

Ulster County Planning Board



Dennis Doyle, Director

Chris Brand
Town of Marlborough Planning Board
PO Box 305
Milton, NY 12547

RECOMMENDATION

REFERRAL NO: 2025-097
2025-098
2025-099
DATE REVIEWED: 08/06/25

Re: Orchards on Hudson – Subdivision, Special Permit, and Site Plan Review

Summary

The applicant proposes 106 homes, in townhouse and cottage configuration, along with a clubhouse and pool on a 25.20-acre parcel in the R zoning district at 103-137 Dock Road. The project will be constructed in a single phase. A single access from Route 9W will serve the property from Hudson Way, with emergency, gated access from Dock Road.

Materials Submitted for Review:

- Referral Form
- Cover Letter
- Deeds
- DOT ref Lead Agency
- Drainage
- EAF 5 23 25
- EAF 8 21 24
- EAF Mark Up 5 5 25
- EAF
- FEAf Part II 4 29 25
- Final SWPPP Manual 3 21 25
- Josephine Otaegui Deed
- Letter from Dan Rusk for Otaegui
- Letter from Fire Department Commissioners
- Letter from Marlborough Conservation Advisory Committee
- Letter from Public 5 2 25
- Letter of Interpretation Thomas Corcoran
- Lot Line Application 5 23 25
- Lot Line Map 5 23 25
- Map 1
- Map 2
- Map Survey
- Maps
- Marlboro School Bussing Policy
- Orchard on Hudson Comment Response Letter 10 28 24
- Orchard on Hudson Resubmission S S 10 28 24
- Orchard on Hudson SWPP
- Petition for Rezone
- Photos
- Public Comment 7 21 25
- Response Letter to MHE Comments 5 1 25
- Response to Creighton Manning Comment Letter 7 11 25
- Revised Site Plans Map 3 21 25
- Scenic Hudson Comments 11 22 24
- Segmentation Memo Confidential.DOCX"
- Steep Slope Thomas Corcoran Interpretation Letter 3 21 25
- Survey Map for Otaegui
- Traffic Impact
- Traffic Study Creighton Manning
- UCPB Referral
- UPDATED County Referral
- Wetland Delineation Letter
- Application 8 9 24
- Application
- Clubhouse Design Review 5 28 25
- Comment Response Letter BLG Neighbor Comment Letters 3 21 25
- Comment Response Letter MHE Engineering 3 21 25
- Comment Response Letter VHB Neighbor Comment Letters 3 21 25
- comments from residents 12 9 24
- Community Comments 2 4 7 25
- Community Comments 4 7 25
- Community Comments 4 30 25
- Community Comments 5 5 25
- County Referral
- Cover Letter 5 23 25

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Discussion

The Ulster County Planning Board (UCPB) acknowledges that the applicant is proposing to develop an underutilized lot for the purposes of creating housing, but the project falls short in significant ways by not providing for any affordability while the county and nation continue to face a housing crisis and as a gated community does not fit into the context of the Hamlet, but instead creates a separate enclave with a dissimilar design aesthetic to the hamlet area. From a traffic standpoint the proposal exacerbates the existing vehicular traffic situation, which already has an established level of service of "F" for southbound movements and fails to connect and extend the existing sidewalk to the north along its properties on the east side of Route 9W while also failing to adequately create pedestrian interconnections within the property itself.

The County's comments focus on these issues and identify solutions to correct them as the project moves forward.

Recommendations 2025-097 Subdivision

Easements – Required Modifications

All easements will need to be identified on the plans. The UCPB further recommends cross-access easements along the parcels owned by the applicant fronting Route 9W, as well as from the T-shaped turnaround associated with the cottages nearest the Marlboro Elementary School site. The applicant should allow for the opportunity to connect this project across the school district parcel for access to the existing traffic signal as an alternative means for making safe turning movements onto and in from the Route 9W corridor.

Recommendations 2025-098-099 Special Permit and Site Plan Review

Access

Route 9W Access – Required Modification

The applicant is proposing access to U.S. Route 9W and will require a highway work permit from NYSDOT. A conceptual plan for this access does not appear to have been submitted to the County for review. The UCPB further recommends that complete street sidewalks be established along the applicant's Route 9W frontage properties. The project needs to be further integrated with the Town's sidewalk projects in the Hamlet area, including the placement of crosswalks.

Secondary Access to Marlboro Elementary School

The elementary school has direct access to a signalized intersection. The project has a hammer turnaround at the end of the cottage area to the north, creating the opportunity for additional connections to Route 9W. It is recommended that the hammer turnaround be developed at the property line and that the applicant coordinate with the school district to allow for access easements across the district's property to connect with this light and allow for safer and less delayed left-hand turning movements in the corridor. To avoid conflicts with bus and parent drop-off traffic, traffic controls, including stop signs, should be considered or could be most effectively managed utilizing staff or local enforcement officials during those critical times of day to direct traffic. Also, possibilities for additional right-hand turn-only egress to the west of the hammer turnaround are worth exploring.

Pedestrian and Bicycle Access

Pedestrian and bicycle connections to this development are critical community elements. Not only should the project connect and be a part of greater Marlboro Hamlet, but sidewalks should connect throughout the project with a focus on complete street design, incorporating landscaping and lighting into the design. There are several instances of sidewalks terminating before a logical point and failing to connect with crosswalks across the internal street network when needed. It is noted that no sidewalk is proposed for the north or south road frontages of the cottage-style housing-unit areas

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and that the southern cottages have no pedestrian connection to the east with the clubhouse area. The UCPB does note that the sidewalk located closest to the intersection of Route 9W has a note for a potential school bus stop but does not account for the likelihood of parents' vehicles queuing at this location and what impact that will have on through traffic for other residents.

Required Modification

A review of the current pedestrian plan for the project is needed and should include the development of a complete street design. Connections for all residents, including ADA-compliant access, need to be included. Clear connections from the clubhouse area to Route 9W need to be defined. Additionally, there is limited parking at the clubhouse, requiring owners and visitors to walk a considerable distance to access the nearest additional open parking area to the southwest. Sidewalk connections between the parking area and the clubhouse are recommended.

Wayfinding – Required Modification

Signage to provide directions to the various sections of the development, including house numbering range as well as directions to the clubhouse, should be incorporated into the project's design.

Parking

Six parking spaces are proposed along the main roadway of the complex which would call for backing movements.

Required Modification

It is recommended that these six parking spaces be relocated or removed from the design to avoid the proposed unsafe backing movements into the development's main right-of-way. Exploring opportunities for parallel parking design is recommended.

Sustainability

The Town Planning Board should incorporate responsiveness to climate change as part of each proposal. The applicant's use of LED lighting, which is now common practice countywide, should be considered just a starting point. Electric vehicle charging stations is a further focus of the County Planning Board as an increasingly common standard feature of both multi-family and commercial developments. Finally, moving away from fossil fuels as a heat source and increasing insulation is also recommended.

Required Modification

The Town and the applicant should look at the ways the proposal is meeting the NYStretch Energy code and actively seek to reduce the carbon footprint of the facility using alternatives to fossil fuels, such as passive solar and geothermal heating use of heat pumps. The UCPB also recommends that the infrastructure necessary to develop electric vehicle charging stations should be provided given the growing trend and goals of NYS and the Country to reduce automotive emissions.

Consistency Determination – Required Modification

A coastal zone consistency determination by the Town's local waterfront advisory committee will be necessary.

Stormwater

The project more than meets the threshold for disturbance, and the applicant has prepared a SWPPP for Town and County review, as well as a sediment and erosion control plan.

Required Modifications

If not already accomplished, the SWPPP should be reviewed by a third-party consultant acting on the Town's behalf. Furthermore, clearing and grubbing operations are recommended to be monitored

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daily, and regular inspections are conducted for SWPPP compliance. Inspection results are recommended to be filed on site, at Town Hall, and available through the Town's website.

Housing

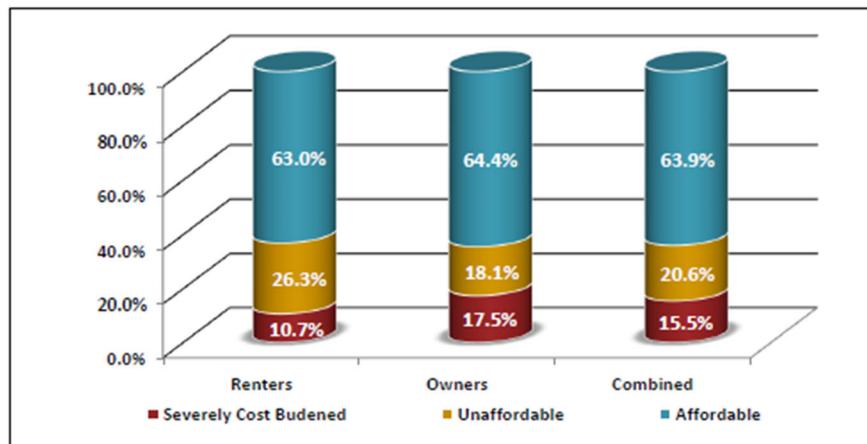
The Ulster County Planning Board (UCPB) continues to be concerned about Marlborough's lack of affordable housing, and this project further expands upon the affordability gap, providing only for market-rate housing. The Town's recently adopted Comprehensive Plan addresses this issue: "It will be important that a mix of housing types is available to accommodate the range of housing needs in Marlborough—for those of low-moderate income, including housing to accommodate those who work in the town. As the town looks to update its zoning, it should consider appropriate incentives to help produce affordable/workforce housing as part of a balanced mix of housing types in the town."

The need is there, as illustrated by the table below from the Housing Action Plan Snapshot for the Town of Marlborough (2020). More than a third of the community lives in severely cost-burdened and unaffordable housing.

HOUSING COST BURDEN DETAILS

AFFORDABILITY: ALL INCOME LEVELS

	Affordable	Unaffordable	Severe	Total
RENTERS	675	280	115	1,070
as a % of the total number	63.0%	26.2%	10.7%	100%
OWNERS	1,560	440	425	2,425
as a % of the total number	64.4%	18.1%	17.5%	100%
COMBINED RENTERS AND OWNERS	2,235	720	540	3,495
as a % of the total number	63.9%	20.6%	15.5%	100%



Source: US Department of Housing and Urban Development (HUD) & 2018 American Community Survey

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Importantly, our research has shown that the greatest need for affordable rental units exists at 60% or below the median household income. The market anticipates that units will be supplied at 80% or above. Similarly, affordable homeownership units are typically met with incomes above 80%, with communities generally considering 100% to 120% as meeting affordable housing goals.

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This can be seen in the data for Marlborough provided for renters below, which shows the most significant need below the 80% level.

Number and Percentage of Owners and Renters by Income Level

	Owner	% Owner	Renter	% Renter	Total
Household Income <= 30% HAMFI	180	39.6%	275	60.4%	455
Household Income >30% to <=50% HAMFI	195	48.8%	205	51.3%	400
Household Income >50% to <=80% HAMFI	235	65.3%	125	34.7%	360
Household Income >80% to <=100% HAMFI	215	65.2%	115	34.8%	330
Household Income >100% HAMFI	1,600	82.1%	350	17.9%	1,950
Total	2,425	69.4%	1,070	30.6%	3,495

Typically, reaching income levels below 80% AMI requires understanding the costs and carrying capacity of the lands involved in a project. A community is well served in seeking to get these more difficult targets by considering density bonuses as found in the MFZ, number of bedrooms, and other factors in collaboration with a developer, with the 10% goal as a given.

Advisory Comment: A public policy response to the town's housing costs is overdue, and we hope that the town will re-engage these applicants on this issue. Ulster County is currently undertaking the Ulster County Housing Smart Communities Initiative. The Board strongly encourages the Town to participate by becoming a certified community. For more information, go to <https://hsci.ulstercountyny.gov/>. The certification process requires communities to take "Housing Smart Actions" that meet specific minimum criteria. That list of actions can be found here: <https://hsci.ulstercountyny.gov/housing-smart-actions/>.

Advisory Comment

As a condition of approval, it is recommended that 10% be set aside for families with a median household income of 80% of the town's median household income for owner-occupied units and 60% or less for those units that are rental.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Cindy Lanzetta, UCPB
Michael Tinnie, NYSDOT