

April 7th, 2025

**Community Members of Marlborough  
Urge the Planning Board to Issue a  
Positive Declaration of Environmental Impact  
Regarding the "Orchards on Hudson" Project  
at 103-137 Dock Road**

**63 Residents Signed in Support  
(See Attached Signatures)**

Significant concerns remain unaddressed regarding traffic, safety, proximity to the sewage treatment facility, project segmentation, visual impacts, environmental impacts, community integration, hamlet parking, water resource sustainability, the strain on emergency services, the strain on the school district, and more. Additionally, there are serious concerns about the procedure to date, including the expectation of financial commitments from the developer prior to completing the required environmental review.

A Positive Declaration will ensure that all of these issues are fully studied through a complete Environmental Impact Statement (EIS), as required under SEQRA, and will help protect the health, safety, and character of Marlborough. By issuing a Positive Declaration, the Town, the developer & members of the community, will have the opportunity to work together to create a project that is better planned, more sustainable, and ultimately better for everyone.

Town of Marlborough Planning Board  
Attn: Chairman Chris Brand  
Town Hall  
21 Milton Park Drive, Suite 200  
Milton, New York 12547

April 3rd, 2025

**re: Orchards on Hudson/SDL Marlboro, LLC, 103-137 Dock Road**

Dear Chairman Brand and Members of the Planning Board,

After reviewing the March 20th, 2025 comment response letter re: Orchards on Hudson, 103-137 Dock Road, we, the undersigned residents of Marlborough, are writing to formally request that the Planning Board **issue a Positive Declaration for the Orchards on Hudson** development project at 103-137 Dock Road.

While we support responsible development in the Hamlet of Marlborough, after reviewing the developer's response to our December 9th, 2024 letter, we remain deeply concerned that key issues have not been adequately addressed. These concerns, particularly around traffic, environmental impact, public health, community integration, and the potential long-term consequences for the Town of Marlborough, necessitate a full Environmental Impact Statement (EIS).

A Positive Declaration will initiate the scoping process (Step 5 in SEQRA). Scoping is the process by which the issues to be addressed in the draft EIS are identified.

The scoping process has six objectives:

- focus the draft EIS on the potentially significant adverse environmental impacts;
- eliminate non-significant and non-relevant issues;
- identify the extent and quality of information needed;
- identify the range of reasonable alternatives to be discussed;
- provide an initial identification of mitigation measures; and
- provide the public with an opportunity to participate in the identification of impacts.

Given the significant unresolved issues, we respectfully urge the Planning Board to issue a Positive Declaration under the State Environmental Quality Review Act (SEQRA) to ensure a comprehensive and transparent review of this project. Below, we outline each critical issue and request that the Planning Board take immediate action to address them through a full EIS process.

## **1. Traffic Concerns and Safety**

The developer's response to our concerns regarding traffic impacts continues to downplay the significant traffic congestion and safety risks that the proposed 103-unit development could cause. While the traffic study identifies severe congestion (Level of Service F) during evening peak hours, it fails to provide a thorough analysis of the morning rush hour or weekends, which are equally important times of impact. Additionally, the study does not address the critical safety concerns raised by the potential for drivers to exit onto Route 9W during high congestion, endangering both residents and the public.

Furthermore, the seasonal tourism in Marlborough—particularly during the fall when apple and pumpkin picking are at their peak—adds an additional layer of complexity. This time of year brings a significant increase in traffic, and with Route 9W being the only major road in and out of the town, the added burden of traffic from the development could cause severe congestion, especially when combined with the influx of visitors. The potential for gridlock could significantly affect local businesses, emergency services, and the overall quality of life for residents.

Tragically, on March 4, 2024, two people lost their lives at the Dock Road intersection in a hit-and-run, just yards from the proposed development site. This area is already dangerous for pedestrians, and while the developer has proposed adding a turning lane, this alone is not enough to address the significant safety risks posed by increased traffic volume. Without additional mitigation measures, such as enhanced traffic controls, pedestrian protections, and a more comprehensive safety plan, this development will further jeopardize public safety for residents, visitors, and commuters alike.

We believe that the traffic analysis provided by the applicant is insufficient and unrealistic in its projections. To ensure that all potential traffic impacts are fully understood and mitigated, we request that the Planning Board issue a Positive Declaration, mandating a more thorough, independent traffic study that accounts for all peak times, safety risks, and long-term consequences.

## **2. Proximity to Sewage Treatment Facility and Procedural Concerns**

We remain deeply concerned about the proposed homes being located just 130 feet from the Marlborough sewage treatment facility, significantly closer than the 400-foot minimum recommended by the New York State Department of Environmental Conservation (DEC). The risks posed by air quality and odors, which could lead to adverse health impacts for future residents, are not adequately addressed in the developer's response. Moreover, this proximity could lead to ongoing complaints, straining local resources and potentially lowering the quality of life in our community.

Given these significant public health risks, we respectfully request that the Planning Board issue a Positive Declaration, requiring a detailed health risk assessment to ensure compliance with DEC guidelines and to safeguard the health of future residents.

Additionally, in the 2022 Supervisor's Report, it indicates that the town "created a reservation agreement" with the developer (Leyton Properties) for sewer improvements, seemingly to accommodate the project before completing the required environmental review process. If accurate, this would be inconsistent with SEQRA requirements and raises serious concerns about the fairness and transparency of the approval process. Moving forward with agreements before conducting a full environmental review could give the appearance of predetermined outcomes, undermining public confidence in the integrity of the planning process.

### **3. Visual and Environmental Impacts**

The developer's visual impact assessment is insufficient, providing only two additional photos from Two Creeks Point. This incomplete assessment fails to capture the full scope of the visual impact, which will be felt from key locations, including the Marlboro Nature Trail and homes along Hudson Terrace. Additionally, the loss of 7.25 acres of forest and 5.16 acres of meadow—critical habitats for local species—will exacerbate stormwater runoff and potentially lead to long-term ecological damage.

We urge the Planning Board to issue a Positive Declaration, which will require a comprehensive visual impact assessment, including computer-generated simulations from multiple vantage points and in both leaf-on and leaf-off conditions. A full EIS is necessary to assess the ecological and visual impacts of the project and to explore viable mitigation measures.

### **4. Community Integration and Hamlet Plan Consistency**

The proposed design of the Orchards on Hudson development, with a gatehouse and gated community, continues to isolate the project from the rest of the Hamlet, which contradicts the goals outlined in the Marlborough Hamlet Master Plan. The development should contribute to a mixed-use, walkable community that fosters connectivity, not isolate it behind a gated barrier.

This design fails to promote the accessibility and integration with the surrounding neighborhood that the Master Plan envisions.

Additionally, the loss of The Falcon's overflow parking will worsen the already existing parking shortage in the Hamlet, creating further challenges for local businesses, residents, and visitors. Reduced parking availability will not only limit access to businesses and community spaces but could also have long-term economic consequences, making the area less accessible and discouraging patronage.

We respectfully ask the Planning Board to issue a Positive Declaration to require a design revision that removes the gatehouse and better integrates the development into the broader community. A thorough review of parking impacts and alternatives is necessary to align the project with the vision of the Hamlet Master Plan.

## **5. Segmentation of the Project**

We are concerned about the apparent segmentation of the Orchards on Hudson project, with the residential portion being reviewed separately from the potential future retail developments on adjacent properties owned by the developers. This approach violates the SEQRA requirement to evaluate the full scope of a project, including cumulative impacts on traffic, infrastructure, and the community. Without a full review, the potential consequences of future retail development cannot be adequately addressed.

To ensure that all potential impacts are considered and mitigated together, we respectfully request that the Planning Board issue a Positive Declaration, requiring the inclusion of the entire project—residential and future retail—in the environmental review process. Segmentation must not be allowed to obscure the true scope of the project and its effects.

## **6. Water Consumption and Resource Sustainability**

Our community is currently facing an unprecedented water crisis, with the driest conditions in 150 years and severe drought warnings. The proposed development, which will add significant new demand for water, must be carefully evaluated to ensure that it does not further strain the already limited resources. The developer has not adequately addressed these concerns, particularly with regard to the sustainability of water usage.

Given the ongoing water scarcity, we urge the Planning Board to issue a Positive Declaration to require a comprehensive water usage study. This study must assess the long-term sustainability of the water supply, including impacts on the Delaware Aqueduct and Chadwick Lake, which serve as critical water sources for our community.

## **7. Impact on Local Emergency Services**

We are also deeply concerned about the strain this proposed development could place on local emergency services. The 103-unit development, along with the anticipated increase in traffic, could significantly affect emergency vehicle access to and from the site, particularly during peak hours when traffic congestion is at its worst. Given that Route 9W is the only major road providing access to the development, emergency vehicles may experience delays, potentially compromising response times in the event of a medical emergency, fire, or other urgent situations.

Moreover, the proposed layout of the development—including the location of the gatehouse near Route 9W—could further complicate access for emergency vehicles. With large vehicles potentially blocking or restricting the ability of emergency responders to reach the site in a timely manner, the safety of future residents could be jeopardized.

We urge the Planning Board to require a detailed analysis of the potential impacts on local emergency services, including fire, medical, and law enforcement agencies. The Planning Board should issue a Positive Declaration to ensure that these critical concerns are fully addressed and that appropriate mitigation measures are developed to safeguard the community's emergency response capabilities.

### **Conclusion: Request for a Positive Declaration**

In conclusion, we are not opposed to responsible development in Marlborough, but we firmly believe that the Orchards on Hudson development warrants a thorough and comprehensive environmental review. The unresolved concerns outlined above—ranging from traffic and health risks to environmental and community impacts—demand a rigorous review under SEQRA.

Issuing a Positive Declaration and requiring the preparation of a full Environmental Impact Statement (EIS) will ensure that all potential impacts are adequately assessed and mitigated.

Moreover, the scoping process will help identify the range of reasonable alternatives to be considered, ensuring that all possible solutions are explored. This process will also provide the public with meaningful opportunities for participation and ensure that the project is evaluated thoroughly and transparently.

We respectfully ask the Planning Board to take the necessary steps to issue a Positive Declaration, ensuring that the Orchards on Hudson development proceeds with the transparency, care, and attention that our community deserves.

Sincerely,

The undersigned concerned community members:

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Elle Romeo

~~Eddie Monroe~~

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Laura Donovan

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