

**State Environmental Quality Review Act  
Notice of Determination of Non-Significance  
Negative Declaration  
Town of Marlborough Planning Board**

**Orchards on Hudson Proposed Residential Development  
103-137 Dock Road, Hamlet of Marlboro  
Town of Marlborough, New York**

**Date:** \_\_\_\_\_

This notice is issued pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act [SEQRA]) and the implementing regulations therefor at 6 NYCRR Part 617.

The Planning Board of the Town of Marlborough (the "Planning Board"), as lead agency, has determined, subsequent to review of an Environmental Assessment Form (Parts 1, 2, and 3), Expanded Environmental Assessment site plans, Traffic Report, SWPPP and area inspections; that the Proposed Action described below will not have a significant adverse impact on the environment, and that a Draft Environmental Impact Statement (DEIS) will not be prepared.

**Name of Action:** Orchards on Hudson Proposed Residential Development

**SEQR Status:** Type I – Greater Than Ten Acres Disturbance

**Conditional Negative Declaration:** No

**Description of Action:** The Proposed Action involves an application for use pursuant to a special permit, site plan approval, and other approvals associated with the proposed development of the 25±-acre Subject Property. The Proposed Action involves the redevelopment of the Subject Property with 74 single-family townhomes and 32 cottages (106 homes in total). Each residential unit would have a garage, and visitor parking would be available throughout the site. A clubhouse and pool are proposed on the site towards the eastern property boundary for use by the residences and their guests. Entry to the Subject Property would be provided from NYS Route 9W, with a gated access from Dock Road for emergency vehicles only. Sanitary waste generated by the proposed development would be handled via connection to the municipal sewer district and potable water would be provided via connection to the Marlborough Water District. The development is proposed to utilize natural gas and electric, both to be provided by Central Hudson Gas & Electric Corp. Stormwater runoff generated at the Subject Property is proposed to be captured via two major catchment areas, to be collected via a system of catch basins and an on-site bioretention swale and directed to a proposed on-site underground detention chamber system which will be designed to store and infiltrate runoff.

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**Project Location:** 103-137 Dock Road  
Hamlet of Marlboro, Town of Marlborough  
Ulster County, New York  
Section 108.004, Block 3, Lot 29.1 & Section 109.001, Block 3, Lots 13,  
14.2 & 15

#### Reasons Supporting this Determination:

In accordance with SEQRA and its implementing regulations at 6 NYCRR Part 617, the Planning Board, using Parts 1, 2 and 3 of the EAF and other relevant information cited herein, and comparing same with the thresholds set forth at 6 NYCRR §617.4 and §617.5, has determined that this project is an Type One Action.

Based upon the information contained in Parts 1, 2, and 3 of the Environmental Assessment Form, the Planning Board, as lead agency for the action contemplated herein, and after due deliberation, review, and analysis of the Proposed Action, the Environmental Assessment Form, Expanded Environmental Assessment, Traffic Evaluation, site plan package, renderings, and other relevant information cited herein, and criteria set forth in 6 NYCRR §617.7, hereby determines that the Proposed Action will not result in significant adverse impacts to the environment. This determination is supported by the following:

1. The Subject Property with the proposed residential development will result in increased solid waste generation. However, it is anticipated that private carter(s) would be contracted to collect all solid waste and dispose of same at an existing licensed facility(ies). Accordingly, implementation of the Proposed Action would not adversely impact regional solid waste management practices.
2. As the occupancy and intensity of the Subject Property is anticipated to change under the Proposed Action, there will be an increase in the demand for potable water and increased sanitary wastewater generation. Using the New York State Department of Health's sanitary calculations for dwelling units, the estimated total anticipated water use and sanitary wastewater generation to be generated by the Proposed Action would be 34,980± gallons per day (gpd) without irrigation and approximately 38,478 gpd with irrigation during the growing season. This represents less than one percent of the overall water currently supplied by the Marlborough Water District, according to the Marlborough Water District's Annual Drinking Water Quality Report for 2024. To conserve water on the site, water conservation measures have been introduced into the proposed development including incorporating native plantings into the site's landscaping and the installation of plumbing fixtures that help to conserve water (i.e., low flow water fixtures). In regard to sanitary wastewater generation, as the Subject Property is partially located outside of the Town of Marlborough Sewer Improvement District, the Applicant and the Town have executed a Reservation Agreement to reserve and eventually to receive collection and treatment capacity of up to 35,000± gpd for the Proposed Action in exchange for payment of a reserved capacity charge. This agreement was executed in February 2023 and a partial payment has been made by the Applicant to the Town. As sanitary wastewater would be conveyed to the Marlboro Wastewater Treatment Facility via existing sanitary infrastructure, no significant adverse impacts

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to groundwater quality or quantity related to water use or sanitary wastewater generation are anticipated as a result of the Proposed Action.

3. There are no surface waters or wetlands located at or contiguous to the Subject Property. The property abuts Lattintown creek at Dock Road. Therefore, no significant adverse impacts to surface water quality or quantity are anticipated.
4. The majority of the 25±-acre Subject Property formerly operated as a gravel pit that was used for the extraction of gravel and other construction aggregates and is now vacant. Two existing vacant single-family residences with associated buildings (i.e., garages and sheds) are also on the property. As a result of the Proposed Action, the land use and coverage type on the site would change from vacant land to fully residential. Therefore, it is expected that the impervious surface area on the Subject Property would increase under the Proposed Action. Stormwater runoff will be captured into two catchment areas – the western (upper) catchment area and the eastern (lower) catchment area. Runoff from each area will be collected via a system of catch basins and an on-site bioretention swale and directed to a proposed on-site underground detention chamber system which will be designed to store and infiltrate runoff. During heavy rain events, stormwater will discharge at the peak consistent with pre-development runoff rates. The upper catchment area outfall will direct stormwater underground across Dock Road to a parcel owned by the Applicant (tax lot 29.1). The lower catchment area will discharge via a controlled outfall that will overflow to Dock Road. The proposed stormwater management system has been designed to accommodate the shallow depth to the water table in this area (on average approximately 7 feet below grade surface) by providing a combination of infrastructure and collection systems.

Based on the above, there would be no substantial adverse impacts to groundwater quality or quantity associated with stormwater runoff from the Proposed Action.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for Ulster County, New York (Panels 36111C0905E), the Subject Property is not located within a Special Flood Hazard Area.

5. The Proposed Action would disturb greater than one acre of land (i.e., up to 15.51± acres). Additionally, the Proposed Action would involve construction on slopes of 15 percent or greater to accommodate the proposed residential development. A Grading and Drainage plan for the project has been prepared and designed to minimize disturbance of the steep slopes to the maximum extent practicable. During construction activities, erosion and sediment control measures would be employed in accordance with a Stormwater Pollution Prevention Plan (SWPPP) which has been specifically developed for the Proposed Action. Measures included in the SWPPP include the use of straw mulching; seeding disturbed areas to minimize soil erosion; vegetative slope stabilization; erosion control slope blankets; silt fence barriers; inlet protection; stabilized construction exit(s); the protection of stockpiles and drainage inlets; and temporary sediment traps; and phasing of land disturbance activities to minimize the total area of land disturbed at any one time, among other erosion control measures, as applicable. The chosen erosion and sediment control measures will vary based on specific site needs during plan development and will reduce the potential for soil erosion by containing sediment at the Subject

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Property. With the above-described measures employed, the Proposed Action is not expected to result in significant adverse impacts associated with the disturbance of land surfaces and construction activities. Additionally, it is noted that a letter dated January 8, 2025, from the Town 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. The project will enter into a Stormwater Facilities Maintenance Agreement with the Town to provide for long term maintenance of the stormwater management systems. Discussion regarding inspection during construction. 5 Acre waiver?

Overall, based on the above, implementation of the Proposed Action would not result in a substantial increase in the potential for erosion, flooding, leaching or drainage problems, and thus, there would be no significant adverse impacts associated with same.

6. An analysis was conducted to assess the potential for traffic impacts associated with the Proposed Action. 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 New York State Department of Transportation (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.

Site access to the Subject Property would be adjusted, while remaining on US Route 9W, to accommodate the ingress/egress for the proposed residential development. These modifications have been reviewed by the NYSDOT and would not result in any significant negative impacts at the intersection at US Route 9W. Discuss left turn lane.

Accordingly, no significant adverse traffic impacts are anticipated. Further, as no projected traffic delays (or vehicle idling) are expected upon implementation of the Proposed Action, and no new significant stationary sources of air emissions are proposed, there would be no adverse changes to existing air quality.

7. With respect to noise-related impacts, there would be no construction activities undertaken during sensitive overnight periods, and all construction activities would cease upon project completion, such that any construction noise-related impacts would be temporary in nature. Additionally, with respect to noise and air quality related impacts, the Proposed Action consists of the development of a residential development consistent with the uses in the surrounding area of the Subject Property. As such, the Proposed Action would not result in a significant adverse noise or air quality impact.

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8. The Proposed Action would result in the removal of 12.41± acres of wooded and other vegetated habitats in various stages of ecological succession that have developed since the cessation of gravel mining operations. However, significant acreage of wooded habitat would be preserved, and it is anticipated that wildlife fauna of habitat generalist species would continue to utilize the Subject Property similar to that under the existing condition. The preservation of 9.75± acres of wooded habitat would allow for the continuation of exiting nesting, breeding, and foraging opportunities for woodland-adapted species at the Subject Property. 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 Subject Property.

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 Subject Property. 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.

9. The Subject Property is not located within a Critical Environmental Area (CEA). Thus, the environmental characteristics of a CEA would not be impaired.
10. The Proposed Action would conform to all applicable bulk and dimensional requirements of the R zoning district and according to the Town Code, the Proposed Action is a permitted use with the issuance of a special permit by the Town Planning Board pursuant to § 155-12(A)(4). Implementation of the Proposed Action would not create a material conflict with a community's current plans or goals as officially approved or adopted.
11. The Proposed Action would result in increased demand for community services, including public education, fire protection, emergency medical services, and police coverage. It is estimated that approximately 28 school aged children may be generated by the Proposed Action who may attend the Marlboro Central School District. The projected increase in property tax revenue is expected to offset this increase in demand, including a net fiscal benefit to the Marlboro Central School District. The proposed development would also 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

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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, and therefore no significant impacts to community facilities is anticipated. Fire District contribution.

12. Based on a review of the New York State OPRHP Cultural Resource Information System (CRIS), the Subject Property is located within an area of archaeological sensitivity. The Applicant submitted consultation to OPRHP to assess the potential for significant adverse impacts to historic resources resulting from the Proposed Action and OPRHP issued a Letter of No Effect on February 8, 2024, stating that "it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and/or National Registers of Historic Places will be impacted by this project". In addition, the nearest State and/or National Register-eligible historic resources are a residential site located at 10 West Street (USN: 11109.000091) approximately 898 feet west of the Subject Property and another residential site at 30 Western Ave (USN: 11109.000091) approximately 792 feet west of the Subject Property. The Proposed Action is not expected to be visible from these locations. Therefore, no significant impacts to cultural resources are anticipated to result from the Proposed Actions and no further mitigation is required.

No officially designated federal, state, or local scenic or aesthetic resources were identified in the vicinity of the Subject Property. 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. It is noted that the Proposed Action has been designed to reflect the look and scale of nearby residential areas, with two-story homes and landscaping. Additionally, much of the existing vegetation around the edges of the Subject Property would be preserved (approximately 40 percent of the Subject Property acreage would not be disturbed), and additional plantings are planned to help further buffer views. While parts of the proposed residential development, 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 character or quality of the site or surrounding area.

Based on the foregoing, implementation of the Proposed Action is not expected to result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources or of existing community or neighborhood character.

13. The Proposed Action would result in an increase in energy usage at the Subject Property. As the Subject Property is currently serviced by Central Hudson Gas & Electric Corp. for electricity and Central Hudson for natural gas, it is anticipated that service would be continued under the Proposed Action. The introduction of increased demand on the Subject Property is not expected to result in a major change in the use of either the quantity or type of energy. Central Hudson Gas & Electric Corp. has confirmed the capacity to service the project.
14. The Proposed Action would not result in the creation of a hazard to human health.

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15. The Subject Property does not contain agricultural, open space, or recreational uses. While the Proposed Action will result in a change in the use and intensity of use of land, this change is consistent with the Town's R zoning district regulations and the established land use pattern in the surrounding area. Therefore, the Proposed Action would not create a substantial change in the capacity of the site to support existing uses.
16. The proposed change from mostly vacant land to a residential development would introduce more people to the Subject Property within an established mixed-use area with residential areas in the vicinity. As such, the Proposed Action would not encourage or attract a large number of people to the area for more than a few days, compared to the number of people who would come to the area absent the action.
17. The Proposed Action would not create a material demand for other actions that would result in one of the above consequences.
18. Implementation of the Proposed Action would not result in 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.
19. Implementation of the proposed action would not result in cumulative impacts that would meet any of the criteria set forth in 6 NYCRR §617.7.

**For Further Information:**

**Contact Person:**

**Address:**

**Telephone Number:**

**A copy of this Notice will be kept on file at the offices of the Lead Agency.**

**Involved Agencies:**

Town of Marlborough Town Board  
21 Milton Turnpike, Suite 200/PO Box 305  
Milton, NY 12547  
Attn: Scott Corcoran, Supervisor

NYS Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, NY 12561  
Attn: Environmental Permits / SEQRA Unit

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New York State Department of Transportation  
SEQRA Unit  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

Ulster County Department of Health  
Golden Hill Office Building  
239 Golden Hill Drive  
Kingston, NY 12401

NYS Department of State Coastal Resources  
41 State Street  
Albany, NY 12231

New York State Office of Parks, Recreation and Historic Preservation  
Peebles Island Resource Center  
Via CRIS System  
Waterford, NY 12188-0189

**Interested Agencies/Parties:**

Ulster County Planning Board  
County Office Building  
244 Fair Street, 6<sup>th</sup> Floor  
Kingston, NY 12401

Marlboro Fire District  
14 Grand Street/P.O. Box 223  
Marlboro, NY 12542

Marlborough Consolidated School District  
21 Milton Turnpike, Suite 100  
Milton, NY 12547

Town of Marlborough Highway Department  
P.O. Box 305  
Milton, NY 12547  
Attn: John Alonge, Highway Superintendent

ENB



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