



**TOWN OF MARLBOROUGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT:** BAYSIDE  
**PROJECT NO.:** 10-101  
**PROJECT LOCATION:** 18 BIRDSALL AVENUE  
SECTION 109.1, BLOCK 4, LOT 29  
**REVIEW DATE:** 20 JUNE 2022  
**MEETING DATE:** 21 JUNE 2022  
**PROJECT REPRESENTATIVE:** COLLIERS ENGINEERING

1. The applicant's have identified that they wish to be placed on the Planning Board Agenda to remove blasting restrictions that have been placed on the plan during the extensive Planning Board review of the project.
2. A Geo-Tech Report should be submitted for the project.
3. The applicant should identify, based on test borings, the amount of rock required to be blasted on the site.
4. The Planning Board should determine whether the Blasting Note was a result of the SEQRA findings for the project. These findings would also have to be amended, should the Board entertain the request from the applicant's representative.
5. Timing of the blasting should be addressed. Project is located in close proximity to Marlboro School District properties.
6. SWPPP should be amended to address blasting, rock removal and storage.
7. The amount of materials to be removed from the site should be identified on the plans.
8. The applicant's representative are requested to evaluate whether the blasting will impact the commercial lot in the front of the site and if any blasting is required for the development of that lot.
9. The Planning Board may wish to schedule a Public Hearing for the project once the above referenced information is available.
10. The applicants representative are requested to address whether rock removal will modify proposed finish grading on the site.

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

July 7, 2022

Chris Brand, Chairman  
Town of Marlborough Planning Board  
21 Milton Turnpike, Suite 200  
Milton, NY 12547

Bayside Marlboro LLC  
SBL: 109.1-4-29.100  
Town of Marlborough, Ulster County, New York  
Colliers Engineering & Design Project No. 05000787B

Dear Chairman Brand,

On behalf of the owner/applicant (Bayside Marlboro LLC) for the above referenced project, below please find our responses to a comment letter received from MHE Engineering, dated June 20, 2022. The comments have been repeated here for clarity:

Comment 1. The applicant's have identified that they wish to be placed on the Planning Board Agenda to remove blasting restrictions that have been placed on the plan during the extensive Planning Board review of the project.

**Response 1: Statement noted.**

Comment 2. A Geo-Tech Report should be submitted for the project.

**Response 2: Attached is a Geotechnical Data Report from July 3, 2018 which contains the results of borings conducted along the centerline of the project driveway from NYS Route 9W.**

Comment 3. The applicant should identify, based on test borings, the amount of rock required to be blasted on the site.

**Response 3: The owner's site contractor, Dietz Excavation, has provided the attached letter dated July 6, 2022 regarding the proposed blasting efforts.**

Comment 4. The Planning Board should determine whether the Blasting Notice was a result of the SEQRA findings for the project. These findings would also have to be amended, should the Board entertain the request from the applicant's representative.

**Response 4: Attached is the portion of the adopted SEQRA Findings Statement for the Bayside project which discusses the site soils and topography. Paragraphs #2 and #3 under "Site Soils" discuss the potential mechanisms for rock excavation. Within this**

*section blasting is mentioned as a potential mechanism and not prohibited. Therefore, we do not believe that the Findings Statement requires amending. On Sheet #2 of the approved site plan set note #13 of the Demolition Notes identifies the prohibition of blasting. Attached is a revised copy of Sheet #2 which removes the blasting prohibition and identifies it as a mechanism for rock excavation, similar to the Findings Statement.*

*This "Site Soils" section of the Findings Statement also states, "Rock excavation methods for proposed earthwork will be performed in a cost effective manner, and with the least impact to the surrounding public." The owner's site contractor, Dietz Excavation, has provided the attached letter dated July 6, 2022 regarding the benefits of blasting versus hammering for rock excavation.*

Comment 5. Timing of the blasting should be addressed. Project is located in close proximity to Marlboro School District properties.

**Response 5:** *Bayside Marlboro LLC will make every effort to complete the blasting by the end of August. If unable, they are open to blasting based on the schools timing, within reasonable budgetary considerations.*

Comment 6. SWPPP should be amended to address blasting, rock removal and storage.

**Response 6:** *Comment noted. The owner will provide an updated section of the SWPPP under separate cover for review. In general, rock from blasting will be stockpiled in the general vicinity(s) of the soil stockpiling and additional erosion control measures will be implemented for blasting. It is anticipated that some rock will be crushed on-site for construction use. Any remaining rock will be removed from the site to a location to be determined. See attached letter dated July 5, 2022 from Barber Engineering with additional detail on this matter.*

Comment 7. The amount of materials to be removed from the site should be identified on the plans.

**Response 7:** *There has been no change to the amount of material being removed based on the prior approved Site Plans.*

Comment 8. The applicant's representative are requested to evaluate whether the blasting will impact the commercial lot in front of the site and if any blasting is required for the development of that lot.

**Response 8:** *The applicant does not expect there will be any impact to the commercial parcel from the blasting operations that would occur on the project site. Since Bayside Marlboro LLC does not own the commercial parcel, it is unknown whether blasting would be required for the development of this lot.*

Comment 9. The Planning Board may wish to schedule a Public Hearing for the project once the above referenced information is available.

**Response 9: Comment noted. The owner seeks to have further conversations with the Board about the proposed plan revision.**

Comment 10. The applicant's representative are requested to address whether rock removal will modify proposed finish grading on the site.

**Response 10: No changes to the finished grades are proposed.**

If you have any questions regards the above responses, please feel free to call me at (845) 564-4495, extension 3804.

Sincerely,

Colliers Engineering & Design CT, P.C.  
(DBA Maser Consulting Engineering & Land Surveying)



Justin E. Dates, R.L.A., LEED AP  
Department Manager

Encl.

JED/paw

R:\Projects\2005\05000787B\Correspondence\OUT\220707\_JED Comment Response.docx



## Site work and Utility Contractors Since 1976

Re: Bayside Development Rock Removal  
7/6/2022

Re: Blasting vs Mechanical Jack Hammer Analysis

Town of Marlborough Planning Board  
21 Milton Turnpike, #200  
Milton NY 12547

Attn: Chris Brand

Dietz Excavation offers the following benefits of blasting versus jackhammering for this project.

In our opinion, there are major benefits to performing blasting instead of jackhammering at the Marlboro Bayside project.

1. With the modernization of blasting technology, blasting has become an extremely controlled process.
2. With blasting, rock removal will have a minimal impact on the neighbors of Purdy Avenue and the Marlborough Middle School staff and students. Blasting operations will be performed a few times a week. Once the blasting preparations are complete for a certain area, the actual blasting takes approximately 20 – 30 seconds. Rock removal operations by jackhammering will take place daily with the noise and vibration almost continuous each day.
3. The duration of rock removal by blasting will be approximately 4 to 6 weeks. Jackhammering is an extremely slower process with a duration of approximately 18 months and as long as 24 months.
4. If mechanical jackhammering is the only approved method for rock removal, jackhammering operations will extend through the entire upcoming school year and, most likely, into the following school year. Students and teachers at the Marlborough Middle School, and the neighbors on Purdy Avenue and surrounding streets will no doubt find this a distraction and disruption. We are targeting to have the blasting operations started sooner than later to lessen the impact on the middle school.
5. Normally, the density of rock becomes harder with depth which will slow the jackhammering process even more especially at narrow trenching locations such as storm, sewer and water lines.
6. A meeting with neighbors on Purdy Avenue was held at the site in mid-June 2022 to discuss jackhammering versus blasting. Those who attended the meeting still clearly recall the constant jackhammering that took place during construction of the new gas station on route 9W a couple of years ago. We believe the neighbors of the property would provide a letter in support of blasting.

It is our recommendation that blasting is the best option for this project.

Best regards:

Todd Stein

Sr Project Manager of Bob Dietz and Sons Inc.

## II. IMPACTS, MITIGATION MEASURES AND FINDINGS

The DEIS and FEIS included detailed environmental studies and evaluations of the following resource issues and are further summarized here with the Town's conclusive Findings.

### A. Soil and Topography

The development of the site requires the temporary disturbance of approximately 13.7 acres of the site for the construction of the residential structures, commercial building, roads, parking facilities, utility installation and stormwater management areas.

#### Site Soils

The soils description for the existing *Bath-Nassau-Rock outcrop complex, hilly soils (BOD)*, it is mentioned that this soil has limitations for development due to the potential rock outcrops, slowly permeable *Bath* soils and slopes. This soil composition is located throughout most of the proposed development. These same soils are also located in the areas of the surrounding residential homes including Purdy Avenue, which also have individual septic systems and the Marlboro Middle School building and site improvements. The proposed construction of the Bayside development would undertake construction means and methods similar to those implemented for the existing Purdy homes and Marlboro Middle School. The site soils also have fine grained (silt and clay) components and, therefore, are susceptible to erosion. Without the proper erosion and sediment control measures in place during construction and after completion, the potential for siltation of the stormwater run-off systems would be likely.

Exposed and shallow rock that is encountered on-site in the eastern portion of the site will require short-term impacts for rock removal to facilitate construction. Rock excavation methods could involve ripping, jack hammering with a device mounted on a boom of an excavator pre-splitting and **as necessary blasting. Should blasting of the rock be required, the necessary permits and regulations of the local municipality, state and Federal agencies will be followed.**

Excavated soils and rock will be sought to be used on site as general fill and roadway base and subbase courses. **Rock excavation methods for proposed earthwork will be performed in a cost effective manner, and with the least impact to the surrounding public.**

A plan for phasing and sequencing the site construction has been prepared and included with the Stormwater Pollution Prevention Plan (SWPPP). The project has been separated into five (5) phases to manage the proposed site disturbance. Each phase on the project will stand alone regarding the erosion controls, best management practices and soil stabilization measures. Phase 1 of the project will require a waiver from the five (5) acre maximum disturbance area. This will





Po Box 454 Nassau, New York 12123 • (Ph) 518-322-3033 • (Fax) 518-766-0372

---

Baxter Development Company  
278 Mill Street, Suite 100  
Poughkeepsie, New York 12601

July 5, 2022

Attn: Mr. Christopher Ward

Re: Blasting and Stormwater Management

Mr. Ward,

I am writing this memo to share my experience with blasting on active construction sites specifically as it relates to stormwater management. For context, I think it is important to establish that I have been running an engineering firm for 17 years that specializes in stormwater management and inspection services. I have provided inspection services for over 600 active construction sites in that time and have overseen dozens of projects where blasting was required.

Without exception, I have found blasting to be a benefit as it relates to stormwater management. The first and most obvious benefit from blasting is in the schedule. Blasting expedites site work. Prolonged exposure of bare soil is the most likely path to water quality issues in site discharge. Sites where soils are disturbed and slowly worked consistently prove to have the most water quality issues. No site is in better condition during construction than it is once completed. Blasting on this project would allow earth moving to proceed much more quickly and allow many areas to be established and stabilized prior to the onset of winter. This is my recommendation as a Qualified Professional. Establishing vegetation is the best way to ensure site containment.

A second benefit lies in the material generated from the blasting. While we still prefer vegetative stabilization, the “shot rock” generated by blasting operations is an excellent material for temporary stabilization. It does not move from runoff or wind and works to stabilize large areas of graded soil as well as haul roads and temporary swales. Working with the contractor, we will use the shot rock generated by blasting operations to ensure site containment during cut and fill operations.

Lastly, it has been my experience that blasting operations typically increase the infiltration on a project. Remembering that the SPDES permit is a permit that handles stormwater discharge, the best way to ensure there is not a water quality violation is to prevent discharge altogether. Once blasting work is completed, it is often the case that infiltration on the project will increase in those areas and more runoff can be directed back into the soil.

I recommend blasting for your project with regard to stormwater management.

Thank you,

Kenneth P. Barber, P.E.  
Barber Engineering, PLLC