

**STATE ENVIRONMENTAL QUALITY REVIEW ACT (“SEQRA”)  
NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

This Notice and Negative Declaration is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (“SEQRA”) of the New York State Environmental Conservation Law.

The Town of Marlborough Planning Board, as Lead Agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement (“EIS”) will not be prepared.

NAME OF ACTION: In the Matter of the Application of SDL Marlborough, LLC for site plan approval, special permit approval, and lot line adjustment in connection with a multi-family residential development to be known as the “Orchards on Hudson Residential Development” (the “Proposed Action” or the “Project”) located at 103-107 Dock Road, County of Ulster, Town of Marlborough, NY 12542 [S/B/L Numbers: 109.1-3-12, 109.1-3-13, 109.1-3-14, 109.1-3-14.200, 109.1-3-15, 109.1-3-16, 109.1-3-17.200, 109.1-3-18, 109.1-3-19, and 108.4-3-29.100] (the “Subject Site” or “Project Site”).

SEQRA STATUS: Type I Action

CONDITIONED NEGATIVE DECLARATION: No

DESCRIPTION OF THE ACTION:

In accordance with SEQRA (6 NYCRR Part 617 et seq.) the Town of Marlborough Planning Board, as Lead Agency of the above-referenced Project and coordinating with the Involved and Interested Agencies and the Lead Agency's Consultants and in consideration of all the public comments and written submittals, has identified the relevant areas of environmental concern, examined the same, and rendered this Negative Declaration finding no significant environmental impacts resulting from the aforesaid Type I Action.

Following a March 4, 2024 Preliminary Conceptual Application, on August 9, 2024 the Lead Agency received a formal Site Plan Application from owner and applicant SDL Marlborough, LLC (hereinafter, the "Applicant") requesting Site Plan and Special Use Permit approval for a multi-family residential development on 25.5 +/- combined acres of land located at 103-107 Dock Road, Marlborough, NY 12542, which is situated in the R-Residential zoning district. The Project is to be known as The Orchards on Hudson Residential Development.

The Proposed Action involves the redevelopment of the Subject Property, which was previously utilized for quarry mining commercial use, with 74 single-family townhomes and 32 cottages (106 homes in total). Each residential unit will have a garage, and visitor parking will be available throughout the site. A clubhouse and pool are proposed near the eastern property

boundary for use by the residents and their guests. Entry to the Property would be provided from NYS Route 9W, with gated access from Dock Road for emergency vehicles only.

Following comment from the Planning Board Consulting Engineers, the Applicant submitted an application for lot-line adjustment on May 23, 2025. The lot-line application was a necessary addition to the site plan /special use permit application to secure ingress and egress for the Project to Route 9W in accordance with New York State Department of Transportation (“NYSDOT”) conceptual approval. Route 9W-adjacent parcels will be combined with one another and will absorb segments of the larger eastern parcel. The largest eastern parcels will also be combined and will absorb portions of the Route 9W lots to secure ingress and egress from the site onto Route 9W. No new lots will be created.

Coordinated review for the Type I Action included circulation of Application documents and certain supplemental documentation to involved and interested agencies for further administrative procedures. A listing of the involved and interested agencies, together with the applicable statutory authority review of this Project, is as follows:

I.) **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

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

II.) **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

III.) **Applicable Law:**

- i.) SEQRA (6 NYCRR Part 617 et seq).
- ii.) New York State Town Law Sections 274-a, 274-b, 276, 277.
- iii.) Town of Marlborough Zoning Law.
- iv.) Town of Marlborough Subdivision Regulations.
- v.) New York State Public Health Law, Article 11.
- vi.) New York State Environmental Conservation Law, Article 11.
- vii.) New York State Environmental Conservation Law, Article 17.
- viii.) New York State Historic Preservation Law, Section 14.09.
- ix.) New York State Sanitary Code, Appendix 75-A Regulations.
- x.) Article 7-a, United States Endangered Species Act.
- xi.) Town of Marlborough Code.
- xii.) New York State General Municipal Law, Section 239-m.
- xiii.) New York State Town Law, Section 280-a.
- xiv.) Other statutory authority as may be determined by the Planning Board.

**IV.) Consultants for the Project are as follows:**

- a.)     Legal:                     Blanchard & Wilson, LLP  
   Mark W. Blanchard, Esq.  
   235 Mamaroneck Avenue, Suite 401  
   White Plains, New York 10605  
   (914) 461-0280
  
- b.)     Engineering/         VHB Engineering, Surveying and Landscape  
         Surveying/             Architecture, Geology, P.C.  
         Traffic:                 Angelo Laino  
   100 Motor Parkway, Suite 350  
   Hauppauge, New York 11788  
   (631)787-3409

**V.) Consultants for the Lead Agency are as follows:**

- a.)     Van DeWater & Van DeWater, LLP: Legal  
         85 Civic Center Plaza, Suite 101  
         Poughkeepsie, New York 12601
  
- b.)     MHE Engineering D.P.C.: Engineering  
         33 Airport Center Drive, Suite 202  
         New Windsor, New York 12553
  
- c.)     Creighton Manning Engineers, LLP: Traffic  
         17 Computer Drive West  
         Albany, New York 12205

VI.)    The Project Plans and Visual Simulations have been prepared by VHB Engineering, Surveying and Landscape Architecture, Geology, P.C. (hereinafter, "VHB") and consist of the following:

- 1.)     Legend and General Notes;
- 2.)     Removals Plan;
- 3.)     Overall Layout and Materials Plan;
- 4.)     Layout and Materials Plan (01-05);
- 5.)     Overall Grading and Drainage Plan;
- 6.)     Grading and Drainage Plan (01-05);
- 7.)     Main Road Plan Over Profile Station 10+00 to 15+00;
- 8.)     Main Road Plan Over Profile Station 15+00 to 20+00;
- 9.)     Main Road Plan Over Profile Station 20+00 to 25+00;
- 10.)    Main Road Plan Over Profile Station 25+00 to 29+21;
- 11.)    Side Road A and B Plan Over Profile;

- 12.) Side Road C Plan Over Profile;
- 13.) Fire Access Road Plan Over Profile Station 600+00 to 605+00;
- 14.) Fire Access Road Plan Over Profile Station 605+00 to 610+00’
- 15.) Fire Access Road Plan Over Profile Station 610+00 to 612+92;
- 16.) Overall Utility Plan;
- 17.) Utility Plan (01-05);
- 18.) Erosion and Sediment Control Plan (00-02);
- 19.) Site Details 1-4;
- 20.) Overall Planting Plan;
- 21.) Planting Plan (01-05);
- 22.) Planting Notes and Details;
- 23.) Boundary and Topographic Survey Overall Boundary;
- 24.) Boundary and Topographic Plan (SV 2 and 3).

#### VII.) REASONS SUPPORTING THE DETERMINATION:

Methodology: In making this determination of non-significance, the Lead Agency and its advisors first examined Part 1 of the Full Environmental Assessment Form (“EAF”), associated application documentation, addendums and related maps and plans. A copy of the Long Form EAF Part 1 is annexed hereto and made a part hereof as **Exhibit “A”**.

Following a Preliminary Conceptual Plan meeting on March 4, 2024, the Town of Marlborough Planning Board commenced its formal application review of the August 9, 2024 Formal Site Plan and Special Use Permit Application on August 19, 2024. At the August 19, 2025 meeting, the Planning Board noticed its intent to be Lead Agency for SEQRA environmental review of the Project, and circulated such notice on August 25, 2024 to all Involved and Interested Agencies and including the Application, EAF Part 1, and related exhibits therein, thereby initiating coordinated review.

The Action was determined by the Lead Agency to be classified as Type I under SEQRA on August 28, 2024 pursuant to 6 NYCRR Part 617.4(b)(6)(i), which was not contested by the Applicant.

As no objections were raised to the establishment of Lead Agency, the Town of Marlborough Planning Board automatically attained such status at the expiration of thirty (30) days from the date the EAF and supplemental materials were circulated (6 NYCRR Part 617.6(b)(3)(i)). The Planning Board declared itself Lead Agency for the Project at its meeting on November 4, 2024.

Thereafter, following comments received from the Planning Board’s Consulting Engineer, the Applicant submitted a formal application for Lot Line Revision, dated May 23, 2025, pursuant to Town of Marlborough Code Chapter 134 to secure ingress and egress to effectuate the proposed Site Plan. The Lead Agency began reviewing the Lot Line application at its next regular meeting on June 2, 2025.

The Lead Agency thereafter coordinated with its advisors and consultants to comprehensively review the potential environmental impacts associated with this action through studies, reports, documentation, and data, all of which have been made part of the record. The Lead Agency reviewed the cumulative environmental impacts of proposed Site Plan and Special Use Permit together with the Lot Line revision. The Lead Agency's SEQRA review has included analysis of various studies, reports and memorandums submitted by the Applicant's Consultants, as well as oral and written testimony made by the public. In addition, the Lead Agency's Consulting Engineers have made detailed written reports upon the Project and related submittals during the SEQRA review period.

After consultation with Involved/Interested agencies and further months of administrative review and in consideration of the Applicant's submittal of a draft Long EAF Part 2, the Lead Agency reviewed, completed, and adopted a revised Part 2 of the Full EAF at its meeting on July 21, 2025 and considered the criteria set forth in 6 NYCRR Part 617.7(c), in each case comparing the identified impacts that may be reasonably expected to result from the proposed changes and activities against the indicators of significant adverse impacts on the environment. A copy of Part 2 of the Long EAF is annexed hereto and made a part hereof as **Exhibit "B."**

It was determined at the June 2, 2025 meeting that a Public Hearing on the Site Plan, the Special Use Permit, and the Lot Line applications would be held on July 21, 2025. The Lead Agency duly-authorized notice of the Public Hearing to be published in the newspaper of record. Additionally, mailed notice of the Public Hearing was also completed in accordance with the Town of Marlborough Site Development Plan, Special Use Permit and Subdivision Regulations.

On July 21, 2025, the Lead Agency held a duly-noticed Public Hearing in consideration of the proposed action pursuant to Sections 274-a, 274-b, 276 and 277 of the New York State Town Law, the Town of Marlborough Zoning Law, the Subdivision Regulations of the Town of Marlborough and SEQRA. At this Public Hearing, verbal and written comments from the general public, the Project consultants, and various professionals were taken and made part of a full stenographic record.

A motion to leave the Public Hearing open did not pass. A subsequent motion to close the Public Hearing was adopted, and the Public Hearing was closed on July 21, 2025. The verbal and written comments made at the Public Hearing aforesaid have also been considered by the Lead Agency in the drafting and issuance of this Negative Declaration. The Stenographic Record of the July 21, 2025 Public Hearing and the entire Administrative Record are incorporated herein by reference, as if fully set forth at length.

The Lead Agency emphasizes that this determination is limited to environmental review of the Action and does not affect the future Public Hearing that is required to be held upon the Subdivision (Lot Line Revision) pursuant to New York Town Law Section 267. At such time, the public will have another opportunity to be heard thereon and with respect to the proposed Site Plan and Special Permit.

The Lead Agency has considered the advice of its Consulting Attorney and Consulting Engineer in light of the context of the Project submittals, the laws governing Public Hearings, and the SEQRA Regulations (6 NYCRR Part 617 et. seq).

On July 21, 2025, the Lead Agency determined to refer the Site Development Plan, Special Use Permit, and Lot Line Revision Application Documents to the Ulster County Planning Board (“UCPB”) pursuant to Section 239-m of the General Municipal Law of New York State, as a “full statement of the proposed action.” The UCPB Recommendations, received September 9, 2025, have been considered by the Lead Agency and are explicitly addressed within this Negative Declaration.

While the Lead Agency is aware that this action is classified as Type I pursuant to SEQRA procedures and that such classification makes it more likely that an Environmental Impact Statement (“EIS”) will be required, under the circumstances of the particular related actions as hereinafter evaluated, the Lead Agency finds that the facts and information available to it support a determination that all probable and relevant adverse environmental effects have been identified and that they will not be significant. Therefore, an EIS is not necessary for this action.

The environmental analysis of the reasonably related long-term, short-term, direct, indirect, sequential and combined impacts of these related and simultaneous environmental factors started with an analysis of the existing conditions of the Project site. The review then analyzed the environmental impacts of the proposed changes and actions while comparing those impacts with the impacts on existing land use to determine if the proposed action may have a significant adverse environmental impact. This Negative Declaration of Environmental Significance sets forth the Lead Agency’s Findings pursuant to SEQRA.

It should be noted that the Lead Agency recognizes the general prohibition against unjustifiable segmentation under SEQRA: “[a]ctions commonly consist of a set of *activities or steps*. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it. Considering only a part or segment of an action is contrary to the intent of SEQR.” 6 NYCRR §617.3(g). Segmentation is defined as “the division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.” 6 NYCRR §617.2(ah). Therefore, Actions that are not “stages” of the same Action, but which are independent of each other and unrelated, may be analyzed independently for the purposes of SEQRA.

In this instance, although the owner of the Project Site also has partial ownership of adjacent properties along Route 9W, sited as commercial within the CD Overlay Zone, the future development of those adjacent parcels is speculative and hypothetical. Potential future development of the adjacent commercial parcels is not dependent upon development of the current Project. Whether adjacent parcels may be developed will be based on future economic viability and is in no way dependent upon the present Proposed Project. Hypothetical future development could involve a variety of retail or commercial uses, all of which are allowed uses in the applicable zoning district, and none of which are currently considered by the Applicant. There is not even a conceptual plan developed for use of the adjacent parcels. Without a concrete development

proposal, any attempt to evaluate the full environmental impacts would be speculative and premature, leading to potentially misleading or incomplete analysis. Any future potential development of the adjacent commercial parcels would require full review before the Planning Board, and a thorough review of environmental impacts would take place at that time.

Therefore, the Town finds that a separate SEQRA review of the present Proposed Project and any future development of the adjacent parcels is not being used to avoid or minimize environmental scrutiny, but rather to allow for a meaningful and legally proper review process when appropriate. The Lead Agency finds that there has been no improper segmentation in the environmental review of this Proposed Project, and no other related or subsequent actions are included in any long-range plans for the proposed site, nor likely to be undertaken, nor dependent upon the actions which are now under consideration.

Per 6 NYCRR § 617.7, the Lead Agency must determine whether the present Proposed Project, a Type I action, may have a significant adverse impact on the environment by reviewing certain criteria. These criteria are considered indicators of significant adverse impacts on the environment:

- (i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part;
- (iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) a major change in the use of either the quantity or type of energy;
- (vii) the creation of a hazard to human health;
- (viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) the creation of a material demand for other actions that would result in one of the above consequences;



- (xi) 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; or
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

In rendering all the SEQRA Findings, the Lead Agency's examination of the specific environmental impacts of the Project's proposed actions and their magnitude in light of the aforementioned criteria is as follows:

**1. THE ACTION WILL NOT RESULT IN A SUBSTANTIAL ADVERSE CHANGE IN EXISTING AIR QUALITY, GROUND OR SURFACE WATER QUALITY, TRAFFIC OR NOISE LEVELS, A SUBSTANTIAL INCREASE IN SOLID WASTE PRODUCTION, OR A SUBSTANTIAL INCREASE IN POTENTIAL FOR EROSION, FLOODING, LEACHING, OR DRAINAGE PROBLEMS.**

**A. Substantial Adverse Changes in Existing Air Quality:**

Construction of the Proposed Project is expected to occur in a single phase over approximately two (2) years. The construction period includes site preparation, utility installation, and construction of 106 homes and related infrastructure. Temporary impacts such as construction-related dust will be managed through best practices, including approved dust control measures as specified in the New York State Standards and Specifications for Erosion and Sediment Control, and an approved Stormwater Pollution and Prevention Plan ("SWPPP"). These impacts will be temporary and managed through implementation of best management practices, including use of water spray, mulch, and establishing temporary and permanent vegetation as soon as possible, and other methods as deemed necessary during construction. A stabilized construction entrance is required.

As to long term air quality impacts from the Project, there are no projected traffic delays (or vehicle idling) expected upon implementation of the Proposed Action, and no new significant stationary sources of air emissions are proposed. Based upon the size and layout of the Project and the proximity of the Project to the existing roadway network, there will not be large volumes of idling vehicles introducing substantial pollutants into a concentrated locality. The Lead Agency finds that there is no potential for adverse impacts from vehicle emissions occurring at the site, or from Project development or implementation.

Based upon the foregoing, a substantial adverse change in existing air quality will not occur.

**B. Substantial Adverse Changes in Existing Ground or Surface Water Quantity or Quality:**

Stormwater runoff generated at the Subject Property is proposed to be captured via two major collection 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 infiltration chamber system which will be designed to store and infiltrate runoff.

The Lead Agency has reviewed the Stormwater Analysis and Stormwater Management Plans and the accompanying SWPPP, approved by its engineering consultant, MHE Engineering, together with the extensive information pertaining to site drainage and stormwater treatment as submitted by the Project engineering consultant.

The Lead Agency has identified the potential for moderate to large impacts on surface water in the EAF Part 2 in the following areas:

- a) The Action may create turbidity in a waterbody, either from upland erosion, runoff, or by disturbing bottom sediments;*
- b) 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;*
- c) The Action may affect the water quality of any water bodies within or downstream of the site of the proposed Action.*

Based upon the following analysis, the Lead Agency determines that the areas above have been mitigated by the Applicants to a small impact.

A Grading and Drainage Plan for the Project has been prepared, as well as a SWPPP which includes soil erosion and sediment control measures. 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. These measures are sufficient to protect the quality of waterbodies on and adjacent to the Project Site.

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 ("NYSDEC") regulations, such that no significant adverse impacts related to turbidity, water quality, or soil erosion are anticipated. Further discussion of erosion controls is included in paragraph F below.

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.

Upon approval by the Town Engineer, a Notice of Intent will be filed with the NYSDEC to obtain coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-25-001, or latest edition. This will be a condition of Project approval. The Town of Marlborough, as a regulated MS4, will cause inspections of the site during construction.

In examination of Post-Development Drainage Improvements and Mitigation, the Lead Agency concurs with the SWPPP and soil/sediment/erosion calculations for consistency with all NYSDEC Regulations, as noted previously within this heading. Based upon the foregoing, this potentially large impact has been voluntarily mitigated to a point whereby the impact cannot be said to pose a significant adverse environmental effect.

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. Potable water will be provided via connection to the Marlborough Water District.

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.

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.

As sanitary wastewater would be conveyed to the Marlboro Wastewater Treatment Facility via existing sanitary infrastructure, no significant adverse impacts to groundwater quality or quantity related to water use or sanitary wastewater generation are anticipated as a result of the Proposed Action.

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).

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.

In accordance with the foregoing analysis, the Lead Agency finds that there will be no substantial change in existing ground or surface water quantity or quality as a result of construction lasting for an excess of one year, nor for the Project at large.

**C. Substantial Adverse Change in Existing Traffic Levels:**

The Applicants have submitted a detailed Traffic Impact Evaluation dated August 9, 2024, which was supplemented on June 20, 2025 by Creighton Manning Engineering & Surveying, PLLC (“CME.”) This Traffic Study analyzes the roadways servicing the Project, as well the additional traffic which is expected to be generated over time by the Project.

In addition, the various Traffic Study Documents further provide for mitigation measures to be employed by the Applicants to address the increases in traffic channelization, reorientation and safety issues, which will occur because of the Project at full occupancy.

The Applicants have also coordinated with NYSDOT, MHE Engineering, and CME as Lead Agency traffic consultants, in consideration of the traffic issues associated with the Project and to date. The Town of Marlborough Highway Department has indicated no objections to the Traffic Study or its findings.

The Lead Agency has identified the potential for moderate to large impacts on traffic in the EAF Part 2 in the following areas:

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

However, the Lead Agency’s review of the Applicant’s plans, CME report, and preliminary NYDOT approval demonstrate mitigation of this concern to a small impact.

According to New York State Department of Environmental Conservation guidance on the EAF, projects generating fewer than 100 peak hour vehicle trips are not considered to have a significant increase in traffic. The Proposed Project would generate fewer than 100 vehicle trips during the peak hours. The Project is expected to generate 48 new vehicle trips during the weekday AM peak hour and 58 new vehicle trips during the weekday PM peak hour.

The combined Traffic Impact Study analyzes the Project with respect to existing conditions, future traffic conditions, events, traffic volume comparisons, time of day, trip assignment, build traffic volumes, sight distance, level of service analysis, site disturbance and growth factors.

Data published by NYSDOT shows that traffic volumes on US Route 9W are decreasing by 0.9 percent per year. To provide a conservative evaluation, a growth rate of 0.5 percent per year was used. Trips associated with the Bayside Mixed-Use Development, Overlook Ponds, and the Dollar General were included as appropriate.

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. There would be no changes to the Levels of Service at the adjacent intersection of US Route 9W at Dock Road.

A southbound left-turn lane has been designed in accordance with the concept plans. The left-turn lane is necessary because it takes cars waiting to make a left turn onto the Site out of the southbound traffic stream such that the through-traffic will not be obstructed. The Traffic Impact Evaluation was reviewed closely by the NYSDOT and, after coordination on the design of the proposed Site access, including the southbound left-turn lane into the site from Route 9W, NYSDOT granted Stage 1 Conceptual Approval.

The available sight distances at the Proposed Site access meet the AASHTO guidelines for the 40- mph operating speed and no sight distance easements are needed. In addition, the Applicant has located the internal gated access to allow for appropriate queuing within the Site and mitigate the potential for backup onto US Route 9W.

Construction of the Proposed Project is expected to occur in a single phase over approximately 48 months and will include site preparation, utility installation, and construction of 106 homes and related infrastructure. Temporary impacts on traffic will be managed through best practices. Construction-related traffic may include deliveries, worker vehicles, and equipment transport. These impacts will be temporary and managed through standard traffic safety measures. Coordination with the police, if necessary, can be effectuated.

The Lead Agency further references the Applicants' Traffic Impact Evaluation, last revised by VHB on August 9, 2024, which contains a lengthy Appendix wherein all figures are quantified. The Traffic Impact Evaluation was reviewed by the Planning Board's traffic consultant, CME, on June 20, 2025.

Comments received from the Ulster County Planning Board on September 9, 2025 included a Required Modification as follows: "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."

On September 15, 2025, the Lead Agency voted 6-1, pursuant to General Municipal Law §239-m(5), to act in contravention with the UCPB's recommendation for the following reasons:

As addressed above, the Lead Agency will not review future hypothetical, speculative projects which may or may not be developed on adjacent parcels owned, in part, by the Applicant. If adjacent parcels fronting Route 9W are developed in the future, that applicant may, at that time, be subject to obtaining cross-easements from or to the presently-Proposed Site. The Lead Agency is satisfied that such a connection will be the obligation of a future applicant.

Furthermore, the Applicant investigated whether a connection could be made between the Subject Property and the Marlboro Elementary School site. Such a connection is not feasible because of the slope and general topography of the Site.

The Applicant met with the School District in October, 2024, and the School District conveyed that a bus pickup area along 9W will be the preferred method, as the bus cannot enter a private drive. The Site Plan shows a sidewalk by 9W where school-aged children living in the Development can safely wait, off the road, to be picked up by the bus. The bus stops multiple times along 9W to pick up school children. This plan is consistent with discussions between the Applicant and the School District and with normal practice along 9W.

The UCPB comments further required that: “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.”

On September 15, 2025, the Lead Agency voted unanimously to adopt the UCPB’s recommendation to require NYSDOT permit approval as a condition of approval of the Project. The issue of sidewalks and connectivity is further addressed in Section 5 below.

The UCPB further required that: “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.” The Lead Agency voted unanimously to adopt the UCPB’s recommendation to require NYSDOT permit approval as a condition of approval of the Project.

In its September 9, 2025 comment letter, the UCPB included an additional Required Modification as follows: “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.”

On September 15, 2025, the Lead Agency voted 6-1, pursuant to General Municipal Law §239-m(5), to act in contravention with the UCPB’s recommendation for the following reasons:

The Applicant has increased the number of parking spaces it will provide from four (4) to six (6) pursuant to the Lead Agency’s concerns regarding lack of parking at the Project Site. The Lead Agency is satisfied that any backing movements resulting from the orientation of the parking spaces into the main right-of-way will be safe.

Additionally, to mitigate potential strain on parking in the surrounding Hamlet area, the Applicant has agreed to donate land existing on Dock Road to provide additional parking for the Town as a municipal parking lot and for the benefit of the Falcon establishment, which is situated adjacent to the proposed development, and other properties along 9W.

Based upon all of the foregoing factors, the Project will not result in a substantial adverse change in existing traffic levels, or adversely alter the present patterns of movements of people or goods and the potential traffic impacts posed by the Project are not significant.

**D. Substantial Adverse Change in Noise Levels:**

The proposed construction of the Project will be limited in duration and will not generate noise levels which will be substantially objectionable to the public at large.

The associated noise impacts of construction equipment, machinery, and construction workers will take place during daylight hours and will be limited in duration. There will be no construction activities undertaken during sensitive overnight periods and all construction activities will cease upon project completion. In addition, there will be no blasting on the site due to the fact that Site soils consist of sand and gravel.

The Lead Agency finds that these customary construction noises are encountered on a regular basis when development Projects are undertaken in the Town of Marlborough and elsewhere.

Long-term noise impacts will not be substantial as the construction of buildings, internal roadways, parking areas, and related facilities, together with noise resulting from vehicular traffic and Project occupancy will be intermittent and will be customary for areas which are in the vicinity of the Proposed Project. Moreover, the Applicant will be governed by any applicable Town of Marlborough Code provisions which limit construction activities during the week and on weekends.

Post-construction noise is anticipated to be below ambient levels in the Hamlet/Route 9W highway corridor. The Proposed Project would generate noise typical of residential developments in the Town of Marlborough, including vehicular noise, HVAC equipment, and noise associated with maintenance activities. The project would conform with all Town regulations related to noise.

Based upon the mitigation measures and all of the above, the Lead Agency finds that there will not be a substantial adverse change in noise levels brought about by the Project.

**E. Substantial Increase in Solid Waste Production:**

The Proposed Project will not substantially increase the amount of solid waste production which is regulated pursuant to Article 27 of the Environmental Conservation Law of New York State (6 NYCRR Part 360, et seq).

While the Proposed residential development will result in increased solid waste generation, it is anticipated that private carter(s) will be hired 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.

Based upon the foregoing, the Project poses no substantial increase in solid waste production.

**F. Substantial Increase in Potential for Erosion, Flooding, Leaching, or Drainage Problems:**

Drainage, leaching and erosion control measures are subject to and are consistent with the Department of Environmental Conservation, “New York State Guidelines for Erosion and Sediment Control”, the New York State and Ulster County Municipal Services Sanitary Codes and SPDES General Permit [GP-0-20-001] Requirements.

In accordance with the SEQRA EAF requirements, the Lead Agency has identified the potential for moderate to large impacts on land and physical changes to the Project site in the EAF Part 2 in the following areas:

- a) Construction of slopes of 15% or greater;*
- b) Construction which continues for more than one year or in multiple phases;*
- c) Increased erosion, whether from physical disturbance or vegetation removal.*

Based on review by the Lead Agency and its consultants, the Applicant has mitigated these potential impacts to small impacts on the Project Site.

First, it is recognized that the site is not composed of natural topography. As identified by the Lead Agency’s Engineer and the Code Enforcement Officer, the prior use of the site was for quarrying activities and the current grades on the site are a result of the quarry use. To “reclaim” the site from the prior commercial use, the Applicant faces the difficult task of incorporating those unnatural grades into the Site Plan.

A letter dated January 8, 2025 from the Code Enforcement Officer acknowledges that the steep slopes that are found on-site are man-made and resulting from the previous industrial activity on the site. The slopes do not affect the calculations for Net Buildable Area or Density for the Proposed Project. The Project has been designed to minimize disturbance of the steep slopes to the maximum extent possible.

While the Proposed Action involves land disturbance and vegetation removal, which can increase the risk of erosion, soil 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 will 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. The Applicants will fund inspections by the Town in accordance with the Town of Marlborough Code §135-12(p).

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.

As discussed earlier herein, the Project will employ Best Management Practices, as set forth in the NYSDEC Guidelines and as extensively addressed in the Stormwater Analysis and Management Plan, Supplemental Reports, Erosion Control Plan, SWPPP, TR-20 and TR-55 Hydrograph Modeling, existing conditions analysis and all leaching and erosion control measures addressed herein.

Stormwater runoff will be captured into two catchment areas: the western (upper) and the eastern (lower) catchment areas. 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 (Lot No. 29.100). 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.

The Proposed Project is located upgradient from the Hudson River, which is a Statewide Area of Significance. Drainage will be in accordance with the analysis provided. As all stormwater will be treated and peak rates of flow will be confined to pre-development levels, there will be no adverse drainage effects visited upon the Hudson River.

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.

The Lead Agency further concurs with the Applicants' wetlands specialist that there are no Federal Wetlands situated on the site which will be adversely affected as a result of the Project. Though there were previously wetlands identified in a survey from 2011, aerial images of the site seem to demonstrate that there may have been site work conducted prior to the Applicant's ownership of the property that changed the conditions since 2011. There are no wetlands on the Site.

The Proposed Action will disturb approximately 15.8 acres of the 25.5-acre site. Though 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 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.

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 the SWPPP.

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 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.

Ulster County Planning Board comments received September 9, 2025 require that: “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 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.” The Lead Agency, at its September 15, 2025 meeting, voted unanimously to adopt this required modification.

As reflected above, the Lead Agency’s Engineer has received and reviewed the proposed SWPPP. Additionally, the monitoring and inspection recommendations will be incorporated, as a condition of approval, into the Stormwater Facilities Maintenance Agreement to be effectuated between the Town and the Applicant to provide for long-term maintenance of the stormwater management systems. Following the commencement of construction, site inspections will be conducted once per week, or twice per week if the Applicant has received authorization to disturb greater than five (5) acres of soil at any one time. The Applicant will obtain authorization to disturb greater than five acres if necessary.

The Lead Agency and its Consulting Engineer have reviewed all engineering and drainage submittals, together with the stormwater and erosion control mitigation measures proposed, and compared same with the relevant regulatory criteria discussed herein.

Based upon the Record made, the Lead Agency finds that the Applicant’s plans and associated methodologies demonstrate that the action will have no substantial increase in the potential for erosion, flooding, leaching or drainage problems.

2. THE ACTION WILL NOT RESULT IN THE REMOVAL OR DESTRUCTION OF LARGE QUANTITIES OF VEGETATION OR FAUNA; SUBSTANTIAL INTERFERENCE WITH THE MOVEMENTS OF ANY RESIDENT OR MIGRATORY FISH OR WILDLIFE SPECIES; IMPACTS ON A SIGNIFICANT HABITAT AREA; SUBSTANTIAL IMPACTS ON A THREATENED OR ENDANGERED SPECIES OF ANIMAL OR PLANT OR THE HABITAT OF SUCH A SPECIES OR OTHER SIGNIFICANT ADVERSE IMPACTS TO NATURAL RESOURCES.

The vegetation and wildlife of the site are typical of both undeveloped and underdeveloped sites situated in the Town of Marlborough.

The Proposed Action will 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. Landscaping will be provided throughout the site, and will include street trees, foundation plantings, and stream plantings. All species will be native, noninvasive, and drought-tolerant.

Recognizing the presence of Bald Eagles near the Project Site, the Lead Agency has identified the potential for moderate to large impacts on habitat in the EAF Part 2 in the following areas:

- a) *The Action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site;*
- b) *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.*

However, based upon the following, the Lead Agency determines that the areas above have been mitigated by the Applicants to a small impact.

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, per NYNHP, Shortnose Sturgeon and Atlantic Sturgeon have been documented in the Lower Hudson River and therefore could exist 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 at the Project Site 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.

The Lead Agency further notes that the property was also reviewed for other endangered, threatened, and/or rare species of flora and fauna which have not been referenced by the NYDSEC and the USFWS. None of the individual species, or other threatened/endangered species were found at the site. No habitat areas referenced above were found at the site, as the same were noted to exist below the area of proposed development and within the Hudson River Corridor.

The Project calls for development on property which was previously used for commercial purposes as a quarry. Therefore, the property has been historically disturbed by previous commercial development and deleterious effects upon endangered/threatened species or habitats have not been cited in the past.

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).

In addition, areas of the site are to be devoted to landscaping, which will restore a small portion of the on-site habitat which is lost by the development. Vegetative habitats located off site will not be disturbed and will not be adversely affected by the proposed development. It is determined that habitat loss and wildlife displacement will not be significant.

Although not raised by the NYSDEC Review Criteria for endangered and threatened species, the Project site is located far away from known Indiana Bat, Small Footed Bat and Northern Long Eared Bat hibernaculums. Therefore, the Lead Agency does not recommend mitigation measures associated therewith (i.e., limitation of all tree cutting to November 1 through March 31 of any given year).

The Lead Agency concludes that none of the foregoing plants, animals, or habitats will be adversely affected by the proposed development of the site. Further, while the Project is anticipated to increase impervious surface on the site, the Applicant is proposing to install approximately 7.1 additional acres of landscaping throughout the site for a total of 8.17±-acres of landscaped areas. Ultimately, the Project will ensure that there is a long-term custodian for the site where none exists today and therefore is anticipated to improve habitat diversity overall.

Based upon all of the foregoing, there will be no substantial adverse impacts in the areas set forth at this paragraph heading.

**3. THE ACTION DOES NOT INVOLVE THE IMPAIRMENT OF ANY DESIGNATED CRITICAL ENVIRONMENTAL AREA.**

No Critical Environmental Area (CEA) as designated pursuant to subdivision 617.14(g) of 6 NYCRR Part 617 is designated or situated in the vicinity of the Site and none will be impaired.

**4. THE ACTION WILL NOT CREATE A MATERIAL CONFLICT WITH THE COMMUNITY'S CURRENT PLANS OR GOALS AS OFFICIALLY APPROVED OR ADOPTED.**

The Proposed Action will conform to all applicable bulk and dimensional requirements of the R-Residential 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 Code §155-12(A)(4).

The Lead Agency has identified the potential for moderate to large impacts on community changes to the Project site in the EAF Part 2 in the following areas:

- a) Proposed Action's land use components may be different from, or in sharp contrast to, current surrounding land use patterns;*
- b) The proposed Action may create a demand for additional community services (e.g., schools, police, and fire);*
- c) The proposed Action is inconsistent with the predominant architectural scale and character.*

Based upon the following, the Lead Agency determines that the areas above have been mitigated by the Applicants to a small impact.

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. 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 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 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 on community facilities are anticipated.

A review of the Town of Marlborough Zoning Law statutory criteria shows that this Project comports with all development density requirements within the R District and the review criteria set forth thereunder. Accordingly, there are no variances or legislative acts which are necessary to be made for this Project to comply with existing Zoning and Subdivision Regulations in the Town of Marlborough.

The Lead Agency further finds that the Record made herein demonstrates that the Project is consistent with the Town of Marlborough Local Waterfront Revitalization Program (LWRP) and the Comprehensive Plan.

The Lead Agency has specifically reviewed this action to determine whether it will pose a material conflict with the Town of Marlborough Comprehensive Plan, dated November 2017, and finds that no such material conflict will occur. In making this finding, the Lead Agency specifically finds that the Proposed Project comports with the Town's Vision Statements and Goals to strengthen the Town through strategic investment in multi-family residential development, accommodate traffic to the extent practicable along the 9W corridor, and preserve natural resources. Specifically, this Proposed Project aims to revitalize a sizeable plot of land from an otherwise undesirable, environmentally-degraded quarry to multi-family units to accommodate residential growth in the Town. Further, the Project meets all Development Standards as set forth within the Zoning Law for special use permit and site plan review criteria.

Comments received from the Ulster County Planning Board on September 9, 2025 included the Required Modification that "a coastal zone consistency determination by the Town's local waterfront advisory committee will be necessary." As no Waterfront Revitalization Committee was acknowledged at the 2025 Town Board Organizational Meeting, the Planning Board finds that it, as Lead Agency, is the appropriate reviewer of the Project's consistency with LWRP policies pursuant to Code §99-3(A). Therefore, the Lead Agency voted unanimously, at its September 15, 2025 meeting, to adopt this recommendation as modified pursuant to Section 99-3(A) of the Town Code.

The Lead Agency has analyzed the LWRP and the Planned Waterfront Review Criteria for Project consistency therewith, as part of this document. The Lead Agency makes the following findings as to the Review Criteria under the LWRP, as set forth in the Town of Marlborough Code at Chapter 99.

The Lead Agency finds that the Proposed Action is located in a coastal/waterfront area and is thus subject to review under Chapter 99. Pursuant to Town Code §99-7(I), and in accordance with the extensive information and documentation provided by the Applicant, the Lead Agency finds as follows:

1. Policy 1: The Proposed Project will foster a pattern of development in the waterfront area that enhances the community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.
2. Policy 2: The Proposed Project will preserve historic resources of the waterfront area.
3. Policy 3: The Proposed Project will enhance visual quality and protect scenic resources throughout the waterfront area.
4. Policy 4: The Proposed Project will minimize loss of life, structure, and natural resources from flooding and erosion.
5. Policy 5: The Proposed Project will protect and improve water quality and supply in the waterfront area.
6. Policy 6: The Proposed Project will protect and restore the quality and function of the waterfront area ecosystem.
7. Policy 7: The Proposed Project will protect and improve air quality in the waterfront area.
8. Policy 8: The Proposed Project will minimize environmental degradation in the waterfront area from solid waste and hazardous substances and waste.
9. Policy 9: The Proposed Project will provide for public access to, and recreational use of, waterfront waters, public lands, and public resources of the waterfront area. The Lead Agency notes that this Policy is not applicable to the Proposed Project, as there are no public lands on the Subject Property.
10. Policy 10: The Proposed Project will protect water-dependent uses and promote siting of new water-dependent uses in suitable locations.
11. Policy 11: The Proposed Project will promote sustainable use of living aquatic resources in the waterfront area.
12. Policy 12: The Proposed Project will protect agricultural lands in the waterfront area.
13. Policy 13: The Proposed Project will promote appropriate use and development of energy and mineral resources.

The Lead Agency is satisfied that the Applicant adequately provides for protection and enhancement of the waterfront area in accordance with the above policies.

The Lead Agency further notes that the Applicant will submit a NYSDOS Coastal Assessment Form, which will be a condition of Project approval. In addition, the New York State Department of State Division of Coastal Resources has participated as an interested agency during the pendency of Project review.

From an environmental analysis perspective, the Lead Agency is satisfied that the applicable LWRP policies have been met by the Applicant to the maximum extent practicable and that no adverse effects to the LWRP or its policies will result from this Action.

Based upon all of the foregoing, the Lead Agency finds that the action will not create a material conflict with the Town of Marlborough's plans or goals as officially approved and adopted.

5. THE ACTION WILL NOT RESULT IN THE IMPAIRMENT OF THE CHARACTER OR QUALITY OF IMPORTANT HISTORICAL, ARCHEOLOGICAL, ARCHITECTURAL, OR AESTHETIC RESOURCES OF THE EXISTING COMMUNITY OR NEIGHBORHOOD CHARACTER.

For the reasons stated at length herein, the Lead Agency finds that the Project development will not be at odds with the character or quality of important aesthetic resources or of existing community or neighborhood character from a visual perspective.

The Applicant has submitted a full Lighting Plan. Street lighting will be provided, as well as porch lights for each unit. There will be no spillage of lighting onto neighboring properties. In addition, all luminaries are LED fully shielded and downward directed to be "Dark Sky" compliant.

The Lead Agency has identified the potential for moderate to large impacts on the aesthetic resources surrounding the Project site in the EAF Part 2 in the following areas:

- a) The proposed Action may be visible from any officially-designated federal, state, or local scenic or aesthetic resource.*

Based upon the following, the Lead Agency determines that the above has been mitigated by the Applicants to a small impact.

The Applicant prepared an assessment of the potential visual impacts of the Proposed Project in a report dated August 2024 and demonstrated that no significant adverse visual impacts are anticipated. The analysis focused on the potential for visual impacts to users of Bowdoin Park, as this is the visual resource that would provide direct visibility to the Project Site from across the Hudson River.

A photo was provided from this location, which shows the presence of utility poles and lines, to demonstrate that there are existing buildings located along the hillside along the western edge of the Hudson River. Though the two-story clubhouse would be visible on the Project Site from this location during the winter months when there is no foliage on the trees, it would be consistent with this existing aesthetic condition. One mile is a significant distance when considering visibility of buildings of the small scale (maximum of two stories) proposed on the



Project Site. For these reasons, the construction of a new two-story building from a one-mile distance across the Hudson River would not constitute a significant adverse visual impact.

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. The Proposed Project 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.

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.

In address of site plan and special use permit standards and criteria set forth within the Town of Marlborough Zoning Law, the Lead Agency finds that pursuant to all of the foregoing analysis, the following criteria have been demonstrated by the Project.

- I) Site Plan:
- i) Consistency within contiguous lands and adjacent neighborhoods.
  - ii) Minimization of material adverse effects upon the desirability of adjacent neighborhoods.
  - iii) Consistency with the Comprehensive Plan for the Town of Marlborough.
  - iv) Awareness of and sensitivity to the views, terrain, soils, plant life and other unique qualities of the Project site to the extent practicable.
  - v) Transitions between buildings of different architectural styles and uses.
  - vi) New individual buildings relate, where practical and feasible, to the lot placement, scale, height and other elements.
  - vii) Screening to the maximum extent practicable.
  - viii) Possibility of future solar access at the Restrictive Covenant Area.
  - ix) Access has given due consideration to traffic flow, safety, cross-access, vehicular, reparations, pedestrian movements and emergency vehicles.
  - x) On site circulation provides for vehicles, pedestrians and bicycle safety.
  - xi) Landscaped areas have been provided for.
  - xii) Handicapped areas will function in accordance with the Building Code of New York State and other laws.
  - xiii) Drainage provides for proper surface water discharges.
  - xiv) Existing watercourses have been protected from erosion and sedimentation.
  - xv) Proper water supply and sewer disposal.
  - xvi) Fire protection is adequate.
  - xvii) Lighting minimizes glare, avoids creating traffic hazards, and conforms to neighborhood lighting patterns.
  - xviii) Sign will comply with the Zoning Law.
  - xix) Noise has been mitigated to the extent practicable so that sound will not interfere with the use of adjacent property.
  - xx) Landscaping will be provided for with the use of native plants and rock materials with preservation of wetland areas to provide for boundaries and transitions which preserve open space.
- II) Special Use Permit:
- i) Traffic access is providing for safety.
  - ii) Parking areas are adequate for safety.
  - iii) Parking and service areas are regionally screened.
  - iv) Character and appearance of buildings is consistent with the surrounding neighborhood.
  - v) Historic and natural features have been protected.
  - vi) Level of service is commensurate with the needs of the proposed uses.
  - vii) Fire, police and emergency access is adequate.
  - viii) Traffic will not be hazardous, inconvenient or incongruous with the R-1 District.
  - ix) Best Management Practices will be used to protect streams, steep slopes, wetlands, floodplains and other areas.

In rendering the consistency findings for site plan and special use permit review, the Lead Agency emphasizes that the foregoing areas of consistency will be further refined following the conclusion of SEQRA and as part of continuing review.

Based on a review of the New York State Office of Parks, Recreation, and Historic Preservation (“OPRHP”) Cultural Resource Information System (“CRIS”), the Subject Property is located within an area of archaeological sensitivity. The Applicant submitted consultation to the OPRHP to assess the potential for significant adverse impacts to historic resources resulting from the Proposed Action. 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.”

It is again noted that the property has already been significantly impacted by human activities due to its prior use as a commercial quarry.

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.

The Applicant will employ Best Management Practices for site disturbances. Additionally, the Project is consistent with LWRP, as detailed above.

Although there are no other gated communities present in the Town of Marlborough, the Planning Board finds that the gated community is not in conflict with the existing community character. The private nature of the development is a design feature and is not prohibited or restricted under the Town Code. Multi-family residential housing is allowed in the zoning district.

The Proposed Project has structures that are situated within 130 feet of the lot line of the site containing the sewage treatment plant. The Applicant proposed to include, in its condominium offering, a disclosure of the proximity of the Site to the wastewater treatment plant. Potential buyers will be on notice of the proximity. The Applicant will also provide perimeter landscaping between the Subject Property and the sewage treatment plant.

Comments received from the Ulster County Planning Board on September 9, 2025 included a Required Modification as follows: “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.” On September 15, 2025, the Lead Agency voted 6-1, pursuant

to General Municipal Law §239-m(5), to act in contravention with the UCPB's recommendation for the following reasons:

The Lead Agency has discussed the issue of sidewalks at length and has received significant feedback from the public regarding same. The initial Site Plan submitted by the Applicant did not include any sidewalks. In response to feedback from the Lead Agency, the Applicant added sidewalks throughout the Site to the extent possible. There are certain site-specific limitations, such as the existing grade and topography, that make sidewalks in certain locations within the Site impractical. Some of the townhomes are situated between hills, which would make adding a sidewalk adjacent to the 20-foot road undesirable as it would push the development into the required setback area. The gate at the front of the community significantly limits vehicle speed and there will be no through-traffic within the Site. Therefore, the Lead Agency already addressed the concerns of sidewalks and connectivity to the extent practicable.

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. The Lead Agency will continue its review in light of the site plan and special use permit criteria/standards during all further review procedures under the Town of Marlborough Zoning Law and in conjunction with other permitting agencies and the public.

Accordingly, the listings provided for above are offered herein with respect to SEQRA compliance and the Lead Agency reserves its rights to supplement the Record, including the imposition of reasonable conditions on any Final Approvals which may be granted at a later date.

Based upon all of the foregoing, the Lead Agency finds that the Project will not impair the character or quality of important historical, archeological or aesthetic resources, or the existing community and neighborhood character.

#### 6. THE ACTION WILL NOT RESULT IN A MAJOR CHANGE IN THE USE OF EITHER THE QUANTITY OR THE TYPE OF ENERGY.

The Project will utilize electricity during the construction phase for infrastructure, parking and building improvements. Following construction, the Project will require customary and normal energy sources in quantities and types which will not result in major energy changes (electricity, natural gas, propane and oil). *See*, the New York State Building Code and the New York State Fire Code and the New York State Evergreen Conservation Code; Sections 373 of the Executive Law of the State of New York and 9 NYCRR Part 7800 et seq. respectively.

The Proposed Action would result in an increase in energy usage at the Subject Property, but 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. The development is proposed to utilize natural gas and electric, both to be provided by Central Hudson Gas & Electric Corp. and Central Hudson Gas & Electric Corp. has confirmed the capacity to service the Project Site.

Comments received from the Ulster County Planning Board on September 9, 2025 included a Required Modification as follows: “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.”

On September 15, 2025, the Lead Agency unanimously voted to adopt the UCPB’s recommendation. Furthermore, the Lead Agency finds that the Applicant is in satisfaction of this requirement, as each unit in the Proposed Project will be enabled with Electric-Vehicle charging capacity. The infrastructure is already in place as the plans show EV-compatible outlets in every garage.

There will not be a major change in either the quantity or type of energy as a result of the Project.

#### 7. THE ACTION WILL NOT CREATE A HAZARD TO HUMAN HEALTH.

The Lead Agency finds that the Proposed Project will not create a hazard to human health as no generation or disposal of toxic or hazardous substances or noxious fumes will be occurring as a result of the Project. No adverse changes in this area are proposed which would deviate from those which are lawfully a part of permitted development and occupancy.

Based upon the site development plans, the Fire Department comments, and the interested agencies’ participation in coordinated review under SEQRA, the Lead Agency finds that further coordination with the Fire Department and/or other emergency personnel is not required and that the Project does not pose any hazard to human health.

#### 8. THE ACTION WILL NOT CAUSE A SUBSTANTIAL CHANGE IN THE USE, OR INTENSITY OF USE, OF LAND INCLUDING AGRICULTURAL, OPEN SPACE, OR RECREATIONAL RESOURCES OR IN ITS CAPACITY TO SUPPORT EXISTING USES.

The Proposed Project will not adversely affect any agricultural resources, agricultural district or open space recreational resources.

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-Residential zoning district regulations and the established land use pattern in the surrounding area. Further, the Project site is privately owned and is not legislatively classified, utilized, or offered for any open space or public recreational resources.

As described above, the Lead Agency additionally finds that Town of Marlborough municipal services (water and sewer) will adequately service the Proposed Project and that the plans, documentations, and analysis provided to the Lead Agency demonstrate that the Project's water and sewer usage will pose no substantial impact to the lands capacity to support the Project or other existing uses.

Based upon all of the foregoing, the Lead Agency finds that the development of the site will not adversely affect the areas of environmental concern as set forth at the heading of this paragraph.

9. THE ACTION WILL NOT ENCOURAGE OR ATTRACT A LARGE NUMBER OF PEOPLE TO A PLACE OR PLACES FOR MORE THAN A FEW DAYS, COMPARED TO THE NUMBER OF PEOPLE WHO WOULD COME TO SUCH PLACE ABSENT THE ACTION.

The Lead Agency finds that the building and ultimate occupancy of the multi-family residential units, together with all parking, lighting, stormwater, and other infrastructure improvements, will not attract large numbers of people to the site. 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.

This Project is planned to be a single phase development and it is expected that construction will continue for two (2) years. However, the Applicant has demonstrated that the construction activities will be intermittent and of reasonable duration over limited portions of the site, with construction personnel inspectors, visitors, and invitees being of a number which is normal and customary for the planned infrastructure improvements and associated development thereon.

Upon completion, the Project site will not be utilized for mass gatherings such as contemplated by the above paragraph heading.

Based upon the foregoing, modest numbers of persons will be assimilated over the Project site and surrounding area over time and large numbers of people will not be attracted to the site or area for more than a few days because of the action.

10. THE ACTION WILL NOT RESULT IN THE CREATION OF A MATERIAL DEMAND FOR OTHER ACTIONS THAT WOULD RESULT IN ONE OF THE ABOVE CONSEQUENCES.

The construction of the proposed multi-family units, clubhouse, and related infrastructure on the Project site will not create any material demand for other actions which would result in one of the previously discussed consequences.

The site characteristics, planning and engineering methodology, density of the Project, and mitigation measures detailed herein, render the site capable of accommodating the Project without adverse environmental effect.

Any exercise of the Town of Marlborough resources in the development will be de minimis, as adequate numbers of police, fire and emergency personnel, and modern response vehicles and apparatus presently exist to accommodate the Project in the Town of Marlborough, surrounding towns and with assistance of the state and local police.

The Lead Agency further finds that town-wide cumulative impact analysis is not required, based upon this Negative Declaration's entire environmental analysis and for the following additional related reasons:

- i) The Proposed Project does not have significant common impacts with other proximate Projects in the Town of Marlborough;
- ii) The Proposed Project is not included in a common plan or policy of other Projects in the Town of Marlborough;
- iii) Other related projects in the Town of Marlborough have not been specifically identified and consequently cannot be related to the Proposed Project.

Based upon all of the foregoing, this action will not create any material demand for other actions which would result in one of the previously discussed consequences.

11. THE ACTION DOES NOT INVOLVE 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 IMPACT ON THE ENVIRONMENT.

Based upon the information contained in this Negative Declaration of Environmental Significance and the record before the Lead Agency, there will be no changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment.

Therefore, cumulative impact analysis is not applicable to this action.

12. THE ACTION DOES NOT INVOLVE TWO OR MORE ACTIONS UNDERTAKEN, FUNDED OR APPROVED BY AN AGENCY, NONE OF WHICH HAS OR WOULD HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT, BUT WHEN CONSIDERED CUMULATIVELY WOULD MEET ONE OR MORE OF THE CRITERIA IN 6 NYCRR 617.7(c).

None of the probable impacts on the environment that are associated with, or which result from incremental or increased impacts of this action, when such impacts are added to other related past, present or reasonably foreseeable future actions, will be significant.

The Lead Agency has reviewed and analyzed the Proposed Project, development plans, maps, the Environmental Assessment Forms Part 1 and 2, and all related addenda, all submittals by the public, citizens groups, consultants, involved agencies, interested agencies, as well as the entire Administrative Record, in light of the physical changes to the environment that will take place simultaneously or sequentially and has determined that their combined and/or synergistic effects will not be significant.

In regard to any subsequent actions that may possibly arise as the result of the Proposed Project, the Lead Agency has addressed all identified and relevant long-term impacts, short-term impacts and effects of the proposed activities and actions, as well as any related actions, and the Applicant has no identifiable long-range or overall plans for any subsequent development, changes in use, or other activities relating to the Proposed Project.

As to any potential future development of the site, or subsequent actions involving the site beyond those analyzed herein, there is currently no information available at this time as to whether any such actions will in fact occur. Potential future plans are thus hypothetical, speculative, and inappropriate for review at this time.

The Lead Agency notes that there has been some limited public controversy both for and against the Proposed Project. The Lead Agency finds that this type of public controversy is ordinary and customary in the Town of Marlborough for this kind of project. However, it has seriously reviewed and considered all public comments, written and orally presented, for and against the Project.

Approval of the action contemplated by the current Project now before the Lead Agency does not commit the Lead Agency to any particular course of action with respect to future development of the site beyond what is analyzed herein. Any future physical expansion of the development beyond that which is approved will require independent and separate environmental review pursuant to SEQRA, unless the same shall be lawfully determined to be designated as a Type II Action or an Exempt Action in accordance with 6 NYCRR Part 617 et seq.

Due to the continuing environmental and other administrative review requirements of any subsequent development activities in the area of the Project site and in the Town of Marlborough on a case by case exercise of discretion by reviewing agencies and officials, it is not necessary nor reasonable to require at this time a hypothetical “worst case” analysis of all speculative environmental effects or potential environmentally threatening uses which possibly could be anticipated at some time in the future.

The Lead Agency is satisfied that any possible environmental effects of any future development within the Town of Marlborough, or any lawful change in use of the Project site, can be adequately addressed through subsequent discretionary administrative and environmental review.

In making its determination, the Lead Agency has not balanced any potential benefits of the proposed action against potential harm.



### VIII.) PROJECT REVIEWS/MEETINGS:

The Orchards on Hudson Residential Development Project has spanned an administrative review period of nineteen (19) months (March 4, 2024 through October 6, 2025). During this time, the Lead Agency has comprehensively analyzed the SEQRA criteria set forth within 6 NYCRR Part 617.7 in light of the following submittals of record:

- a.) All Project submittals and Lead Agency meeting dates by the Applicant and the Applicants Consulting Professionals, as detailed within this Negative Declaration.
- b.) MHE Reviews dated:
  - i) August 19, 2024.
  - ii) November 4, 2024.
  - iii) November 13, 2024.
  - iv) December 16, 2024.
  - v) April 7, 2025.
  - vi) April 18, 2025.
  - vii) June 2, 2025.
  - viii) July 21, 2025.
  - ix) September 15, 2025.
- c.) Lead Agency Meeting Dates
  - i) March 4, 2024 Pre-Application.
  - ii) August 19, 2024.
  - iii) November 4, 2024.
  - iv) December 16, 2024.
  - v) April 7, 2025.
  - vi) May 5, 2025.
  - vii) June 2, 2025.
  - viii) July 21, 2025.
  - ix) September 15, 2025.
  - x) October 6, 2025.
- d.) Reports Submitted
  - i) Erosion & Sediment Control/Storm Water Pollution Prevention Plan, dated September 10, 2024 and revised March 21, 2025.
  - ii) Traffic Impact Evaluation, dated April 19, 2024 and revised August 9, 2024.
  - iii) Drainage and HydroCAD Report, dated August 2024.
  - iv) Survey of Property, dated December 21, 2021.
  - v) Due Diligence Wetland & Watercourse Delineation Report, dated November 15, 2021.

- e.) Agency Response Letters
  - i) Ulster County Planning Board, dated August 6, 2025.
  - ii) Marlborough Fire District, dated May 22, 2025.
  - iii) NYS OPRHP, dated February 8, 2024.

The Lead Agency is satisfied that the environmental review of the Orchards on Hudson Residential Development Project has been comprehensive and complete in its address of the criteria set forth within the SEQRA Regulations [6 NYCRR Part 617.7].

IX.) FILINGS:

Pursuant to 6 NYCRR Part 617.12(b) a copy of this Negative Declaration is to be filed with:

1. Town of Marlborough Planning Board.  
Town Hall  
21 Milton Turnpike, Suite 200  
PO Box 305  
Milton, New York 12547
2. Ulster County Health Department.  
239 Golden Hill Lane  
Kingston, New York 12401
3. New York State Department of Environmental Conservation.  
21 South Putt Corners Road  
New Paltz, New York 12561
4. Town of Marlborough Highway Department.  
1650 Route 9W  
Milton, New York 12547
5. Town of Marlborough Town Board.  
21 Milton Turnpike, Suite 200  
PO Box 305  
Milton, New York 12547
6. Ulster County Industrial Development Agency.  
PO Box 4265  
Kingston, New York 12402
7. Town of Marlborough Building Inspector.  
21 Milton Turnpike, Suite 200  
PO Box 305  
Milton, New York 12547

8. New York State Department of State, Division of Coastal Resources.  
One Commerce Plaza  
99 Washington Avenue  
Albany, New York 12231
9. Town of Marlborough Environmental Conservation Commission.  
21 Milton Turnpike, Suite 200  
PO Box 305  
Milton, New York 12547
10. New York State Office of Parks, Recreation, and Historic Preservation.  
625 Broadway  
Albany, New York 12207
11. Ulster County Planning Board.  
Post Office Box 1800  
Kingston, New York 12477
12. United States Department of Army Corps of Engineers New York District.  
Western Permits Section  
Mr. Brian Orzel  
26 Federal Plaza  
New York, New York 10278
13. Town of Marlborough Fire Department.  
14 Grand Street  
PO Box 223  
Marlboro, New York 12542
14. Town of Marlborough Police Department.  
21 Milton Turnpike, Suite 200  
PO Box 305  
Milton, New York 12547
15. Town of Marlborough Public Works Department.  
1650 Route 9W  
PO Box 305  
Milton, New York 12547
16. United States Department of Interior Fish and Wildlife Service.  
3817 Luker Road  
Cortland, New York 13045
17. Marlborough Consolidated School District.  
21 Milton Turnpike, Suite 100  
Milton, New York 12547

18. Town of Marlborough Zoning Board of Appeals.

21 Milton Turnpike, Suite 200

PO Box 305

Milton, New York 12547

19. Town of Marlborough Waterfront Advisory Board.

21 Milton Turnpike, Suite 200

PO Box 305

Milton, New York 12547

20. Town of Marlborough School Board.

21 Milton Turnpike, Suite 100

PO Box 305

Milton, New York 12547

X.) CONCLUSION:

Based on the information currently available to the Lead Agency and the above analysis and upon evaluation of all the relevant and probable environmental impacts related to the activities and actions herein proposed, the Town of Marlborough Planning Board, as Lead Agency, hereby determines that there will be no significant adverse environmental impacts associated with this Project and no Environmental Impact Statement [EIS] will be required for the action.

CONTACT PERSON FOR  
FURTHER INFORMATION

Mr. Chris Brand  
Chairman, Town of  
Marlborough Planning Board  
Town Hall  
21 Milton Turnpike  
Milton, New York 12547

**THEREFORE, BE IT RESOLVED**, that the Town of Marlborough Planning Board, as Lead Agency, hereby issues and adopts this Determination of Non-Significance and Negative Declaration under SEQRA.

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Planning Board hereby authorizes the filing of this Negative Declaration with the above-listed agencies in accordance with SEQRA.

WHEREUPON the following vote was taken:

<u>MEMBER</u>	<u>YES</u>	<u>NO</u>
Chairperson Brand	_____	_____
Member Lanzetta	_____	_____
Member Lofaro	_____	_____
Member Callo	_____	_____
Member Jennison	_____	_____
Member LaMela	_____	_____
Member Troncillito	_____	_____

\_\_\_\_\_  
Jen Flynn, Planning Board Secretary

Dated: Milton, New York  
October 6, 2025

Contact Person:  
Jen Flynn, Planning Board Secretary  
Town of Marlborough  
21 Milton Turnpike, Suite 200  
P.O. Box 305  
Milton, NY 12547  
845-795-5100

Pursuant to 6 NYCRR Part 617.12(c)(1) notice of this Type 1 Action Negative Declaration and Determination of Environmental Non-Significance is being published in the Environmental Notice Bulletin [ENB].

Dated: October \_\_\_, 2025

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CHRIS BRAND, Chairman  
Town of Marlborough Planning Board

#### CERTIFICATION

The undersigned hereby certifies that the annexed SEQRA Resolution and Negative Declaration with Notice of Determination of Non-Significance, Being in the Matter of The Application of Orchards on Hudson Residential Development, has been duly filed this day in the Office of the Town of Marlborough Town Clerk located at the Town of Marlborough Town Hall, 21 Milton Turnpike, Milton, New York 12547.

DATED: October \_\_\_, 2025

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COLLEEN CORCORAN, Town of  
Marlborough Town Clerk