LWRP and Comprehensive Plan will not result in adverse impacts from odors or noise. Enhancing agricultural uses in the town may result in an increase in odors and noises associated with agriculture, however, these externalities are protected by Right-to-Farm laws and are not expected to be significant and no additional mitigation is required.

### **Impact on Public Health and Mitigation**

Adoption and implementation of the LWRP and Comprehensive Plan will have a beneficial effect on public health by increasing public open space and walking trails. Access to these amenities has been shown to have multiple benefits. No significant adverse environmental impacts have been identified and no additional mitigation is required.

**Impact on Solid Waste Management and Mitigation.** The policies within the LWRP encourage the reduction of the volume of solid waste and the town will continue to collaborate with Ulster County including the Ulster County Solid Waste Management Improvement Commission in terms of finding solutions that reduce the impacts of solid waste production including composting, recycling, and reduction and reuse of materials that otherwise would become solid waste requiring disposal. The proposed action will have no significant adverse environmental impact on solid waste management and no additional mitigation is required.

### **Impact on Growth and Character of the Community and Neighborhood and Mitigation**

Adoption and implementation of the LWRP and Comprehensive Plan by the Town of Marlborough will have a beneficial effect on the character of the community. The recommendations take into account the existing character of the community and the desired character of the community. The recommendations seek to direct growth towards the already existing population nodes throughout the town in order to preserve open land and maintain the rural character of the town. The proposed action will have no significant adverse environmental impact on the character of the community and no additional mitigation is required.

### **Alternatives**

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

1. Adopt the LWRP, local laws and Comprehensive Plan as proposed
2. Adopt an altered LWRP, local laws and plan

3. Do not adopt the LWRP, local laws and Comprehensive Plan.

Of the available alternative, adoption of the LWRP and associated harbor management law and consistency review law and Comprehensive Plan as proposed would provide the best combination of appropriately scaled growth, recreational and waterfront resource enhancement, and natural resource protection in accordance with the shared goals of the town. The overriding goal of the community, stated in both the LWRP and Comprehensive Plan is to *strengthen connections with the river*. The LWRP and Comprehensive Plan, as proposed, would go the farthest toward achieving this goal.

It is difficult to anticipate possible alternatives to a plan, as opposed to specific projects proposed within. The most obvious alternative would be to take "no action". This, essentially, means that the town would not adopt the LWRP or the Comprehensive Plan.

Another alternative action for the town is to adopt an altered LWRP and Comprehensive Plan. These documents were written in parallel with one another and share the same goals, adopted together they create a balance between the community goals of hamlet revitalization, protecting natural resources and enhancing agricultural use, altering any of the main aspects of the LWRP or the Comprehensive Plan would result in a disruption of this balance.

The proposed harbor management law and the consistency review law could be altered to be more or less stringent or to potentially be more or be less extensive in breadth. These two laws were each drafted with the idea that a comprehensive yet simple approach to regulation would be appropriate for the town and would not be an administrative burden for the town or for applicants and to provide an appropriate balance to create a regulatory framework for harbor management and waterfront consistency review that is not burdensome yet effective in addressing the legislative purpose expressed in each of these laws.

Adoption of the LWRP and associated harbor management law and consistency review law and Comprehensive Plan would best ensure that the community's goals for waterfront revitalization and management of the development of the town and conservation of natural and cultural resources area are each achieved. The project put forth in these documents were derived with significant input from the community and were made after careful analysis of the study area's natural and cultural resources. As a result the LWRP, the local laws and Comprehensive Plan, as proposed, will help enhance the character of Marlborough, create a comprehensive basis for revitalization and managed growth in a manner consistent with the community's shared vision.

### **Irreversible and Irretrievable Commitment of Resources**

There are no significant natural or other resources that would be committed in relation to the adoption of the LWRP, the local laws or the adoption of the comprehensive plan and no additional mitigation is required.

## Appendix H: Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect

### I. PURPOSES OF GUIDELINES

- A. The Waterfront Revitalization of Coastal Areas and Inland Waterways Act (the Act) (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR Part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.
- B. The Act also requires that state agencies provide timely notice to the affected local government whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.
- C. The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

### II. DEFINITIONS

- A. **Action** means:
  - 1. A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA);
  - 2. Occurring within the boundaries of an approved LWRP; and
  - 3. Being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.
- B. **Consistent to the maximum extent practicable** means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:
  - 1. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
  - 2. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
  - 3. That will result in an overriding regional or statewide public benefit.

- C. **Local Waterfront Revitalization Program** or **LWRP** means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to Executive Law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are essential to program implementation.
- D. **Municipal chief executive officer** is the City Mayor, or City Manager in cities where an appointed city manager is the administrative head of the city; the Village Mayor; or the Town Supervisor. The NYS DOS Local Government Handbook provides more information about who would be considered the chief executive officer under various municipal executive structures.<sup>1</sup>

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<sup>1</sup>Excerpts from the NYS DOS Local Government Handbook 6th Edition (2009) related to chief executive officers:

I. Cities: "In general, city government falls into four broad categories:

- council-manager, under which an appointed professional manager is the administrative head of the city, the council is the policymaking body and the mayor, if the position exists, is mainly a ceremonial figure. The manager usually has the power to appoint and remove department heads and to prepare the budget, but does not have veto power over council actions;
- strong mayor-council, under which an elective mayor is the chief executive and administrative head of the city, and the council is the policy making body. The mayor usually has the power to appoint and remove agency heads, with or without council confirmation; to prepare the budget; and to exercise broad veto powers over council actions. This form sometimes includes a professional administrator appointed by the mayor and is then called the "mayor-administrator plan;"
- weak mayor-council, under which the mayor is mainly a ceremonial figure. The council is not only the policy making body, it also provides a committee form of administrative leadership. It appoints and removes agency heads and prepares budgets. There is generally no mayoral veto power; and
- commission, under which commissioners are elected by the voters to administer the individual departments of the city government and together form the policy making body. In some cases one of the commissioners assumes the ceremonial duties of a mayor, on a rotating basis. This plan sometimes includes a professional manager or administrator." P. 53

II. New York City: "The mayor serves as the chief executive officer of the city, and with the assistance of four deputy mayors, presides over many departments, offices, commissions and boards. The mayor may create, modify or abolish bureaus, divisions or positions within the city government. The mayor, who may be elected to serve a maximum of two four-year terms, is responsible for the budget and appoints and removes the heads of city agencies and other non-elected officials." P. 57

III. Towns: "The supervisor is more of an administrator than an executive. The supervisor's duties under law are to: act as treasurer and have care and custody of monies belonging to the town; disburse monies; keep an accurate and complete account of all monies; make reports as required; pay fixed salaries and other claims; and lease, sell, and convey properties of the town, when so directed by the town board." and "By delegating a few more specific powers, the Suburban Town Law gives the supervisor a bit more authority. Although designated as "chief executive officer," however, the Suburban Town supervisor has no major new executive powers." P. 62

IV. Villages: "The chief executive officer of most villages in New York State is the mayor." P. 70

- E. **Local program coordinator** of a municipality with an approved LWRP could be a designated person or a Committee responsible for the preliminary review of proposed actions within the waterfront area for consistency with an approved LWRP and consistency recommendations for the final determination of consistency that will be made by the local government.

### **III. NOTIFICATION PROCEDURE**

- A. When a state agency is considering an action as described in II. DEFINITIONS, the state agency shall notify the affected local government.
- B. Notification of a proposed action by a state agency:
1. Shall fully describe the nature and location of the action;
  2. Shall be accomplished by use of existing state agency notification procedures, or through an alternative procedure agreed upon by the state agency and local government;
  3. Should be provided to the local official identified in the LWRP of the affected local government as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. The timely filing of a copy of a completed Coastal/Waterfront Assessment Form with the municipal chief executive officer should be considered adequate notification of a proposed action.
- C. If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the municipal chief executive officer can serve as the state agency's notification to the affected local government.

### **IV. LOCAL GOVERNMENT REVIEW PROCEDURE**

- A. Upon receipt of notification from a state agency, the affected local government will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the local program coordinator identified in the LWRP, the state agency should promptly provide the affected local government with whatever additional information is available which will assist the affected local government to evaluate the proposed action.
- B. If the affected local government cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

- C. If the affected local government does not notify the state agency in writing of its finding within the established review period, the state agency may then presume that the proposed action does not conflict with the policies and purposes of the municipality's approved LWRP.
- D. If the affected local government notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in V. RESOLUTION OF CONFLICTS shall apply. The local government shall forward a copy of the identified conflicts to the Secretary of State at the time when the state agency is notified. In notifying the state agency, the local government shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

## **V. RESOLUTION OF CONFLICTS**

- A. The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and purposes of its approved LWRP:
  1. Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local program coordinator to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.
  2. If the discussion between the local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.
  3. If the consultation between the local government and the state agency does not lead to the resolution of the identified conflicts, either party may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

4. Within 30 days following the receipt of a request for assistance, the Secretary, or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and local government.
5. If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.
6. The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

## Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Actions

### **I. FEDERAL AGENCY ACTIVITIES**

- A. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed federal activities to the program coordinator and other interested parties.
- B. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed federal activity.
- C. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- D. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed federal activity.
- E. A copy of DOS' "concurrence" or "objection" letter to the federal agency will be forwarded to the local program coordinator.

### **II. ACTIVITIES REQUIRING FEDERAL LICENSES, PERMITS AND OTHER REGULATORY APPROVALS**

- A. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the local program coordinator and will identify the Department's principal reviewer for the proposed federal activity.
- B. Within thirty (30) days of receiving such information, the local program coordinator will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed federal activity with the LWRP policies.
- C. When DOS and the local program coordinator agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the local program coordinator upon receipt.
- D. Within thirty (30) days of receiving the requested information or discussing possible problems of a proposed federal activity with the principal reviewer for DOS, whichever is later, the local program coordinator will notify DOS of the reasons why a proposed federal activity may be inconsistent or consistent with the LWRP policies.
- E. After the notification, the local program coordinator will submit the municipality's written comments and recommendations on a proposed federal activity to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal activity with the LWRP policies.
- F. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality on a proposed federal activity, DOS will contact the local program coordinator to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- G. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the local program coordinator.

### **III. FEDERAL FINANCIAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS**

- A. Upon receiving notification of a proposed federal financial assistance, DOS will request information on the federal financial assistance from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the local program coordinator. A copy of this letter will be forwarded to the local program coordinator and will serve as notification that the proposed federal financial assistance may be subject to review.

- B. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the local program coordinator. DOS may, at this time, request the applicant to submit additional information for review purposes.
- C. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major federal financial assistance.
- D. The local program coordinator must submit the municipality's comments and recommendations on the proposed federal financial assistance to DOS within twenty days (or other time agreed to by DOS and the local program coordinator) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the municipality has "no opinion" on the consistency of the proposed federal financial assistance with the LWRP policies.
- E. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the local program coordinator to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.
- F. A copy of DOS' consistency decision letter to the applicant will be forwarded to the local program coordinator.