

August 16, 2024

MHE Engineering, D.P.C.
Attn: Patrick J. Hines
33 Airport Center Drive, Suite 202
New Windsor, NY 12553

**Re: Marlborough Resort, 626 Lattintown Road, Marlboro, NY
Comments Letter dated May 31, 2024**

Dear Patrick:

This letter is regarding the comment's letter/review of the above project we received dated May 31, 2024. The comments are in the order received and the responses are in bold italics.

1. The project as proposed is a Type I Action under SEQRA. Project is located on a combined 152.5-acre site with a proposed 41.4 +/- acre disturbance. Projects greater than 10 acres disturbance triggers the Type I Action. In addition, the project is located in the Ulster County AG District #1. Disturbance of greater than 2.5 acres in an AG District triggers Type I Actions. The Planning Board should declare itself Lead Agency for the Environmental Review of the project. Involved agencies will be the Town of Marlborough Town Board, Town of Marlborough Zoning Board of Appeals, NYS Department of Environmental Conservation and the NYC Department of Environmental Protection and NYSDOT (identified by applicant).
Response: Comment noted.
2. A Stormwater Pollution Prevention Plan (SWPPP) will be required for future submissions.
Response: A SWPPP has been prepared and is included with this submission.
3. The plans should be submitted to the Town Code Enforcement Office for review of the various uses proposed. This review is necessary to determine if any variances are required.
Response: The plans have been submitted and a variance has been required for the setback of the existing building near Ridge Road which is proposed to be converted to a Distillery. We appeared in front of the ZBA August 8, 2024 and will reappear in September for a public hearing.
4. NYSDEC Permits will be required for construction activities in wetlands or adjacent areas.
Response: Comment noted. Permits and approvals will be obtained.

5. NYSDEC approval for the sanitary sewer treatment will be required.
Response: Comment noted. Permits and approvals will be obtained.
6. The NYSDEC wetland adjacent area boundary did not print on several of the Site Plan pages. Lettering is there; however, the demarcation line is not depicted.
Response: The issue has been corrected, boundaries and adjacent areas are now properly depicted.
7. Documents reference a "Flood Study". This document should be provided to the Town Planning Board for review.
Response: An update on the flood study is provided. The final report will be provided upon bridge selection.
8. Portions of the sewage treatment plant are located within the side yard setback.
Response: A variance has not been required because these are underground tanks.
9. Comments from Jurisdictional Emergency Services should be received.
Response: Comment noted. We have provided roadway profiles and vehicular maneuvering plans in this submission for their review as well.
10. Finish floor elevations should be depicted on all existing and proposed structures.
Response: Finished floor elevations have been added to the grading plans.
11. A Wetland Validation Survey signed by an NYSDEC personnel should be submitted to confirm the DEC wetland boundaries and regulated adjacent area on the site.
Response: NYSDEC validation is in process and will be provided as soon as available.
12. Grading Plans appear incomplete in several locations on the plan sheets.
Response: Updated grading plans are included in this submission.
13. A Traffic Study should be submitted to the Planning Board to assist in assessing impacts. The Planning Board may wish to retain the services of Creighton Manning Engineering to assist in review of traffic related issues.
Response: The Traffic Impact Report has been included in this submission.

14. Engineering Report and details for the water system will be required.

Response: An engineering report has been included in this submission.

15. Various uses on the site will require RPZ's in the water system to protect the water system from cross contamination.

Response: Discussions are ongoing regarding Town vs Private ownership of the water infrastructure and the location of the water meter pit, which could impact the backflow strategies implemented. Ultimately, appropriate RPZ's and double check valve systems will be implemented as appropriate and approved by the Town Engineer and Ulster County Department of Health.

16. A Stormwater Facility Maintenance Agreement will be required.

Response: Comment noted. An agreement will be coordinated with the Town as part of the SWPPP review and approval process. A SWPPP has been provided with this submission.

17. The EAF and the information provided to the Fish and Wildlife Service conflict in the amount of area to be disturbed.

Response: As a conservative measure, the Fish and Wildlife IPaC request was submitted for the entire parcel areas, which exceeds the limit of disturbance.

18. While the EAF does not identify Indiana Bat habitat, the Federal letter identifies habitat for Indiana Bat, Bog Turtle and additional species including Monarch Butterfly, Northern Long Eared Bat and Tri-Colored Bat. Impacts to these species must be addressed.

Response: A Threatened and Endangered Species Habitat Survey and Assessment was completed by Ecological Solutions and is provided in this submission. The only species identified to be potentially impacted are the bat species. Appropriate tree clearing time restrictions have been added to the site plans in order to avoid any impact.

19. A parking calculation should be provided for all uses on the site.

Response: Updated parking calculations are provided on the overall site plan.

20. The applicants are requested to discuss project phasing as referenced in the cover letter.

Response: Phases are outlined on the Overall Site Plan. Phase 1, which contains the Resort Campus, some of the cabins and amenities, and the staff dorm, will be built immediately. Phase 1 will also include much of the water and sewer infrastructure, with the aim to leave services for the future phases. Phase 2 and 3 will be timed based on market demand.

21. The application and check list bear several locations where signatures are required.
Response: The check list and application were signed, if that is incorrect, please let us know and we will deliver signed copies. We did provide an updated checklist to correct Item 7 with this submission.
22. Further review of the plans will be undertaken upon receipt of detailed design plans for stormwater management, sanitary sewer and water systems, and environmental studies are provided.
Response: Comment noted. Detailed plans and reports are provided with this submission.

Additional comments received verbally at the June 3, 2024, Planning Board Meeting.

- Resubmit the Tom Corcoran Use Determination Letter dated May 10, 2024, along with C&F Letter to Tom Corcoran dated May 8, 2024, with the project description, both of which are re-attached.
Response: We have included the requested documents, as well as current correspondence, with this submission. We have appeared in front of the Zoning Board of Appeals for an area variance for setback on the existing structure near Ridge Road and will reappear in September for a public hearing.
- Throughout the engineering and architecture plans, various abbreviations need to be clarified.
Response: We've made significant upgrades to the plans and attempted to clarify any items as we've moved forward. Please feel free to call us or send us an email with a list if there are any particular items you would like clarified.
- Confirm ADA accessibility for staff dorm building.
Response: The staff housing facility contains two separated uses: staff sleeping rooms and toilet facilities, and a general employee locker and canteen facility. The general employee locker room and canteen is accessed at grade on the East side of the building. The staff sleeping rooms are accessed at grade on the West side of the building. All fully accessible sleeping rooms and toilet facilities are provided on this floor.

- Revise Application Checklist to respond “Y” to #7 (Disclaimer Form) since that form was submitted with the original package.
Response: An updated Checklist is provided.
- Identify whether any waivers are required from the Planning Board or variances are required from the ZBA (i.e. separation between buildings waiver, need to confirm the mean level of the ground around the buildings to measure the proposed building heights).
Response: A Zoning Variance is pending for setback relief for the existing building proposed to be converted into a Distillery. We will appear in front of the ZBA for a public hearing on September 12, 2024.
- Remove references to “future improvements” on the plans.
Response: We believe this was referring to the spa floor plan. The square footage is included in our site plans and SEQR documents, this section of the building may be built in the second or third phase. The notation will be revised in future architectural submissions.
- Provide profiles and steep slopes map to show proposed slope disturbances.
Response: Profiles are submitted as a Civil Plan Supplement. The proposed site layout has also been shown on the Slopes Map which is included as an EAF appendix.
- Revise the FEAF to indicate that the proposal is in a community with an approved LWRP and to revise the responses to FEAF Section C.2.a (Box 1 should be “Yes”, Box 2 should be “No”).
Response: The FEAF has been revised accordingly.
- Sight distances should be added to the plans.
Response: Sight distances have been added to the site plans.
- Traffic letter comments:
 - The “Resort Hotel” data references the 10th edition of the Trip Generation Manual while the remaining uses references from the 11th edition.
Response: The traffic letter has been superseded by the Traffic Impact Report included in this submission.

- Board member Garafalo referred the applicant to the Town's Route 9 design study, the DOT traffic forecast model, as well as other pending projects in the Town and nearby Town of Lloyd.

Response: The traffic letter has been superseded by the Traffic Impact Report included in this submission.

- Include additional intersection photos.

Response: The traffic letter has been superseded by the Traffic Impact Report included in this submission.

- Reference was made to parkland fees. We will review the Town code to determine whether those fees are applicable to the Resort Hotel use.

Response: Comment noted.

- The Planning Board recommended including a signage package in the site plan application to avoid having to return for signage approval.

Response: A signage package will be developed at a later date.

- Sheet C-110 shows the orchard and the solar installation overlapping. This should be revised.

Response: The orchard hatch has been corrected.

- Show existing or proposed buffers (vegetation or berms) around the property, including along road frontages.

Response: Vegetation and berms have been shown in applicable locations around the boundary.

- Water tank plan needs to be finalized. Need to confirm the size being proposed and show the appropriate buffering. Planning Board member Lanzetta suggested the possibility of a balloon float to demonstrate visibility.

Response: We have provided a water and sewer engineers report. Design information is provided, but will require continued collaboration with the Town and Town Engineers.

Sincerely,



Chris LaPorta, P.E., CDT
Hudson Valley Office Manager

CL:paf

CC: File