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September 18, 2024

Town of Marlborough Planning Board
Ms. Jen Flynn, Secretary
Town Hall
21 Milton Turnpike
Milton, New York 12547

RE: Buttermilk Falls Hotel and Resort Expansion Project:
Draft SEQRA Negative Declaration of Environmental
Significance

[VIA E-MAIL]

Dear Jen:

In accordance with the Town of Marlborough Planning Board discussion of August 5, 2024 and in consideration of the Planning Board's completion of the Long EAF, Part 2 at its September 16, 2024 meeting, I submit herewith copy of draft SEQRA Negative Declaration, same in connection with the above referenced project.

The proposed document is in Word format so that Gery Comatos, Esq. and Pat Hines can make changes, additions and clarifications, as necessary.

Please provide the Planning Board members with an electronic copy of this Negative Declaration.

In this regard, I have not prepared a Resolution for Adoption of Negative Declaration, as I do not want to appear presumptuous as to board action on October 7, 2024. In addition, the Planning Board may have its own preference as to preparation of a Resolution, or simply foregoing the recited Exhibit "C" Resolution and voting on a Negative Declaration, once fully prepared and reviewed.

With respect to continuing administrative review, this is to further request that my client be placed upon the October 7, 2024 Planning Board Agenda for consideration of the draft

Negative Declaration following review, comments and/or changes prepared by Gerry and Pat.

Should you have any questions, do not hesitate to contact me.

Very truly yours,

Michael A. Moriello

MAM:mrb

Enclosures

cc: Patrick Hines
Gerry Comatos, Esq.
Robert Pollock
Barry Medenbach, PE
[all via e-mail]

DRAFT

617.21

STATE ENVIRONMENTAL QUALITY REVIEW

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Project Application: 11/6/23

Date: October, ___ 2024

SEQRA Type 1 Action: 1/8/24 EAF: Part 3

This Notice and Negative Declaration is issued pursuant to Part 617 of the implanting regulations pertaining to Article 8 [State Environmental Quality Review Act] of the New York State Environmental Conservation Law.

The Town of Marlborough Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: In the Matter of the Application of: 220 North Road, LLC and Robert Pollock for an expansion of the Buttermilk Falls Hotel and Resort for a 65 room hotel, 35 individual cabins, 60 seat restaurant, 300 seat banquet hall, valet/on site parking and other facilities. County of Ulster, Town of Marlborough. [S/B/L Numbers 103.1-2-12.200, 103.1-2-13, 103.1-2-11.200, 103.1-2-10, 103.1-2-11.100, 103.1-2-12.1, 103.1-2-75, 103.1-2-71 and 103.1-2-72].

SEQRA STATUS: Type I Action

CONDITIONED NEGATIVE DECLARATION: No

DESCRIPTION OF THE ACTION:

In accordance with SEQRA [6 NYCRR Part 617 et seq.] the Town of Marlborough Planning Board, as Lead Agency of the above referenced Project and coordinating with the Involved and Interested Agencies and the Lead Agency's Consultants and in consideration of all the public comments and written submittals, has identified the relevant areas of environmental concern, examined the same and has rendered this Negative Declaration; finding no significant environmental impacts resulting from the aforesaid Type I Action.

Following a July 10, 2023 Pre-Application Meeting, on November 6, 2023 the Lead Agency received an Application from the 220 North Street, LLC and Robert Pollock [hereinafter

collectively referred to as the "Applicant"] requesting Site Development Plan, Special Use Permit and Lot Line Revision Reviews of an expansion of the Buttermilk Falls Hotel and Resort situate within the Town of Marlborough upon 62 +/- combined acres of land located along North Road and Mahoney Street.

The current Applicants also own and/or operate the existing Buttermilk Falls Hotel and Resort which is situate adjacent to the Project site and which originally received all Final Approvals in 2005. Additional related Approvals have been granted in 2010, 2013, 2014 and 2022 for the original Buttermilk Falls Hotel and Resort site.

The Application and attendant plans call for a 60 seat restaurant, 65 room hotel and a 300 seat banquet hall, 35 cabins, parking and other facilities to be constructed upon 62 +/- acres, together with a supplemental parking lot for valet golf cart shuttle parking, all of which is to be built upon 50.7 acres of land located on the east side of North Road; including 6 acres situate upon the west side of North Road and an adjacent 5.3 acres on the east side of North Road. Two existing residential homes, with access to Van Orden Road and two additional residential homes located on North Road, will be utilized for workforce housing.

The subdivision referenced above consists of a lot line revision in order to add 0.3 acres to the lands comprising the Project and adjacent to Mahoney Street. Said lands are being added in order to meet the hotel setback requirements.

The lands comprising the Project site are zoned R-1 and HD under the Town of Marlborough Zoning Law, wherein the above stated proposed uses are permitted pursuant to Site Development Plan, Special Use Permit and Lot Line Revision Reviews.

Coordinated review for the Type I Action has included circulation of Application documents and certain supplemental documentation to involved and interested agencies for further administrative procedures. A listing of the involved and interested agencies, together with the applicable statutory authority review of this Project, is as follows:

I.) Involved Agencies: [Discretionary Approvals]

a.) Town of Marlborough Planning Board.

i.) Site Plan Approval.

- ii.) Special Use Permit Approval.
- iii.) Subdivision Approval.
- iv.) Agricultural Data Statement.
- v.) SEQRA Lead Agency Review.

b.) Ulster County Health Department.

- i.) Sanitary Sewage Disposal Systems Approval.
- ii.) Temporary Housing Approval.
- iii.) Food Preparation Approval.

c.) New York State Department of Environmental Conservation.

- i.) Stormwater Management Permit [SPDES General Permit GP-0-20-002].
- ii.) Sewage Disposal System Permit [GP-0-15-001].
- iii.) Endangered/Threatened Species Review.

d.) Town of Marlborough Highway Department.

- i.) Curb Cut Permit.

e.) Town of Marlborough Town Board.

- i.) Offer of Cession Agreement.

f.) Ulster County Industrial Development Agency.

- i.) Payment in Lieu of Taxes Agreement.

II.) Interested Agencies: [Ministerial Permits and/or Non-Permit Reviews]

a.) Town of Marlborough Building Inspector.

- i.) Building Permit.
- ii.) Certificates of Occupancy.

b.) New York State Department of State, Division of Coastal Resources.

c.) Town of Marlborough Environmental Conservation Commission.

- i.) Referral.
- d.) New York State Office of Parks, Recreation and Historic Preservation.
 - i.) Referral and Letter Determination.
- e.) Ulster County Planning Board.
 - i.) Agricultural Data Statement Referral.
 - ii.) New York State General Municipal Law Section 239-m Referral.
- f.) United States Army Corps of Engineers.
- g.) Town of Marlborough Fire Department.
 - i.) Referral.
- h.) Town of Marlborough Police Department.
 - i.) Referral.
- i.) Town of Marlborough Public Works Department.
 - i.) Referral.
- j.) Hudson Valley Greenway.
- k.) Scenic Hudson.
- l.) United Stated Department of the Interior Fish and Wildlife Service.
- m.) Ulster County Department of Public Works.
- n.) Marlborough Consolidated School District.
- o.) Ulster County Legislature.
- p.) 220 North Road Realty LLC.
- q.) Robert Pollock.
- r.) 99 South Elliot Place LLC.
- s.) Chernobyl Power & Light LLC.

- t.) 20 Van Ordon LLC.
- u.) Town of Marlborough Waterfront Advisory Committee.
- v.) Town of Lloyd Town Board.
- w.) Ambulnz Emergency Services.
- x.) Other agencies/persons which the Lead Agency may identify during pendency of Project review.

III.) Applicable Law:

- i.) SEQRA [6 NYCRR Part 617 et seq.]
- ii.) New York State Town Law Sections 64, 208, 274-a, 274-b, 276, 277 and 283-a .
- iii.) Town of Marlborough Zoning Law.
- iv.) Town of Marlborough Subdivision Regulations.
- v.) New York State Public Health Law, Article 11.
- vi.) New York State Environmental Conservation Law, Article 11.
- vii.) New York State Environmental Conservation Law, Article 17.
- viii.) 30 CFR Part 330 et seq.
- ix.) New York State Historic Preservation Law, Section 14.09.
- x.) New York State Sanitary Code, Appendix 75-A Regulations.
- xi.) Article 7-a, United States Endangered Species Act.
- xii.) Section 874, General Municipal Law of New York State.
- xiii.) Town of Marlborough Code.
- xiv.) New York State General Municipal Law, Section 239-m.
- xv.) New York State Town Law, Section 280-a.
- xvi.) Other statutory authority as may be determined by the Planning Board.

Consultants for the Project is as follows:

- a.) Legal: Rieseley and Moriello, PLLC
Michael A. Moriello, Esq.
111 Green Street
Post Office Box 4465

Kingston, New York 12402
(845) 338-6603

b.) Engineering: Medenbach and Eggers, PC
Barry Medenbach, PE
4305 US Highway 209
Stone Ridge, New York 12484

c.) Endangered/
Threatened
Species: Ecological Solutions, Inc.
Mike Nowicki
1248 Southford Road
Southbury, Connecticut 06488

d.) Cultural/
Historic
Resources: Joseph E. Diamond, PhD
290 Old Route 209
Hurley, New York 12443
(845) 338-0091

e.) Architectural:
Freyer Collaborative Architects, PLLC
Warren Freyer, AIA
37 East 18th Street
New York, New York 10003

e.) Traffic:
Stephan A. Maffia, PE
103 South Vacation Drive
Wappingers Falls, New York 12590

The Lead Agency has been represented by the following consultants at all times during the review of the Buttermilk Falls Hotel and Resort Expansion:

I) Van DeWater & Van DeWater, LLP: Legal
Gerald Comatos, Esq.
85 Civic Center Plaza, Suite 101
Poughkeepsie, New York 12601

II) MHE Engineering: Engineering
Patrick Hines
33 Airport Center Drive, Suite 202
New Windsor, New York 12553

III) Creighton Manning Engineers, LLP: Traffic
17 Computer Drive West
Albany, New York 12205

A.) The Project Plans, Architecturals and Visual Simulations have been prepared by Medenbach and Eggers, PC and consist of the following:

- 1.) Index Sheet.
- 2.) Site Plan.
- 3.) Existing Conditions and Lot Line Revision.
- 4.) Grading and Utility Plan - Hotel.
- 5.) Grading and Utility Plan - Parking.
- 6.) Driveway Profile #1.
- 7.) Driveway Profile #2.
- 8.) Wastewater Plan Outfall #4 - Hotel.
- 9.) Wastewater Plan Outfall #3 - Event.
- 10.) Wastewater Plan Outfall #6 - Cottages.
- 11.) Site Details.
- 12.) Water Details.
- 13.) Wastewater Details.
- 14.) Wastewater Details.
- 15.) Details.
- 16.) Soil Erosion and Sediment Control Plan.
- 17.) Soil Erosion and Sediment Control Details.
- 18.) Entrance Driveway Plan.
- 19.) Firetruck Access Plan.
- 20.) Archaeological Avoidance Plan.
- 21.) Lighting Plan - Lights.
- 22.) Lighting Plan - Photometrics.
- 23.) Bioretention Ponds/Landscaping Plan.
- 24.) Landscaping Plan and Cut Sheets.
- 25.) Planting Plan.

B.) The architecturals have been prepared by Freyer Collaborative Architects, PLLC and consist of the following:

- 26.) Architectural Cover Sheet.
- 27.) Spring and Summer Visuals.
- 28.) Elevations.
- 29.) Event Space West Entrance View.
- 30.) East Elevation - Hotel.
- 31.) Even Space Elevation.
- 32.) Hotel West Elevations.
- 33.) Hotel West Elevations.
- 34.) Hotel West Elevations.
- 35.) Hotel West Elevations.
- 36.) Buttermilk Falls Ground Level.
- 37.) Buttermilk Falls Garden Level.
- 38.) Buttermilk Falls Second Level.
- 39.) Event Space Plan.

- 40.) Event Space Section.
- 41.) Unit Typical Plan.
- 42.) Hotel Section.
- 43.) Tree House Renderings - Cabins.
- 44.) Tree House Proposed Plans.
- 45.) Gate House/Entrance.
- 46.) Hudson River Spring View.
- 47.) Hudson River Summer View.
- 48.) Hudson River Autumn View.
- 49.) Hudson River Winter View.
- 50.) Hotel Bird View.
- 51.) Existing Even Space.
- 52.) Existing Hotel.

REASONS SUPPORTING THE DETERMINATION:

Methodology: In making this determination of non-significance the Lead Agency and its advisors first examined Part 1 of the Full Environmental Assessment Form [EAF], associated application documentation, addendums and related maps and plans. [A copy of the Long EAF, Part 1 is annexed hereto and made a part hereof as Exhibit "A".]

Following a pre-application meeting on July 10, 2023, the Lead Agency commenced its formal application review of the November 6, 2023 Application on December 4, 2024 and thereafter circulated a Notice of Intent to Serve as Lead Agency to all Involved and Interested Agencies classifying the Project as Type 1 under SEQRA and including the Application, EAF Part 1, Supplemental SEQRA Addendum and related exhibits therein, thereby initiating coordinated review. [6 NYCRR Parts 317.4(b)(3)(i) and 617.6(b)(2)(i)].

The Action was determined by the Lead Agency to be classified as Type I under SEQRA pursuant to 6 NYCRR Part 617.4(b)(9), as it is planned to include the physical alteration of 10 acres for an non-residential use and the use is non-agricultural and situate within an agricultural district and exceeding 25% of the 10 acre threshold noted previously.

As no objections were raised to the establishment of Lead Agency, the Town of Marlborough Planning Board automatically attained such status at the expiration of thirty (30) days from the date the EAF and supplemental materials were circulated [6 NYCRR Part 617.6(b)(3)(i)] and following said period, the Planning Board assumed Lead Agency for the Project.

The Lead Agency thereafter coordinated with its advisors and consultants in order to comprehensively review the potential environmental impacts associated with this action through studies, reports, documentation and data which has been made of record.

The Lead Agency's SEQRA review has included analysis of various studies, reports and memorandums as submitted by the Applicant's Consultants, as well as oral and written testimony made by the public at large. In addition, the Lead Agency's Consulting Engineers have made detailed written reports upon the Project and related submittals during the SEQRA review period.

After consultation with Involved/Interested agencies and further months of administrative review and in consideration of the Applicants submittal of a draft Long EAF, Part 2, on September 16, 2024, the Lead Agency completed Part 2 of the Full EAF and considered the criteria set forth in 6 NYCRR Part 617.7(c), in each case comparing the identified impacts that may be reasonably expected to result from the proposed changes and activities against the indicators of significant adverse impacts on the environment.

The Lead Agency did not find any significant environmental impacts during its review. It is noted that this determination was made following the conclusion of the Public Hearing held upon the Project as detailed below. [A copy of Part 2 of the Long EAF is annexed hereto and made a part hereof as Exhibit "B".]

As to the Public Hearing aforesaid, the Lead Agency scheduled a Public Hearing for the Project and authorized associated notice of the Public Hearing to be published in the newspaper of record.

Additionally, mailed notice of the Public Hearing, was also completed in accordance with the Town of Marlborough Site Development Plan, Special Use Permit and Subdivision Regulations.

On August 5, 2024 the Lead Agency held the duly noticed Public Hearing in consideration of the proposed action pursuant to Sections 274-a, 274-b, 276 and 277 of the New York State Town Law, the Town of Marlborough Zoning Law, the Subdivision Regulations of the Town of Marlborough and SEQRA. At this Public Hearing, verbal and written comments from the general

public, the Project consultants and various professionals were taken and made part of a full stenographic record.

Owing to the dearth of public comments, the public comment period was not held open. The verbal and written comments made at the Public Hearing aforesaid have also been considered by the Lead Agency in the drafting and issuance of this Negative Declaration.

The Lead Agency emphasizes that this determination is limited to environmental review of the Action and does not affect the future Public Hearing that is required to be held upon the Subdivision [Lot Line Revision] and the Special Use Permit which is being requested by the Applicant; at which time the public will have another opportunity to be heard thereon and with respect to the proposed Site Plan.

In making this decision, the Lead Agency has considered the advice of it's Consulting Attorney and Consulting Engineer in light of the context of the Project submittals, the laws governing Public Hearings and the SEQRA Regulations [6 NYCRR Part 617 et. seq.].

It is noted that on May 6, 2024, the Lead Agency further determined to refer the Site Development Plan, Special Use Permit and Lot Line Revision Application Documents to the Ulster County Planning Board pursuant to Section 239-m of the General Municipal Law of New York State, as a "full statement of the proposed action." The June 5, 2024 Ulster County Planning Board Recommendations have been considered by the Lead Agency and address of the same is set forth later within this Negative Declaration.

While the Lead Agency is aware that this action is classified as Type I pursuant to SEQRA procedures and that such classification makes it more likely that an Environmental Impact Statement will be required, under the circumstances of the particular related actions as hereinafter evaluated, the Lead Agency finds that the facts and information available to it support a determination that all probable and relevant adverse environmental effects have been identified and that they will not be significant. Therefore, an Environmental Impact Statement is not necessary for this action.

In this regard, the Lead Agency is mindful that this is an expansion of a long established hotel and resort use. Accordingly, as analyzed herein, discordant development

attributes will not be introduced into the neighborhood or the community at large.

The environmental analysis of the reasonably related long-term, short-term, direct, indirect, sequential and combined impacts of these related and simultaneous environmental factors started with an analysis of the existing conditions of the Project site. The review then analyzed the environmental impacts of the proposed changes and actions while comparing those impacts with the impacts on existing land use to determine if the proposed action may have a significant adverse environmental impact. This Negative Declaration of Environmental Significance sets forth the Lead Agency's Findings pursuant to SEQRA.

No other related or subsequent actions are included in any long-range plans for the proposed site, nor likely to be undertaken, nor dependent on the actions which are now under consideration. [The Stenographic Record of the August 5, 2024 Public Hearing and the entire Administrative Record are incorporated herein by reference, as if fully set forth at length.]

In rendering all of the SEQRA Findings, the Lead Agency's examination of the specific environmental impacts of the Project's proposed actions and changes and their magnitude is as follows:

1. SUBSTANTIAL ADVERSE CHANGES IN EXISTING AIR QUALITY:

Short term air quality impacts occurring during the construction phase of the Project may occur from land clearing, internal road construction, building construction and the building of expanded hotel, banquet center, cabins, restaurant, parking and related appurtenances associated with site work.

Site construction potential impacts will be reduced by employing protective site building practices in order to control the potential fugitive dust and sediment. Among these various practices will be the employment of dust/sediment mitigation measures through the use of hay bales, site watering during periods of dry weather, stabilization seeding, straw mulching, on site grading, limiting site disturbances, drainage, improvements, intermittent working hours and the employment of other best management practices as reviewed by the Lead Agency. [See Stormwater Erosion and Drainage Details, Details and Stormwater Pollution and Prevention Plan.]

In addition, the potential for adverse air quality effects will also be naturally limited by the characteristics of the on site soils. The Soil Survey of Ulster County, New York, as prepared by the Soil and Water Conservation Service, describe the on site soils as generally well drained [52% of the site].

The Lead Agency's review finds that a substantial majority of the Project site which is to be disturbed is made up of well drained and moderately well drained soils, especially in the areas slated for construction. This site condition will further minimize the potential for fugitive dust.

As to long term air quality impacts from the Project, the Lead Agency finds that there is no potential for adverse impacts from vehicle emissions occurring at the site, or as a result of the Project development. Based upon the size of the Project, proposed channelization, valet parking, use of golf carts and the proximity of the Project to the existing roadway network, there will not be large volumes of idling vehicles introducing substantial pollutants into a concentrated locality.

Based upon the foregoing, a substantial adverse change in existing air quality will not occur.

2. SUBSTANTIAL ADVERSE CHANGE IN EXISTING GROUND OR SURFACE WATER QUANTITY OR QUALITY:

The Lead Agency has reviewed the Stormwater Analysis and Stormwater Management Plans, the accompanying Stormwater Pollution and Prevention Plan and attendant address by it's engineering consultant, MHE Engineering, together with the extensive information pertaining to site drainage and stormwater treatment as submitted by the Project engineering consultant. As a result, the Lead Agency finds that there will be no substantial adverse change in existing ground or surface water quantity or quality.

In making its determination, the Lead Agency notes that the Project site existing conditions consist mainly of areas with fairly dense vegetative cover with slopes intermittently exceeding 15% within areas located proximate to the Hudson River. These areas are not generally slated for development.

In accordance with the SEQRA EAF requirements, the Lead Agency has identified the potential for moderate to large impacts on land and water and upon physical changes to the Project site in the EAF Part 2 in the following areas:

- a) Proposed action will require a discharge permit.
- b) Construction of slopes of 15% or greater.
- c) Construction which will continue for more than one year, or in multiple phases.

Based upon the following address, the Lead Agency determines that the areas above have been mitigated by the Applicants to a moderate impact. [See also, Paragraphs 6, 7 and 9.]

The action will require the issuance of a SPDES General Permit for Stormwater Discharges [GP-0-20-001] by the New York State Department of Environmental Conservation [NYSDEC] for commercial construction activities disturbing in excess of 1 (one) acre of land.

The areas of disturbance posed by the Project is 15.3 acres, which is comprised of 3.0 acres of forest land removal for the buildings, structures and appurtenances.

Therefore, when the Project is fully completed, the impervious area created by the related construction will be 2.6 acres (4.2% of the Project site) and the total land disturbance will be 15.3 acres (25% of the site).

The main site of this Project is classified under the SPDES GP-0-20-001 Regulations as a Redevelopment pursuant to Chapter 9 of the New York State Stormwater Design Manual and the Stormwater Documentation which has been submitted by the Applicants analyzes the impacts to groundwater and surface water pursuant to the permitted stormwater management reductions thereunder.

Runoff quantity, both pre and post development, was analyzed and calculated by first identifying the existing site conditions of the respective drainage areas.

In accordance with the stormwater regulations aforesaid and SPDES General Permit requirements, stormwater runoff will be attenuated to at or below pre-development peak rates of flow levels and the removal of pollutants, by way of forebay and retention methodology, will be accomplished prior to discharge into the Hudson River.

Design Point 1 is a discharge from an existing on site pond into the Hudson River Design Point 2 is an existing stream which discharges into the Hudson River. Design Point 3 discharges water that is flowing in a southerly direction and to the Hudson River.

In all instances hydro-CAD calculation were utilized to examine changes of water flow during peak flows in stormwater from the site during the 1, 10 and 100 year storm events. The percentage changes in pre-development discharge rates are summarized as follows:

1 year: -4%
10 year: 0%
100 year: -1%

Based upon the detailed calculations contained within the SWPPP Appendices and the Lead Agency's Consulting Engineer review, the stormwater methodology and associated analysis is acceptable.

The SWPPP further provides for Contact Information/Respectable Parties for 24 hour contact in the event of any stormwater related problems.

An examination of the Existing Soils, Slopes, Vegetation and Drainage Patterns has also been provided and the percentage of impervious area before construction is calculated at 13.2%, with the percentage of impervious area after construction calculated at 18.5%. Accordingly, future impervious cover is calculated at 2.6 acres.

Potential Sources of Pollution for Sediment to Stormwater Runoff are identified within the SWPPP as follows:

- i) Clearing and grubbing.
- ii) Grading and site excavation.
- iii) Vehicle tracking.
- iv) Topsoil stripping and stockpiling.
- v) Landscaping/stabilization operations.

Potential Sources of Pollutants, Other than Sediment, to Stormwater Runoff are identified as follows:

- i) Refueling.
- ii) Equipment maintenance.
- iii) Sanitary facilities.

- iv) Materials storage.
- v) General construction activities.
- vi) Concrete washout areas.

In address of Erosion and Sediment Controls Best Management Practices and the foregoing development activities, the engineering report portion of the SWPPP details the following:

- a.) Minimization of site disturbances.
- b.) Cut and fill balancing.
- c.) Avoidance of sensitive areas (i.e., federal wetlands, archaeological pre-contact site).
- d.) On site flagging.
- e.) Silt fencing.
- f.) Stabilized construction entrances.
- g.) Inlet sediment traps.
- h.) Temporary seeding.
- i.) Rock check dams.
- j.) Construction sequencing.
- k.) Limits of clearing.
- l.) Perimeter controls.
- m.) Disturbance to under 5 acres at any one time.
- n.) Soil stabilization.
- o.) Soil restoration.
- p.) Building construction erosion control.
- q.) Landscaping/final stabilization.
- r.) Final inspection.
- s.) Temporary best management practices removals.

In addition, Good Housekeeping for equipment and material storage, General Construction Waste Management Guidelines, Sanitary Guidelines, On site Fueling/Maintenance Guidelines and Concrete Washouts will be provided for and/or observed by the Applicants construction personnel.

In examination of Post-Development Drainage Improvements and Mitigation, the Lead Agency concurs with the SWPPP and soil/sediment/erosion calculations for consistency with all NYSDEC Regulations, as noted previously within this heading.

In association with additional peak runoff rate reductions, the Lead Agency finds that the calculations and methodology will meet all required channel protection volume, overbank flood protections, extreme storm protection and 24 hour detention of the 1 year design storm.

This protection and associated mitigation is especially important to the Lead Agency, as stormwater control failures within other areas of the Town of Marlborough have previously occurred.

Therefore, even though the Project will be discharging into the Hudson River, thereby not requiring overbank flood protection and extreme flood protection, the Applicant will employ bio-retention areas infiltration and utilization of the existing on site pond to accomplish this protection in any event.

The hydro-CAD predevelopment and post development total runoff calculation buttress all of the foregoing stormwater analysis. [See SCS TR-20 Method and hydro-CAD calculation using Technical Release 55 Methodology within the SWPPP].

Water Quality Volumes and Runoff Reduction will be additionally mitigated by the employment of 14 bioretention areas, 1 dry swale and the existing pond to treat stormwater and remove a minimum of 80% of all pollutants as required by the NYSDEC.

The bioretention zones will filter stormwater through a layer of soil prior to discharging into the surrounding soil and/or proposed stormwater period. Water quality volume is not required to be treated to 100% for runoff reduction practices, nor is channel protection volume required, owing to existing slopes and soil types for ultimate discharge into the Hudson River, as a greater than 5th order stream. [See also, Post Development Best Management Practices, as detailed for bioretention areas and the existing on site pond within the SWPPP].

Inspections by a qualified inspector are required under the SWPPP and Site Inspection Reports are to be provided for upon forms, together with Corrective Actions within 24 hours of a corrective action triggering event. [See SWPPP Appendices B and C].

With respect to additional consideration of slopes in excess of 15% and associated potential environmental effects, the Lead Agency notes the following from review of the site plan:

- a.) 2.5 acres of site disturbance will be on slopes in excess of 15% grade and below 25% grade.

b.) Small disturbance areas totaling less than 10,000 square feet in all instances will be at isolated slopes which exceed 25% grade in order to accommodate the easterly portion of the hotel and limited areas of the internal roadways. Said slope disturbances cumulatively total 1.02 acres and this is permissible for the Project, in accordance with limitations set forth within the Town of Marlborough Zoning Law.

As such, the site disturbance comports with the Ridgeline and Steep Slope Protection Law, Article IX, Town of Marlborough Zoning Law provisions. Moreover, the Lead Agency has confirmed that the Project is not identified upon the Town of Marlborough Ridgeline Protection Map.

As detailed later within this Negative Declaration, the Applicant has traveled to extensive lengths to avoid construction of the hotel and cabins upon the ridgeline in full view. In order to visually mitigate the build portion effects, the Applicants Architects have provided for construction which will be framed into the existing slope and then accentuated with earth tone colors, aesthetic accentuations and non-reflective glass.

The Lead Agency further finds that when completed, all grades for buildings and structures will be less than 15% and the cuts and fills associated therewith will all be balanced on site.

In addition, to the aesthetic address which is analyzed in this Negative Declaration, the Ulster County Planning Board has taken special notice in commending the Applicant and the Lead Agency upon the hotel construction and its attendant visual mitigation within its July 5, 2024 Recommendations. [See also, Paragraphs 9 and 10 herein].

The avoidance of visual effects is being further buttressed by the use of helical piles in order to also conserve trees on the site and provide for the Applicant's vision of a "Treehouse Experience".

The Lead Agency further notes the relocation of cabins in order to preserve the area on site which was used by indigenous people thousands of years ago, as analyzed within this Negative Declaration.

Based upon the foregoing, this potentially large impact has been voluntarily mitigated to a point whereby the impact cannot be said to pose a significant adverse environmental effect. [See also, Site Plans, Architecturals, Visual Simulations and further detailed examination within Paragraphs 7, 9 and 10 herein].

The Lead Agency further finds that the Project will be built out in three (3) phases which will, likely, continue for longer than one (1) year. The associated build sequencing will result in the cabins being constructed first, the hotel and parking next and the banquet hall being last. The Phasing Plan will provide for the implementation of mitigation measures discussed herein and phasing does not present a significant environmental impact.

In accordance with the foregoing analysis, the Lead Agency finds that there will be no substantial change in existing ground or surface water quantity or quality as a result of construction lasting for an excess of one year, nor for the Project, at large. [See also, Soil Erosion and Sediment Control Plan, Detail Plans and Stormwater Pollution Prevention Plan].

Based upon all of the foregoing, the Lead Agency is satisfied that there will be no significant environmental impacts to the area of concern highlighted within the heading to this paragraph.

3. SUBSTANTIAL ADVERSE CHANGE IN EXISTING TRAFFIC LEVELS:

The Applicants have submitted a detailed Traffic Study dated June 27, 2023, which was supplemented on September 27, 2023 by Steven Maffia, PE. This Traffic Study analyzes the roadways servicing the Project, as well the additional traffic which is expected to be generated over time by the Project.

In addition, the various Traffic Study Documents further provide for mitigation measures to be employed by the Applicants in order to address the increases in traffic channelization, reorientation and safety issues, which will occur as a result of the Project at full occupancy.

The Applicants have also coordinated with MHE Engineering, together with representatives from Creighton Manning Engineering [CME] as Lead Agency traffic consultants, in consideration of the traffic issues associated with the Project and to date. The Town of Marlborough Highway Department has indicated no objections to the Traffic Study or it's findings.

The combined Traffic Impact Study analyzes the Project with respect to existing conditions, future traffic conditions, events, traffic volume comparisons, time of day, trip assignment, build traffic volumes, level of service analysis, site disturbance and growth factors.

Based upon the studies submitted, the peak weekday hours for traffic will be from 4:00 p.m. to 6:00 p.m. Intersection peak hour volumes on Friday and Saturday evenings. Said traffic peak hour counts are consistent with the NYSDOT counts from 2017.

The roadways analyzed were as follows: North Road, Mahoney Road, NYS Route 9W. Existing conditions were observed and then combined with the traffic volume Projections.

The resultant counts show that the entire development, at full build out and complete occupancy, will generate 1674 trips during the weekday's peak period and 840 trips during the weekend [Friday night] of 7:00 p.m. to 8:00 p.m. peak period.

The foregoing counts were also analyzed in terms of where traffic originates and where it destined as part of a probability analysis which is reflected as "Trip Generation."

Utilizing all of the above information, together with computer modeling based upon the Trip Generation Manual 11th Edition, the Applicant's Traffic Consultants determined the Level of Service [LOS] at the peak hours for a 4% growth factor. A 45% North/55% South split onto Route 9W from the surrounding streets was further utilized.

The study locations on Route 9W (Milton Road and Mahoney Road) are stop sign controlled intersections with four approaches. The North Road/Mahoney Road intersection is a "T" shaped configuration, but under full build conditions it will have four approaches.

The resulting LOS figures show that the only time which a LOS F will be experienced will be during the Friday evening full build time at Route 9W and Mahoney Road. In this instance, the delay will be 100.4 seconds, thereby degrading to LOS F for this limited period of time.

However, as Friday evening conditions at Mahoney Road will be experienced at LOS F for one hour or less, the Applicants

Traffic consultant states that this condition may be considered acceptable.

The Lead Agency concurs with the Applicants Traffic Consultant that all of the intersections studied and the Projected Project traffic do not require signalization, left turn lane and/or re-routing mitigation and that the build conditions will be acceptable for the following reasons:

- a) LOS for all intersection, excepting the one instance addressed above, will not operate at LOS F upon full occupancy at peak hours of traffic generation.
- b) Banquet Hall events will more frequently be held on Saturdays and not during the week at the peak weekday traffic generated hours.
- c) Full events of 300 persons are expected to be minimal and even if experienced, will be accommodated by valet parking, timing and event staff by a proven operator, as has been past practice.
- d) The one instance of LOS F will only occur for a 100.4 seconds average period. These delays will be intermittent, of short duration and are, to a large extent, to be expected by the public. Accordingly, the Lead Agency finds that toleration of these delays, which may persist for less than two minutes, are not significant.
- e) The Lead Agency emphasizes that in making this finding, the same is limited to the limited LOS F exposure within the instant application and in no way does the Lead Agency endorse LOS F as a generally acceptable traffic condition. Owing to the LOS F short duration the mitigation impacts employed and the nature of the existing uses in this particular Application, it is acceptable to the Lead Agency in this particular instance.
- f) The Applicant plans to employ on site parking and valet service via golf carts, as the parking is not adjacent to the hotel or cabins. This will further minimize vehicular use and further examination of this issue is set forth below.

The Lead Agency finds that traffic delays will not pose any significant adverse effects as a result of the Project.

The Applicants Traffic Consultants further conducted a parking assessment. As the Project is considered "mixed use" in traffic parlance, not all visitors and staff will be on the site at the same time during the day and evening. In addition, the Traffic Report notes that hotel guests will be staying overnight and as a result, they will not generate nearly as much traffic as day visitors.

In addition, the Traffic Consultant notes that shared parking will be utilized. Accordingly, corresponding uses and time of day factors were further analyzed, in terms of variations in accumulation of vehicles by hour, by day, by season and at individual land uses and with multiple land uses.

In applying the shared parking concept, there will be an estimated reduction in the parking supply of 90 spaces. This is one of the several reasons why the off site parking and valet delivery concept mitigation is being employed. Green space will be preserved, banked parking will be utilized and temporary parking will be accommodated.

Traffic during construction is not anticipated to be significant, as construction vehicles will be housed on site, filling/grading will be balanced to the extent practicable and coordination with the police, if necessary, can be effectuated.

The Lead Agency further references the lengthy Appendix submitted with the Applicants Traffic Consultants Report, wherein all figures are quantified.

On September 27, 2023, the Applicants Traffic Consultant provided responses to certain questions posed by a Planning Board Member. In this regard, the following issues were addressed:

- a) Inter-governmental coordination with the Town of Lloyd was noted in terms of traffic routes to the site from the north.
- b) Decreasing accidents as a result of a Roadway Safety Audit at Route 9W, near Milton Road intersection shows that there is no significant safety issues with respect to traffic.
- c) Eliminating five accidents for deer strikes, the remaining accidents in the five year period [2012-2016] are not enough to warrant a left turn lane on Route 9W at Milton Road. However, Route 9W is a state road under the jurisdiction of the NYSDOT and the Town

of Marlborough lacks jurisdiction to require a turn lane in an event.

- d) Moreover, Projected left turn southbound peak hour traffic is only 38 vehicles. According to ASSHTO Standards, over 200 vehicles would be necessary to warrant a left turn lane analysis.
- e) The 4% growth factor is double the growth factor used by the Dockside Project [another Town of Marlborough development] and a combination of Project build year and miles in distance for other residential developments which are planned militate to this percentage being reasonable.
- f) Van Orden Road will be gated off. The access points are on North Road and only one access point on Mahoney Road. There will be no new traffic on Van Orden Road and emergency only traffic will be accommodated.
- g) Trip generation, overlapping access, pavement conditions, NYSDOT Count Data and peak hour generation figures have all been adequately addressed.
- h) Banquet hall occupancy, truck data, peak hour differences for the banquet hall, directional movements, potential banked parking, valet service and no parking on Van Orden Road are all adequately summarized by the Traffic Consultant.
- i) The Friday Peak Hour condition at Mahoney Road was reiterated in terms of intermittent delay of less than 2 minutes for a 7:00 p.m.-8:00 p.m. period. Again, the Lead Agency is satisfied that the LOS F in this single instance and for this Project is considered acceptable.
- j) Finally, the Applicants Consultant Engineer also provided a detailed address of the CME Review and the traffic related comments of a Lead Agency Planning Board Member. The Lead Agency is satisfied with the responses offered therein.

Finally, the Lead Agency finds that the Applicants long standing ties to the Marlborough Community and business reputation present a reliable expectancy that additional privately employed traffic management personnel will be utilized, if necessary, in the future.

Accordingly, the Lead Agency finds that special traffic management by the police or other safety personnel are not expected to be employed for the Project.

The Lead Agency further finds that the draft Offer of Cession Agreement [roadway widths] and the draft Private Roadway and Maintenance Agreement for access to a shared portion of the Project Site, as submitted by the Applicants Attorney, will be made of record within the Offices of the Ulster County Clerk, following further refinement during the pendency of site plan review.

The Lead Agency further finds that the planned fifteen (15') foot wide internal access roadways have been reviewed by it's consulting engineers, the Fire Department and the Town of Marlborough Highway Superintendent and said width has been found to be acceptable for the Project.

With respect to the issue, the Lead Agency notes that pursuant to Section 280-a of the Town Law of New York State, internal roadway width of fifteen (15') feet is deemed "presumptively safe".

While signage is typically not a major SEQRA issue, the Lead Agency is satisfied that the location of traffic related signs, as added to the site plans for internal channelization and ingress/egress, will be further detailed during the pendency of site plan review and in light of the plans and narratives for the Project. [See Site Plan].

Based upon all of the above the Project will not result in a substantial adverse change in existing traffic levels, or adversely alter the present patterns of movements of people or goods and the potential traffic impacts posed by the Project are not significant.

4. SUBSTANTIAL ADVERSE CHANGE IN NOISE LEVELS:

The proposed construction of the hotel, banquet center, restaurant, cabins, drainage facilities, parking areas, stormwater management infrastructure and related appurtenances will be limited in duration and will not generate noise levels which will be substantially objectionable to the public at large.

The associated noise impacts of construction equipment, machinery and construction workers will take place during daylight hours and will be limited in duration. The Lead Agency finds that these customary construction noises are encountered on a regular basis when development Projects are undertaken in the Town of Marlborough.

The Lead Agency further finds that the Applicants submittals show that the planned Project improvements are not Projected to occur simultaneously. Instead, construction will occur over time and will not result in concentrated multiple noise impacts be limited to sequential build areas of a type which could be said to have potential for significant noise impacts.

The Lead Agency finds that all on site rock removal work will be accomplished with a rock hammer and that no blasting will occur.

The Applicants Consulting Engineer has offered that the only area of the site which should require the use of a rock hammer is on a portion of the new hotel. Based upon the limited rock removal on site, the tree buffering noise attenuation effect, accommodation of working hours and the efficiency of the machinery, the limited rock removal, via rock hammering, will be temporary, customary and of limited duration. As such, rock removal is not expected to result in substantial adverse noise effects during the pendency of construction at the Project site.

With respect to the potential for noise which may pose a change in noise levels as a result of outdoor activities associated with the planned events, the Lead Agency finds that the same will not be substantial or adverse for the following reasons:

- a) Banquet hall activities are expressly permitted under the Town of Marlborough Zoning Law within the R-1 and HD Districts.
- b) The Project is located within an already developed hotel-resort area at Buttermilk Falls.
- c) The event parking and golf cart shuttle service will be situate generally away from residential uses.
- d) No complaints pertaining to the potential for excessive noise by neighboring property owners were received by the Lead Agency during the pendency of the Public Hearing.
- e) The banquet hall use is a permitted use and it will be accommodating indoor related noise which is customary for gatherings.

f) The banquet hall, nearby hotel/cabin buildings, existing topography and vegetation will act to some degree in dissipating sound waves.

g) The Town of Marlborough and it's agencies posses the authority to respond to potential noise complaints, if necessary.

Long term noise impacts will not be substantial as the construction of buildings, internal roadways, parking areas and related facilities, together with noise resulting from vehicular traffic and Project occupancy will be intermittent and will be customary for areas which are in the vicinity of the proposed Project. In this regard, the Lead Agency emphasizes that the proposed Project is located proximate to the existing hotel/resort, wherein concentrated commercial development has been established for many years. [See Site Development Plan].

Moreover, the Applicant will be governed by any applicable Town of Marlborough Code provisions which limit construction activities during the week and on weekends. The Lead Agency further finds that the Applicant has in the past observed all days and times for the performance of construction as set forth under the Code and in the event the hours which are permitted for construction activities change in the future.

Based upon the mitigation measures and all of the above, the Lead Agency finds that there will not be a substantial adverse change in noise levels brought about by the Project.

5. SUBSTANTIAL INCREASE IN SOLID WASTE PRODUCTION:

The proposed Project will not substantially increase the amount of solid waste production which is regulated pursuant to Article 27 of the Environmental Conservation Law of New York State. [6 NYCRR Part 360, et seq.]

Solid waste generated from the Project will amount to a maximum of 8 tons per month assuming the full build out and occupancy, based upon stated averages as contained in the Ulster County Solid Waste Report. [See also, Long EAF Part 1]. Accordingly, solid waste will be transported to the Ulster County Resource Recovery Agency Facility in Kingston, New York and/or managed by private contractors and carted to another lawfully operating facility.

The Lead Agency further finds that the above figures have not been adjusted downward by the Applicants to reflect any potential savings in solid waste production which may be achieved as a result of recycling.

Based upon the foregoing, the Project poses no substantial increase in solid waste production.

6. SUBSTANTIAL INCREASE IN POTENTIAL FOR EROSION, FLOODING, LEACHING OR DRAINAGE PROBLEMS:

At the outset, the Lead Agency notes that this paragraph and especially the recitals which relate to mitigation measures employed for physical changes to the Project site, are to read in conjunction with Paragraph 2 herein.

Drainage, leaching and erosion control measures are subject to and are consistent with the NYSDEC, "New York State Guidelines for Erosion and Sediment Control", the New York State and Ulster County Municipal Services Sanitary Codes and SPDES General Permit [GP-0-20-001] Requirements.

As discussed earlier herein, the Project will employ Best Management Practices, as set forth in the NYSDEC Guidelines and as extensively addressed in the Stormwater Analysis and Management Plan, Supplemental Reports, Erosion Control Plan, Stormwater Pollution and Prevention Plan, TR-20 and TR-55 Hydrograph Modeling, existing conditions analysis and all leaching and erosion control measures addressed herein.

In addition, the Applicant has detailed plans for the employment of bioretention and associated landscaping features in order to further control stormwater management as set forth previously herein.

The proposed Project is located upgradient from the Hudson River, which is a Statewide Area of Significance. Drainage will be in accordance with the analysis provided within Paragraph 2 herein. As all stormwater will be treated and peak rates of flow will be attempted to pre-development levels, there will be no adverse drainage effects visited upon the Hudson River.

Owing to slope limitations and build conditions associated therewith, wildlife and associated habitat areas will not be disturbed nearby to the Hudson River. Accordingly, as the area of disturbance for the Project is 15.3% of the 62 acre site, the Lead Agency finds that no significant wildlife displacement will

occur at or near to the Hudson River. [See also, Paragraph 7 herein].

No portion of the Project build site will be located within a designated Floodway or Flood Area as delineated by the Flood and Emergency Management Program [FEMA]. A review of the Flood Insurance Rate Map of the Town of Marlborough, as promulgated by the National Flood Insurance Program, identifies a non-buildable portion of the premises within the flood bounds at the Hudson River. This area will not be disturbed and no building or other infrastructure is planned for this area.

The Lead Agency further concurs with the Applicants Consulting Ecologist that there are no Federal Wetlands situate on the site which will be adversely affected as a result of the Project. In this regard, the only concentrated wetland area of the site is proximate to the Hudson River and its adjacent high water marks. These areas are classified as Federal Wetlands pursuant to 33 CFR Part 330 et seq. and they will not be disturbed. [See Site Development Plan Map].

It is further noted that, the Lead Agency has included the United States Army Corps of Engineers as an Interested Agency and takes notice of the fact that said agency has not opined upon the Project in an advisory capacity.

The Lead Agency finds that the above cited regulatory criteria will have no application to the proposed Project improvements since all areas of proposed development will be situate well outside of these areas of special concern and statewide significance.

The Lead Agency further finds that there is no documentation submitted of record which would indicate the presence of karst topography or that contaminants, or other deleterious agents, will flow through subterranean passages, conduits or inter-connections proximate to the Hudson River.

With respect to the potential for erosion and most specifically, the area of the Project site being utilized for additional parking at North Road, the Lead Agency finds that the pre-existing parking/warehouse use of the premises and attendant stormwater management detailed within Paragraphs 2 and 6 herein, render this area of environmental concern non-significant.

The Project plans further show that the North Road parking area is slated for parking at the closest point to North Road,

thereby eliminating cut and fill, while avoiding new access points to North Road. This area will also be cleaned up and retrofitted for parking and valet service.

As to the area of the Project site which will accommodate the planned buildings, the Lead Agency finds that the portion which is located nearest to the steepest areas of the site will be reinforced by architecture and engineering retaining areas, slope stabilization to 2:1 and drainage mitigation measures detailed previously herein. [See Site Development Plan Maps, Details and Architectural Renderings and the SWPPP].

The Lead Agency and it's Consulting Engineer have reviewed all engineering and drainage submittals, together with the stormwater and erosion control mitigation measures as proposed and compared the same with the relevant regulatory criteria discussed herein. Based upon the Record made, the Lead Agency finds that the Applicants plans and associated methodologies demonstrate that the action will have no substantial increase in the potential for erosion, flooding, leaching or drainage problems. [See also, Paragraphs 2, 3, 7, 9 and 10]

7. THE REMOVAL OR DESTRUCTION OF LARGE QUANTITIES OF VEGETATION OR FAUNA; SUBSTANTIAL INTERFERENCE WITH THE MOVEMENT OF ANY RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; IMPACTS ON A SIGNIFICANT HABITAT OF ANIMAL OR PLANT, OR THE HABITAT OF SUCH A SPECIES; OR OTHER SIGNIFICANT ADVERSE IMPACTS TO NATURAL RESOURCES:

The vegetation and wildlife of the site are typical of both undeveloped and underdeveloped sites situate in the Town of Marlborough. Vegetation is dominated by upland hardwoods and a sparse amount of open meadow/brushland comprise the areas of the Project site.

Inquiry and cross reference with NYSDEC and the United States Fish and Wildlife Service [USFWS] records by the Applicants consulting Ecologist, Ecological Solutions, LLC, Mike Nowicki, noted the potential presence of certain endangered/threatened species at the Project site.

The Applicants engaged Ecological Solutions, LLC to address the above referenced issues and a resultant Report was produced in response thereto as follows:

- a) July 31, 2023 Endangered and Threatened Species Habitat Suitability Assessment Report.

The habitat areas and species studies by the Applicants Ecological Consultant are as follows:

- i) Shortnose Sturgeon [Endangered Species].
- ii) Atlantic Sturgeon [Endangered Species].

It is noted that the bald eagle has been de-listed nationally from endangered/threatened species status. Although the Hudson River is a known travel way for bald eagles, no nests are situate at or within 660 feet of the Project site, as regulated by the NYSDEC and bald eagle effects will not be adverse.

The Applicants Ecological Consultant further visited the Project site in search of the habitat types and individual species set forth above. The Lead Agency further notes that the Report references that the property was also reviewed for other endangered, threatened and/or rare species of flora and fauna which have not been referenced by the NYDSEC and the USFWS.

The resultant Report details that none of the individual species, or other threatened/endangered species were found at the site. Nor were any of the habitat areas referenced above found at the site; as the same were noted to exist below the area of proposed development and within the Hudson River Corridor.

The Applicants Ecological Consultant therein identified this area to be situate far below the areas of disturbance and an analysis of the proximity of the areas of the site to be developed demonstrates that disturbances to the identified Significant Coastal Habitat for Shortnose Sturgeon or Atlantic Sturgeon will not occur. [See also, mitigation measures for stormwater runoff within Paragraphs 2 and 6 herein].

The Report also make reference to the fact that the Project calls for expansion of the existing Buttermilk Falls Hotel and Resort premises, an area which has been historically disturbed by previous commercial development and deleterious effects upon endangered/threatened species or habitats have not been cited in the past.

With respect to other animals, plants and the potential for suitable habitat, there will be a loss of a portion of on site habitat for animals. However, wildlife displacement will occur

to nearby sites and owing to the areas of undeveloped lands situate within, adjacent to and nearby the site, it is determined that habitat loss and wildlife displacement will not be significant. This Finding is further based upon the fact that the surrounding area is comprised to a large extent by the lands which lead to the Hudson River and this area is limited for future development based upon topographic, slope and set back limitations.

In addition, areas of the site are to be devoted to landscaping, which will restore a small portion of the on site habitat which is lost by the development. Vegetative habitats located off site will not be disturbed and will not be adversely affected by the proposed development.

Although not raised by the NYSDEC Review Criteria for endangered and threatened species, the Project site is located far away from known Indiana Bat, Small Footed Bat and Northern Long Eared Bat hibernaculums. Therefore, the Report does not recommend mitigation measures associated therewith (i.e., limitation of all tree cutting to November 1 through March 31 of any given year).

In reviewing the Record and the Field Studies and Reports of Ecological Solutions, LLC as well as the various information from the NYSDEC and in the absence of any countervailing information concerning endangered and/or threatened species associated with the site, the Lead Agency concurs with the Reports and concludes that none of the foregoing plants, animals or habitats will be adversely affected by the proposed development of the site.

Based upon all of the foregoing, there will be no substantial adverse impacts in the areas set forth at this paragraphs heading. [See also Paragraphs 2, 6 and 10]

8. THE IMPAIRMENT OF THE ENVIRONMENTAL CHARACTERISTICS OF A CRITICAL ENVIRONMENTAL AREA (CEA) AS DESIGNATED PURSUANT TO SUBDIVISION 617.14(g) OF 6 NYCRR PART 617:

No CEA is designated or situate in the vicinity of the site and none will be impaired.

9. THE CREATION OF A MATERIAL CONFLICT WITH A COMMUNITIES PLANS OR GOALS AS OFFICIALLY APPROVED AND ADOPTED:

Commercial development which comports with the Town of Marlborough Zoning and Subdivision Laws is expressly permitted within the R-1 Zoning District and the HD within which the Buttermilk Falls expansion Project premises is situate.

Pursuant to the address which follows, as well as the analysis provided within Paragraphs 2, 3, 4, 6, 10, and 13, the Lead Agency finds that the Project is consistent with the existing community character and surrounding neighborhood, the Town of Marlborough Comprehensive Plan and the Town of Marlborough Local Waterfront Revitalization Program for the following reasons:

A review of the Town of Marlborough Zoning Law statutory criteria shows that this Project comports with all development density requirements within the R-1 and HD Districts and the review criteria set forth thereunder. Accordingly, there are no variances or legislative acts which are necessary to be made in order for this Project to comply with existing Zoning and Subdivision Regulations in the Town of Marlborough.

In this regard, it is noted that Section 155-27(2)(b)(4) of the Zoning Law does not provide for reduction of parking. However, the waiver provisions of Zoning Law Section 155-32(k) do provide for the opportunity of the Planning Board to waive parking requirements.

Accordingly, the reduction from 495 parking spots to 405 parking spots is justified based upon availability of lands for the banked parking, off site valet service, preservation of green space and shared parking analysis as set forth in this Negative Declaration. Therefore, the Lead Agency is satisfied that a waiver of parking requirements is appropriate in this circumstance.

The Lead Agency further finds that the Record made herein demonstrates that the Project is consistent with the Town of Marlborough Local Waterfront Revitalization Program [LWRP]/Comprehensive Plan elements and the Lead Agency observes that the Applicant has provided for a detailed address of the LWRP and its relation to the Project.

In making this Finding, the Lead Agency is mindful that SEQRA does not change the jurisdiction between agencies.

Therefore, any review by the New York State Department of State [NYSDOS] will be made within the context of this

coordinated SEQRA review and with respect to post approval New York State requirements, if any. The Lead Agency has analyzed the LWRP and the Planned Waterfront Review Criteria for Project consistency therewith, as part of this document.

In doing so, the Lead Agency has further reviewed this action to determine whether it will pose a material conflict with the Town of Marlborough Comprehensive Plan and finds that no such material conflict will occur. In making this Finding, the Lead Agency specifically reaches the following conclusions:

a) Zoning: The Project uses are all permitted within the R-1 and HD Zoning Districts, subject to site plan and special use permit discretionary reviews.

b) Historic Consistency: The Applicant's Consulting Architect has developed a building concept which respects the architecture style of the already existing Buttermilk Falls Hotel and Resort and its proximity to the Hudson River.

In this regard, the buildings make use of structural orientation and design inclusions which are consistent with the historic nature of the site, the Hudson River and the surrounding buildings proximate to the site.

The Lead Agency is satisfied that the historic character and the existing Buttermilk Falls Hotel and Resort aesthetic will be accentuated by the development of the site in accordance with the architectural documentation submitted.

c) Environmentally Sound Development: The development plan will be environmentally sound as detailed within this Negative Declaration. As such, the buildings and cabins have all been planned to provide for an unobtrusive effect upon the surrounding environment to the extent practicable and with mitigation measures which have been voluntarily offered by the Applicant. (i.e., Archeological Avoidance Plan, helical piles for installation and a Restrictive Covenant).

d) Diversity: The proposed Project will provide support for existing business within the Town of Marlborough as hotel guests, conference attendees and wedding/party participants will likely shop in the Town and Hamlet of Milton and visit other town establishments (restaurants, movie theatre, real estate offices and like entities].

The Lead Agency is mindful that it cannot lawfully base its decision to adopt and issue this Negative Declaration upon economic considerations. Accordingly, employment, town services and retail opportunities have not been addressed herein nor has Comprehensive Plan Goal, which sets forth the call for, "Diversifying the Economic Base" been analyzed in support of this Negative Declaration.

e) River Access: The Project will develop the area which overlooks the Hudson River. However, access to the river will not be forwarded.

This issue is more comprehensively addressed within Paragraph 10 herein. However, the Lead Agency finds that river access and/or a pedestrian easement is not an essential element of the comprehensive plan.

f) Tourism: Again, economic analysis is not appropriate in weighing the benefits of the Project against the potential harm to the environment under SEQRA. However, as a threshold observation, the promotion of tourism to the Town of Marlborough upon Project completion, is self evident.

g) Development Standards: Addressing the Planned Waterfront District Review Criteria under the Town of Marlborough Zoning Law, the Lead Agency further makes the following findings:

The Project meets with all Development Standards as set forth within the Zoning Law for special use permit and site plan review criteria. [See Site Plan Maps and Architecturals, as well as the supplemental address later within this Negative Declaration].

As to the Review Criteria under the LWRP, as set forth within Zoning Law, the site development and appropriateness of uses, the Lead Agency finds as follows:

Criteria (1): The design and relationship of development as viewed from the water.

The foregoing paragraph address of Criteria #3 is applicable to this Criteria and the Lead Agency reiterates the same.

Further, the record reflects that the Applicant has designed a Project which will be seen from the water. However,

the Lead Agency notes that the areas of the Hudson River which are located down gradient of the proposed Project are privately owned and not generally traveled by the public. Therefore, the effect of the Project upon water based viewing will not be adverse. [See also, visual analysis examined herein].

The Applicant has submitted a July 24, 2024 LWRP Consistency Analysis which details the following elements:

- a) Statutory Authority.
- b) SEQRA Review.
- c) LWRP Assessment.
- d) LWRP Policies Analysis; to wit:
 - i) Policy #1: Community Character.
 - ii) Policy #1: Preparation of Open Space.
 - iii) Policy #1: Infrastructure.
 - iv) Policy #1: Beneficial Use of Waterfront Location.
 - v) Policy #1: Minimizing Adverse Effects of Development.
 - vi) Policy #2: Preservation of Historic Resources of the Waterfront Area.
 - vii) Policy #3: Enhance Visual Quality and Protect Scenic Resources Throughout the Waterfront Area.
 - viii) Policy #4: Minimize Loss of Life, Structures and Natural Resources from Flooding and Erosion.
 - ix) Policy #5: Protect and Prepare Water Quality and Supply in the Waterfront Area.
 - x) Policy #6: Protect and Restore the Quality and Function of the Waterfront Area.
 - xi) Policy #7: Protect and Preserve Air Quality in the Waterfront Area.
 - xii) Policy #8: Minimize Environmental Degradation from Solid Waste and Hazardous Materials.
 - xiii) Policy #9: Provide for Public Areas and Residential Use of Waterfront Waters, Public Lands and Public Resources of the Waterfront Area.
 - xiv) Policy #10: Protect Water Dependent Uses and Promote Siting of New Water Dependent Uses in Suitable Locations.
 - xv) Policy #11: Promote Sustainable Use of Living Aquatic Resources in the Waterfront Area.
 - xvi) Policy #12: Protect Agricultural Lands in the Waterfront Area.
 - xvii) Policy #13: Promote Appropriate Use and Development of Energy and Mineral Resources.

The Lead Agency is satisfied that the comprehensive address of the LWRP Policies enumerated above and provided for by the Applicant is adequate for protection and enhancement of the waterfront area. A revisit of the analysis provided for within the Applicants submittal is not necessary, as this document has been made of Record, the Lead Agency concurs with its address and the same is hereby incorporated herein, as if set forth at length.

The Lead Agency further notes that the Applicant has provided for a submittal of the NYSDOS Coastal Assessment Form as well as the Town of Marlborough LWRP Waterfront Assessment Form. Lead Agency review of this additional documentation has taken place and the Lead Agency is satisfied with the quantitative information contained therein.

Subsequent review of the policies and provisions of the LWRP by Town of Marlborough Waterfront Advisory Committee is slated to take place. The Waterfront Advisory Committee was identified an interested agency under SEQRA by the Lead Agency and circulation of Application documents, as well as the LWRP Consistency Analysis, has been made as part of the coordinated review of this Action.

In addition, the New York State Department of State, Division of Coastal Resources, has also enjoyed the same participation as an interested agency during the pendency of Project review.

The Lead Agency finds that both of these agencies may choose to further comment upon the Project at some time in the future during the continuing Lot Line Revision, Site Development Plan and Special Use Permit Reviews for the Project. However, from an environmental analysis perspective, the Lead Agency is satisfied that the applicable LWRP policies have been met by the Applicant to the maximum extent practicable and that no adverse effects to the LWRP or its Policies will result from this Action.

In making this finding, the Lead Agency further observes that the LWRP and the Waterfront Advisory Committee serve in an advisory capacity only, since a Local Law has not been adopted by the Town of Marlborough Town Board which would operate to grant to the Waterfront Advisory Board binding discretionary administrative authority under the LWRP.

Accordingly, the Lead Agency finds that the Project results in no adverse effects upon the LWRP or its Policies as the same are related to the plans, mitigation measures and associated environmental analysis of the Project as set forth of Record.

Based upon all of the foregoing, the Lead Agency finds that the action will not create a material conflict with the Town of Marlborough's plans or goals as officially approved and adopted.

10. THE IMPAIRMENT OF THE CHARACTER OR QUALITY OF IMPORTANT HISTORICAL, ARCHAEOLOGICAL, ARCHITECTURAL OR AESTHETIC RESOURCES OR OF EXISTING COMMUNITY OR NEIGHBORHOOD CHARACTER:

The Lead Agency has studied areas of potential archaeological, architectural and historic significance [NYSDEC Circles and Squares] situate on or in the vicinity of the Project site in light of the documentation submitted by the Applicant, the New York State Office of Parks, Recreation and Historic Preservation [NYSOPRHP] and other interested agencies/persons.

Owing to the Project being located within an archaeologically sensitive area, the Applicants engaged the services of Joseph Diamond, PhD in order to complete a comprehensive Archaeological/Historic Study of the Project site.

On September 27, 2023 the New York State Office of Parks, Recreation and Historic Preservation [NYSOPRHP] issued comments based upon inquiry from the Applicants Consulting engineer upon review of the Site Plans the NYSOPRHP advised that it has no architecture or above ground concerns. However, the archaeological sensitivity of the area was noted by the NYSOPRHP within its correspondence.

The Applicants Consultant has prepared a Full Phase 1 a/b Cultural Resource Study, a Full Phase 2/3 Cultural Resource Study and an Avoidance Plan, all of which have been submitted to the Lead Agency and the NYSOPRHP in accordance with Section 14:09 of the Historic Preservation Law of New York State and SEQRA.

Based upon the studies aforesaid, as completed by Joseph Diamond, PhD and as analyzed herein by the Lead Agency, the Lead Agency finds that the following potentially large impacts have been mitigated to an extent which changes the same to small to moderate impacts as discussed below:

a) Proposed action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of Historic Places.

b) Any impact to an archaeological site or fossil bed located within the Project site.

c) Proposed action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

The Lead Agency analysis of the foregoing Studies and attendant mitigation measures is as follows:

The Phase 1A Archaeological Survey included study of the Project plans in light of a compilation of literature applicable to the study area and address of the following therein:

- i) Literature Survey.
- ii) Introduction [Description of the Project].
- iii) Environmental/Physical Setting.
- iv) Prehistoric Archaeological Sites.
- v) Historic Archaeological Sites.
- vi) Prehistoric Sites.
- vii) Historic Sites.
- viii) Sensitivity Assessment.

The Phase 1B Archaeological Reconnaissance involved the following areas of study:

- i) Research Design.
- ii) Field Methods and Procedures.
- iii) Results of Field Investigation for the following:
 - a) Storage Buildings near Mahoney Road and North Road Access.
 - b) Driveway from Van Orden Road to White House.
 - c) Van Orden Road to Shed.
 - d) Llama Den and Yard.
 - e) Sand Grave Quarry.
 - f) Chicken Coop Access Road.
 - g) Around Proposed Hotel.

A total of 79 shovel tests were excavated within the Project area.

Owing to the presence of pre-contact sites within one mile of the Project, it was determined by Joseph Diamond, PhD that

further study of the site was warranted and the NYSOPRHP concurred in this assessment.

Accordingly, Joseph Diamond, PhD identified the Buttermilk Falls Pre-Contact Site Locus #1 upon a remnant portion of a terrace which was previously mined. This site contributed multiple tool functions debitage and a Brewerton Side-Notched Projectile Point [circa 3000 BC].

A second Buttermilk Falls Pre-Contact Site Locus #2 was identified. However, NYSOPRHP correspondence with the Stockbridge Munsee Tribes determined that Locus #2 did not meet eligibility requirements for National Register of Historic Places.

Pre-Contact Site Locus #1 did meet National Register Criteria. Therefore, short term mitigation protective measures, as well as an Avoidance Plan with Restrictive Deed Covenant, were developed by the Applicant the NYSOPRHP.

Joseph Diamond, PhD thereafter contacted the Project Attorney in order provide the NYSOPRHP with draft Restrictive Deed Covenant which will protect the Locus #1 area in perpetuity. The Lead Agency has been provided with a copy of this draft document.

The Avoidance Plan resulted in the relocation of all cabins to outside of the Locus #1 area, to another portion of the site located further from the Hudson River bluff and a 50 foot wide buffer area is provided for.

The Restrictive Covenant will be recorded within the Offices of the Ulster County Clerk and the affirmative covenant will limit Locus #1 activities to walking along pedestrian trails to feed and enjoy llamas, alpacas, donkeys and other animals. In addition, animal shelters, sheds and solar array improvements, including fencing, will be permitted, as the same will result in only limited ground disturbances for the purposes of installation, repairs, maintenance and improvements.

The results of the above site work have been summarized by Joseph Diamond, PhD and certain artifacts and photographs were also reviewed by the Lead Agency.

The Applicants have further submitted the December 17, 2009 Phase 2/3 Archaeological Evaluation/Clearing Report to the Lead

Agency and the NYSOPRHP, which details the following as noted within it's Cultural Resource investigation Management Summary:

- a) NYSOPRHP Project Review.
- b) Phase Information
- c) Architectural Survey.
- d) Historic Survey.
- e) Archaeological Evaluation.

A detailed address of the Phase 2/3 Study results is set forth below by the Lead Agency.

The Phase 2/3 Study provides an analysis of the following areas:

- a) Environmental/Physical Setting.
- b) Brief history.
- c) Research Design.
- d) Field Methodology Procedures and Interviews
- e) Results of Field Investigation.
- f) Conclusions and Recommendations.

The Lead Agency finds that the foregoing studies and presentation, as forwarded by Joseph Diamond, PhD, together with cabin relocations and recording of the Restrictive Deed Covenant, mitigate all three (3) potential large impacts to small to moderate impacts.

Further, the investigation and study of pre-historic archaeological sites, historic sites, sensitivity assessments, the Locus #1 Area, Avoidance Plan Relocation and Restrictive Deed Covenant, and the resultant analysis demonstrate that there will be no significant adverse impacts upon any of these areas of environmental concern.

The NYSOPRHP related concurrence ("No Adverse Effects" Letter) remains to be garnered by the Applicant. However, as SEQRA does not change the jurisdiction between agencies, the Lead Agency is satisfied with the Avoidance Plan, Restrictive Deed Covenant and related mitigation measures for the purposes of this Negative Declaration.

As to the historical character and condition of surrounding buildings which are proximate to the Project site, the Lead Agency finds that the same have been properly identified catalogued, investigated and made part of the documentation

submitted by Joseph Diamond, PhD and which is being considered by the NYSOPRHP.

Based upon all of the foregoing, the Lead Agency finds that the studies, reports and responses to the NYSOPRHP mitigate the foregoing potential environmental impacts from potentially moderate to large to small under SEQRA. Accordingly, the Lead Agency finds that the Project possess no adverse effects upon the character or the quality of important historical, archeological, architectural or cultural resources. [See also, Paragraphs 2, 4, 6, 9, 10 and 12].

With regard to aesthetic resources and the effect of the proposed Project upon existing community or neighborhood character, the Lead Agency finds that the Project results in no adverse impacts as follows:

a) The existing character of the surrounding neighborhood is commercial with interspersed homes situate on individual lots and the existing Buttermilk Falls Hotel and Resort is located adjacent to the Project area. In addition, the Project is proximate to existing traffic calming devices, major roadways and is bordered in the east by the Hudson River.

The proposed Buttermilk Falls Expansion Project will remain consistent with the existing land use pattern as demonstrated of Record and for the following reasons:

b) Design of the proposed buildings comprising the hotel, restaurant, banquet center and cabins. [See architectural submissions].

c) Green-build materials utilized for all buildings.

d) Existing commercial development along North Road in the form of the existing Buttermilk Falls Hotel and Resort.

e) The employment of Best Management Practices for site disturbances.

f) Development of a Project which has the potential to advance the continuing improvement of the Marlborough/Milton corridor.

g) LWRP Consistency, as detailed within this Negative Declaration.

h) Preservation of natural woods screening to the maximum extent practicable for the hotel, cabins, banquet hall, restaurant and parking.

i) Landscaping as employed pursuant to the Landscaping Plan.

j) The Town of Marlborough Zoning Law has not been amended, overlayed or otherwise affected by lawfully enacted zoning or land use changes which would operate to prohibit the development as planned for the Project.

k) The inclusion of the permitted hotel, banquet hall, cabins and restaurant use of the premises within the R-1 Zoning District and the inclusion of parking which services said uses as a permitted use within the HD Zoning District, are tantamount to a legislative finding that the permitted uses are in harmony with the general zoning plan and will not adversely affect the local community or the character of the neighborhood. [See New York State Court of Appeals case law submitted by the Project Attorney].

l) Visual compatibility of the Project with the existing buildings and the surrounding neighborhood within the vicinity of the Project site. [See architectural documents].

m) The consistency of the location of buildings set back from Buttermilk Falls buildings and appurtenances which pre-exist the Project; especially the current iteration of the Buttermilk Falls Hotel and Resort.

n) Historical design characteristics as detailed by the Project architect.

With respect to visual impacts posed by the Project, the Applicant has completed Visual Simulations, via their Consulting Architects. The simulations examine the proposed expansion of structures during all four seasons and including from a Hudson River vantage point.

All of the architectural depictions above were performed consistently with the areas which were suggested to the Applicants by the Ulster County Planning Board at a December 18, 2023 Gateway Meeting. The Lead Agency is satisfied that the foregoing viewpoints are acceptable to provide for an accurate depiction of the facility from prominent viewing areas proximate

to the Project site and along the Hudson River upon full build out.

As to methodology employed in preparation of the visuals, a three dimensional view of the building and the site, which utilized the existing topography, building elevations and floor plans as baseline indicators was utilized. Photographs were taken from viewpoints and renderings of the site were developed therefrom.

With respect to the Project's proposed buildings and related appurtenances, the Lead Agency has received Plans, Elevations, documentation and testimony from the Applicant's Consulting Architect, which demonstrates that the buildings are consistent with the historical nature and architectural expression of the surrounding neighborhood for the following reasons:

- a) The expressed desire by members of the Lead Agency that the buildings remain true to the historic context of the site to the maximum extent practicable.
- b) The proposed buildings have been developed based upon historical references as to building architecture, existing Buttermilk Falls Hotel and Resort improvements and the resultant form.
- c) Archival documentation was utilized by the Applicant's Architectural Consultants in order to develop the buildings and structures plans.
- d) The proposed buildings will utilize materials which are historically compatible with the existing character of the neighborhood.
- e) Building massing has been broken up to evoke a sense of nature and spa space.
- f) The massing of the Project buildings and structures is varied in order to further evoke the historical multiple additions to the Buttermilk Falls site over the years.
- g) The use of helical piles for construction of the cabins so that tree removal is reduced.

For the reasons stated at length herein, the Lead Agency finds that the hotel, restaurant, banquet hall, cabins and the

North Road parking area will not be variance with the character or quality of important aesthetic resources or of existing community or neighborhood character from a visual perspective.

Addressing lighting, the Applicant has submitted a full Lighting Plan as developed by it's Consulting Engineers Medenbach & Eggers, P.C.

Planned outdoor lighting levels are consistent with those commonly observed in commercial parking lots as well as at active building exteriors. Outdoor lighting for the Project is designed so as not to exceed an average of one and one half (1.5) footcandles. This level is equal to the Illuminating Engineering Society of North America [IESNA] recommended level for active building exteriors. Parking lot lighting will also follow IESNA recommended levels as to design average.

All lighting will be glare shielded as necessary to avoid light trespass in neighboring properties and adjoining roadways. A uniformity ratio [average to minimum] will be maintained over parking and access drives to avoid a pattern of bright light and shadow that can possibly disrupt vision.

Luminar mounting heights will be below building height to avoiding additional visual impacts and all lighting will have built in reflectors and refractors. Based upon the foregoing, there will be no adverse effects as a result of lighting. [See Details, Photometric Plan and Cut Sheets].

All of the planned buildings will all be less than thirty-five (35') feet in height, as permitted within the R-1 Zoning District. Based upon the surrounding architecture in the vicinity of the Project site, the existing topographic conditions and the mitigation measures employed relating to lighting, building siting, setbacks from the Hudson River, distance from other properties and the results of the Visual Analysis, the Lead Agency finds that the height and locations of the buildings will not result in an adverse aesthetic impact.

In address of the June 5, 2024 Ulster County Planning Board [UCPB] Recommendations, the Lead Agency renders the following findings:

a) Lighting: Lighting level calculations have been provided for in accordance with Illuminating Engineering standards outdoor site recommended illuminance levels.

In addition, all luminaries are LED fully shielded and downward directed to be "Dark Sky" compliant.

The Lead Agency notes that the UCPB "recommends" bollard lighting along internal pathways. However, the exact nature of internal lighting will be more refined during site plan review. Therefore, the Lead Agency does not need to formally override the UCPB as to internal lighting, but reserves it's right, as the Lead Agency, to make a final determination as to internal lighting style during further site plan review sessions.

As to UCPB landscaping Required Modifications, the Lead Agency notes that the SWPPP provided for marking limits of disturbance in the field until built out of the cabins. Accordingly, the Lead Agency concurs with the UCPB and this will occur at the Project site.

With further respect to additional North Road parking, the Lead Agency has considered the application plans, the current condition of the planned off site parking and the valet service associated therewith.

In consideration of the foregoing and related mitigation measures, the Lead Agency finds no substantial adverse impacts upon North Road as a result of the Project based upon the following listing of related issues addressed within this Negative Declaration:

- a) Valet parking will assist with traffic at the Project site.
- b) Portions of Buttermilk Falls Resort and Hotel will remain open and not utilized for parking.
- c) The North Road parking area is privately owned by the Applicant within areas comprising the parking area and surrounding environs.
- d) Provisions made for balancing cut and fill by licensed engineers will be assisted.
- e) Lack of empirical data and/or studies which would provide countervailing authority to that which has been submitted of Record by the Applicant.

f) The lack of reasonable public parking alternatives for the Project which are within the aegis of control of the Applicant.

In addition, for the reasons addressed at length, within this Negative Declaration, the Lead Agency finds that the location of the hotel, restaurant, banquet hall, cabins and parking areas will not result in any substantially adverse aesthetic, historical or architectural impacts to the neighborhood at large and community character. [See also, Paragraph 9].

In address of site plan and special use permit standards and criteria set forth within the Town of Marlborough Zoning Law, the Lead Agency finds that pursuant to all of the foregoing analysis, the following criteria have been demonstrated by the Project.

I) Site Plan:

- i) Consistency within contiguous lands and adjacent neighborhoods.
- ii) Minimization of material adverse effects upon the desirability of adjacent neighborhoods.
- iii) Consistency with the Comprehensive Plan for the Town of Marlborough.
- iv) Awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the Project site to the extent practicable.
- v) Transitions between buildings of different architectural styles and uses.
- vi) New individual buildings relate, where practical and feasible, to the lot placement, scale, height and other elements.
- vii) Screening to the maximum extent practicable.
- viii) Possibility of future solar access at the Restrictive Covenant Area.
- ix) Access has given due consideration to traffic flow, safety, cross-access, vehicular, reparations, pedestrian movements and emergency vehicles.
- x) On site circulation provides for vehicles, pedestrians and bicycle safety.
- xi) Landscaped areas have been provided for.
- xii) Handicapped areas will function in accordance with the Building Code of New York State and other laws.

- xiii) Drainage provides for proper surface water discharges.
- xiv) Existing watercourses have been protected from erosion and sedimentation.
- xv) Proper water supply and sewer disposal.
- xvi) Fire protection is adequate.
- xvii) Lighting minimizes glare avoids creating traffic hazards and conforms to neighborhood lighting patterns.
- xviii) Sign will comply with the Zoning Law.
- xix) Noise has been mitigated to the extent practicable so that sound will not interfere with the use of adjacent property.
- xx) Landscaping will be provided for with the use of native plants and rock materials with preservation of wetland areas to provide for boundaries and transitions which preserve open space.

II) Special Use Permit:

- i) Traffic access is providing for safety.
- ii) Parking areas are adequate for safety.
- iii) Parking and service areas are regionally screened.
- iv) Character and appearance of buildings is consistent with the surrounding neighborhood.
- v) Historic and natural features have been protected.
- vi) Level of service is commensurate with the needs of the proposed uses.
- vii) Fire, police and emergency access is adequate.
- viii) Traffic will not be hazardous, inconvenient or incongruous with the R-1 District.
- ix) Best Management Practices will be used to protect streams, steep slopes, wetlands, floodplains and other areas.

In rendering the consistency findings for site plan and special use permit review, the Lead Agency emphasizes that the foregoing areas of consistency will be further refined following the conclusion of SEQRA and as part of continuing administrative review.

The Lead Agency will continue to forward its review in light of the site plan and special use permit criteria/standards during all further review procedures under the Town of Marlborough Zoning Law and in conjunction with other permitting agencies, as well as the public going forward.

Accordingly, the listings provided for above are offered herein with respect to SEQRA compliance and the Lead Agency reserves its rights to supplement the Record, including the imposition of reasonable conditions on any Final Approvals which may be granted at a later date.

Based upon all of the foregoing, the Lead Agency finds that the Project will not impair the character or quality of important historical, archeological or aesthetic resources, or the existing community and neighborhood character.

11. A MAJOR CHANGE IN THE USE OF EITHER THE QUANTITY OR TYPE OF ENERGY:

The Project will utilize electricity during the construction phase for infrastructure, parking and building improvements. Following construction, the Project will require customary and normal energy sources in quantities and types which will not result in major energy changes, To Wit; electricity, natural gas, propane and oil. [See the New York State Building Code and the New York State Fire Code and the New York State Evergreen Conservation Code; [Sections 373 of the Executive Law of the State of New York and 9 NYCRR Part 7800 et seq. respectively.]

The Lead Agency has also considered whether the Project would be a "LEED" certified development. While the Applicants have stated that they may elect to proceed with certain portions of construction in this manner, there will be no requirement placed upon the Applicants to comport with pre-designated green-build standards. The Lead Agency finds that this position is the prerogative of the Applicant in the instant case.

However, the Lead Agency does reference the following stated green initiatives which are reflected in the Record to date for the Project:

- a) Use of lands which are proximate to a previously developed site which aids in limiting sprawl and utilizes existing municipal infrastructure.
- b) The Project supports alternative transportation through the following: use of valet parking, on site bicycle storage, future potential for banked parking and limiting new parking to the minimum required by zoning regulations.

c) Reduction on heat island effect from the site through the use of shading trees in parking areas and light colored walking areas.

d) Water use reduction through the use of low flush and automatic controls on plumbing fixtures.

e) Indoor air quality shall be maintained through well designed mechanical systems with air exchanges, use of low VOC materials in finishes and wood products.

f) Natural daylight and views are to be provided to most normally occupied spaces to aid in the reduction of the use of electrical lighting.

g) Compliance with New York State Energy Star requirements.

h) Compliance with the recently amended New York State Building and Fire Prevention Code.

The Record reflects that the Project is capable of utilizing electricity from conventional and ordinary power sources, as the vast majority of Applicants customarily utilize for Projects within the Town of Marlborough.

There will not be a major change in either the quantity or type of energy as a result of the Project.

12. THE CREATION OF A HAZARD TO HUMAN HEALTH.

The Lead Agency finds that the proposed Project will not create a hazard to human health as no generation or disposal of toxic or hazardous substances or noxious fumes will be occurring as a result of the Project. No adverse changes in this area are proposed which would deviate from those which are lawfully a part of permitted development and occupancy.

With regard to development activities and occupancy which will be conducted at the site, petroleum products storage and use will be governed by applicable provisions of the New York State Navigation Law [Section 175], the New York State Environmental Conservation Law [Section 17-1743] and the New York State Transportation Law [Section 14-f], as well as the Clean Water Act [33 CFR Sections 1200 et seq].

Chemical products storage will be governed by the Resource Conservation and Recovery Act (RCRA) [40 CFR Section 261-270] and the Occupational Safety and Health Administration (OSHA) [29 CFR Sections 1910.1000-1910.1500] and New York State Regulatory Authority at 6 NYCRR Parts 370 et seq., The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) [7 USC Sections 136-136y] and 6 NYCRR Part 325 et seq.].

With respect to Erosion and Sediment Control, Best Management Practices will be followed, as detailed previously herein and as accentuated as follows:

- a) Clearing and grubbing, including soil stockpiling.
- b) Stabilization of disturbed areas with grass and mulch.
- c) Cleanup and sediment removal.
- d) Fiber roll logs utilization and-or silt fencing installation.
- e) Temporary drainage swales shall be constructed.
- f) Employment of stone check dams will be utilized.
- g) Utilization of erosion control blankets.
- h) Regular inspection of erosion control facilities.
- i) Removal of waste materials in covered containers or dumpsters.
- j) Sweeping of the streets surrounding the Project so that sediment, as caused by vehicular tracking, can be removed.
- k) The employment of good housekeeping practices for the use, storage and disposal of construction related materials.

In order to provide for additional fire and emergency personnel access in coordination with the Fire Department, the Applicant has further provided for the following:

- a) Installation of two fire hydrants.
- b) Expansion of the curbing and the round-about in the center of the Project site.

c) A sprinkler system will be installed for fire protection from the municipal water system.

Based upon the site development plans, the response to the Fire Department comments, the interested agencies participation in coordinated review and the address had herein, the Lead Agency finds that further coordination with the Fire Department and/or other emergency personnel is not required and that the Project does not pose any hazard to human health.

13. A SUBSTANTIAL CHANGE IN THE USE, OR INTENSITY OF USE, OF LAND INCLUDING AGRICULTURAL, OPEN SPACE OR RECREATIONAL RESOURCES, OR IN ITS CAPACITY TO SUPPORT EXISTING USES:

The proposed Project will not adversely affect any agricultural resources, agricultural district or open space recreational resources.

The Project site itself is an active agricultural area and is not designated with any agricultural district classification. Nor is the Project site situate within 500 feet of any other non-related Farming Operation as regulated pursuant to Section 283-a of the New York State Town Law.

The Project site will continue to employ the use of llamas, alpacas, donkeys and other animals for enjoyment by guests.

Further, the Project site is privately owned and is not legislatively classified, utilized or offered for any open space or public recreational resources.

The Lead Agency additionally finds that Town of Marlborough municipal services [water and sewer] will adequately service the proposed Project and that the plans, documentations and analysis provided to the Lead Agency demonstrates that the Project's water and sewer usage will pose no substantial impact to the lands capacity to support the Project or other existing uses.

Based upon the foregoing address, the Lead Agency finds that water and sewer capacity, supply and methodology for use are sufficient, from both municipal and private supply standpoints, to serve the Buttermilk Falls Hotel and Resort Expansion Project at full build out and occupancy. [See also, detailed examination of these areas of environmental concern within Paragraph 6 herein]. [See also, the Water Design Report and the Wastewater Design Report prepared by Barry Medenbach, PE].

The Lead Agency further finds that there will be no substantial change in the use of the land, or the lands capacity to support existing uses thereon, from the currently proposed uses which are properly zoned, lawfully permitted and presently undergoing continuing Site Development Plan, Special Use Permit and Lot Line Revision reviews as required at law. [See also, Paragraphs 2, 3, 6, 7, 9 and 10]

Based upon all of the foregoing, the Lead Agency finds that the development of the site will not adversely affect the areas of environmental concern as set forth at the heading of this paragraph. [See also, Paragraphs 9 and 10]

14. ENCOURAGING OR ATTRACTING A LARGE NUMBER OF PEOPLE TO A PLACE OR PLACES FOR MORE THAN A FEW DAYS, COMPARED TO THE NUMBER OF PEOPLE WHO WOULD COME TO SUCH PLACE ABSENT THE ACTION:

The Lead Agency finds that the building and ultimate occupancy of the hotel, conference center and catering hall, together with all parking, lighting, stormwater and other infrastructure improvements, will not attract large numbers of people to the site.

This Project is planned to be a single (1) phase development and it is conceivable that construction will continue for more than one (1) year.

However, in further mitigating this potential moderate to large impact to a small impact, the Applicants have presented the information and documentation referenced herein to show that the construction activities will be intermittent and of reasonable duration over limited portions of the 62 acre site, with construction personnel inspectors, visitors and invitees being of a number which is normal and customary for the planned infrastructure improvements and associated development thereon. [See Paragraphs 1, 2, 3, 4, 5, 6, 7, 9 and 10]

Upon completion, the Project site will not be adversely impacting a major collector street and the site will not be utilized for a mass gathering such as contemplated by the above paragraph heading.

Based upon the foregoing, modest numbers of persons will be assimilated over the Project site and surrounding area over time

and large numbers of people will not be attracted to the site or area for more than a few days as a result of the action.

15. THE CREATION OF A MATERIAL DEMAND FOR OTHER ACTIONS THAT WOULD RESULT IN ONE OF THE ABOVE CONSEQUENCES:

The construction of the proposed hotel, restaurant, cabins, banquet hall and related infrastructure on the Project site will not create any material demand for other actions which would result in one of the previously discussed consequences.

The site characteristics, planning and engineering methodology, density of the Project and mitigation measures detailed herein, render the site capable of accommodating the Project without adverse environmental effect.

In this regard, the Lead Agency finds that the proposed action will create employment. However, the employment will not displace other workers. Therefore, this potential moderate to large impact has been mitigated and reduced to a small impact. [See also, Paragraphs 1, 4, 5, 9 and 14]

The Lead Agency further finds that, the proposed action will not create additional demand for community services (schools, police and fire) and any exercise of the Town of Marlborough resources in these areas will be de minimis, as adequate numbers of police, fire and emergency personnel and modern response vehicles and apparatus presently exist to accommodate the Project in the Town of Marlborough, surrounding towns and with assistance of the state and local police.

Further, modern internal roadway construction servicing the Project site, together with grade, driveway, turnaround radius and emergency measures, which do not require the purchase or employment of additional emergency apparatus or personnel, will result from the Project. [See Paragraphs 3 and 9]

The Lead Agency further finds that town-wide cumulative impact analysis is not required, based upon this Negative Declaration's entire environmental analysis and for the following additional related reasons:

- i) The proposed Project does not have significant common impacts with other proximate Projects in the Town of Marlborough.

ii) The proposed Project is not included in a common plan or policy of other Projects in the Town of Marlborough.

iii) Other related Projects in the Town of Marlborough have not been specifically identified and consequently cannot be related to the proposed Project. [See Paragraphs 1 thru 14, the Public Hearing Transcript and the entire Administrative Record]

Based upon all of the foregoing, this action will not create any material demand for other actions which would result in one of the previously discussed consequences.

16. CHANGES IN TWO OR MORE ELEMENTS OF THE ENVIRONMENT, NO ONE OF WHICH HAS A SIGNIFICANT IMPACT ON THE ENVIRONMENT, BUT WHEN CONSIDERED TOGETHER RESULT IN A SUBSTANTIAL ADVERSE IMPACT ON THE ENVIRONMENT:

Based upon the information contained in this Negative Declaration of Environmental Significance and the record before the Lead Agency there will be no changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment. Therefore, cumulative impact analysis is not applicable to this action. [See Paragraphs 1 thru 17 herein]

17. TWO OR MORE RELATED ACTIONS UNDERTAKEN, FUNDED OR APPROVED BY AN AGENCY, NONE OF WHICH HAS OR WOULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, BUT WHEN CONSIDERED CUMULATIVELY WOULD MEET ONE OR MORE OF THE CRITERIA OF PART 617.7(c) :

None of the probable impacts on the environment that are associated with, or which result from incremental or increased impacts of this action, when such impacts are added to other related past, present or reasonably foreseeable future actions, will be significant.

The Lead Agency has reviewed and analyzed the proposed Buttermilk Falls Hotel and Resort Expansion Project, development plans, the Environmental Assessment Form and all related addenda, all submittals by the public, citizens groups, consultants, involved agencies, interested agencies, as well as the entire Administrative Record, in light of the physical changes to the environment that will take place simultaneously or sequentially and has determined that their combined and/or synergistic effects will not be significant.

In regard to any subsequent actions that may possibly arise as the result of the proposed Project, the Lead Agency has addressed all identified and relevant long-term impacts, short-term impacts and effects of the proposed activities and actions, as well as any related actions, and the Applicants have no identifiable long-range or overall plans for any subsequent development, changes in use or other activities relating to the proposed Project.

As to any potential future development of the site, or subsequent actions involving the site beyond those analyzed herein, there is currently no information available at this time as to whether any such actions will in fact occur.

The Lead Agency notes that there has been some limited public controversy both for and against the proposed Project. However, the Lead Agency finds that this type of public controversy is ordinary and customary in the Town of Marlborough and this determination has not been influenced one way or the other as a result thereof.

Approval of the action contemplated by the current Project now before the Lead Agency does not commit the Lead Agency to any particular course of action with respect to future development of the site beyond what is analyzed herein. Any future physical expansion of the Buttermilk Falls Hotel and Resort and associated development beyond that which is approved will require independent and separate environmental review pursuant to SEQRA; unless the same shall be lawfully determined to be designated as a Type II Action or an Exempt Action in accordance with 6 NYCRR Part 617 et seq.

Due to the continuing environmental and other administrative review requirements of any subsequent development activities in the area of the Project site and in the Town of Marlborough on a case by case exercise of discretion by reviewing agencies and officials, it is not necessary nor reasonable to require at this time a hypothetical "worst case" analysis of all speculative environmental effects or potential environmentally threatening uses which possibly could be anticipated at some time in the future.

The Lead Agency is satisfied that any possible environmental effects of any future development within the Town of Marlborough, or any lawful change in use of the Project site, can be adequately addressed through subsequent discretionary administrative and environmental review.

In making its determination, the Lead Agency has not balanced any potential benefits of the proposed action against potential harm.

18. PROJECT REVIEWS/MEETINGS:

The Buttermilk Falls Hotel and Resort Expansion Project has spanned an administrative review period of fifteen (15) months [7/10/23 through 10/ ____/24]. During this time, the Lead Agency has comprehensively analyzed the SEQRA criteria set forth within 6 NYCRR Part 617.7 in light of the following submittals of record:

- a.) All Project submittals and Lead Agency meeting dates by the Applicant and the Applicants Consulting Professionals, as detailed within this Negative Declaration.
- b.) MHE Reviews dated:
 - i) November 15, 2023.
 - ii) May 3, 2024.
 - iii) August 2, 2024.
- c.) Lead Agency Meeting Dates
 - i) July 10, 2023 Pre-Application.
 - ii) November 20, 2023.
 - iii) December 18, 2023.
 - iv) February 6, 2024.
 - v) May 6, 2024.
 - vi) July 15, 2024.
 - vii) August 5, 2024.
 - viii) September 9, 2024.
 - ix) October ___, 2024.
- d.) Reports Submitted
 - i) SWPPP, dated June 28, 2024.
 - ii) Design Report Water Usage, June 10, 2024.
 - iii) Design Report Wastewater, March 14, 2024.
 - iv) Design Report Access Culvert, June 10, 2024.
 - v) Endangered/Threatened Species Report, July 31, 2023.
 - vi) Traffic Impact Study/Supplement, June 27, 2023, September 27, 2023 and February 23, 2024.
 - vii) Phase 1 a/b Archeological Study, January, 2024.
 - viii) Phase 2 and Avoidance Plan Study, April, 2024.
 - ix) Private Right-of-Way and Maintenance Agreement, July 31, 2024.
 - x) Offer of Cession Agreement, July 31, 2024.

- xi) Restrictive Covenant Agreement, July 31, 2024.
- e.) Agency Response Letters
 - i) NYSOPRHP, March 15, 2024.
 - ii) NYSDEC, June 20, 2024.
- f.) Gateway Meeting/Ulster County Planning Board, December 18, 2023.

The Lead Agency is satisfied that the environmental review of the Buttermilk Falls Hotel and Resort Expansion has been comprehensive and complete in its address of the criteria set forth within the SEQRA Regulations [6 NYCRR Part 617.7].

19. CONCLUSION:

Based on the information currently available to the Lead Agency and the above analysis and upon evaluation of all the relevant and probable environmental impacts related to the activities and actions herein proposed, the Town of Marlborough Planning Board, as Lead Agency, hereby determines that there will be no significant adverse environmental impacts associated with this Project and no Environmental Impact Statement [EIS] will be required for the action.

Therefore, this Determination of Non-Significance and Negative Declaration under SEQRA is hereby approved, adopted, and issued by the Lead Agency. [See also, Lead Agency Resolution annexed hereto and made a part hereof as Exhibit "C"].

CONTACT PERSON FOR
FURTHER INFORMATION

Mr. Chris Brand
Chairman, Town of
Marlborough Planning Board
Town Hall
21 Milton Turnpike
Milton, New York 12547

FILINGS:

Pursuant to 6 NYCRR Part 617.12(b) a copy of this Negative Declaration is being filed with:

1. Town of Marlborough Planning Board.
Town Hall
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
2. Ulster County Health Department.
239 Golden Hill Lane
Kingston, New York 12401
3. New York State Department of Environmental Conservation.
21 South Putt Corners Road
New Paltz, New York 12561
4. Town of Marlborough Highway Department.
1650 Route 9W
Milton, New York 12547
5. Town of Marlborough Town Board.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
6. Ulster County Industrial Development Agency.
PO Box 4265
Kingston, New York 12402
7. Town of Marlborough Building Inspector.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
8. New York State Department of State, Division of Coastal Resources.
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231
9. Town of Marlborough Environmental Conservation Commission.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547

10. New York State Office of Parks, Recreation, and Historic Preservation.
625 Broadway
Albany, New York 12207
11. Ulster County Planning Board.
Post Office Box 1800
Kingston, New York 12477
12. United States Department of Army Corps of Engineers New York District.
Western Permits Section
Mr. Brian Orzel
26 Federal Plaza
New York, New York 10278 ,
13. Town of Marlborough Fire Department.
14 Grand Street
PO Box 223
Marlboro, New York 12542
14. Town of Marlborough Police Department.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
15. Town of Marlborough Public Works Department.
1650 Route 9W
PO Box 305
Milton, New York 12547
16. Hudson River Valley Greenway.
625 Broadway, 4th Floor
Albany, New York 12233
17. Scenic Hudson, Inc.
85 Civic Center Plaza, Suite 300
Poughkeepsie, New York 12601
18. United States Department of Interior Fish and Wildlife Service.
3817 Luker Road
Cortland, New York 13045

19. Ulster County Department of Public Works.
315 Shamrock Lane
Kingston, New York 12477
20. Marlborough Consolidated School District.
21 Milton Turnpike, Suite 100
Milton, New York 12547
21. Ulster County Legislature.
244 Fair Street
Kingston, New York 12401
22. Town of Marlborough Zoning Board of Appeals.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
23. 220 North Road Realty LLC.
220 North Road
Milton, New York 12547
24. Robert Pollock.
220 North Road
Milton, New York 12547
25. 99 South Elliot Place LLC.
220 North Road
Milton, New York 12547
26. Chernobyl Power & Light LLC.
220 North Road
Milton, New York 12547
27. 20 Van Orden LLC.
220 North Road
Milton, New York 12547
28. Town of Marlborough Waterfront Advisory Board.
21 Milton Turnpike, Suite 200
PO Box 305
Milton, New York 12547
29. Town of Marlborough School Board.
21 Milton Turnpike, Suite 100
PO Box 305
Milton, New York 12547

30. Town of Lloyd Town Board
Town Hall, Thomas Shay Square
12 Church Street
Highland, New York 12528

31. Abulnz Emergency Services
39 West 38th Street, 6th Floor
New York, New York 10001

Pursuant to 6 NYCRR Part 617.12(c)(1) notice of this Type 1 Action Negative Declaration and Determination of Environmental Non-Significance is being published in the Environmental Notice Bulletin [ENB].

Dated: October ___, 2024

CHRIS BRAND, Chairman
Town of Marlborough Planning Board

CERTIFICATION

The undersigned hereby certifies that the annexed SEQRA Resolution and Negative Declaration with Notice of Determination of Non-Significance, Being in the Matter of The Application for the Buttermilk Falls Hotel and Resort Expansion Project and dated the ___ day of ___, 2024 has been duly filed this day in the Office of the Town of Marlborough Town Clerk located at the Town of Marlborough Town Hall, 21 Milton Turnpike, Milton, New York 12547.

DATED: _____

COLLEEN CORCORAN, Town of
Marlborough Town Clerk

Exhibit "A"

Full Environmental Assessment Form
Part 1 - Project and Setting

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 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: BUTTERMILK FALLS		
Project Location (describe, and attach a general location map): 220 NORTH ROAD, MILTON, NY		
Brief Description of Proposed Action (include purpose or need): EXISTING BUTTERMILK FALLS INN, SPA AND RESTURANT TO EXPAND WITH NEW 65 ROOM HOTEL , 35 CABINS, 60 SEAT RESTAURANT AND 300 SEAT BANQUET HALL WITH PARKING AND NECESSARY ACCESSORIES.		
Name of Applicant/Sponsor: 220 North Road Realty LLC c/o ROBERT POLLOCK		Telephone: 718-834-0775
		E-Mail: ROBLPOLLOCK@GMAIL.COM
Address: PO BOX 444		
City/PO: MILTON		State: NY Zip Code: 12547
Project Contact (if not same as sponsor; give name and title/role): BARRY MEDENBACH,PE - PROJECT MANAGER		Telephone: 845-687-0047
		E-Mail: BARRY@MECELS.COM
Address: 4305 US HIGHWAY 209		
City/PO: STONE RIDGE		State: NY Zip Code: 12484
Property Owner (if not same as sponsor):		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, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	SITE PLAN, SPECIAL USE PERMIT & SUBDIVISION	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ULSTER COUNTY HEALTH DEPT	
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ULSTER COUNTY PLANNING BOARD FOR ADVISORY OPINION	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC- SPDES FOR ONSITE SPETIC	
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iii. Is the project site within a Coastal Erosion Hazard Area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Yes No only approval(s) which must be granted to enable the proposed action to proceed?

- 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, Yes No or an adopted municipal farmland protection plan?

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?

R-1 AND HD

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? MARLBORO SCHOOL

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

NYS POLICE, ULSTER COUNTY SHERIFF

c. Which fire protection and emergency medical services serve the project site?

MILTON FIRE

d. What parks serve the project site?

NOT NECESSARY- FACILITY WILL HAVE SIGNIFICANT SPACE WITH TRAILS AND AGRICULTURE AVAILABLE TO GUESTS

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)? RESORT - HOTEL & BANQUET FACILITIES

b. a. Total acreage of the site of the proposed action? 62.0 acres

b. Total acreage to be physically disturbed? 15.3 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 62.0 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)? % ATTACHED APPENDIX Units:

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

AREA TRANSFER FROM SINGLE FAMILY LOT FOR SETBACK TO HOTEL

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

2

• Anticipated commencement date of phase 1 (including demolition)

JULY

month 2024 year

• Anticipated completion date of final phase

JULY

month 2026 year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

NONE - CABINS MAY BE BUILT PRIOR TO HOTEL BUILDING

f. Does the project include new residential uses? If Yes, show numbers of units proposed.				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<table border="0"> <tr> <td><u>One Family</u></td> <td><u>Two Family</u></td> <td><u>Three Family</u></td> <td><u>Multiple Family (four or more)</u></td> </tr> </table>				<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>	
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>					
Initial Phase	_____	_____	_____	_____				
At completion of all phases	_____	_____	_____	_____				
g. Does the proposed action include new non-residential construction (including expansions)? If Yes,				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
<ol style="list-style-type: none"> i. Total number of structures _____ 38 ii. Dimensions (in feet) of largest proposed structure: _____ 35' height; _____ 150' width; and _____ 480' length iii. Approximate extent of building space to be heated or cooled: _____ 87,000 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? If Yes,				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
<ol style="list-style-type: none"> i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____ 								
D.2. Project Operations								
a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)								
If Yes:								
<ol style="list-style-type: none"> 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? <ul style="list-style-type: none"> • 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. _____ _____ 								
<ol style="list-style-type: none"> iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
If Yes:								
<ol style="list-style-type: none"> i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ 								

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:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe:

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: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

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: 16,800 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: MILTON
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? 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: PUBLIC WATER IS ALREADY ONSITE - SERVICE CONNECTION FOR PROPOSED BUILDINGS
- Source(s) of supply for the district: MILTON

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: 16,800 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 WASTEWATER

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

If Yes:

- Name of wastewater treatment plant to be used: SOME EXISTING SITE USERS CONNECTED TO MILTON SEWER DISTRICT
- Name of district: NO OTHER PROPOSED USE
- 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: _____

SOME EXISITNG SITE USERS CONNECTED TO MILTON SEWER DISTRICT - NO OTHER PROPOSED USE

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): _____

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

ONSITE SEPTIC SYSTEM

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 3.3 acres (impervious surface)
_____ Square feet or 62 acres (parcel size)

ii. Describe types of new point sources. Runoff from buildings and will comply with NYDEC for SWPPP

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)?

ONSITE STREAM AND PONDS

- 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, Yes No or Federal Clean Air Act Title IV or Title V Permit?

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 (CO₂)
- _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (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)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend	
<input type="checkbox"/> Randomly between hours of _____ to _____.	
ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____	
iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____	
iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No	
viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Estimate annual electricity demand during operation of the proposed action: _____ UNKNOWN AT THIS TIME	
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	
iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Hours of operation. Answer all items which apply.	
i. During Construction:	
<ul style="list-style-type: none"> • Monday - Friday: 7AM -5PM • Saturday: 7AM - NOON • Sunday: NONE • Holidays: NONE 	
ii. During Operations:	
<ul style="list-style-type: none"> • Monday - Friday: 24/7 • Saturday: 24/7 • Sunday: 24/2 • Holidays: 24/7 	

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes:	
i. Provide details including sources, time of day and duration:	_____
ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe: _____	
n. Will the proposed action have outdoor lighting?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes:	
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: SEE SITE PLAN FOR DETAILS	_____
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Product(s) to be stored PROPANE	_____
ii. Volume(s) _____ per unit time _____ (e.g., month, year)	_____
iii. Generally, describe the proposed storage facilities:	_____
UNDERGROUND TANK	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe proposed treatment(s):	_____
ii. Will the proposed action use Integrated Pest Management Practices?	<input type="checkbox"/> Yes <input type="checkbox"/> No
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe any solid waste(s) to be generated during construction or operation of the facility:	_____
• Construction: _____ tons per _____ (unit of time)	_____
• Operation: _____ tons per _____ (unit of time)	_____
ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:	_____
• Construction: _____	_____
• Operation: _____	_____
iii. Proposed disposal methods/facilities for solid waste generated on-site:	_____
• Construction: _____	_____
• Operation: _____	_____

§. Does the proposed action include construction or modification of a solid waste management facility?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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:		
<ul style="list-style-type: none"> • _____ 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?		
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?		
<input type="checkbox"/> Yes <input type="checkbox"/> 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.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

EXISTING FACILITY AND LANDS TO BE USED HAVE MULTIPLE USES

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	+8.2	11.5	+ 3.3
• Forested	+35.0	32.0	- 3.0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	+11.6	11.3	- 0.3
• Agricultural (includes active orchards, field, greenhouse etc.)	+2	2	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	+5.0	5	0
• Wetlands (freshwater or tidal)	+0.0	0.0	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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? If Yes, i. Identify Facilities:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> • Dam height: _____ +/- 6 feet • Dam length: _____ +/- 15 feet • Surface area: _____ +/- 2 acres • Volume impounded: _____ +/- 800,000 GALLONS gallons OR acre-feet ii. Dam's existing hazard classification: N/A iii. Provide date and summarize results of last inspection: N/A		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> • 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: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: ii. 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? 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: <input type="checkbox"/> Yes – Spills Incidents database Provide DEC ID number(s): _____ <input type="checkbox"/> Yes – Environmental Site Remediation database Provide DEC ID number(s): _____ <input type="checkbox"/> 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? If yes, provide DEC ID number(s): 546031 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): <p style="margin-left: 20px;">The remediation site is the Hudson River PCB sediments Site and includes a nearly 200-river-mile stretch of the Hudson River in eastern New York State from the Village of Hudson Falls to the Battery in New York City.</p>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> 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? _____ Explain: _____ 		<input type="checkbox"/> Yes <input type="checkbox"/> No
E.2. Natural Resources On or Near Project Site		
a. What is the average depth to bedrock on the project site? _____		>6 FT feet
b. Are there bedrock outcroppings on the project site? If Yes, what proportion of the site is comprised of bedrock outcroppings? _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No %
c. Predominant soil type(s) present on project site: _____		% % %
d. What is the average depth to the water table on the project site? Average: mostly >6 feet		
e. Drainage status of project site soils:		<input checked="" type="checkbox"/> Well Drained: 45 % of site <input checked="" type="checkbox"/> Moderately Well Drained: 7 % of site <input checked="" type="checkbox"/> Poorly Drained: 48 % of site
f. Approximate proportion of proposed action site with slopes:		<input checked="" type="checkbox"/> 0-10%: 50 % of site <input checked="" type="checkbox"/> 10-15%: 10 % of site <input checked="" type="checkbox"/> 15% or greater: 40 % of site
g. Are there any unique geologic features on the project site? If Yes, describe: _____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Surface water features.		
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Do any wetlands or other waterbodies adjoin the project site?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:		
<ul style="list-style-type: none"> Streams: Name 862-392 Lakes or Ponds: Name PRIVATE, MANMADE Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Wetland No. (if regulated by DEC) NONE 		Classification C Classification PRIVATE Approximate Size _____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____ Name - Pollutants - Uses: Hudson River (Class A) - Priority Organics - Fish Consumption		
i. Is the project site in a designated Floodway? Hudson River		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
j. Is the project site in the 100-year Floodplain? Hudson River		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k. Is the project site in the 500-year Floodplain?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Name of aquifer: _____		

m. Identify the predominant wildlife species that occupy or use the project site:	Geese _____ Deer _____
n. Does the project site contain a designated significant natural community?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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:	<ul style="list-style-type: none"> • 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	i. Species and listing (endangered or threatened): _____ Atlantic Sturgeon, Shortnose Sturgeon _____
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	i. Species and listing: _____
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, provide county plus district name/number:	ULST001
b. Are agricultural lands consisting of highly productive soils present?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. If Yes: acreage(s) on project site? _____	
ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: <u>HUDSON RIVER</u>	
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: <u>ADJACENT miles.</u>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> 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 220 North Road Realty LLC c/o Robert Pollock Date 11/1/23

Signature

Barry McLaughlin PB Title Agent

McLaughlin & Eggers, CCLS, PC

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)			
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur	
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may involve construction on slopes of 15% or greater.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
h. Other impacts: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

If "Yes", answer questions a - c. If "No", move on to Section 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.
(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air

The proposed action may include a state regulated air emission source.

(See Part 1. D.2.f., D.2.h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

NO

YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)

If "Yes", answer questions a - h. If "No", move on to Section 9.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.).	E1a, Elb	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

If "Yes", answer questions a - g. If "No", go to Section 10.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

If "Yes", answer questions a - e. If "No", go to Section 11.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

If "Yes", answer questions a - c. If "No", go to Section 13.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.
(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.
(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.
(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>