

**PART 3 – ENVIRONMENTAL ASSESSMENT FORM (EAF) ATTACHMENT**  
**Orchards on Hudson Proposed Residential Development**

This Attachment to the Part 3 – Environmental Assessment Form (EAF) has been prepared to assess the magnitude of potential impacts that may result from implementation of the Proposed Action, and to support the determination that no significant adverse impacts are anticipated. Specifically, this Attachment assesses the magnitude of potential impacts for those parameters that, as indicated in the Part 2 – EAF and outlined below, may be impacted by implementation of the Proposed Action. For those items checked “Moderate to large impact may occur” in the Part 2 – EAF, this Attachment summarizes the conclusions resulting from the analyses and documents provided by the Applicant as part of the project application materials.

**Impact on Land**

*1b. The proposed action may involve construction on slopes of 15% or greater.*

The Proposed Action would involve construction on slopes of 15 percent or greater. A Grading and Drainage plan for the project has been prepared, which has been reviewed and will require approval from the Town Engineer as part of Site Plan Approval. The project has been designed to minimize disturbance of the steep slopes to the maximum extent practicable. In addition, soil erosion and sediment control measures, as outlined in the Stormwater Pollution Prevention Plan (SWPPP) which has been prepared for the project, are proposed both during construction and post-development and have been designed to mitigate the potential for impacts related to disturbance to steep slopes. It is also noted that a letter dated January 8, 2025 from the Code Enforcement Officer acknowledges that the steep slopes that are found on-site are man-made resulting from the previous industrial activity on the site, and do not affect the calculations for Net Buildable Area or Density for the proposed project. Accordingly, the Proposed Action will have no significant adverse impacts related to disturbance to steep slopes.

*1e. The proposed action may involve construction that continues for more than one year or in multiple phases.*

As detailed by the Applicant, construction of the proposed project is expected to occur in a single phase over approximately 48 months. The construction period includes site preparation, utility installation, and construction of 106 homes and related infrastructure. Temporary impacts such as construction-related noise, dust, and traffic will be managed through best practices, including dust control measures and an approved SWPPP. Temporary construction-related traffic may include deliveries, worker vehicles, and equipment transport. These impacts will be temporary and managed through standard traffic safety measures.

*1f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).*

The Proposed Action involves land disturbance and vegetation removal, which can increase the risk of erosion. However, as guided by the proposed project's SWPPP, erosion and sediment controls will be implemented to minimize soil impact and prevent sediment from leaving the site during construction. Erosion and sediment control measures may include silt fencing, erosion control

blankets, inlet protection, and stabilized construction entrance/exit. Additionally, monitoring and maintenance would be ongoing during the duration of construction. Therefore, the potential for impacts would be mitigated.

### **Impact on Surface Water**

*3e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.*

*3h. 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.*

*3i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.*

The Proposed Action has the potential to cause soil erosion and discharge containing sediment; however, the proposed stormwater management system as well as soil erosion and sediment control measures proposed both during construction and post-development are being designed as mitigation measures, in accordance with New York State Department of Environmental Conservation regulations, such that no significant adverse impacts related to turbidity, water quality, or soil erosion are anticipated. In accordance with the SWPPP, the Applicant will be required to provide silt fencing, erosion control blankets, inlet protection, stabilized construction entrance/exit, etc., as necessary, to prevent sediment from leaving the Project Site. Post-development, the stormwater management system is designed to retain greater than the required water quality volume on-site and will provide controlled outfalls for discharge which will consist of level spreaders and rip rap aprons at pipe outfalls to mitigate the potential for erosion. The SWPPP, soil erosion and sediment control plans, and stormwater management system will be approved by the Town Engineer for consistency with all Town and State regulations.

### **Impact on Plants and Animals**

*7b. 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.*

According to correspondence from the New York Natural Heritage Program (NYNHP), bald eagles have been observed along the Hudson River near Cedar Cliff, located approximately 1.2 miles south of the Project Site. The species record does not include observations of nests or breeding, and there are no known Bald Eagle breeding sites within 660 feet of the Project Site, which is the U.S. Fish and Wildlife Service's threshold for determining the potential for adverse impacts to this species. Accordingly, no significant adverse impacts to Bald Eagle breeding habitat are anticipated as a result of the Proposed Action.

Additionally, according to the NYNHP, the fish species Shortnose Sturgeon and Atlantic Sturgeon have been documented in the Lower Hudson River and therefore could occur within the Hudson River in the vicinity of Marlboro. However, the Project Site consists of upland habitats that do not

occur within or adjacent to the Hudson River. Moreover, sanitary waste generated by the proposed project would be managed via connection to the municipal sewer district, and all stormwater from the proposed project would be managed in accordance with NYSDEC regulations. Based on the foregoing, no direct or indirect impacts to the Hudson River, including Shortnose Sturgeon and Atlantic Sturgeon habitat, are expected as a result of the Proposed Action.

*7g. 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.*

The Project Site includes wooded habitat and other vegetated habitats in various stages of ecological succession that have developed since the cessation of gravel mining operations. The existing wildlife fauna is expected to include predominate species adapted to woodland habitat (Whitetail Deer, Eastern Gray Squirrel, Eastern Cottontail, Eastern Chipmunk, Blue Jay, and others). While reductions in wooded and other vegetated habitats would occur to facilitate development, significant acreage of wooded habitat would be preserved, and it is anticipated that a similar wildlife fauna of habitat generalist species would continue to utilize the Project Site. The preservation of 9.75± acres of wooded habitat would ensure the continuation of exiting nesting, breeding, and foraging opportunities for woodland-adapted species at the Project Site.

### **Impact on Aesthetic Resources**

*9a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.*

*9c. The proposed action may be visible from publicly accessible vantage points.*

*9d. The situation or activity in which viewers are engaged while viewing the proposed action is recreational or tourism based activities.*

No officially designated federal, state, or local scenic or aesthetic resources were identified in the vicinity of the Project Site. The Proposed Action would be visible from some public vantage points identified for their scenic quality, including the Hudson River, Bowdoin Park across the river, and the Marlboro Nature Trail (Two Creeks Point), where recreational activities take place. The Applicant has provided photographs from these locations as part of the application materials. It is noted that the proposed project has been designed to reflect the look and scale of nearby residential areas, with two-story homes and landscaping. Much of the existing vegetation around the edges of the Project Site would be preserved (approximately 40 percent of the Project Site acreage would not be disturbed), and additional plantings are planned to help further buffer views. While parts of the proposed project, including the clubhouse, may be visible from across the Hudson River and Lattintown Creek, it would be similar in character to other existing buildings on the hillside, and therefore would not significantly alter the experience of passersby or those engaged in recreational activities.

### **Impact on Transportation**

*13a. Projected traffic increase may exceed capacity of existing road network.*

The potential for traffic impacts associated with the proposed project was analyzed as part of the Traffic Impact Evaluation for the project. The site generated traffic for the weekday AM and PM peak hours was estimated using the Institute of Transportation Engineers' (ITE) publication *Trip Generation, 11th Edition*, in accordance with industry standards. While the capacity analyses shows that at the US Route 9W at the site access intersection westbound approach will experience a LOS F, with 50 to 70 seconds of delay, during both peak hours, this level of delay is typical for an unsignalized approach to a high-volume roadway, and the analysis concludes that the intersection will operate adequately with single lanes entering and exiting the site and stop control. The Traffic Impact Evaluation was reviewed closely by the NYSDOT and after coordination on the design of the proposed site access, including a southbound left-turn lane into the site from Route 9W, NYSDOT has provided Stage 1 Conceptual Approval. Therefore, significant adverse traffic impacts are not anticipated.

#### **Consistency with Community Plans and Community Character**

*17a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).*

*18b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)*

*18e. The proposed action is inconsistent with the predominant architectural scale and character.*

The proposed project would be consistent with the mix of land uses within the surrounding area, including both single- and multi-family residential uses within a quarter-mile radius, and has been developed in accordance with the prevailing residential zoning on the Project Site. The Proposed Action would facilitate the development of new residential units proximate to the Hamlet Center along Route 9W and Western Avenue. Future residents of the proposed development would have access to the nearby commercial uses including retail and restaurants. Additionally, the proposed development would share similar built characteristics in terms of architectural scale and character with several existing multi-family residential uses in the surrounding area, and would be built to a maximum of two stories. Overall, the primary impact of the proposed development of a largely vacant, underutilized site on land use patterns will be an improvement.

The Proposed Action is likely to result in increased demand for community services, including public education, fire protection, emergency medical services, and police coverage. However, the projected increase in property tax revenue is expected to offset this increase in demand, including a net benefit to the Marlboro Central School District. The proposed development would be designed in compliance with the New York State Uniform Fire Prevention and Building Code, including fire alarms and a 20-foot-wide emergency access road connecting to Dock Road. Internal driveways and circulation routes have been planned to accommodate emergency vehicles. Overall, the increased demand for services is expected to be moderate and generally manageable with existing resources and planned infrastructure.