Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Marlborough Resort		
Project Location (describe, and attach a general location map): 626 Lattintown Road & 255 Ridge Road, Town of Marlborough, Ulster County NY (Parcel IDs: R-Ag; 102.4-3-8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29)		
Brief Description of Proposed Action (include purpose or need): The property located at 626 Lattintown Rd is currently the site of St. Hubert's Lodge & Club, a recreational resort that includes a Bed & Breakfast, lodge, outdoor commercial recreation facility, and kennel. This project proposes to develop and expand on the current hospitality use of the property by re-purposing several of the existing structures and renovating the existing lodge. In addition, several new buildings will be constructed to provide sleeping accommodations, recreational amenities, and other hospitality services. The project will include a hotel and spa, guest cabins, dining rooms, a bar, a distillery and tasting room, small event center, farm market and barbecue, pavilions, recreation space, restroom buildings, staff dorms, a welcome center, and various accessory storage buildings. The project will also include water and sewer extensions, a water storage tank, package wastewater treatment plant, solar arrays, and green infrastructure throughout. Together, these buildings and improvements make up the proposed Resort Hotel use. The plan includes 453 surface parking spaces throughout the property in support of the Resort Hotel use. A small accessory structure on the rear of building 7 will be removed and replaced in the same footprint by an addition. Small accessory structures that are no longer needed will be removed. Refer to Exhibit A for a Location Map		
Name of Applicant/Sponsor: Marlborough Resort, LLC	Telephone: 516-248-4920 ext. 108 (Iris) E-Mail: Iris@theghg.com	
Address: 100 Ring Road West, Suite 101		
City/PO: Garden City	State: NY	Zip Code: 11530
Project Contact (if not same as sponsor; give name and title/role): Christopher LaPorta, P.E., Passero Associates	Telephone: 845-328-1808 E-Mail: claporta@passero.com	
Address: 6 Front Street		
City/PO: Newburgh	State: NY	Zip Code: 12550
Property Owner (if not same as sponsor): Marlborough Resort, LLC	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees ☑Yes ☐No	Town Board - easement/agreements/water district extension	May 2024
b. City, Town or Village Planning Board or Commission ☑Yes ☐No	Planning Board - Site Plan Review, Special Permit, Subdivision (lot line adjustment)	May 2024
c. City, Town or Village Zoning Board of Appeals ☐Yes ☑No	Zoning Board of Appeals - Area Variance (if determined to be necessary)	May 2024
d. Other local agencies ☑Yes ☐No	Town - water/sewer connections; SWPPP; building permit/C of O	May 2024
e. County agencies ☑Yes ☐No	UC Planning - GML 239-m, -n and -l; UCDOH - water/sewer extensions/supply/treatment	May 2024
f. Regional agencies ☐Yes ☑No	NYCDEP (if determined necessary for water district expansion)	
g. State agencies NYSDEP ☑Yes ☐No	NYSDOT-Work Permit; NYSDEC-SWPPP/SPD; NYSDEC-wetlands;	May 2024
h. Federal agencies ☑Yes ☐No	USACE - wetlands	May 2024

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☑Yes ☐No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes ☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes ☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes ☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐Yes ☑No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes ☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes ☑No

If Yes, identify the plan(s):

_____

_____

_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes ☑No

If Yes, identify the plan(s):

_____

_____

_____

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district? **Exhibit B**
R-Ag-1 Rural Agricultural District

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Marlborough Central School District

b. What police or other public protection forces serve the project site?
Marlborough Police Department

c. Which fire protection and emergency medical services serve the project site?
Milton Fire District; Marlboro Fire District; Ambulanz

d. What parks serve the project site?
Schair Memorial Park; Cluett Schantz Memorial Park; Milton Landing Dog Park;

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Mixed-used/Resort

b. a. Total acreage of the site of the proposed action? 152.5 acres
b. Total acreage to be physically disturbed? 41.4 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 152.5 acres

c. Is the proposed action an expansion of an existing project or use? ☑ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % 618% Units: =133,646 s.f.

d. Is the proposed action a subdivision, or does it include a subdivision? Lot Combination ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☑ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated 3
- Anticipated commencement date of phase 1 (including demolition) 1 month 25 year
- Anticipated completion date of final phase 11 month 28 year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

First phase will include the hotel and amenities in the main resort campus, dorms, utility infrastructure and some cabin units. Second phase will include additional cabin units. Third phase will be the orchard cabin units, clubhouse dining #2, and distillery.

f. Does the project include new residential uses? ☑ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				30 unit staff housing
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☑ Yes ☐ No

If Yes,

i. Total number of structures 83

ii. Dimensions (in feet) of largest proposed structure: 33 height; 104 width; and 123 length

iii. Approximate extent of building space to be heated or cooled: 214,239 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑ Yes ☐ No

If Yes,

i. Purpose of the impoundment: Public Water Storage

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☑ Other specify: Water will draw from the Town of Marlborough Water Supply

iii. If other than water, identify the type of impounded/contained liquids and their source.

iv. Approximate size of the proposed impoundment. Volume: 0.3 million gallons; surface area: 0.1 acres

v. Dimensions of the proposed dam or impounding structure: 20 height; 70 length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

glass fused steel

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☑ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i .What is the purpose of the excavation or dredging?

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards):
- Over what duration of time?

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

iv. Will there be onsite dewatering or processing of excavated materials? ☑ Yes ☐ No
If yes, describe. possible dewatering for bridge foundations

v. What is the total area to be dredged or excavated? .01 acres

vi. What is the maximum area to be worked at any one time? .01 acres

vii. What would be the maximum depth of excavation or dredging? 4 feet

viii. Will the excavation require blasting? ☐ Yes ☑ No

ix. Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☑ Yes ☐ No

If Yes:

Exhibit C

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): P06, PSS1E, PSS1E/PEM1E, PUBHh, and Pss1/FO1E.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
There are existing buildings in the wetland buffer that will be rehabbed, and a new bridge is proposed. NYSDEC/USACE permitting is required. Storm water management is proposed within the wetland buffer.
Wetland Disturbance: Roadway Approach Grading 7,250 SF; Bridge 250 SF
Wetland Buffer Disturbance: Flood Mitigation: 36,609 SF; Bldg: 6,500; Impervious: 42,244 SF; Stormwater Management: 6,000 SF

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☑ Yes ☐ No
If Yes, describe: bridge replacement

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☑ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: less than 0.05 ac
- expected acreage of aquatic vegetation remaining after project completion:
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): bridge construction
- proposed method of plant removal: by hand or small excavator
- if chemical/herbicide treatment will be used, specify product(s):

v. Describe any proposed reclamation/mitigation following disturbance:
bridge approach will have rip-rap for soil stabilization

c. Will the proposed action use, or create a new demand for water? ☑ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: 46,300 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☑ Yes ☐ No
If Yes:

- Name of district or service area: Town of Marlborough Water Department
- Does the existing public water supply have capacity to serve the proposal? ☑ Yes ☐ No
- Is the project site in the existing district? One lot is in the District, the other is not ☐ Yes ☑ No
- Is expansion of the district needed? ☑ Yes ☐ No
- Do existing lines serve the project site? ☑ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☑ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: Intermunicipal Agreement w/ Newburgh needs to be executed to obtain additional volume. Water District Extension is required.
- Source(s) of supply for the district: Town of Marlborough Water Supply

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☑ No
If, Yes:

- Applicant/sponsor for new district:
- Date application submitted or anticipated:
- Proposed source(s) of supply for new district:

v. If a public water supply will not be used, describe plans to provide water supply for the project:

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: 46,300 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each):
sanitary waste water

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☑ No
If Yes:

- Name of wastewater treatment plant to be used:
- Name of district:
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

- Do existing sewer lines serve the project site? ☐Yes ☑No
- Will a line extension within an existing district be necessary to serve the project? ☑Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

Proposed package WWTP

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☑Yes ☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 13.9 acres (impervious surface)

_____ Square feet or 152.5 acres (parcel size)

ii. Describe types of new point sources. catch basins, pipes and swales will collect runoff and direct it to stormwater management practices.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

on-site stormwater management facility/structures

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☑Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☑Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes ☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☑No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

_____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes ☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

Exhibit D

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☑ Evening ☑Weekend ☑ Randomly between hours of 4 PM to 7 PM.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

_____

iii. Parking spaces: Existing 30 Proposed 453 Net increase/decrease 323

iv. Does the proposed action include any shared use parking? ☐Yes ☑No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☑No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☑Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☑No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☑Yes ☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

3,500,000 kWh

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

Central Hudson Gas & Electric, on-site solar and battery storage

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Not anticipated ☐Yes ☑No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7 AM - 5 PM
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 24/7
- Saturday: 24/7
- Sunday: 24/7
- Holidays: 24/7

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Earthmoving equipment, deliveries will cause operation noise from engines and safety beepers

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe:

n. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Dark sky compliant parking lot and path lighting. Exterior lighting on all buildings for safety and ambiance of the resort experience.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☑ Yes ☐ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

normal restaurant smells. nearest occupied structure is 149'.

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☑ Yes ☐ No

If Yes:

i. Product(s) to be stored propane

ii. Volume(s) 2k gallons per unit time month (e.g., month, year)

iii. Generally, describe the proposed storage facilities:

underground propane tanks for pool heating and cooking at restaurants.

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☑ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

The existing agricultural use will continue. Where trees are in close proximity to guest rooms, they will not be sprayed.

ii. Will the proposed action use Integrated Pest Management Practices? ☑ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: TBD tons per month (unit of time)
- Operation : 12.2 tons per month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: Potentially seeking LEED status which would track waste and maximize recycling
- Operation: Recycling

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: Some LEED designation may be sought
- Operation: Recycling, seeking opportunity to partner for food service waste to go to digester plant to make natural gas

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site. **Exhibit E**

☐ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☑ Rural (non-farm)
☐ Forest ☑ Agriculture ☐ Aquatic ☑ Other (specify): recreation/resort

ii. If mix of uses, generally describe:

Property will consist of resort hotel, cabins, housing for workers, and farmland.

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.4	13.9	+9.5
• Forested	49.4	42.9	-6.5
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	33.5	30.4	-3.1
• Agricultural (includes active orchards, field, greenhouse etc.)	31.0	21.1	-9.9
• Surface water features (lakes, ponds, streams, rivers, etc.)	3.1	3.1	0.0
• Wetlands (freshwater or tidal)	30.1	29.9	-0.2
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: Lawn	1.1	11.3	+10.2

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures:_____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☑ No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 20 feet **Exhibit F**

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site:
BgC - Bath Gravelly Silt loam 27.4 %
BgD - Bath Gravelly Silt loam 10.4 %
Pa - Palms Muck 10.4 %

d. What is the average depth to the water table on the project site? Average: 2-3 feet

e. Drainage status of project site soils:
☑ Well Drained: 54.2 % of site
☑ Moderately Well Drained: 2.9 % of site
☑ Poorly Drained 42.9 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 50.7 % of site
☑ 10-15%: 25.9 % of site
☑ 15% or greater: 23.4 % of site
Exhibit G

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? **Exhibit C** ☑ Yes ☐ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 862-377, 862-367 Classification C, C(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, NYS Wetland, Federal Waters, Fe... Approximate Size NYS Wetland (in a...
- Wetland No. (if regulated by DEC) PO-6

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? **Exhibit C** ☐ Yes ☑ No

j. Is the project site in the 100-year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500-year Floodplain? ☐ Yes ☑ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:

Squirrels	Common frogs and toads	Rabbits
Deer	Common Snake species	Common salamander species
Various Bird Species	Chipmunks	Foxes

n. Does the project site contain a designated significant natural community? ☐ Yes ☑ No

Exhibit C

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☑ No

Exhibit H

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☑ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☑ No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑ Yes ☐ No

Exhibit I

If Yes, provide county plus district name/number: ULST001

b. Are agricultural lands consisting of highly productive soils present? ☑ Yes ☐ No

i. If Yes: acreage(s) on project site? 11.7

ii. Source(s) of soil rating(s): CnB Soils - obtained from Web Soil Survey

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☑ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☑ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☑ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☑ Historic Building or District **Exhibit J**

ii. Name: 601 Lattintown Rd

iii. Brief description of attributes on which listing is based:

Property located at 601 Lattintown Rd listed as eligible

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No **Exhibit K**

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

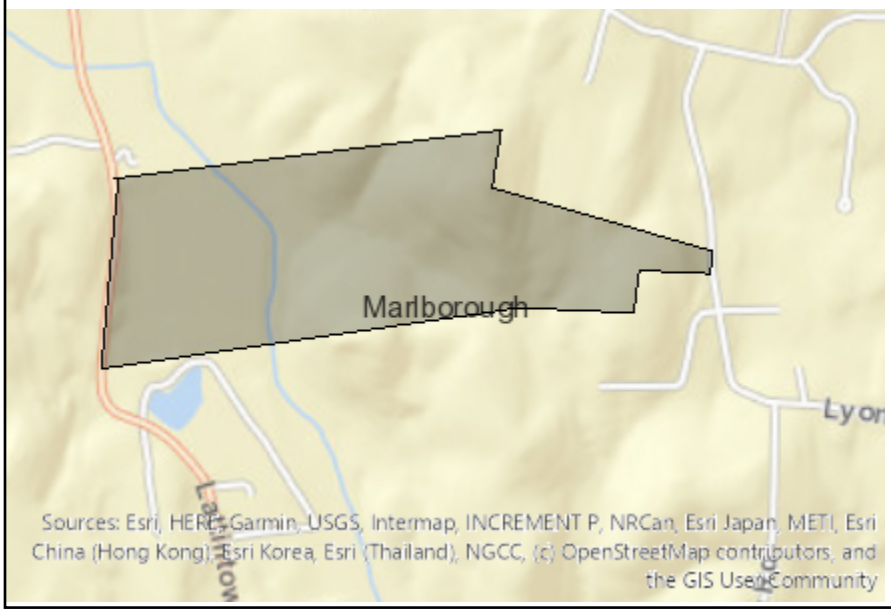
Applicant/Sponsor Name Christopher LaPorta, P.E., Passero Associates on behalf of Marlborough Resorts, LLC Date 05/22/24

Signature Christopher J LaPorta Title Regional Director | Senior Engineer

PRINT FORM

EAF Mapper Summary Report

Friday, April 26, 2024 12:43 PM

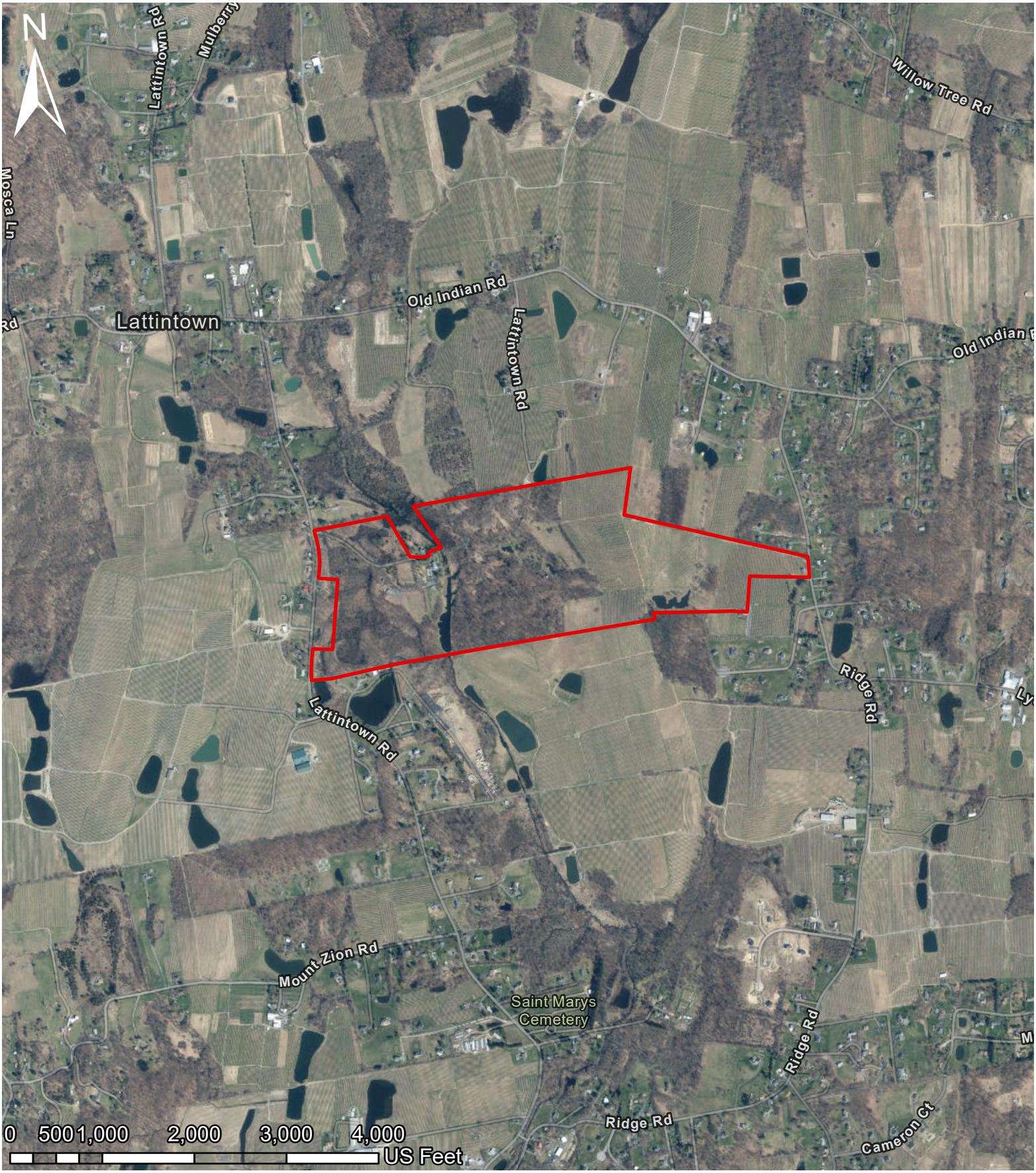


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-377, 862-367
E.2.h.iv [Surface Water Features - Stream Classification]	C, C(T)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):100.1
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	PO-6
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ULST001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

Exhibit A



Legend

Project Area

Marlborough Resort Location Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Hamlet of Marlborough
Source: Ulster County GIS

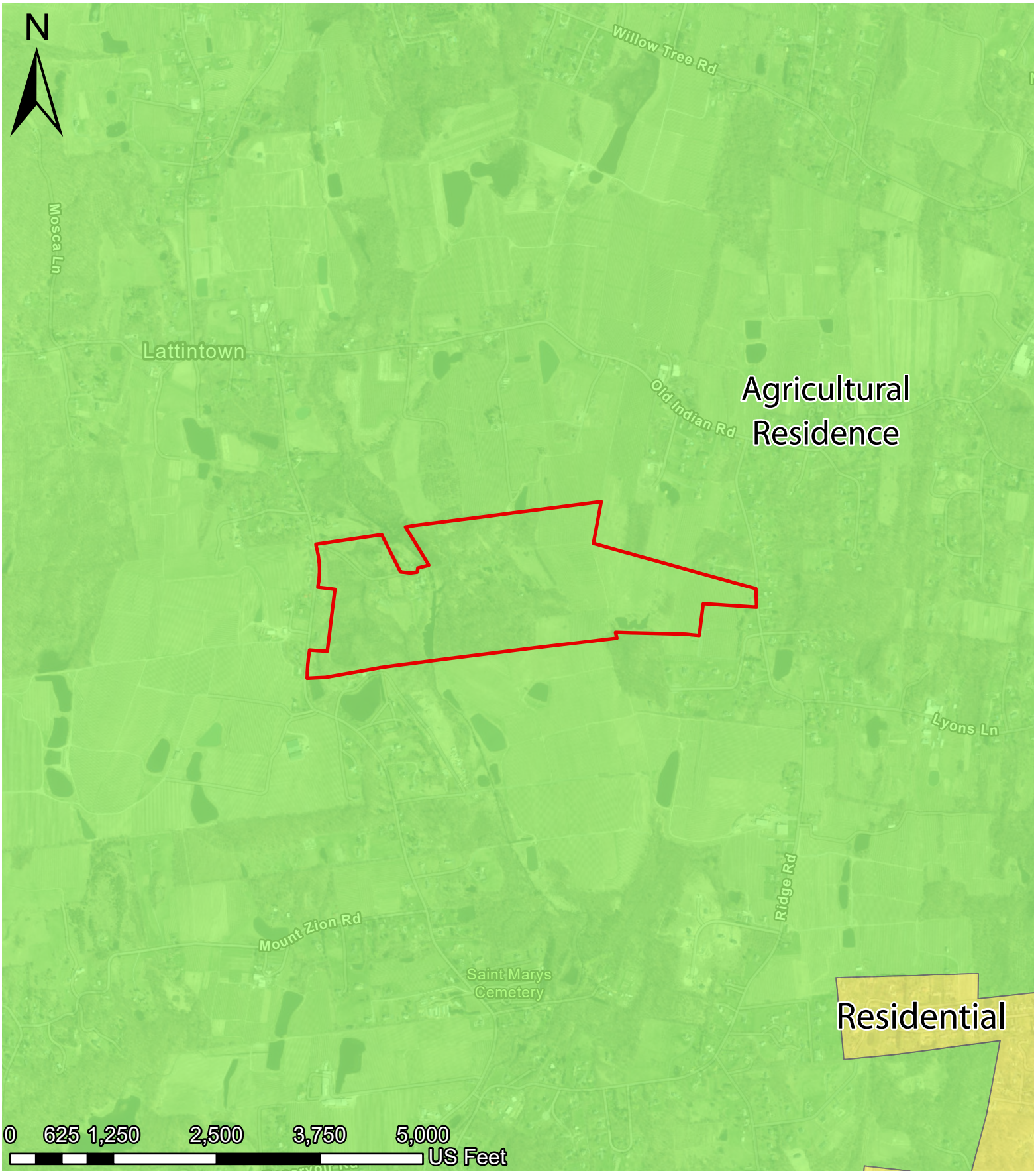
PASSERO
architecture engineering

Service Credits:

New York State, Maxar, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 4/25/2024

Exhibit B



Legend

Land Use

- Agricultural Residence
- Commercial
- Highway Development District
- Industrial
- Residential

Land Use Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Town of Marlborough
Source: Ulster County GIS

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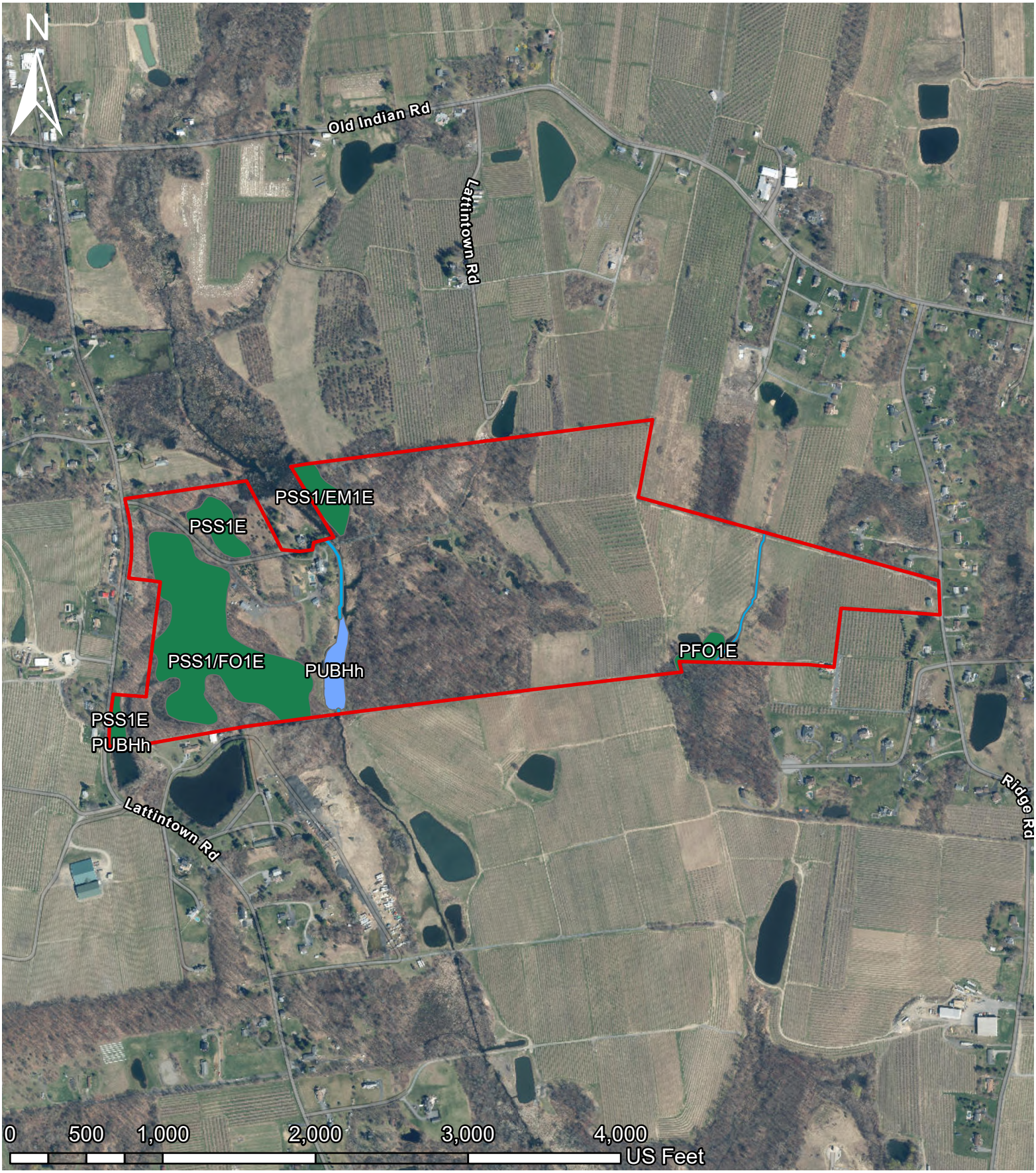
Service Credits:

New York State, Maxar, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 5/9/2024

Exhibit C



Legend

Wetlands

- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine

USFWS National Wetlands Inventory

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Hamlet of Marlborough
Source: U.S. Fish and Wildlife Service

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Service Credits:

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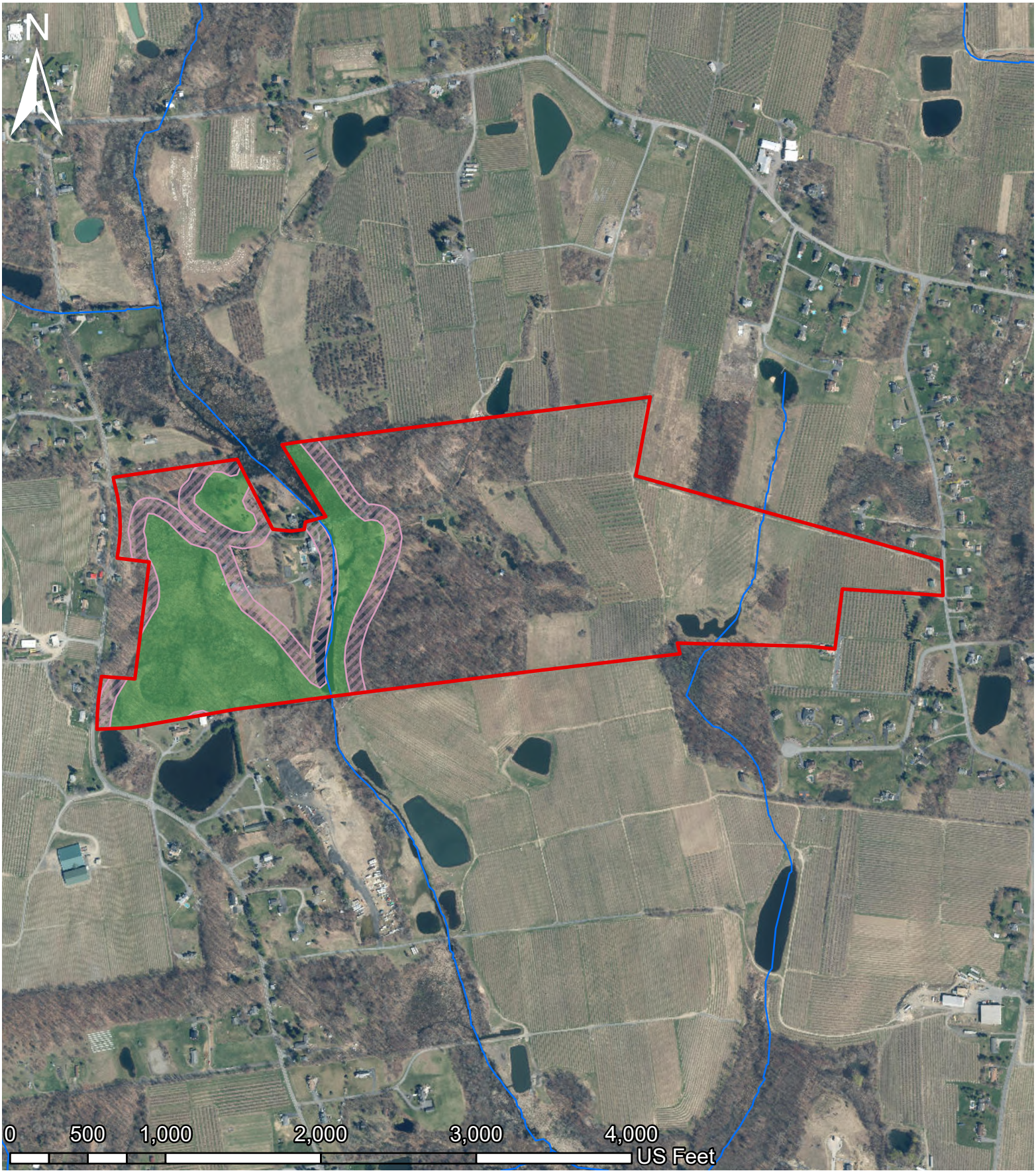
Date: 4/25/2024



Legend

- Significant Natural Communities
- Rare Plants & Animals
- NYSDEC Wetlands
- 100ft Buffer
- Water Classifications for Rivers & Streams

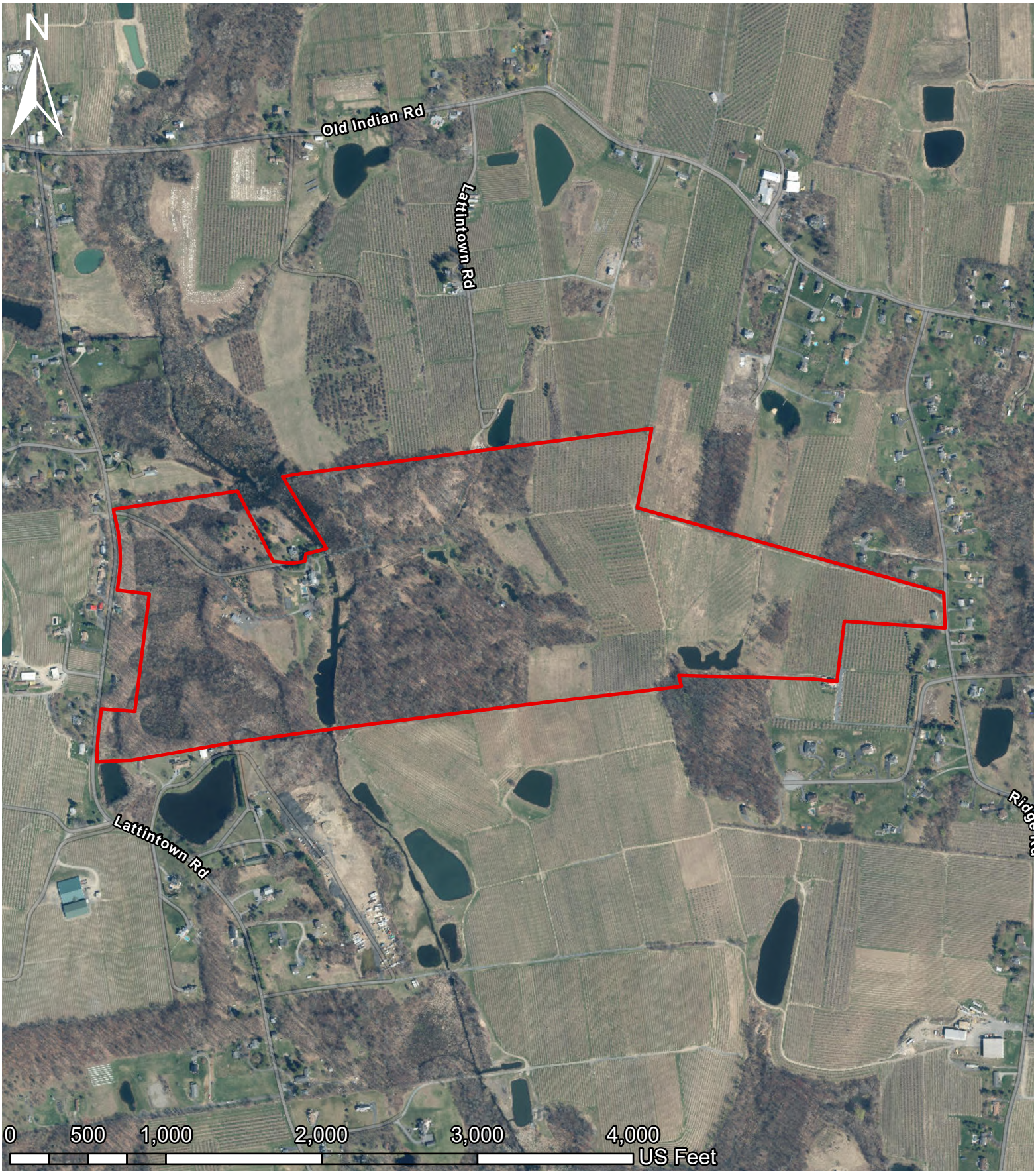
Environmental Resource Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Hamlet of Marlborough
Source: Environmental Resource Mapper

PASSERO
architecture engineering

Service Credits:
New York State, Maxar

Date: 4/25/2024



Legend

- 0.2% Annual Chance Flood Hazard
- 1% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Area with Reduced Risk Due to Levee
- Special Floodway

FEMA Flood Areas Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Hamlet of Marlborough
Source: FEMA

PASSERO
architecture engineering

Service Credits:

New York State, Maxar, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 4/25/2024

Exhibit D

PASSERO
engineering architecture

242 West Main Street, Suite 100
Rochester, NY 14614
585.325.1000 | passero.com

May 22, 2024

Attn: **Michael Achenbaum // Managing Member**
Marlborough Resort, LLC

Re: **Marlborough Resort, Town of Marlborough, NY**
Due Diligence Review
Passero Project No: 20233707.0001

Dear Mr. Achenbaum:

The purpose of this technical letter is to provide an assessment of traffic generation concerning the proposed project for informational purposes and to understand the possible resulting impacts. This letter also provides a summary of our field review of the existing transportation system and traffic control features adjacent to the project site and at the study intersections for preliminary evaluation of potential existing deficiencies and/or future needs. This letter details the projected trip generation estimates and discusses the thresholds for completing a Traffic Impact Report (TIR). All supporting materials are included in the attachments. The following tasks were undertaken:

- Obtained field data on the existing transportation system adjacent to the site. Data collection included information on roadway geometrics, annual average daily traffic (AADT) from the New York State Department of Transportation (NYSDOT), and multimodal features.
- Observed the study intersections during peak operating hours. Potential deficiencies are documented and future needs, if needed, are identified.
- Measured available sight distance at the proposed Lattintown Road driveway location.
- Estimated peak hour trip generation.
- Compared projected site generated traffic to accepted thresholds for requiring a full TIR.

Based on our preliminary due diligence assessment of the proposed project, it is our professional opinion that the proposed project is unlikely to result in any potentially significant adverse impacts on traffic operations within the study area.

A comprehensive TIR will be prepared as part of project approvals. Project scoping was undertaken with Ulster County to determine study area, peak periods of analysis, and other requirements for completion of the full study. Traffic data collection will be conducted Thursday, May 23 (4:00 PM to 7:00 PM), Friday, May 24 (4:00 to 7:00 PM), and Saturday, May 25, 2024 (11:00 AM to 2:00 PM) at the following intersections:

- NY-9W at Old Indian Road
- Old Indian Road at Ridge Road
- Old Indian Road at Lattintown Road (CR-11)
- Lattintown Road at St. Hubert's Lodge Driveway
- US-9W at Lyons Lane and Rivercrest Lane
- Lattintown Road at Plattekill Road (CR-14)

1. SITE LOCATION AND PROJECT DESCRIPTION

The project site is located at 626 Lattintown Road (CR-11) comprised of four separate tax lots (102.4-3-8.8.320; 102.4-2-12; 102.4-2-13; 102.4-2-29) in the Town of Marlborough, Ulster County, NY. The project comprises the following aspects:

- **Site Status:** The site is currently used as the St. Hubert's Lodge and Club.
- **Site Boundary:**
    - **North:** Agricultural lands.
    - **East:** The site has access to Ridge Road.
    - **South:** Agricultural lands and residential uses.
    - **West:** Lattintown Road.
- **Vicinity Land Uses:** Residential, agriculture, agri-business, and hospitality.

Full development of the project seeks to construct a multi-use Resort Hotel and Accessory Uses over several phases consisting of the following:

- **Proposed Land Uses:**
    - **Living and Sleeping Accommodations**
        - Guestrooms (cabins, hotel, cottage, lodge): **93 units (170 total bedrooms)**
        - Staff Housing: **35 units**
    - **Dining Accommodations**
        - Dining 1: **8,897 SF**
        - Dining 2 (Restaurant 360): **8,830 SF**
        - Distillery: **1,250 SF**
        - Farm market shop: **2,000 SF**
    - **Recreational Facilities**
        - Events Center: **15,870 SF** (up to 220 seats during special events)
        - Orangery: **2,200 SF** (up to 100 seats during special events)
    - **Resort Spa and Gym**
        - Spa and gym will include a gym, wellness center, and medi-spa with small pools for spa therapy): **22,471 SF**
        - Ancillary petting zoo: **400 SF**
- **Access:** Access will be provided via the existing driveway along Lattintown Road and a driveway along Ridge Road. The proposed distillery and staff dorms are proposed adjacent to the Ridge Road access. All other uses are generally found in the western and central portion of the property.
- **Parking:** The Resort Hotel grounds include several at-grade parking areas throughout the site providing a total of 331 surface parking spaces.

2. TRANSPORTATION SYSTEM

A. Vehicular Facilities

Table 1 provides a description of the existing roadway network within the general study area. The Annual Average Daily Traffic (AADT), in vehicles per day (vpd), reflects the most recently collected data obtained from the New York State Department of Transportation (NYSDOT).

Functional classification of roadways is determined by the NYSDOT and the Federal Highway Administration (FHWA). Both the NYSDOT and FHWA groups roads, streets, and highways into different classes based on how they are used. This is called functional classification. Roads and streets do not work alone to move traffic. Instead, they form a network. Functional classification defines how each road or street fits into this network, how it provides access to nearby properties, and whether it is in an urban or rural area. The primary functional classifications within the study area:

- Rural Minor Collector (Class 8)
- Rural Local (Class 9)
- Urban Principal Arterial – Other (Class 14)
- Urban Major Collector (Class 17)
- Urban Local (Class 19)

Table 1: *Existing Highway System*

Roadway	Classs[1]	Agency[2]	Speed	Typical Cross Section[3]	AADT
Lattintown Road (CR-11)	8	County	40 mph	2-lane undivided	1,638 (NYSDOT 2011)
Old Indian Road	9	Town	35 mph	2-lane undivided	Not available
US-9W	14	State	55 mph	4-lane undivided	16,052 (NYSDOT 2018)
Ridge Road	19	Town	35 mph	2-lane undivided	Not available
Lyons Lane	19	Town	35 mph	2-lane undivided	Not available
Rivercrest Lane	19	Private	Not posted	2-lane undivided	Not available
Plattekill Road (CR-14)	9, 17	County	30-35 mph	2-lane undivided	Not available

1. Functional Classification.
2. Roadway ownership.
3. Excludes turning lanes at intersections.

Class 8: Minor Collector

To efficiently gather traffic from smaller roads and keep every developed area within easy reach of a collector, these arteries are spaced according to population density. They provide crucial connections where higher classification roads lack service. Additionally, they act as vital links between locally important hubs and their surrounding rural areas.

Class 9: Local

Local roads prioritize land access, serving as the immediate connective roadways to abutting properties and developments. Their primary function is short-distance, localized movement within urban or rural settings, contrasting with higher-class roads designed for longer-distance, higher-speed travel. Comprising the remaining mileage after classifying Arterial and Collector networks, local roads represent the granular capillaries of the overall transportation system.

Class 14: Principal Arterial According to the FHWA, "These roadways serve major centers of metropolitan areas, provide a high degree of mobility, and can also provide mobility through rural areas. Unlike their access-controlled counterparts, abutting land uses can be served directly. [They] Serve major activity centers, highest traffic volume corridors and longest trip demands."

Class 17: Major Collector According to the FHWA, "Collectors serve a critical role in the roadway network by gathering traffic from Local Roads and funneling them to the Arterial network. Generally, Major Collector routes are longer in length; have lower connecting driveway densities; have higher speed limits; are spaced at greater intervals; have higher annual average traffic volumes; and may have more travel lanes than their Minor Collector counterparts."

Class 19: Local The local street system includes all facilities not in one of the higher systems. It primarily permits direct access to abutting lands and connections to the higher order systems and is not intended for use in long distance travel. It usually contains no bus routes. As public roads, they should be accessible for public use throughout the year.

B. Pedestrian and Bicycle Facilities

Sidewalks are not found within the study area and at the study intersections. Additionally, there are no dedicated bicycle facilities; however, bicyclists are permitted to use all roadways.

C. Transit Facilities

The project site is not serviced by mass transit.

3. TRIP GENERATION

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation is an estimate of the number of vehicle trips generated by a specific building or land use. These trips represent the volume of traffic entering and exiting the development.

A. Baseline Traffic Generation

The *Trip Generation Manual (11th Edition)* published by the Institute of Transportation Engineers (ITE) is used as a reference for this information. The trip rate for the peak hour of the generator may or may not coincide in time or volume with the trip rate for the peak hour of adjacent street traffic. Volumes generated during the peak hour of the adjacent street traffic, adjacent existing land uses, and the proposed project—in this case the weekday late afternoon/evening PM (4:00 to 7:00 PM) and Saturday midday (11:00 AM to 2:00 PM) peak hours—represent a more critical volume when analyzing the capacity of the system; those intervals will provide the basis of this analysis.

According to the ITE, the following steps are recommended when determining trip generation for proposed land uses:

1. Utilize ITE data.
2. Utilize consultant or developer data for use in specific development applications.
3. If existing data is very limited, check for the availability of local trip generation rates for comparable uses.

4. If local trip data for similar developments are not available, and time and funding permit, conduct trip generation studies at sites with characteristics similar to those of the proposed development.

Given the unique use proposed for this site and the lack of available ITE trip generation data for spa resorts, this assessment obtained entering and exiting traffic at the existing Mirbeau Spa in Skaneateles, NY as a point of reference. Traffic data at Mirbeau Spa was collected on Thursday, February 14, February 15, and February 16, 2013. These trips represent Valentine's Day traffic which is indicative of high trip generation time periods. Mirbeau Spa provides similar uses to those proposed on this site (14,000 SF spa, 2,500 SF indoor meeting/conference space, a restaurant open to guests and the public, and a 34-room hotel). A trip generation rate was developed for Mirbeau for entering and exiting traffic during each peak hour based on the size of the spa. The existing Mirbeau Spa generated 18 entering and 22 exiting vehicle trips during the PM peak hour and 20 entering and 31 exiting vehicle trips during the Saturday peak hour.

The ITE does not have Saturday data for Resort Hotel (ITE 330); therefore, weekday PM Peak of Generator rates were applied for the site's Saturday trip generation estimates.

The ITE does not have data for special events and conferences. Therefore, data obtained from a study performed at two sites in the Vancouver, BC (Canada) area in 2003 was used to estimate site generated traffic volumes. The sites ranged in attendance from 190 to 600 guests. Each site was in a suburban location, not well served by transit with no patrons arriving by walking or bicycling. Vehicle generation rates of 0.26 trips per person to 0.29 trips per person were calculated. This assessment used a 0.29 rate with an average directional distribution of 97% entering and 3% exiting. Attendees are expected to arrive during the beginning of the analysis period.

The proposed events center can host up to 220 attendees while the Orangery can host up to 100 attendees. It is important to note that the event space will not be utilized daily like the other land uses. Further, not all events will take place with peak generation occurring during the peak periods of the site's other uses.

B. Trip Generation Reductions

In mixed-use developments, it is common for individuals to engage in multiple activities on a single visit. Traffic engineering principles, such as the ITE *Trip Generation Handbook*, acknowledge that this behavior allows for a decrease in the overall number of trips calculated for such projects. This is because trips made to one part of the development often include visits to other parts, eliminating the need for separate trips through the main access points. For instance, in a development that houses both retail and dining establishments, many visitors will patronize both without necessitating additional trips. Similarly, guests at a restaurant might also stay at the hotel or use other amenities on the premises. The extent to which visitors to a mixed-use site will frequent multiple facilities depends on the variety of services offered, the scale of each service, and their proximity to one another.

Data is limited for sites like the proposed Resort Hotel. Research of hotel spas indicates that the industry uses a metric called guest capture rate. As a general guideline, resort spas tend to achieve higher hotel guest capture rates compared to urban facilities. In resort destinations, guests primarily travel for leisure purposes, and they are more inclined to utilize the spa to unwind and disconnect. While the capture rate in city hotels typically falls within the range of 5% to 8%, it can significantly increase to 10% to 18% for urban resorts and even reach 20% to 35% for beach destinations. In wellness retreats, where guests primarily book to participate in wellness programs, the capture rates may be upwards of 75% to 95% (*Spa Profitability Handbook*, Horwath HTL, 2020). This assessment assumed a 30% reduction in spa trips.

Further, internal capture is highly likely to occur between the dining offerings and the remaining resort visitors. The description for ITE Resort Hotel states:

> *"A resort hotel is similar to a hotel (Land Use 310) in that it provides sleeping accommodations, full-service restaurants, cocktail lounges, retail shops, and guest services. The primary difference is that a resort hotel caters to the tourist and vacation industry, often providing a wide variety of recreational facilities/programs (e.g., golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business."*

Given that the site will be marketed to both resort guests and the public, a 30% reduction in traffic was assumed for both primary dining facilities.

The site will provide living and sleeping accommodation for 35 staff members. These individuals will already be on-site during typical peak traffic generation hours; thus, no traffic is assigned to these employees.

Table 2 shows the total baseline traffic generation, traffic reductions, and total new vehicle trips added to the transportation system for the peak hours of study for all phases of development.

Table 2: *Site Generated Trips*

Description	Size	PM Peak Hour		SAT Peak Hour	
		Enter	Exit	Enter	Exit
Guestrooms (ITE 330)	93 units	16	22	27	26
Staff Housing	35 units	-	-	-	-
Dining (ITE 931)	8,896 SF	46	23	56	39
Dining/Restaurant 360 (ITE 931)	8,830 SF	46	23	56	38
Spa and Gym (ITE 492)	22,471 SF	44	34	35	37
Distillery (ITE 971)	1,250 SF	7	5	16	13
Baseline Traffic Generation		**159**	**107**	**190**	**153**
Internal Capture (dining)		*-28*	*-14*	*-34*	*-23*
Internal Capture (spa)		*-13*	*-10*	*-11*	*-11*
Total New Vehicle Trips		**118**	**83**	**145**	**119**
Events center	220 seats	62	2	62	2
Orangery	100 seats	28	1	28	1

The proposed project is anticipated to generate 159 entering and 107 exiting vehicle trips during the PM peak hour with 190 entering and 153 exiting vehicle trips during the SAT peak hour. Internal trips between site uses are likely to occur, notably between the guestrooms, spa, and dining accommodations.

Though no ITE data is available for this condition, this assessment assumed a portion of site traffic will be classified as internal capture. Thus, the site is projected to generate approximately 118 entering and 84 exiting vehicle trips during the PM peak hour with 145 entering and 119 exiting vehicle trips during the SAT peak hour.

4. TRIP DISTRIBUTION

The cumulative effect of site generated traffic on the transportation network is dependent on the origins and destinations of that traffic and the location of the driveways serving the site. The proposed arrival/departure distribution of traffic generated by the proposed project is considered a function of several parameters, including:

- Residential density within 90 miles of the project site using the U.S. Census OnTheMap application. Notable centers include the New York Metro/tri-state area and the greater Albany area.
- Proximity and greater access to major highways, such as I-84, I-87, NY-9W, and Taconic State Parkway.
- Existing traffic patterns within the localized study area.
- Site access locations along both Lattintown Road and Ridge Road.
- Existing traffic controls.

The anticipated trip distribution associated with the project is 20% north, 20% east (via Lattintown Road north and south of the site), 50% south, and 10% west (via Lattintown Road north and south of the site).

5. THRESHOLDS FOR THE REQUIREMENT OF A TRAFFIC IMPACT REPORT

Many reviewing agencies, including the NYSDOT, use guidelines in determining whether a project warrants the preparation of a TIR. The applicable guideline is that if a proposed project is projected to generate 100 or more peak hour vehicle trips during a peak study period, then a full study should be prepared to evaluate the potential traffic impacts. Additionally, if a project is projected to add 100 or more peak hour vehicle trips to an adjacent intersection, then that intersection should be studied.

Based upon the resulting trip generation estimates, the proposed project does warrant preparation of a full TIR. Furthermore, the anticipated distribution of vehicle trips indicated the following intersections should be included for study:

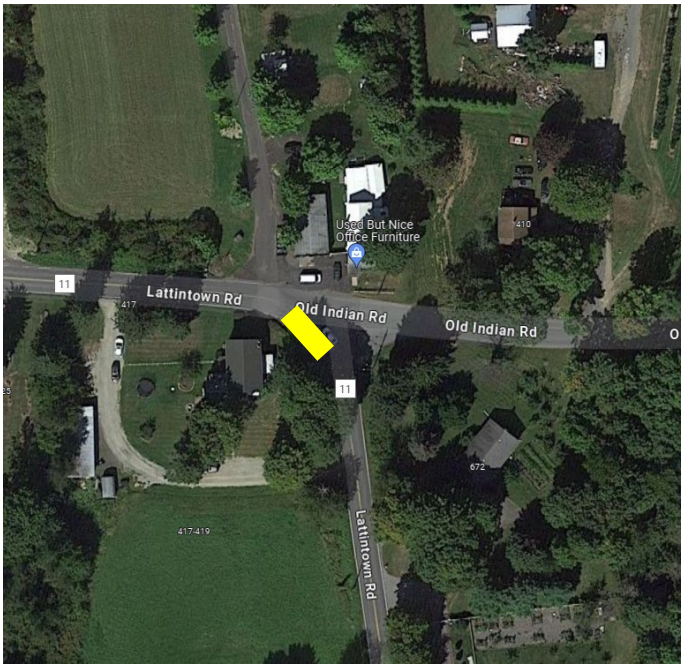
- NY-9W at Old Indian Road
- Old Indian Road at Ridge Road
- Old Indian Road at Lattintown Road (CR-11)
- Lattintown Road at St. Hubert's Lodge Driveway
- US-9W at Lyons Lane and Rivercrest Lane
- Lattintown Road at Plattekill Road (CR-14)

6. FIELD OBSERVATIONS SUMMARY

Field observations were performed during the weekday PM peak hour on Thursday, December 21, 2023. All local schools were in session and there were no adverse weather conditions. Field observations were not performed during the Saturday midday peak hours at this time. The comprehensive traffic report will document all PM peak period and Saturday peak period conditions. Several of the study intersections were observed and detailed discussions are provided hereafter.

1. Lattintown Road at Old Indian Road

The unsignalized intersection is stop-controlled on the northbound and westbound approaches. The eastbound approach operates as a free-flow movement. There is one approaching lane in each direction. Site users from the northerly direction will primarily use this intersection. A school bus stopped on the southwest corner of the intersection, as indicated on the aerial to the right in yellow.



Preliminary Findings: No capacity improvements are anticipated. However, based on peak hour intersection operation analyses, potential improvements for further evaluation are:

- All-way traffic control.
- Signage enhancements (i.e., bus stop, curve warning, etc.).
- Pavement markings.

2. Lattintown Road at Plattekill Road

The unsignalized intersection is stop-controlled on all approaches. There is one approaching lane in each direction. Site users from the westerly, southerly, and easterly directions will primarily use this intersection.

Preliminary Findings: No capacity improvements are anticipated. However, based on peak hour intersection operation analyses, potential improvements for further evaluation are:

- Traffic signal warrant investigation.
- Signage enhancements (e.g., stop sign enhancements).
- Conversion to roundabout.

3. US-9W at Old Indian Road

The unsignalized intersection is stop-controlled on the eastbound and westbound approaches. The northbound and southbound approaches operate as free-flow movements. There are two approaching lanes in each direction along US-9W and one approaching lane on the side approaches. There were short to moderate delays for drivers turning left out of the side approaches. Site users from the northerly direction will primarily use this intersection.

Findings: No capacity improvements are anticipated.

4. Lattintown Road at Saint Hubert's Lodge Driveway (Proposed Driveway)

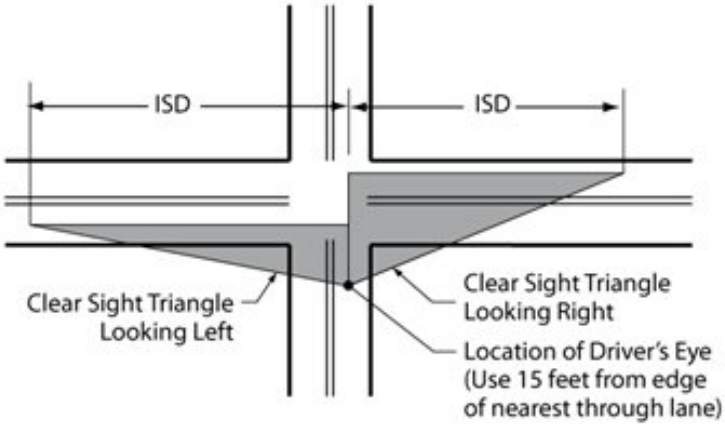
The northbound and southbound approaches operate as free-flow movements. Drivers are expected to stop exiting the existing driveway. There is one approaching lane in each direction. Site users are anticipated to primarily use this intersection.

Findings: No capacity improvements are anticipated.

7. SIGHT DISTANCE EVALUATION

This study investigated available sight distances at the existing Saint Hubert's Lodge driveway. Sight distance is provided at intersections to allow drivers to perceive the presence of potentially conflicting vehicles. This should occur in sufficient time for a motorist to stop or adjust their speed, as appropriate, to avoid a collision at the intersection. Sight distance is also provided at intersections to allow the drivers of stopped vehicles a sufficient view of the intersecting highway to anticipate and avoid potential incidents.

If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate Stopping Sight Distance (SSD) for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. To enhance traffic operations, Intersection Sight Distances (ISD) that exceed that exceed SSD are desirable along the major road.



Sight distance is evaluated using guidance contained within *A Policy on Geometric Design of Highways and Streets (7th Edition)* published by the American Association of State Highway and Transportation Officials (AASHTO) and the NYSDOT Highway Design Manual to establish the required SSD and desirable ISD. The recommended sight distances are based on a road's design speed. **Table 3** describes the sight distance measurements.

Sight Distance Measurements

Intersection	Category	AASHTO Recommendation	Measurements	
Lattintown Road at Saint Hubert's Lodge	Stopping Sight Distance	360 feet	*From Left*	*From Right*
			>400 feet	>400 feet
	Intersection Sight Distance	500 feet	*To Left*	*To Right*
			>600 feet	>600 feet
Ridge Road at Proposed Driveway	Stopping Sight Distance	305 feet	*From Left*	*From Right*
			>400 feet	>400 feet
	Intersection Sight Distance	445 feet	*To Left*	*To Right*
			<445 feet	>600 feet

Lattintown Road is 40 mph (45 mph design speed). Ridge Road is 35 mph (40 mph design speed).

The Lattintown Road intersection has adequate sight distance conditions. Sight distances at the proposed Ridge Road driveway are generally adequate, except for the ISD to the left. Consideration may be given to installing an intersection warning sign. Per the *Manual on Uniform Traffic Control Devices (MUTCD) 11th Edition*, the appropriate sign is the W2-2R assembly. This sign should be placed between 400 to 500 feet in advance of the driveway and not impact existing signage. Vegetation or other obstructions, where applicable, should be minimized to ensure sight distance is not impacted.

8. CONCLUSIONS AND RECOMMENDATIONS

It is our professional opinion for purposes of the environmental review pursuant to the New York State Environmental Quality Review Act (SEQRA), the proposed project is unlikely to result in any potentially significant adverse impacts on traffic operations within the study area. However, given the field observations, trip generation projections during the peak hours, and the thresholds for completing a TIR, a comprehensive traffic impact report is warranted to determine existing and future operations.

Please feel free to contact me directly with any questions.

Sincerely,

David Kruse, AICP, PTP
Senior Transportation Planner
dkruse@passero.com • 585-505-6012

Attachments

Land Use: 330
Resort Hotel

Description

A resort hotel is similar to a hotel (Land Use 310) in that it provides sleeping accommodations, full-service restaurants, cocktail lounges, retail shops, and guest services. The primary difference is that a resort hotel caters to the tourist and vacation industry, often providing a wide variety of recreational facilities/programs (e.g., golf courses, tennis courts, beach access, or other amenities) rather than convention and meeting business. Hotel (Land Use 310), all suites hotel (Land Use 311), business hotel (Land Use 312), and motel (Land Use 320) are related uses.

Additional Data

It is recognized that some resort hotels cater to convention business as well as the tourist and vacation industry. The sites in the database do not have convention facilities. A resort hotel with convention facilities is likely to have a different level and pattern of trip generation than is presented in the data plots.

Nine studies provided information on room occupancy at the time of data collection. The average occupancy rate for these sites was approximately 88 percent.

Some properties in this land use provide guest transportation services (e.g., airport shuttle, limousine service, golf course shuttle service) which may have an impact on the overall trip generation rates.

The sites were surveyed in the 1980s and the 1990s in California, Florida, and South Carolina.

For all lodging uses, it is important to collect data on occupied rooms as well as total rooms in order to accurately predict trip generation characteristics for the site.

Source Numbers

270, 381, 436

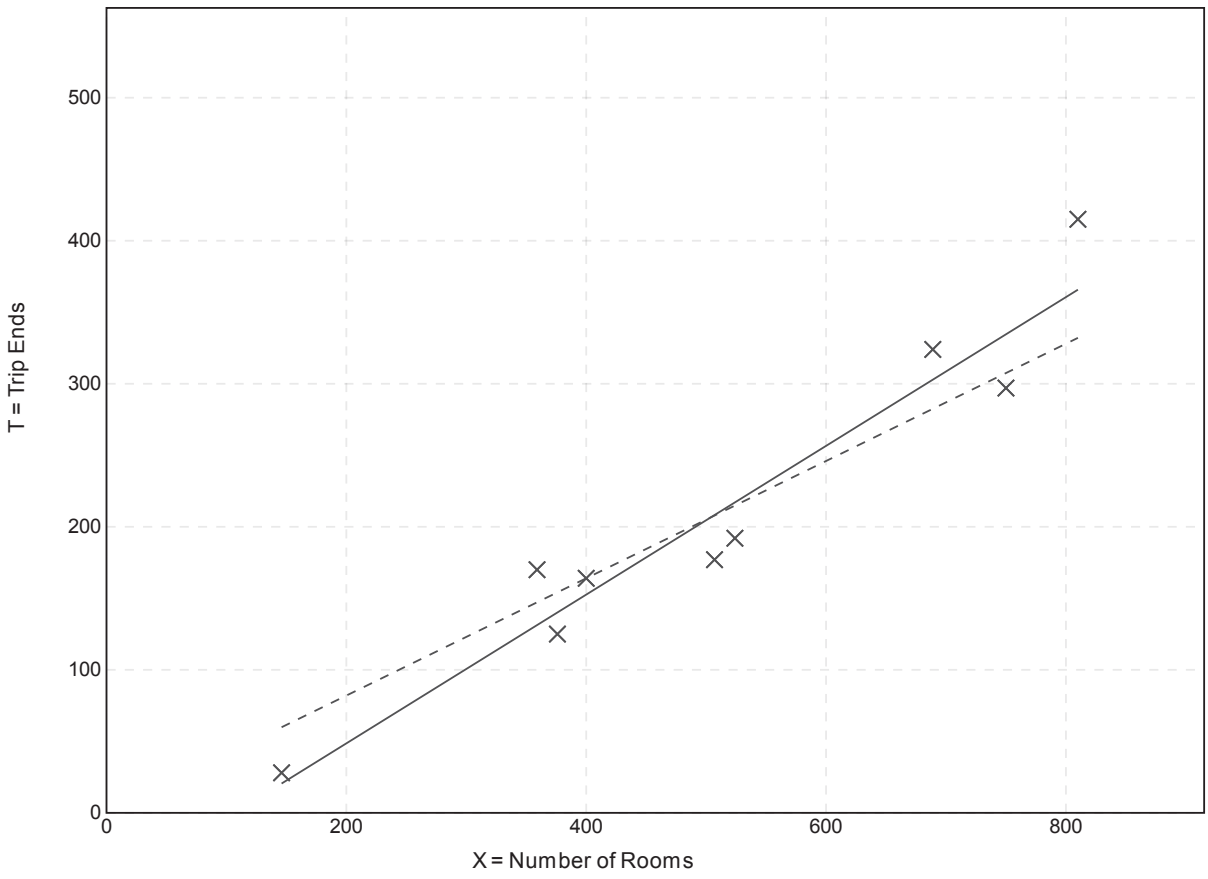
Resort Hotel
(330)

Vehicle Trip Ends vs: **Rooms**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 9
Avg. Num. of Rooms: 507
Directional Distribution: 43% entering, 57% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.41	0.19 - 0.51	0.08

Data Plot and Equation



Fitted Curve Equation: T = 0.52(X) - 55.42

R^2= 0.93

Resort Hotel
(330)

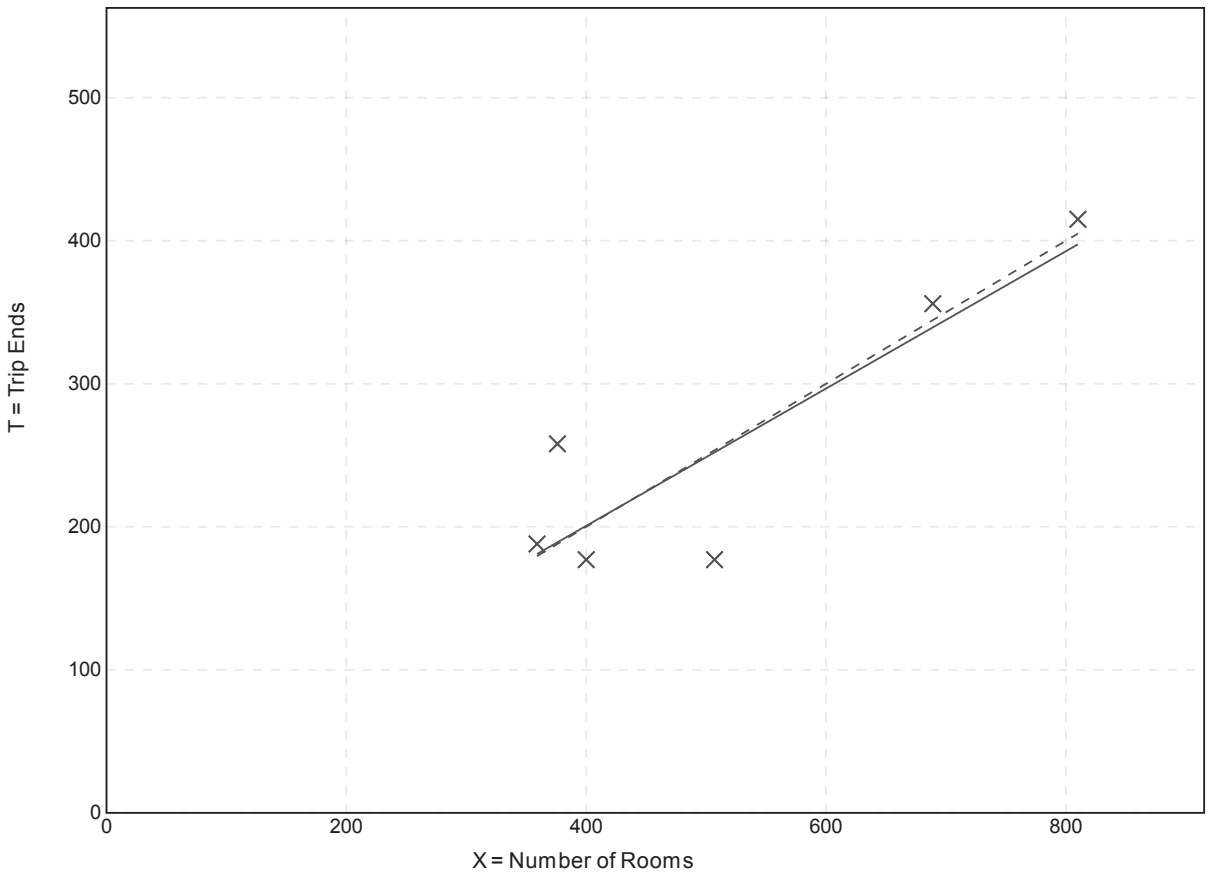
Vehicle Trip Ends vs: **Rooms**
On a: **Weekday,**
PM Peak Hour of Generator

Setting/Location: **General Urban/Suburban**
Number of Studies: 6
Avg. Num. of Rooms: 524
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.50	0.35 - 0.69	0.10

Data Plot and Equation



Fitted Curve Equation: T = 0.48(X) + 8.67

R^2= 0.78

Land Use: 931
Fine Dining Restaurant

Description

A fine dining restaurant is a full-service eating establishment with a typical duration of stay of at least 1 hour. A fine dining restaurant generally does not serve breakfast; some do not serve lunch; all serve dinner. This type of restaurant often requests and sometimes requires a reservation and is generally not part of a chain. A patron commonly waits to be seated, is served by wait staff, orders from a menu and pays after the meal. Some of the study sites have lounge or bar facilities (serving alcoholic beverages), but meal service is the primary draw to the restaurant. Fast casual restaurant (Land Use 930) and high-turnover (sit-down) restaurant (Land Use 932) are related uses.

Additional Data

If the fine dining restaurant has outdoor seating, its area is not included in the overall gross floor area. For a restaurant that has significant outdoor seating, the number of seats may be more reliable than GFA as an independent variable on which to establish a trip generation rate.

The sites were surveyed in the 1980s, the 1990s, and the 2010s in Alberta (CAN), California, Colorado, Florida, Indiana, Kentucky, New Jersey, and Utah.

Source Numbers

126, 260, 291, 301, 338, 339, 368, 437, 440, 976, 1053

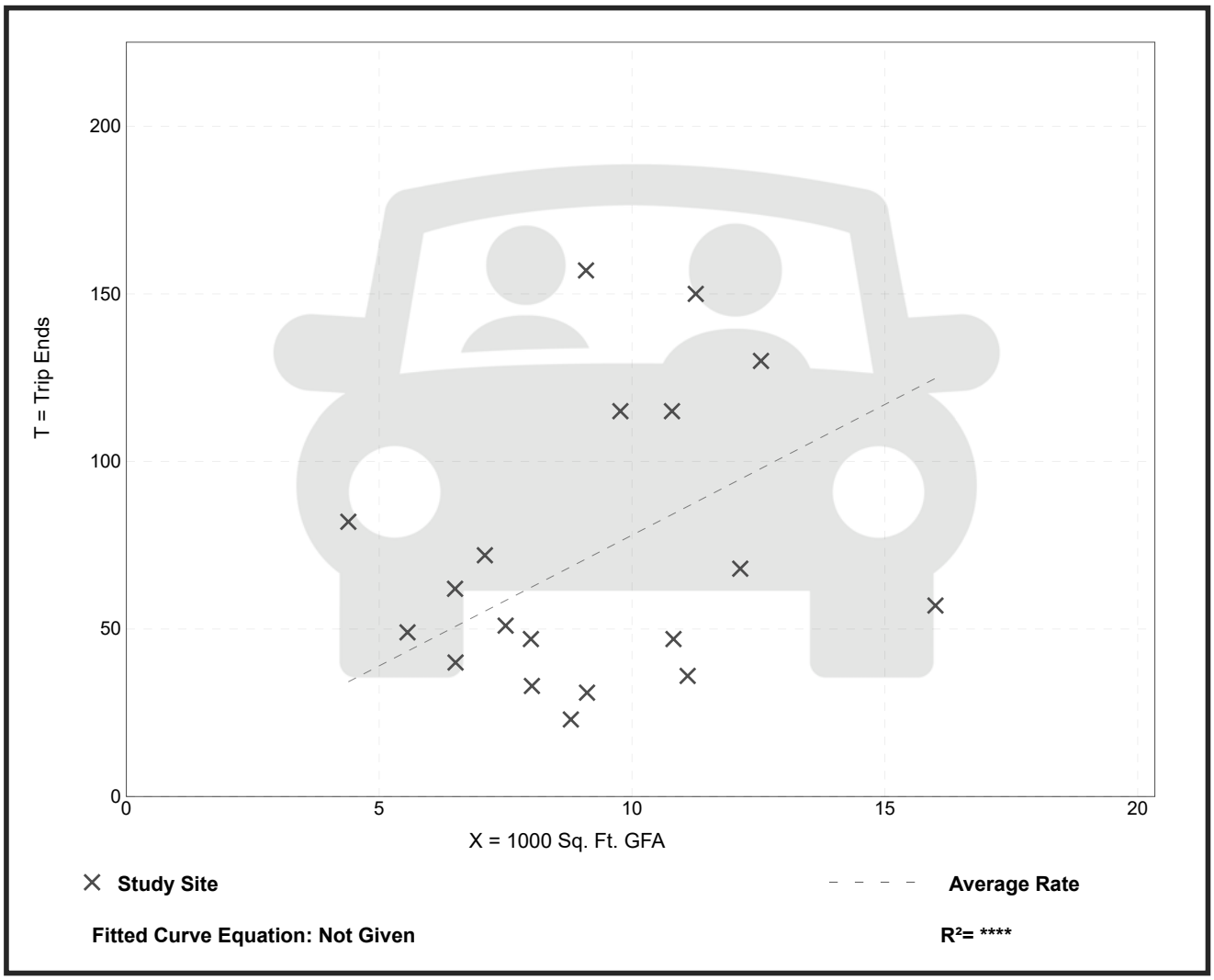
Fine Dining Restaurant
(931)

Vehicle Trip Ends vs:	**1000 Sq. Ft. GFA**
On a:	**Weekday,**
	Peak Hour of Adjacent Street Traffic,
	One Hour Between 4 and 6 p.m.
Setting/Location:	**General Urban/Suburban**
Number of Studies:	19
Avg. 1000 Sq. Ft. GFA:	9
Directional Distribution:	67% entering, 33% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
7.80	2.62 - 18.68	4.49

Data Plot and Equation



Fine Dining Restaurant
(931)

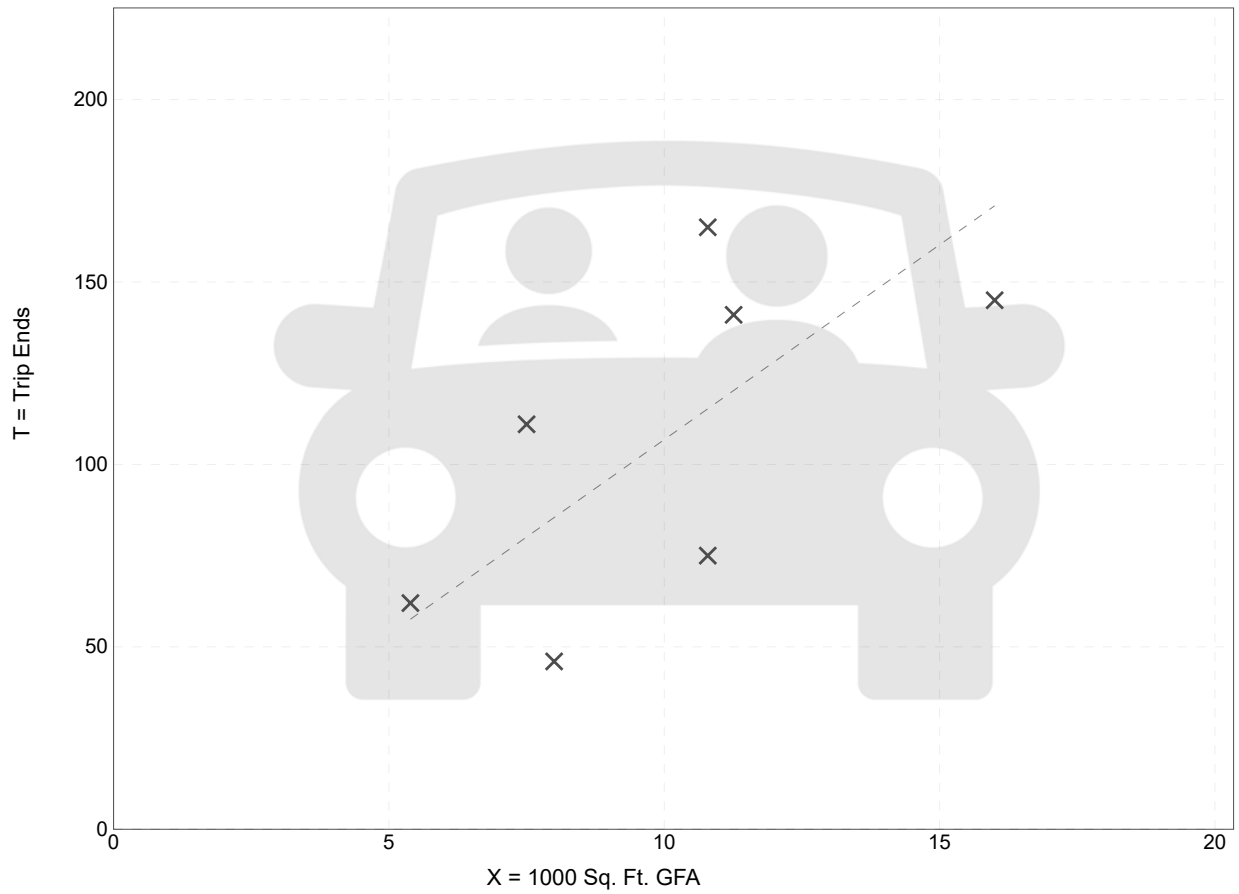
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Saturday, Peak Hour of Generator**

Setting/Location: **General Urban/Suburban**
Number of Studies: 7
Avg. 1000 Sq. Ft. GFA: 10
Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.68	5.75 - 15.29	3.62

Data Plot and Equation



Fitted Curve Equation: Not Given

R^2= ****

Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

Land Use: 971
Brewery Tap Room

Description

A brewery tap room is a designated area found in conjunction with a brewery in which customers can try samples of a brewery's products. These rooms are typically located on-site and can be used as a way to sell beer or related products directly to the customer. Depending on its size, a tap room can also be used to house social gatherings. A brewery tap room may also be used to facilitate complimentary tours of the brewery.

Additional Data

For the purposes of this land use, the independent variable "1,000 sq. foot gross floor area" refers to the square footage of the building that houses the tap room.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 2010s in Florida and Minnesota.

Source Numbers

1047, 1053

Brewery Tap Room
(971)

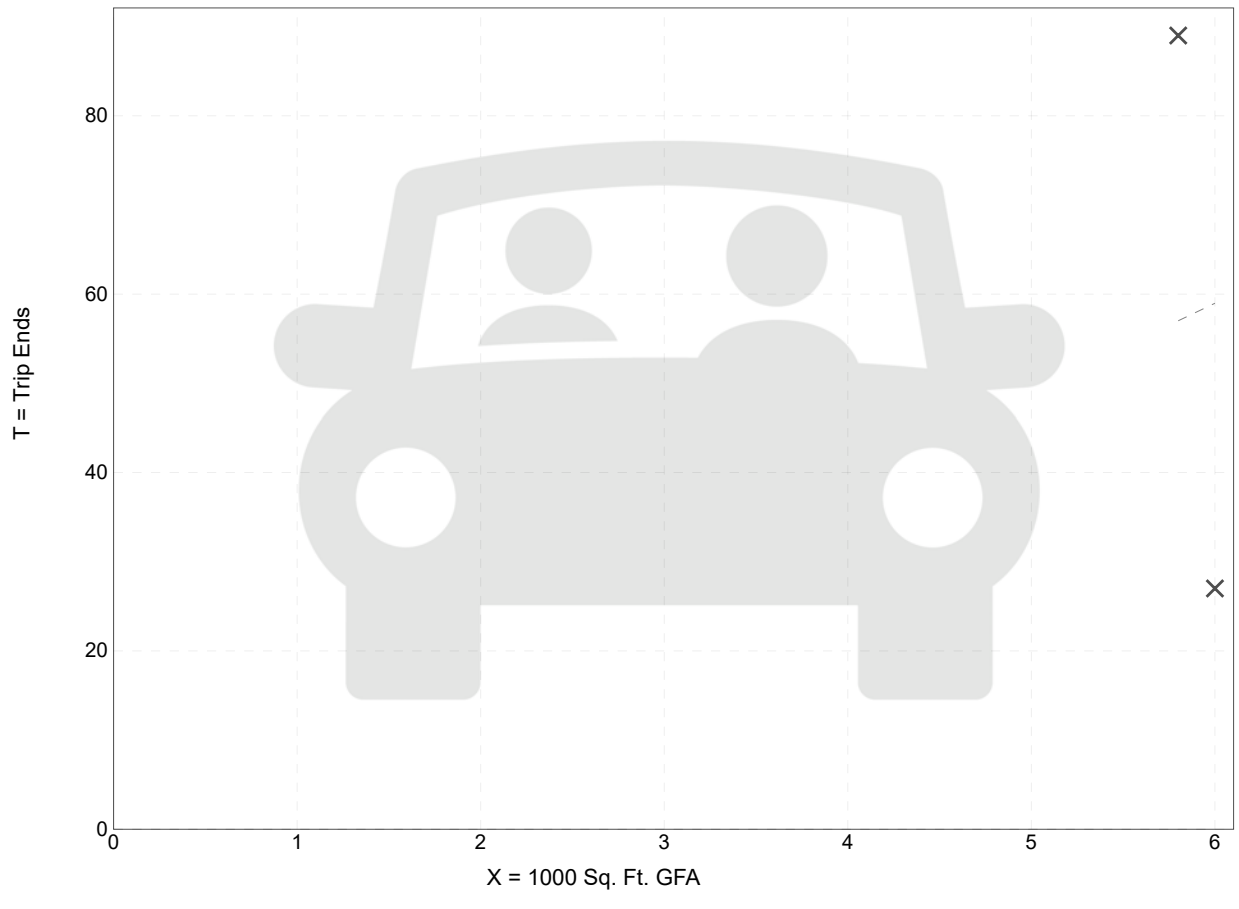
Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 2
Avg. 1000 Sq. Ft. GFA: 6
Directional Distribution: 59% entering, 41% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
9.83	4.50 - 15.34	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

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Brewery Tap Room
(971)

Vehicle Trip Ends vs: **1000 Sq. Ft. GFA**
On a: **Saturday, Peak Hour of Generator**

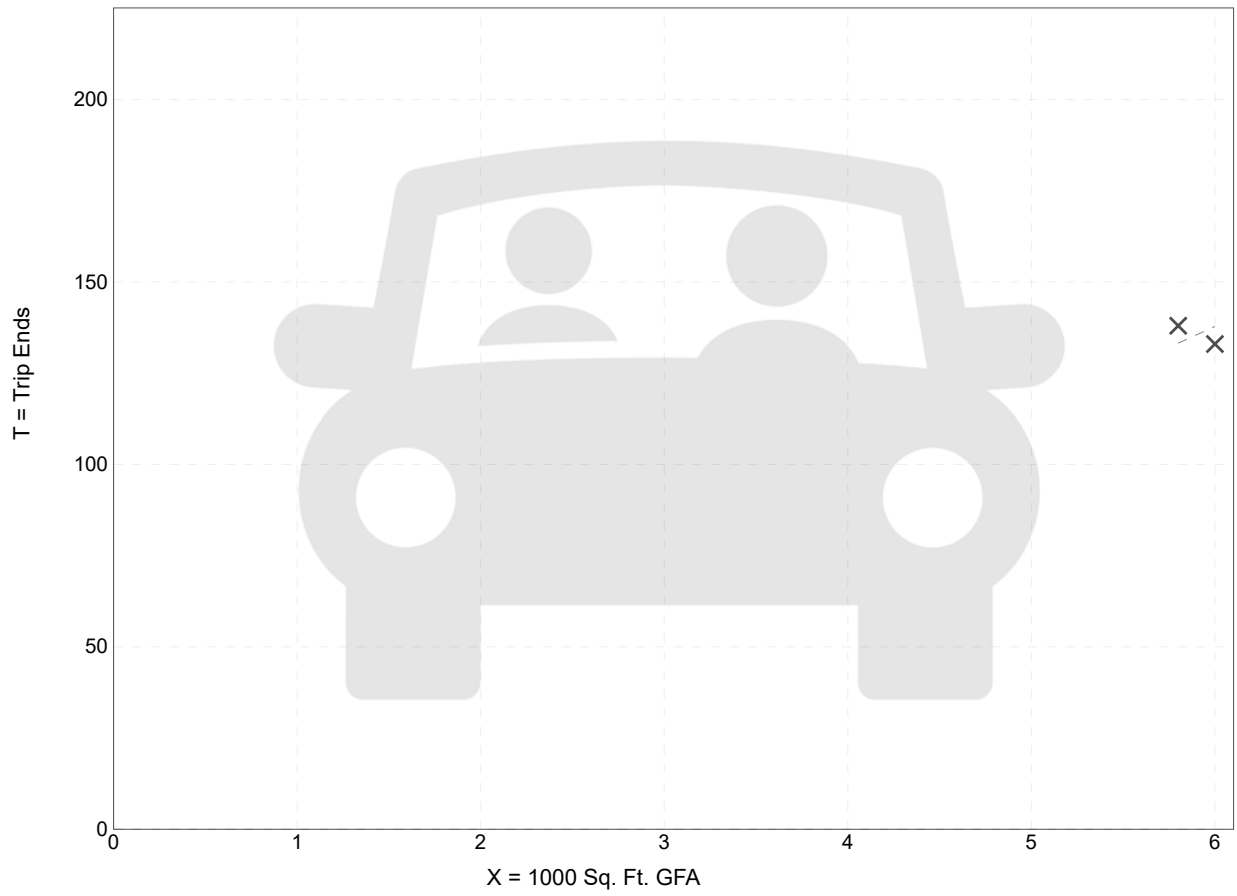
Setting/Location: **General Urban/Suburban**
Number of Studies: 2
Avg. 1000 Sq. Ft. GFA: 6
Directional Distribution: 56% entering, 44% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
22.97	22.17 - 23.79	*

Data Plot and Equation

Caution – Small Sample Size



Fitted Curve Equation: Not Given

R^2= **

Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

Land Use: 492
Health/Fitness Club

Description

A health/fitness club is a privately-owned facility that primarily focuses on individual fitness or training. It typically provides exercise classes, fitness equipment, a weight room, spa, lockers rooms, and a small restaurant or snack bar. This land use may also include ancillary facilities, such as a swimming pool, whirlpool, sauna, limited retail, and tennis, pickle ball, racquetball, or handball courts. These facilities are membership clubs that may allow access to the general public for a fee. Racquet/tennis club (Land Use 491), athletic club (Land Use 493), and recreational community center (Land Use 495) are related uses.

Additional Data

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), Connecticut, New Jersey, Pennsylvania, Vermont, and Wisconsin.

Source Numbers

253, 571, 588, 598, 728, 926, 959, 971

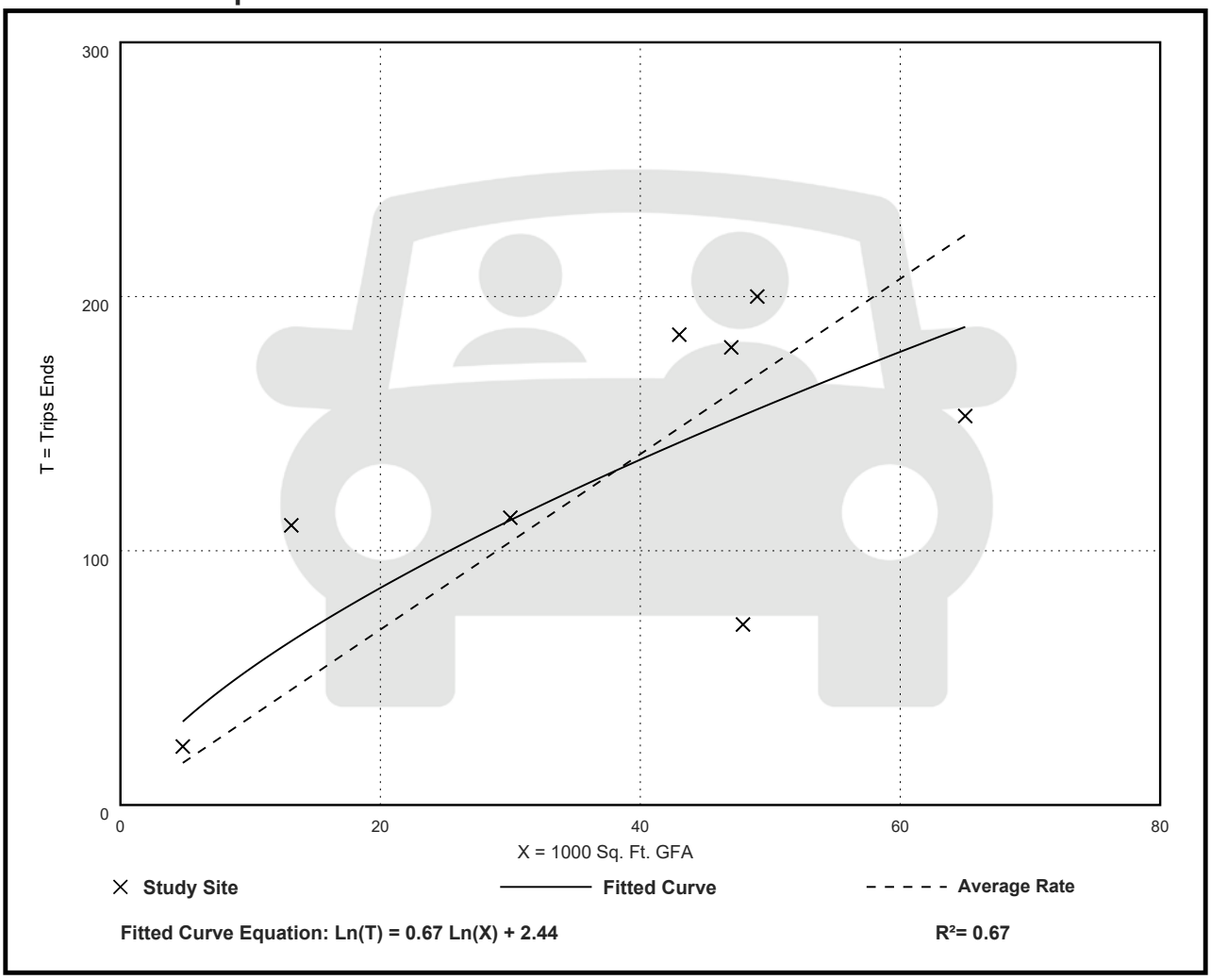
Health/Fitness Club
(492)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 8
Avg. 1000 Sq. Ft. GFA: 37
Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.45	1.48 - 8.37	1.57

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.67 Ln(X) + 2.44

R^2= 0.67

Health/Fitness Club
(492)

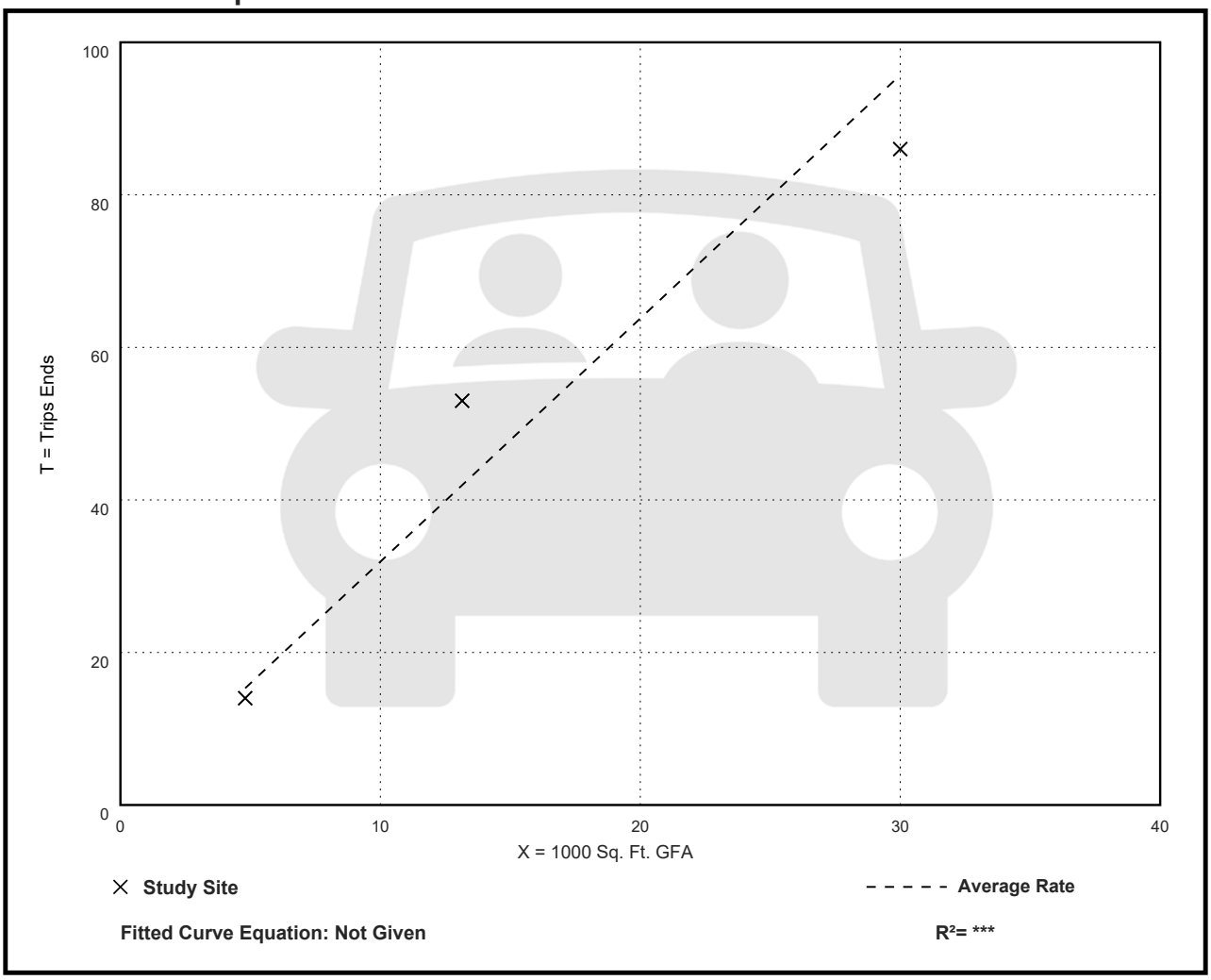
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Saturday, Peak Hour of Generator

Setting/Location: General Urban/Suburban
Number of Studies: 3
Avg. 1000 Sq. Ft. GFA: 16
Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.19	2.87 - 4.03	0.63

Data Plot and Equation



OnTheMap

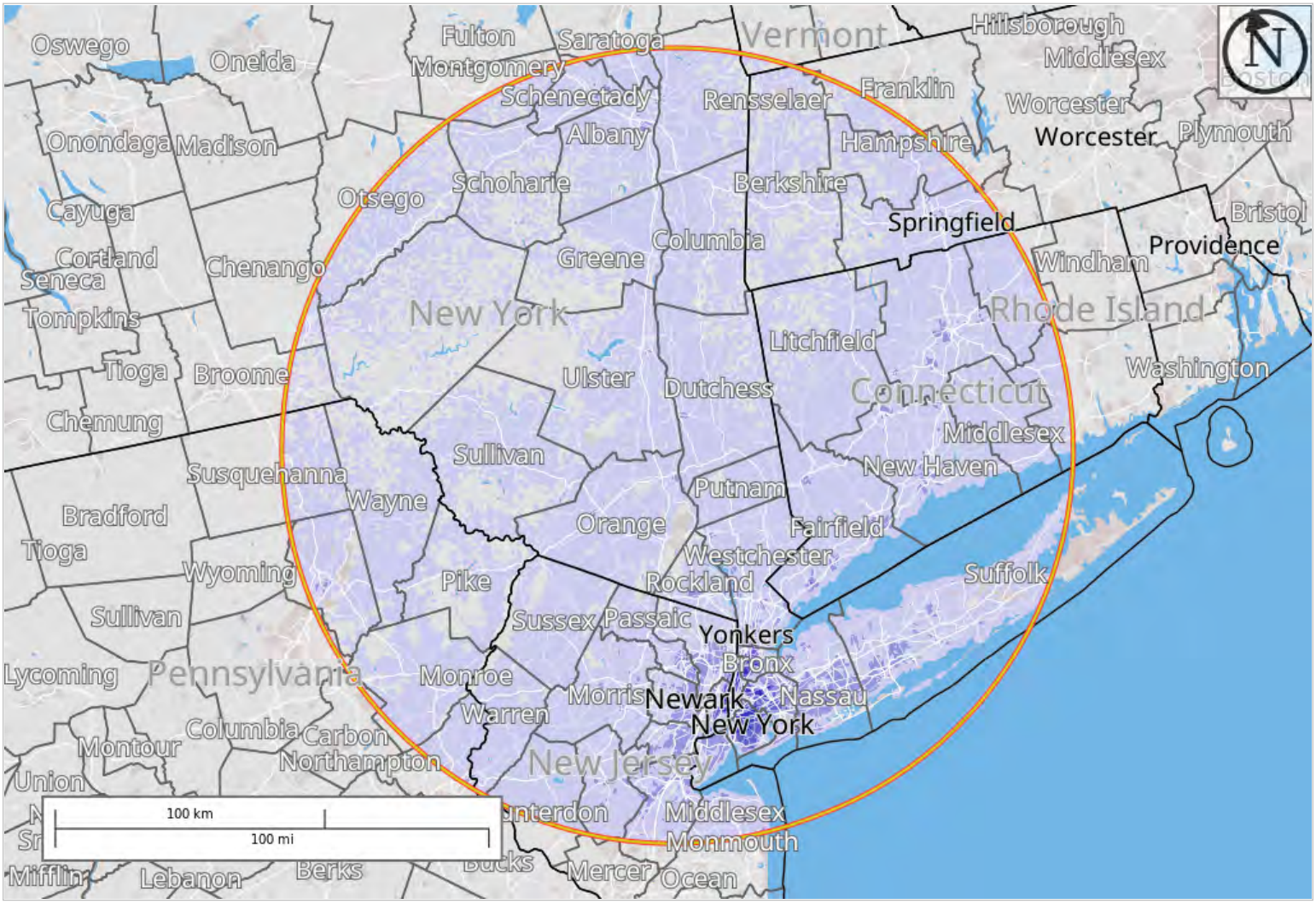
Home Area Profile Report

All Jobs for All Workers in 2021

Created by the U.S. Census Bureau's OnTheMap `https://onthemap.ces.census.gov` on 01/05/2024

Density of All Jobs in Home Selection Area in 2021

All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 2,508
- 2,509 - 10,017
- 10,018 - 22,532
- 22,533 - 40,054
- 40,055 - 62,582

Selection Areas

Home Area

Additional Information

Analysis Settings

Analysis Type	Area Profile
Selection area as	Home
Year(s)	2021
Job Type	All Jobs
Labor Market Segment	All Workers
Selection Area	Marlboro CDP, NY from Places (Cities, CDPs, etc.) buffered 90.00 miles
Selected Census Blocks	295,536
Analysis Generation Date	01/05/2024 13:12 - OnTheMap 6.23.4
Code Revision	b83319a02a70b14bc14ccfe9d9a4e81022acdb73
LODES Data Vintage	20231016_1512

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2021).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

Mirbeau Spa Trip Generation

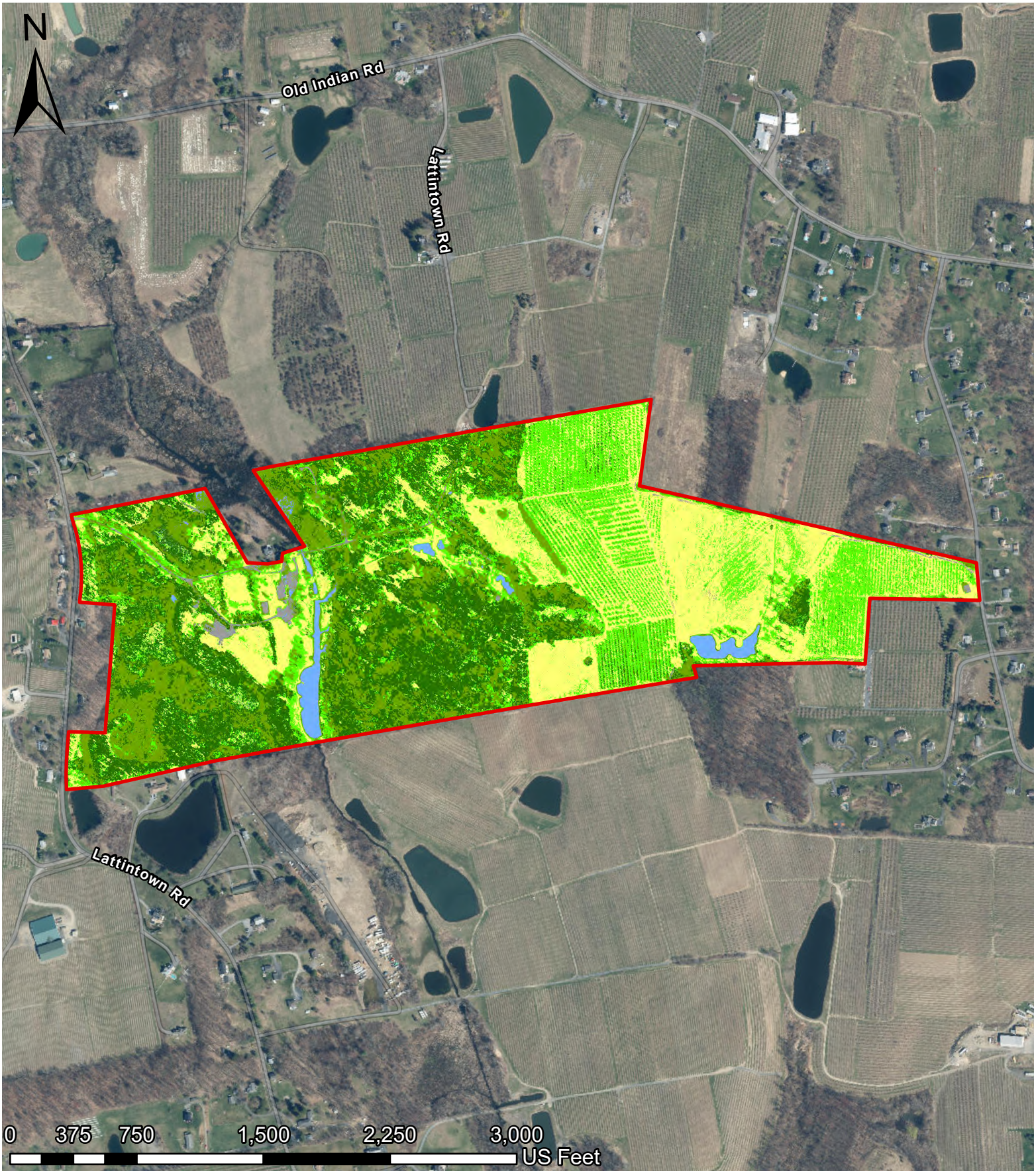
	2/14/2013		
	enter	exit	peak hr
6:30 AM	3	0	13
6:45 AM	3	1	12
7:00 AM	1	0	15
7:15 AM	3	2	18
7:30 AM	1	1	27
7:45 AM	5	2	
8:00 AM	4	0	
8:15 AM	8	6	
Pk Sum	**18**	**9**	
Double	36	18	

	2/15/2013		
	enter	exit	peak hr
4:30 PM	8	5	40
4:45 PM	4	5	32
5:00 PM	3	7	29
5:15 PM	3	5	23
5:30 PM	2	3	26
5:45 PM	4	2	
6:00 PM	3	1	
6:15 PM	5	6	
Pk Sum	**18**	**22**	
Double	36	44	

	2/16/2013		
	enter	exit	peak hr
11:30 AM	4	4	38
11:45 AM	5	3	42
12:00 PM	2	10	49
12:15 PM	3	7	51
12:30 PM	6	6	51
12:45 PM	6	9	
1:00 PM	5	9	
1:15 PM	3	7	
Pk Sum	**20**	**31**	
Double	40	62	

Banquet Hall Traffic Generation Survey Results							
Location	*Survey Period*	*Banquet Type*	*Attendance (persons)*	*Peak Hour Traffic Generation*	*% in*	*% out*	*Trip Rate*
Site 1	Friday afternoon & evening	Chinese New Year	110	45	11%	89%	0.41
Site 2	Friday afternoon & evening	Wedding	390	103	99%	1%	0.26
Site 2	Saturday midday	Conference Lunch	600	160	98%	2%	0.27
Site 3	Saturday afternoon	Wedding	190	56	96%	4%	0.29

Exhibit E



Legend

Land Cover Classifications

- Roads/Buildings/Impervious Surfaces
- Forested
- Meadows/Grassland/Brushland
- Agricultural
- Surface Water
- Wetlands

Land Cover Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Town of Marlborough
Source: NYS GIS Clearinghouse

PASSERO
architecture engineering

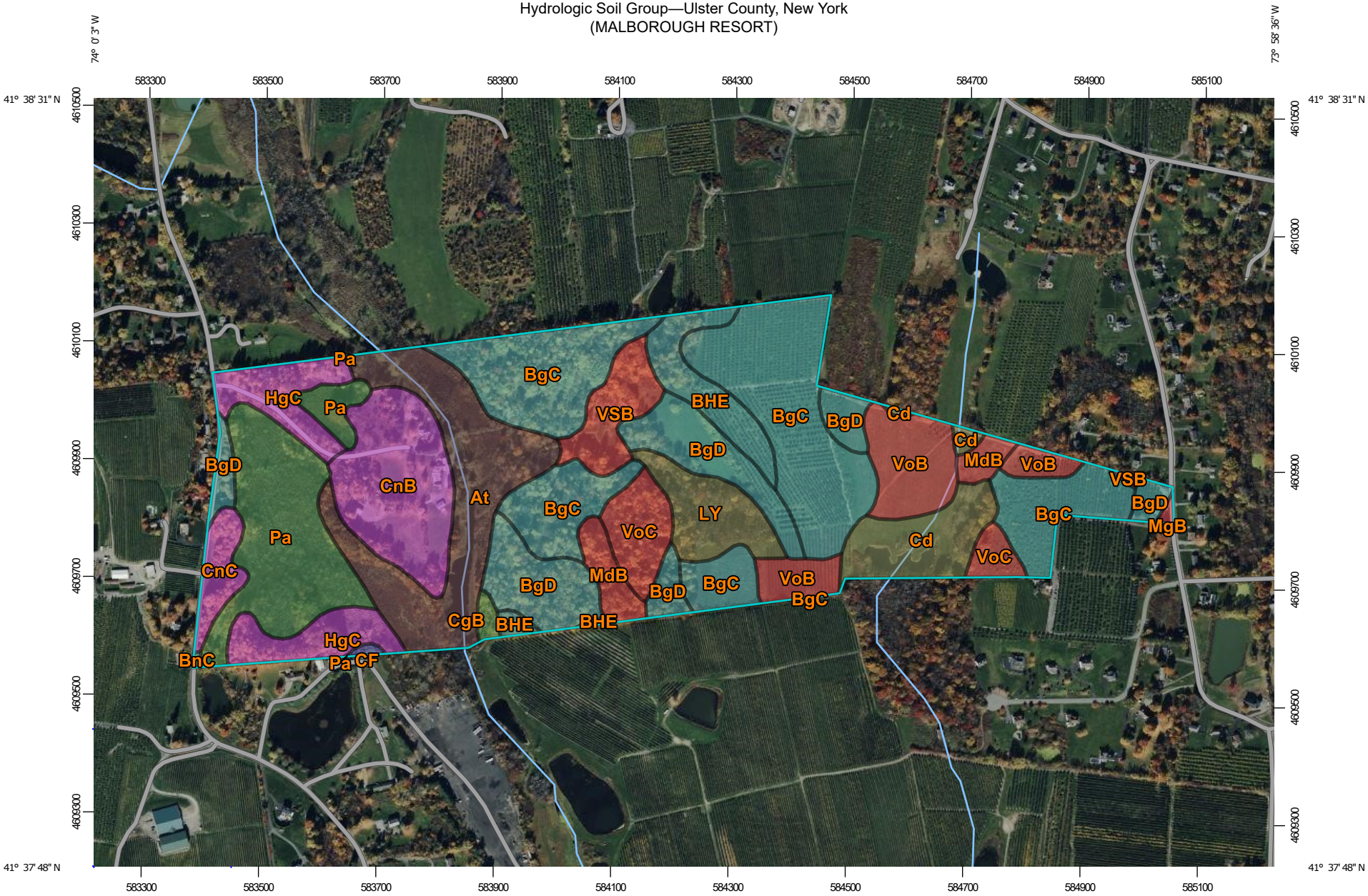
Service Credits:

New York State, Maxar, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 5/9/2024

Exhibit F

Hydrologic Soil Group—Ulster County, New York
(MALBOROUGH RESORT)



Map Scale: 1:9,200 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 100 200 400 600

Feet: 0 400 800 1600 2400

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Rating Polygons

A
A/D
B
B/D
C
C/D
D
Not rated or not available

Soil Rating Lines

A
A/D
B
B/D
C
C/D
D
Not rated or not available

Soil Rating Points

A
A/D
B
B/D
C
C/D
D
Not rated or not available

Water Features

Streams and Canals

Transportation

Rails
Interstate Highways
US Routes
Major Roads
Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Ulster County, New York
Survey Area Data: Version 22, Sep 5, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Oct 21, 2022—Oct 27, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
At	Atherton silt loam	B/D	17.9	11.0%
BgC	Bath gravelly silt loam, 8 to 15 percent slopes	C	41.4	25.4%
BgD	Bath gravelly silt loam, 15 to 25 percent slopes	C	17.0	10.4%
BHE	Bath very stony soils, steep	C	5.8	3.6%
BnC	Bath-Nassau complex, 8 to 25 percent slopes	C	0.1	0.0%
Cd	Canandaigua silt loam, till substratum	C/D	7.4	4.6%
CF	Cut and fill land	B	0.2	0.1%
CgB	Castile gravelly silt loam, 3 to 8 percent slopes	A/D	0.6	0.4%
CnB	Chenango gravelly silt loam, 3 to 8 percent slopes	A	12.8	7.9%
CnC	Chenango gravelly silt loam, 8 to 15 percent slopes	A	2.8	1.7%
HgC	Hoosic gravelly loam, rolling	A	9.4	5.8%
LY	Lyons-Atherton complex, very stony	C/D	6.0	3.7%
MdB	Mardin gravelly silt loam, 3 to 8 percent slopes	D	3.7	2.3%
MgB	Mardin-Nassau complex, 3 to 8 percent slopes	D	0.2	0.1%
Pa	Palms muck	A/D	17.2	10.5%
VoB	Volusia gravelly silt loam, 3 to 8 percent slopes	D	9.8	6.0%
VoC	Volusia gravelly silt loam, 8 to 15 percent slopes	D	5.8	3.5%
VSB	Volusia channery silt loam, 0 to 8 percent slopes, very stony	D	5.0	3.1%
Totals for Area of Interest			**163.3**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

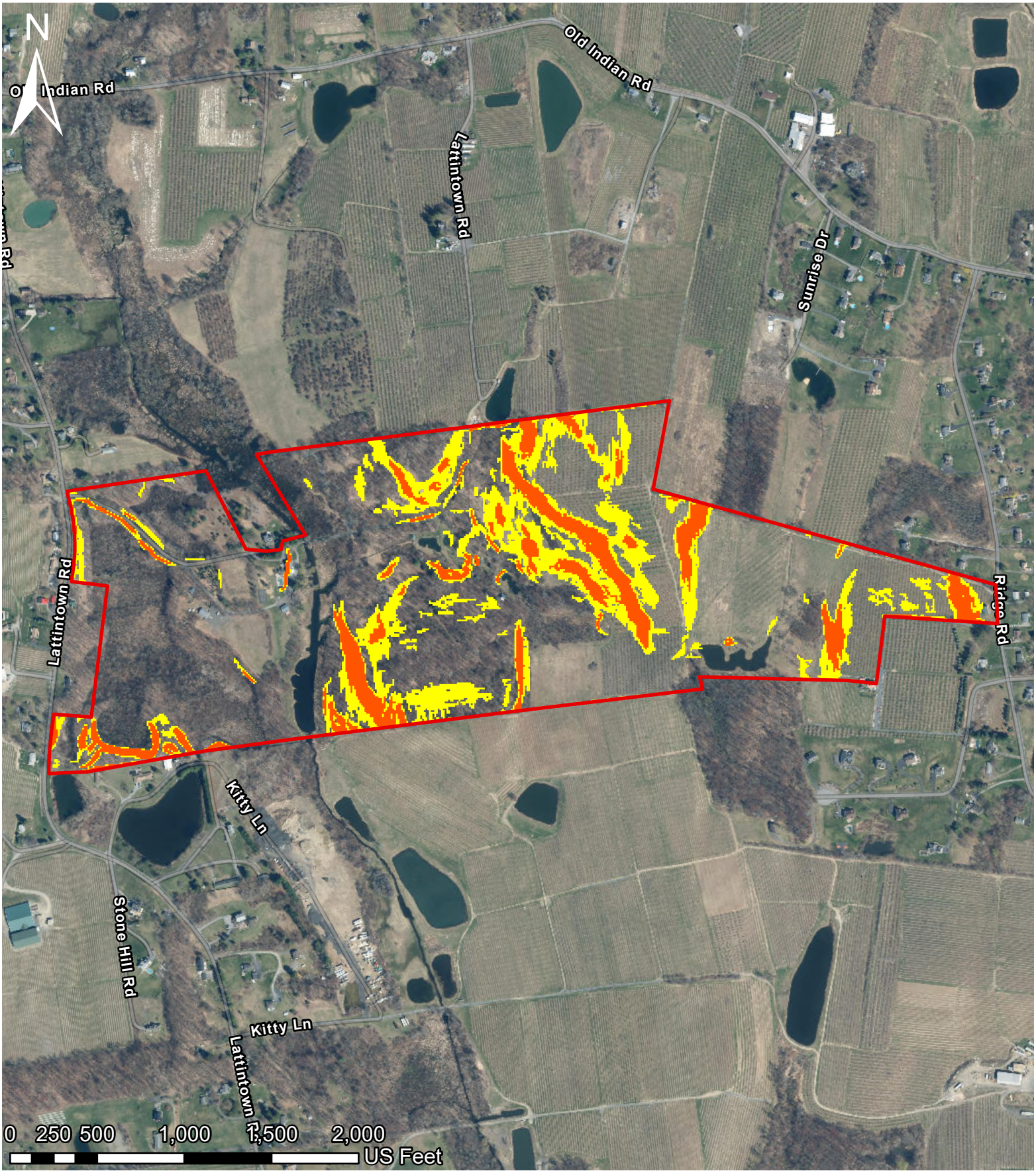
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Exhibit G



Legend

- Project Area
- Slope > 15%
- Slope > 20%

Soil Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Town of Marlborough
Source: NYS GIS Clearinghouse

PASSERO
architecture engineering

Service Credits:

New York State, Maxar, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 5/9/2024

Exhibit H

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To: 05/09/2024 12:28:04 UTC
Project Code: 2024-0087867
Project Name: Marlborough Resort

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2024-0087867
Project Name: Marlborough Resort
Project Type: Commercial Development
Project Description: The proposed project is a seasonal cabin & lodging resort on an existing crop farm consisting of ~152.55 acres in the Town of Marlboro, NY. The project proposes the installation of gravel roads leading to seasonal cabins for camping, a welcome center, restaurant space, farmers market, spa, garden center, tennis courts and pavilions for guest amenities. The project is designed to conform to natural contours and environmental conditions, with a majority of the project developed on existing row crops or open cut farmland.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.6361095,-73.98827532590416,14z

Counties: Ulster County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Indiana Bat *Myotis sodalis* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

REPTILES

NAME	STATUS
Bog Turtle *Glyptemys muhlenbergii* Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962	Threatened

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Austin Goodwin
Address: 242 W. Main Street, Suite 100
City: Rochester
State: NY
Zip: 14614
Email agoodwin@passero.com
Phone: 5853251000

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To: 05/09/2024 12:57:07 UTC
Project code: 2024-0087867
Project Name: Marlborough Resort

Federal Nexus: no
Federal Action Agency (if applicable):

Subject: Technical assistance for 'Marlborough Resort'

Dear Austin Goodwin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 09, 2024, for 'Marlborough Resort' (here forward, Project). This project has been assigned Project Code 2024-0087867 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat

Based on your IPaC submission, your proposed action will affect an area where northern long-eared bats occur. Depending on the specifics of the action, it could result in the incidental take of one or more northern long-eared bats. The presence of the species in the affected area, however, does not necessarily mean that incidental take is likely and we only recommend seeking an incidental take permit when such take is reasonably certain to occur. That is, when a project is reasonably certain to harm or kill one or more northern long-eared bats. See Next Steps below for further technical assistance.

Next Steps

The Service has developed interim voluntary guidance for non-federal[1] actions involving forest habitat modification that may affect the northern long-eared bat. Review the guidance posted here for more information https://www.fws.gov/library/collections/interim-habitat-modification-guidance.

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[1]Federal actions include all activities or programs authorized, funded, carried out, or permitted --in whole or in part --by federal agencies in the United States or on the high seas.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Bog Turtle *Glyptemys muhlenbergii* Threatened
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Marlborough Resort

2. Description

The following description was provided for the project 'Marlborough Resort':

> The proposed project is a seasonal cabin & lodging resort on an existing crop farm consisting of ~152.55 acres in the Town of Marlboro, NY. The project proposes the installation of gravel roads leading to seasonal cabins for camping, a welcome center, restaurant space, farmers market, spa, garden center, tennis courts and pavilions for guest amenities. The project is designed to conform to natural contours and environmental conditions, with a majority of the project developed on existing row crops or open cut farmland.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.6361095,-73.98827532590416,14z

DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of "may affect" for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. Does any component of the action involve construction or operation of wind turbines?

   Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   No

4. Have you contacted the appropriate agency to determine if your action is near any known northern long-eared bat hibernacula?

   Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat hibernacula is available here. Location information for northern long-eared bat hibernacula is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

   Yes

5. Is any portion of the action area within 0.5-mile radius of any known northern long-eared bat hibernacula? If unsure, contact your local Ecological Services Field Office.

   No

6. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

   No

7. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?
(If unsure, answer "Yes.")

   Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions

   Yes

8. Will the action cause effects to a bridge?

   No

9. Will the action result in effects to a culvert or tunnel?

   No

10. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

    Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

    No

11. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

12. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

    Note: The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

    Yes

13. Will any new road go through any area of contiguous forest that is greater than or equal to 10 acres in total extent?

    Note: "Contiguous forest" of 10 acres or more may includes areas where multiple forest patches are separated by less than 1,000 feet of non-forest if the forested patches, added together, comprise at least 10 acres.

    Yes

14. For every 1,000 feet of new road that crosses between contiguous forest patches, will there be at least one place where bats could cross the road corridor by flying less than 33 feet (10 meters) between trees whose tops are at least 66 feet (20 meters) higher than the road surface?

    No

15. Will the proposed action result in the cutting or other means of knocking down, bringing down, or trimming of any trees suitable for northern long-eared bat roosting?

    Note: Suitable northern long-eared bat roost trees are live trees and/or snags ≥3 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

    Yes

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Austin Goodwin
Address: 242 W. Main Street, Suite 100
City: Rochester
State: NY
Zip: 14614
Email agoodwin@passero.com
Phone: 5853251000

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To: 05/09/2024 14:16:15 UTC
Project code: 2024-0087867
Project Name: Marlborough Resort

Federal Nexus: no
Federal Action Agency (if applicable):

Subject: Technical assistance for 'Marlborough Resort'

Dear Austin Goodwin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on May 09, 2024, for “Marlborough Resort” (here forward, Project). This project has been assigned Project Code 2024-0087867 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species’ determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (Dkey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical

habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Bog Turtle (*Glyptemys muhlenbergii*)	Threatened	May affect
Indiana Bat (*Myotis sodalis*)	Endangered	NLAA

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect". Please contact our New York Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the New York Ecological Services Field Office and reference the Project Code associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Marlborough Resort

2. Description

The following description was provided for the project 'Marlborough Resort':

> The proposed project is a seasonal cabin & lodging resort on an existing crop farm consisting of ~152.55 acres in the Town of Marlboro, NY. The project proposes the installation of gravel roads leading to seasonal cabins for camping, a welcome center, restaurant space, farmers market, spa, garden center, tennis courts and pavilions for guest amenities. The project is designed to conform to natural contours and environmental conditions, with a majority of the project developed on existing row crops or open cut farmland.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.6361095,-73.98827532590416,14z

QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

   Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

   Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

   No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   No

4. Will the proposed project involve the use of herbicide where listed species are present?

   No

5. Are there any caves or anthropogenic features suitable for hibernating or roosting bats within the area expected to be impacted by the project?

   No

6. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, communication towers, high voltage transmission lines, any type of towers with or without guy wires)?

   Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   No

7. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **bats** (e.g., plane-based surveys, land-based or offshore wind turbines)?

   Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

   No

8. Will the proposed project result in permanent changes to water quantity in a stream or temporary changes that would be sufficient to result in impacts to listed species?

   For example, will the proposed project include any activities that would alter stream flow, such as water withdrawal, hydropower energy production, impoundments, intake structures, diversion structures, and/or turbines? Projects that include temporary and limited water reductions that will not displace listed species or appreciably change water availability for listed species (e.g. listed species will experience no changes to feeding, breeding or sheltering) can answer "No". Note: This question refers only to the amount of water present in a stream, other water quality factors, including sedimentation and turbidity, will be addressed in following questions.

   No

9. Will the proposed project affect wetlands where listed species are present?

   This includes, for example, project activities within wetlands, project activities within 300 feet of wetlands that may have impacts on wetlands, water withdrawals and/or discharge of contaminants (even with a NPDES).

   Yes

10. Will the proposed project activities (including upland project activities) occur within 0.125 miles of the water's edge of a stream or tributary of a stream where listed species may be present?

    Yes

11. Will the proposed project directly affect a streambed (below ordinary high water mark (OHWM)) of the stream or tributary where listed species may be present?

    No

12. Will the proposed project bore underneath (directional bore or horizontal directional drill) a stream where listed species may be present?

    No

13. Will the proposed project involve a new point source discharge into a stream or change an existing point source discharge (e.g., outfalls; leachate ponds) where listed species may be present?

    Yes

14. Will the proposed project involve the removal of excess sediment or debris, dredging or in-stream gravel mining where listed species may be present?

    No

15. Will the proposed project involve the creation of a new water-borne contaminant source where listed species may be present?

    Note New water-borne contaminant sources occur through improper storage, usage, or creation of chemicals. For example: leachate ponds and pits containing chemicals that are not NSF/ANSI 60 compliant have contaminated waterways. Sedimentation will be addressed in a separate question.

    No

16. Will the proposed project involve perennial stream loss, in a stream of tributary of a stream where listed species may be present, that would require an individual permit under 404 of the Clean Water Act?

    No

17. Will the proposed project involve blasting where listed species may be present?

    No

18. Will the proposed project include activities that could negatively affect fish movement temporarily or permanently (including fish stocking, harvesting, or creation of barriers to fish passage).

    No

19. Will the proposed project involve earth moving that could cause erosion and sedimentation, and/or contamination along a stream or tributary of a stream where listed species may be present?

    Note: Answer "Yes" to this question if erosion and sediment control measures will be used to protect the stream.

    Yes

20. Will earth moving activities result in sediment being introduced to streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal, and/or change in site topography?

    No

21. Will the proposed project involve vegetation removal within 200 feet of a perennial stream bank where aquatic listed species may be present?

    Yes

22. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project? If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

    Yes

23. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

    No

24. [Semantic] Does the project intersect the Virginia big-eared bat critical habitat?

    Automatically answered

    No

25. [Semantic] Does the project intersect the Indiana bat AOI?

    Automatically answered

    Yes

26. Is the action area within 0.5 mile radius of any known hibernacula (caves or mines) openings or underground features?

    Note: If you are unsure, contact the appropriate Ecological Services Field Office before continuing through the key.

    No

27. Are trees present within the action area?

    Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥5 inches dbh (12.7 centimeter), answer "Yes". If you are unsure, answer “Yes.” Or refer to Appendix A of the Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines for definitions and an assessment form that will assist you in determining if suitable habitat is present within your project's action area. Suitable summer habitat for Indiana bat consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥5 inches dbh (12.7 centimeter) that have exfoliating bark, cracks, crevices, and/or hollows), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat

    Yes

28. Is the action area within known occupied Indiana bat habitat? Known occupied Indiana bat habitat includes established conservation buffers (10-mile buffer around Phase 1 or Phase 2 hibernacula, 5-mile buffer around Phase 3 or Phase 4 hibernacula; 5-mile buffer around Indiana bat captures or detections; 2.5-mile buffer around known roosts).

    No

29. Has a presence/probable absence bat survey following the Service’s Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines been conducted within the action area?

    No

30. Does the project involve removal or modification of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?

    Note: Most maintenance and general human disturbance in and around structures will not affect Indiana bats as bats roosting in human structures are adjusted to a certain level of routine noise and are generally expected to roost away from areas with excessive disturbance. Answer 'no' if the proposed action will not include disturbance to human structures known or suspected to contain roosting bats or if the structure does not offer suitable roosting habitat for northern long-eared bats. If unsure, answer 'yes.'

    No

31. Does the project include removal/modification of an existing bridge or culvert?

    Yes

32. Will the project include tree cutting, other means of knocking down or bringing down trees, or tree trimming?

    Yes

33. Does the project include emergency cutting or trimming of hazard trees in order to remove an imminent threat to human safety or property?

    No

34. Will the proposed project result in the removal of any known or potential Indiana bat roost trees?

    Note: Suitable Indiana bat roost trees are live trees and/or snags ≥5 inches dbh that have exfoliating bark, cracks, crevices, and/or cavities.

    No

35. Will the project result in the use of prescribed fire?

    No

36. Will the proposed project involve blasting within Indiana bat suitable habitat?

    No

37. Does the project include temporary or permanent lighting of roadway(s), facility(ies), and/or parking lot(s)?

    Yes

38. When installing new or replacing existing permanent lights, will downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting) be used?

    Yes

39. Will temporary lighting be directed away from suitable Indiana bat habitat during the active season?

    Yes

40. [Semantic] Does the project intersect the Indiana bat critical habitat?

    Automatically answered

    No

41. [Semantic] Does the project intersect the candy darter critical habitat?

    Automatically answered
    No

42. [Semantic] Does the project intersect the diamond darter critical habitat?

    Automatically answered
    No

43. [Semantic] Does the project intersect the Big Sandy crayfish critical habitat?

    Automatically answered
    No

44. [Hidden Semantic] Does the project intersect the Guyandotte River crayfish critical habitat?

    Automatically answered
    No

45. [Hidden Semantic] Does the project intersect the Bog Turtle AOI?

    Automatically answered
    Yes

46. Are bog turtles known to occur within the action area?

    If unsure, data can be requested from the appropriate state Natural Heritage program.

    No

47. Does the project include activity in or within 300 feet of a freshwater wetland?

    Note: Activities include, but are not limited to, wetland draining, ditching, tilling, filling, excavating, stream diversion, impoundments; mowing or grazing of vegetation; access roads; detention basins; water or sewer lines; irrigation; increase in impervious surfaces; and application of pesticides, deicing agents or fertilizers.

    Yes

48. Has a bog turtle Phase 1 habitat assessment been conducted?

    No

49. Do you have any other documents that you want to include with this submission?

    No

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?

   6.75

2. Approximately how many total acres of disturbance are within the disturbance/ construction limits of the proposed project?

   37.25

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

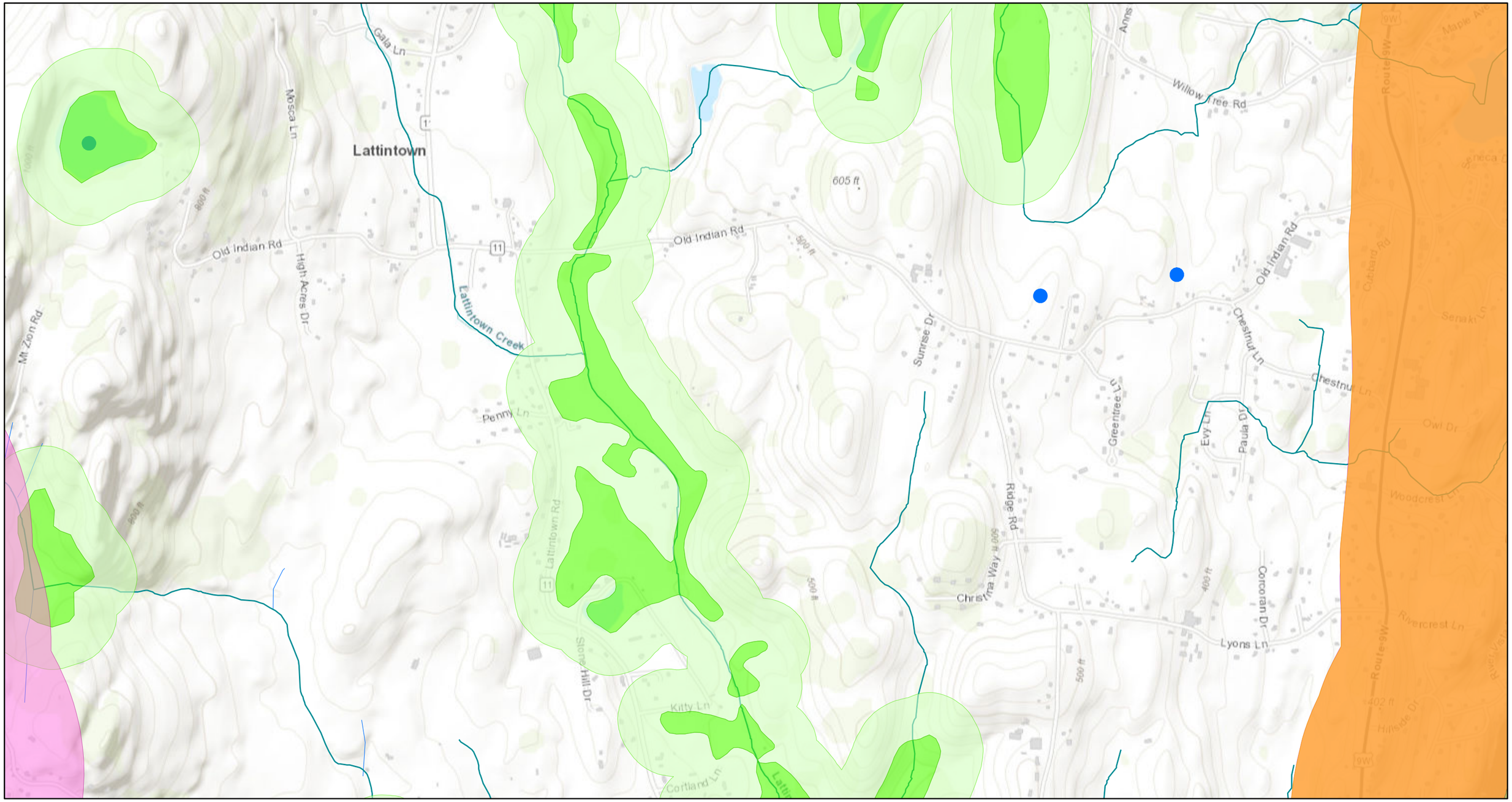
   Mostly open farm field & row crops. Project limits disturbance to established mature trees and plans to build lodges into the woodscape (limit removal of trees for aesthetic purposes)

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Austin Goodwin
Address: 242 W. Main Street, Suite 100
City: Rochester
State: NY
Zip: 14614
Email agoodwin@passero.com
Phone: 5853251000

Towns with summer records - contact NYSDEC to determine if roost is near your project	County
Allen, Angelica, Belfast, Caneadea, Friendship, New Hudson	Allegany
Ellicottville, Farmersville, Great Valley, Little Valley, Lyndon, Machia, Mansfield, Napoli, New Albion, Otto, Salamanca	Cattaraugus
Ledyard, Scipio, Springport	Cayuga
Chautauqua, Ellington, Gerry, Westfield	Chautauqua
Collins, Wales	Erie
Alexandria, Black River, Champion, Clayton, Evans Mills, LeRay, Philadelphia, Rutland, Theresa, Watertown	Jefferson
Copenhagen, Denmark, Diana	Lewis
Brookville, Muttontown, Oyster Bay, Oyster Bay Cove, Upper Brookville	Nassau
Camillus, Clay, Geddes, Liverpool, Lysander, Salina, Van Buren	Onondaga
Cornwall, Highlands, Woodbury	Orange
Hector	Schuyler
Hammond	St. Lawrence
Cameron, Canisteo, Caton, Jasper, Lindley, Tuscarora	Steuben
Brookhaven, Dering Harbor, East Hampton, Huntington, Islandia, Islip, Lloyd Harbor, Mastic Beach, Riverhead, Sag Harbor, Shelter Island, Shoreham, Smithtown, Southampton, Southold, Village of the Branch	Suffolk
Bennington, Sheldon	Wyoming

Marlborough Resort



May 9, 2024

1:18,056

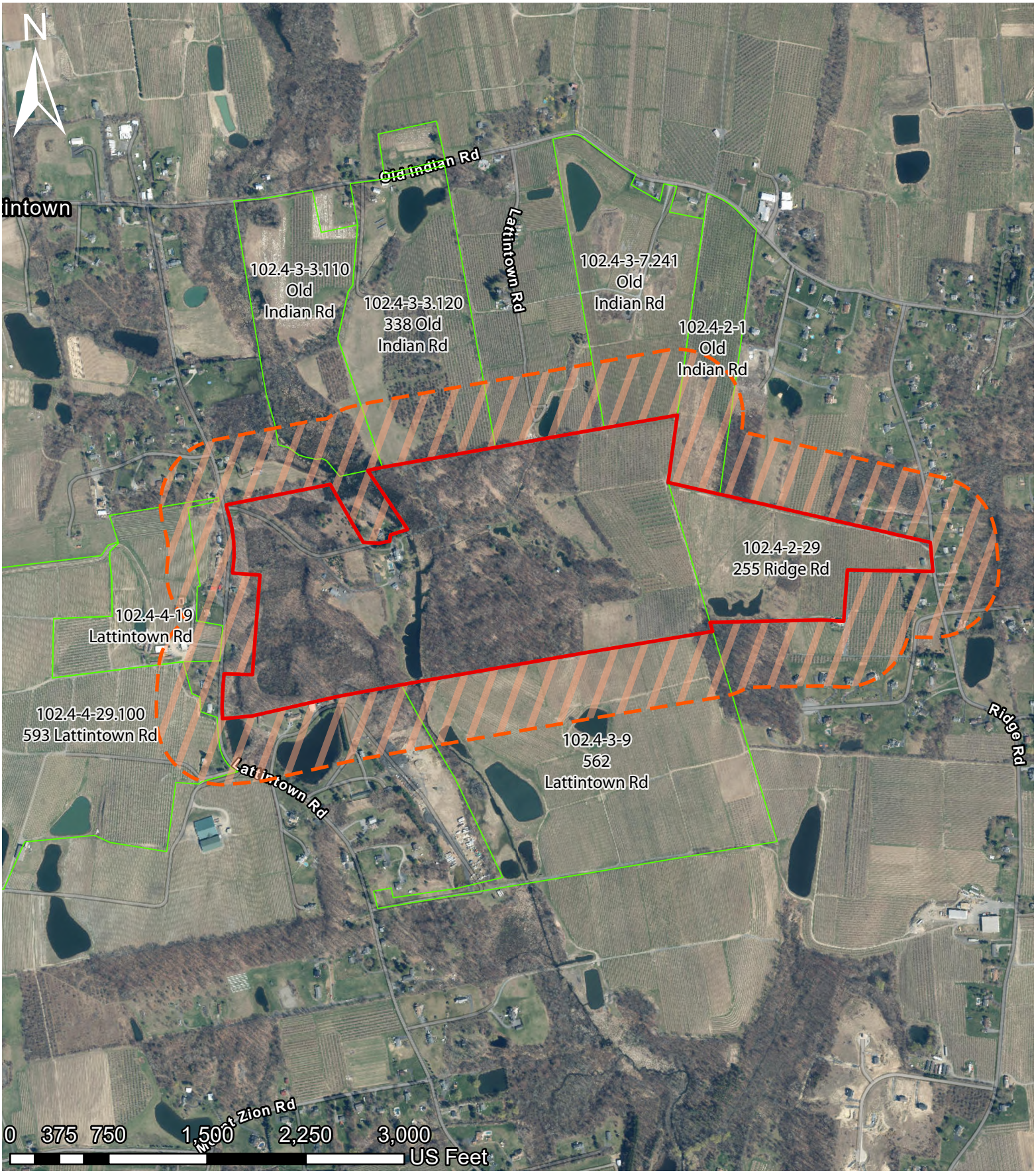
0 0.15 0.3 0.6 mi

0 0.28 0.55 1.1 km

Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

NYS Department of Environmental Conservation
Not a legal document

Exhibit I



Legend

- Agricultural Properties
- 500ft Buffer
- Project Area

Agricultural Data Statement Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Town of Marlborough
Source: Ulster County GIS

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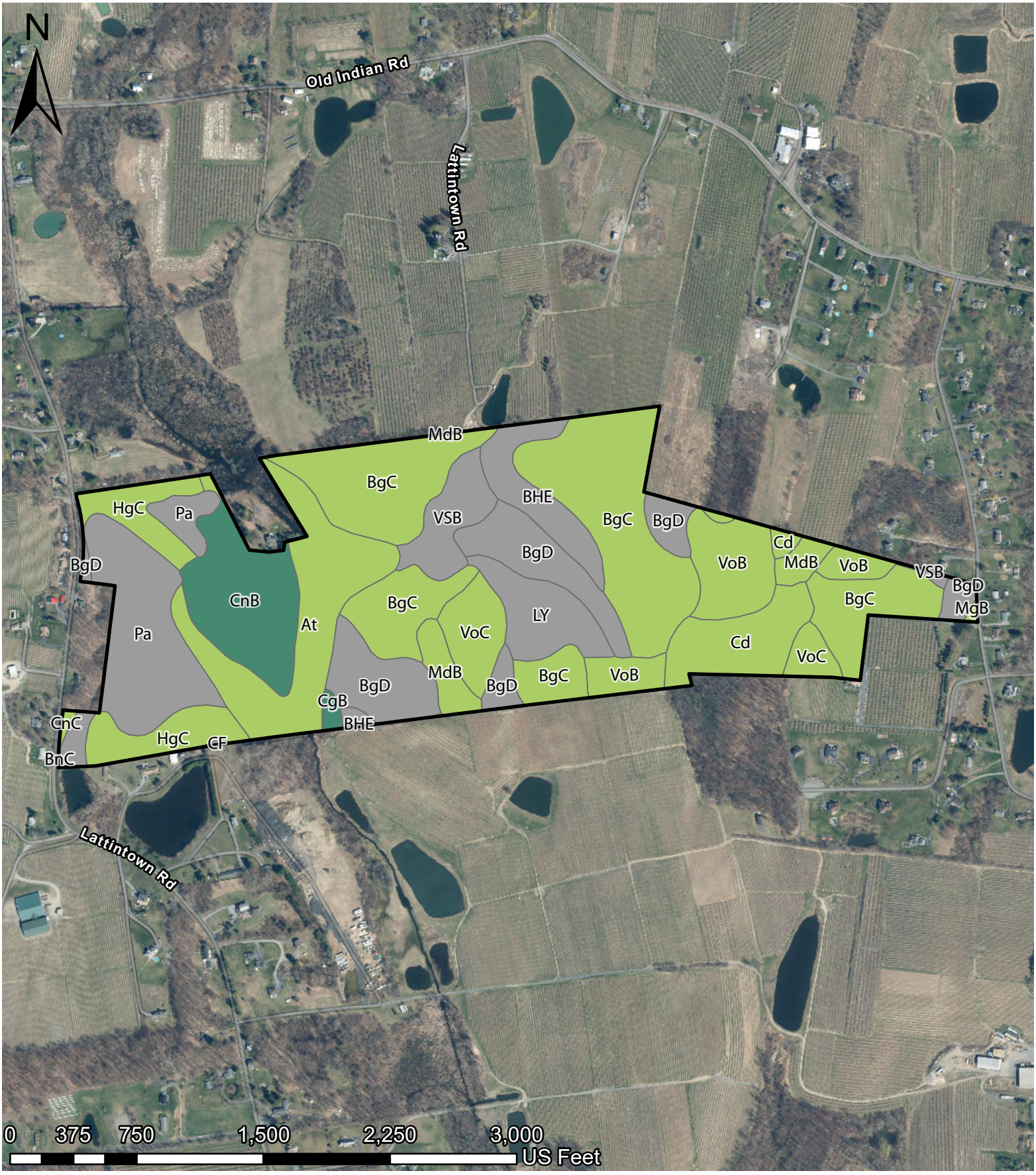
Service Credits:

New York State, Maxar, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 5/9/2024



Legend

Agricultural Rating

- All areas are prime farmland
- Farmland of statewide importance
- Not prime farmland

Prime Agricultural Soil Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Town of Marlborough
Source: NRCS Web Soil Survey

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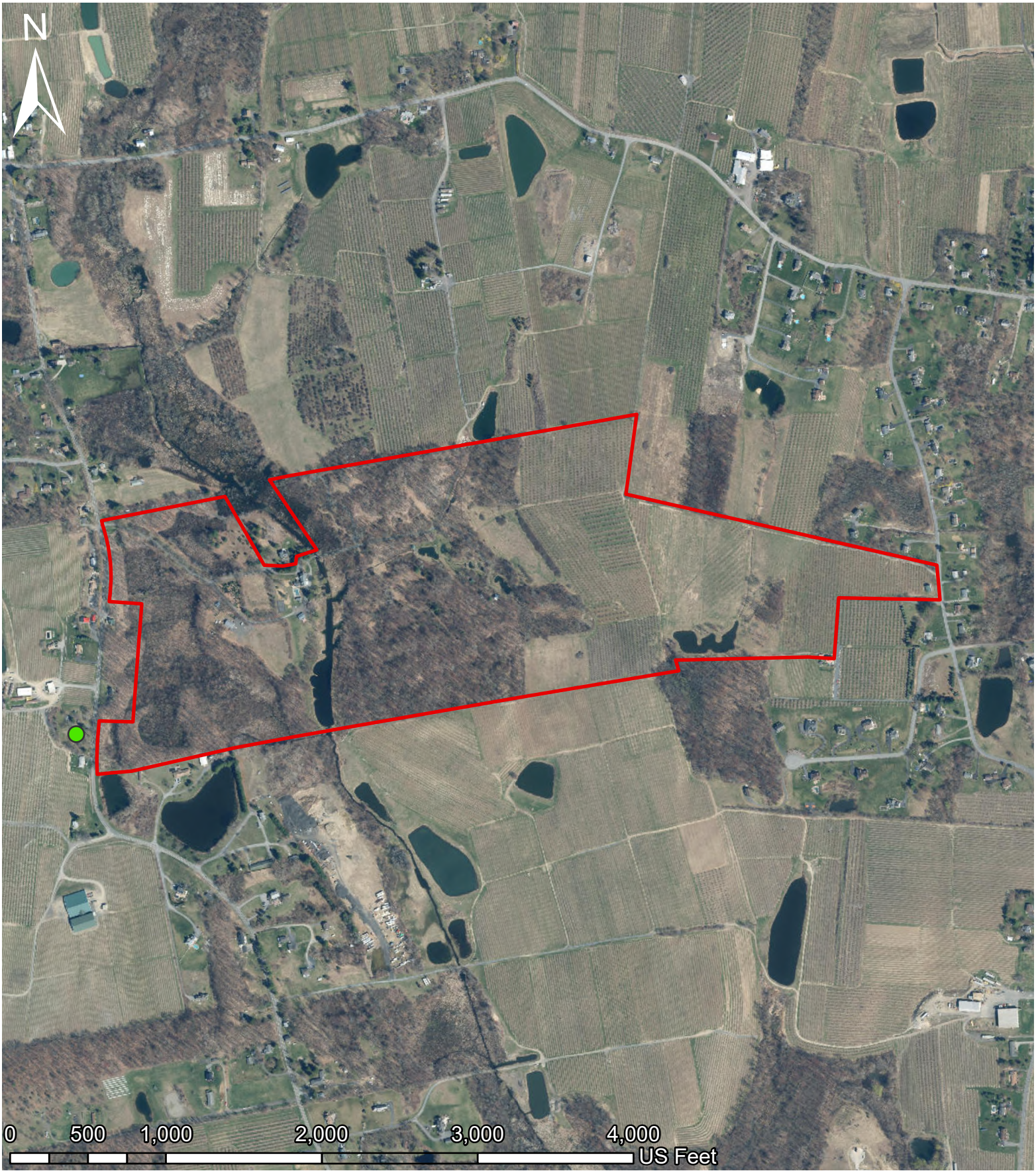
Service Credits:

New York State, Maxar, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Date: 5/10/2024

Exhibit J



Legend

- Project Area
- Historic Sites

Eligible Historic Sites

- Eligible
- Listed

Archeological Sensitive Areas

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East
Municipality: Hamlet of Marlborough
Source: Cultural Resource Information System

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architecture engineering

Service Credits:
New York State, Maxar

Date: 4/25/2024

Exhibit K

VIEWSHED ANALYSIS REPORT

May 8, 2024

MARLBOROUGH RESORT

MARLBOROUGH, NY

PREPARED FOR:
Marlborough Resort LLC
100 Ring Road West, Room 101
Garden City, NY 11530

242 West Main Street, Suite 100 | Rochester, NY 14614 | 585.325.1000 | www.passero.com

PASSERO
engineering architecture

TABLE OF CONTENTS

APPENDICES

1.0 INTRODUCTION

Passero Associates (PA) was contracted by Marlborough Resort LLC to complete a comprehensive viewshed analysis within five miles of the project site using Geographic Information Systems (GIS). This ±150-acre project is located at parcel IDs 102.4-2-29, 102.4-2-13, 102.4-3-8.320, and 102.4-2-12. The project site is located at 626 Lattintown Rd in the Town of Marlborough, Ulster County, New York. The site is bordered to the north by farmland and residential properties, the west by Lattintown Rd, the south by farmland and residential properties, and to the east by Ridge Rd.

The viewshed analysis follows the program policy set forth by the New York State Department of Environmental Conservation (NYSDEC). 14 sites are noted as potential aesthetic resources, which are potentially visible from the project site high point. See Table 1

Table 1: Sites Within Viewshed

Info	*Latitude*	*Longitude*
CRIS HISTORIC SITES		
601 Lattintown Rd, Marlborough, NY 12542	**41.633929**	**-73.999223**
NYS HISTORIC SITES		
Wheeler Hill Historic District	**41.5775**	**-73.94253**
Morse, Samuel F. B., House (Locust Grove)	41.6731	-73.93117
Cedarcliff Gatehouse	**41.6842**	**-73.91986**
Clark House	41.6737	-73.90485
Ethol House	**41.6883**	**-73.91617**
Grey Hook	41.6884	-73.91701
Sague House	**41.6884**	**-73.91647**
Thompson House	41.6807	-73.92041

"Maple Grove"	**41.6813**	**-73.92682**
Kimlin Cider Mill	41.6674	-73.90388
Lattington Baptist Church	**41.6438**	**-74.00113**
Corlies-Ritter-Hart House	41.695	-73.92608
STATE PARK		
Franny Reese Preserve	**41.7001**	**-73.95594**

2.0 METHODOLOGY

The viewshed analysis was performed by utilizing ESRI GIS software ArcGIS Pro v3.2.2 in the NAD 1983 (2011) State Plane New York East FIPS 3101 (US Feet) coordinate system.

Current available data from state and local agencies were collected to create an inventory of potential aesthetic resources pursuant to NYSDECs 'Assessing and Mitigating Visual and Aesthetic Impacts' Program Policy (Aesthetic Impacts Policy). Using geoprocessing tools available in GIS, a five and three-mile buffer was created around the project site boundary to meet these standards. The five-mile buffer represents the furthest possible distance at which the control-point may be visible, the three-mile buffer represents a realistic potential area from which the control-point may be visible. The inventory of potential aesthetic resources was then clipped by the five-mile buffer extent.

A control point is established based on the Aesthetic Impacts Policy, which defines "worst-case scenario" as the highest elevation at which a facility component may be visible from an aesthetically significant location. The control point for the proposed project site is at an approximate elevation of 590 feet AMSL, identified as the peak of a proposed structure absent adjacent tree coverage.

To achieve an accurate rendering of the topography within a five-mile radius of the project site, a Digital Surface Model (DSM) was created utilizing LiDAR point cloud data. A DSM is the digital representation of the 'first return' of a LiDAR laser, or the first point of contact for a LiDAR laser, therefore providing accurate vegetation, topographic and structural shapes with their elevations. The resulting DSM was created and generalized to a 10-foot resolution for processing speed while still maintaining accuracy.

Geoprocessing tools were used to provide the visibility of each cell from the DSM within the five-mile radius of the project site control point to create the viewshed. The resulting viewshed was compared against the inventory of potential aesthetic resources. Aesthetic resources were added to the Viewshed Map if they overlapped with the viewshed, or otherwise are deemed potentially visible from the project site control point. See Appendix A.

14 sites were identified within the viewshed of the control point. While oriented towards the project location, pictures were taken from each site. See Appendix B.

3.0 CONCLUSION

Passero Associates has completed a viewshed analysis at the Marlborough Resort site located in the Hamlet of Marlborough, Ulster County, New York, following NYSDEC program policy guidance, "Assessing and Mitigating Visual and Aesthetic Impacts". Based on our review of existing data, GIS analysis, and photographs taken from each of the listed sites within Table 1, it is our professional opinion that no potential aesthetic resources were identified to be able to observe the control point. Therefore, there will be no visual impact to potential aesthetic resources.

4.0 REFERENCES

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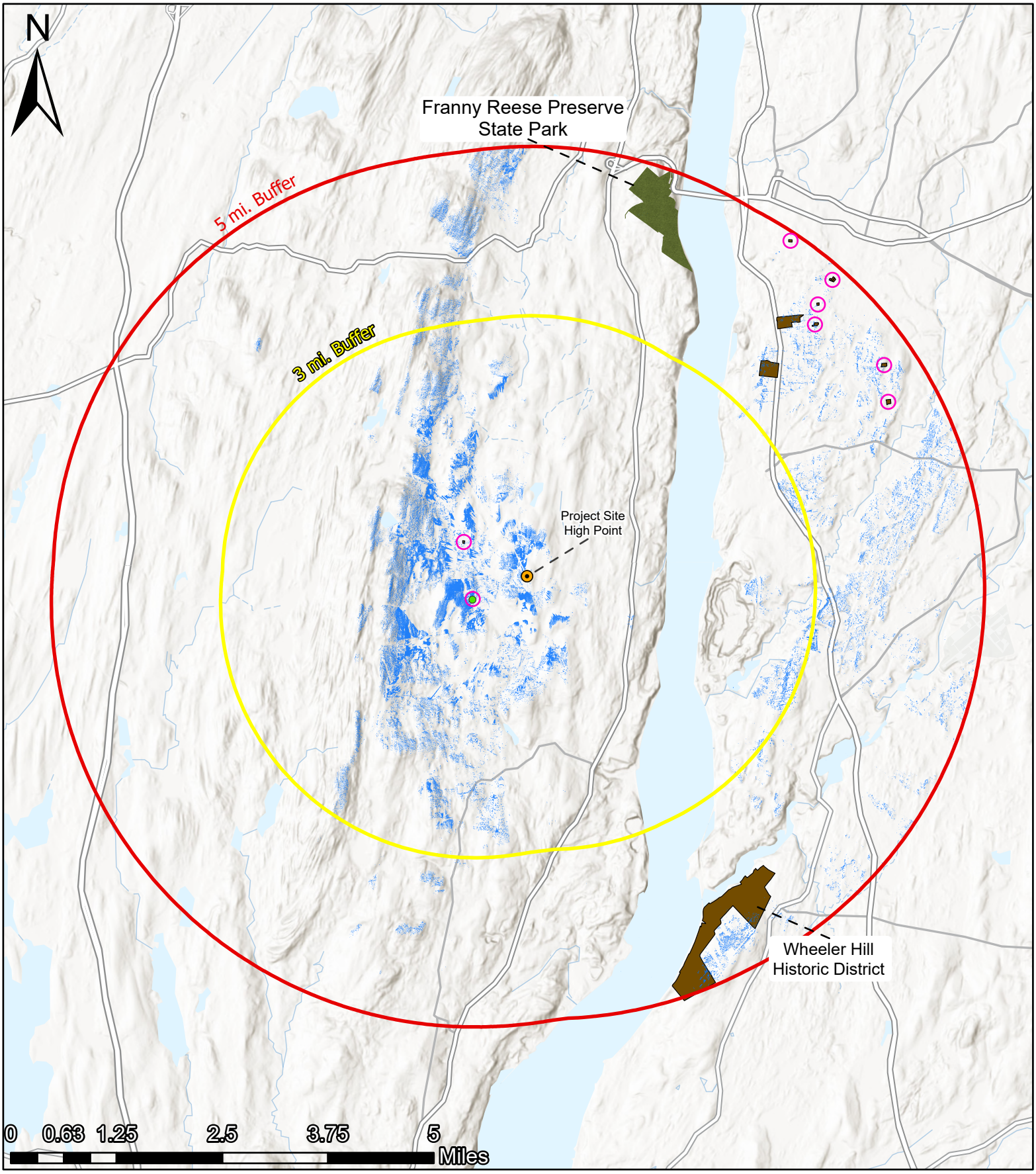
APPENDICES

APPENDIX A: DSM POTENTIAL VIEWSHED MAP



Legend

- 5 mi. Buffer
- NYS Historic Sites
- State Park
- Potential DSM Viewshed
- 3 mi. Buffer
- Project Site High Point
- CRIS Historic Sites
- Eligible

Digital Surface Model (DSM) Potential Viewshed Map

Maps created by: Passero Associates GIS
CRS: NAD83 State Plane New York East

PASSERO
architecture engineering

Service Credits:

Esri, NASA, NGA, USGS, FEMA, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, USDA, USFWS

Date: 3/18/2024

APPENDIX B: PHOTOGRAPHS

601 Lattintown Rd – Pictures from Site to Project Location

Wheeler Hill Historic District – Pictures from Site to Project Location

Morse, Samuel F. B., House (Locust Grove) – Pictures from Site to Project Location

Cedarcliff Gatehouse – Pictures from Site to Project Location

Clark House – Pictures from Site to Project Location

Ethol House – Pictures from Site to Project Location

Grey Hook – Pictures from Site to Project Location

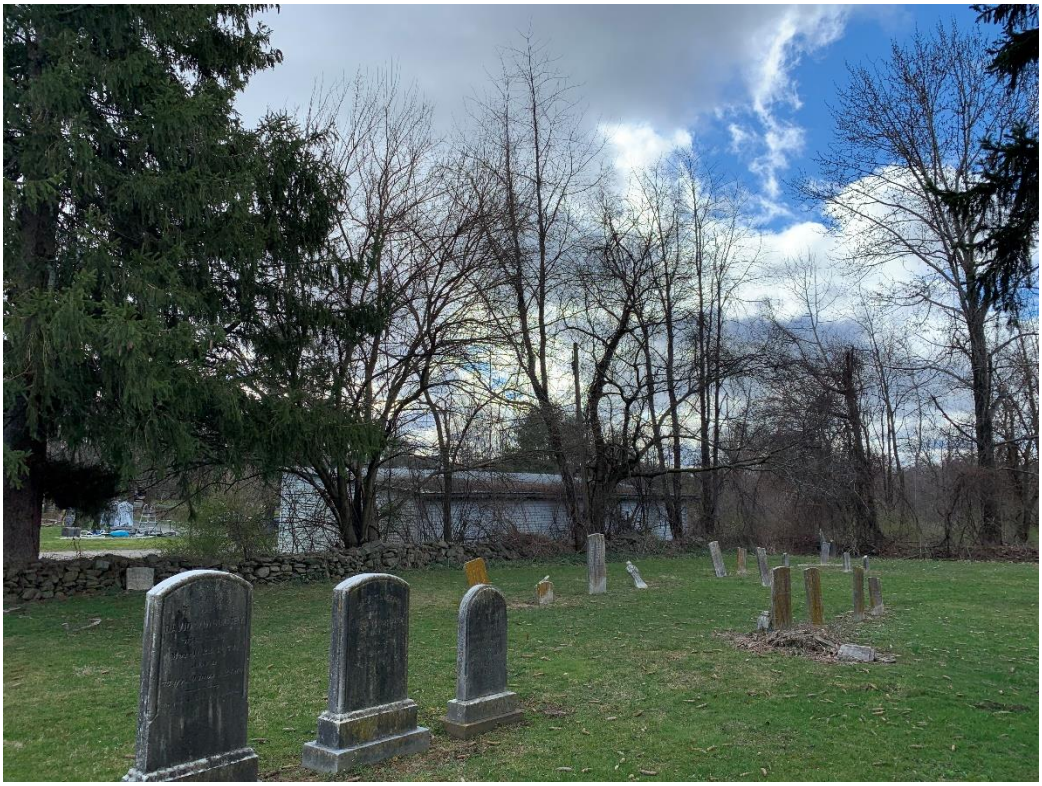
Sague House – Pictures from Site to Project Location

Thompson House – Pictures from Site to Project Location

"Maple Grove" – Pictures from Site to Project Location

Kimlin Cider Mill – Pictures from Site to Project Location

Lattington Baptist Church – Pictures from Site to Project Location



Corlies-Ritter-Hart House – Pictures from Site to Project Location

Franny Reese Preserve – Pictures from Site to Project Location