

September 24, 2025

Town of Marlborough Planning Board  
21 Milton Turnpike  
Milton, NY 12547

**SUBJECT: Marlborough Fire District Renovation & Addition Project  
Request for Exemption from Planning & Zoning with Request for SEQRA Neg. Dec.**

Dear Members of the Board,

We are the authorized project agent for the Marlborough Fire District (**MFD**). We have been engaged to plan, program, and design a renovation & addition set of schematic level detailed plans and elevations in order for the MFD to obtain a estimate of probable cost and assess the constantly changing construction industry costs of construction for this project. Once received from our professional cost estimator, we worked with the MFD to assemble a PowerPoint Presentation to the residents of the Town of Marlborough to present the needs of the District for their half-century old fire station. Part of the funding process involves the USDA and part of their application requirement is to provide proof of a Negative Declaration of our SEQRA Application and establish the MFD as the Lead Agency. It is at this point that the need to meet with your Board was deemed an immediate and dire need due to the rising costs of construction escalation. The current project budget of Hard & Soft Costs was set at \$11.25M based on a Spring 2026 construction start and the estimate based on costs at the midpoint of construction; September 2026.

**Project Narrative**

Due to the existing Fire Station being 50-years old at this time, multiple current NFPA, Building Code, OSHA, and ADA requirements have put the building, the Fire District, and the firefighters at great risk of health & safety issues, injury issues, and operational issues. The building is being expanded to provide adequate space for all firematic, living space, and safety needs. We are seeking a Negative Declaration on our SEQRA short form submittal to proceed with our USDA Application for Funding and in conjunction with our previously held Public Education Meeting which invited all the residents of the Town of Marlborough by U.S. Mail.

It is with these facts and project planning with the MFD that we wish to meet with you and present our schematic level detailed plans and elevations so as to receive a Negative Declaration as an Unlisted Action with our accompanying Short EAF. We will be glad to discuss the Nine (9) Factors deemed appropriate for inter-governmental land use exemptions as determined by the New York State Court of Appeals during our October 6<sup>th</sup> appearance before your Board.

We present to you here the Nine Factors, as taken from the *James A. Coon Local Governmental Technical Series*, that “the host community is to weigh the following nine factors” and offer the comments of our firm and that of the Marlborough Fire District as to reasons the balance of weight should favor the granting of exemption from your regulatory process and simply permit the MFD to receive their Negative Declaration on our submitted Short EAF.

1. The nature and scope of the instrumentality seeking immunity;

**MFD Response: We are a Fire District**

2. The encroaching government’s legislative grant of authority;

**MFD Response: We defer to discussions presented by the Planning Board on this topic.**

3. The kind of function or land use involved;

**MFD Response: We are a Fire Protection District for the Town of Marlborough.**

4. The effect local land use regulation would have upon the enterprise concerned;  
**MFD Response:** No Change to that of existing conditions for the last 50-years.
5. Alternative locations for the facility in less restrictive zoning areas;  
**MFD Response:** We are and have been at our current site for 50 years. Alternative site is N/A.
6. The impact upon legitimate local interests;  
**MFD:** We find this factor as not applicable as we are the sole prime Fire District for the Town of Marlborough. Our Public Education Meeting held on 7/23/25 was a great success and exhibited great local support from all attendees.
7. Alternative methods of providing the proposed improvements;  
**MFD Response:** Wendel/Mitchell Associates Architects spent over a year with the MFD going through almost a dozen detailed plan iterations to optimize the costs and impact on the property with respect to the neighboring residents on all surrounding streets. We feel we have arrived at the optimum solution and the means to bring our 50-year-old station up to current Codes and Standards. It is all about Health & Safety and Cancer Reduction for the Fire Service. It has been researched and proven that these First Responders have elevated levels of cancer diagnosis as compared to the regular population. Testicular cancer is 2.03 times the percentage for males in the regular population versus firefighters.
8. The extent of the public interest to be served by the improvements; and  
**MFD Response:** See response to #7 above.
9. Intergovernmental participation in the project development process and an opportunity to be heard.  
**MFD Response:** We defer to discussions presented by the Planning Board on this topic.

We would add our Fire Station Architects have worked on over **400** fire and emergency facility projects across the United States addressing more than **500** Public Safety Facilities. They regularly lecture on a National Level and have dozens of published articles on the topics of fire safety, cancer in the fire service, proper decontamination procedures, and NFPA Standards compliance.

We trust our application for exemption in no way offends the Board Members as it is observed and noted the dedicated service the Marlborough Planning Board provides to the community. We submit our application herein and look forward to our pending meeting on October 6<sup>th</sup>, 2025.

Respectfully Submitted,

  
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