

## **5.0 ALTERNATIVES**

Section 617.9(b)(5) of the regulations implementing SEQRA requires that a draft EIS include a description and evaluation of a range of reasonable alternatives to the proposed action which are feasible, considering the objectives and capabilities of the project sponsor. The range of alternatives must include the "No Action" alternative.

This Section includes an evaluation of the following alternatives as required by the Scoping Document:

- No Action Alternative.
- As-of-Right Alternative. Develop the site for an industrial use on those lands zoned industrial, in accordance with the existing zoning.
- Mixed Use Alternative. Develop the site for a mixed use project with retail and residential use.

The following sections summarize the evaluation of each alternative. A summary matrix of the varying impacts associated with each alternative is provided as Table 5-1 at the end of this section.

### **5.1 No Action Alternative**

This alternative compares the proposed action to an alternative in which the site remains in its current state. Under the No-Action alternative, none of the impacts identified in this DGEIS, whether adverse or beneficial, would occur.

*Soils and Topography:* There would be no disturbance to soils or topography under the No Build alternative. No grading of soils would occur on the project site under the No Build alternative.

*Stormwater:* Stormwater at the project site would continue to flow on-site and off-site via sheet flow. Presently, stormwater is not detained or treated at the site.

*Flora and Fauna:* Under this alternative, the disturbance and removal of on-site vegetation and wild life habitat, with the introduction of buildings and associated infrastructure on the site, would not occur. The site would provide more habitat and cover for local wildlife than under conditions with the proposed action although the existing habitat has limited value due to the prior mining disturbance.

*Transportation:* The No Action Alternative would not alter the traffic patterns that occur presently in the site area. No additional traffic would be generated by the site (a two-family dwelling exists which would continue to generate vehicular trips) and no impacts to traffic would result.

*Noise:* Under the No Action Alternative, no noise would be generated at the site other than the noise that emanates presently from the existing two-family dwelling.

*Land Use and Zoning:* With no improvements to the site under the No Action Alternative and no construction associated with the proposed project, the project site would remain primarily vacant, with a two-family dwelling on a small portion of the site. The property would

continue to be zoned Industrial in an area of the Marlboro hamlet that the Hamlet Master Plan has indicated should be rezoned to “expand” the hamlet.

*Economic and Demographic Impacts:* No additional population would be added to the Town of Marlborough under the No Action Alternative. In addition, the property would not generate additional tax revenue to the various taxing jurisdictions. There would also be no change in costs attributable to any future development.

*Community Facilities:* With the project site remaining vacant, there is minimal demand for community services other than that generated by the two-family dwelling.

*Utilities:* No additional demand would be placed on existing utilities under the No Action Alternative.

*Visual Resources:* The No Action Alternative would not alter the existing views of the project site from Dock Road and nearby public viewpoints. The site would continue to appear as a primarily vacant property with a two-family dwelling.

The No Action Alternative does not meet the objectives of the project sponsor given the viability of the site for development.

## **5.2 As-of-Right Alternative Consistent with Existing Zoning**

At present, 19.99 acres of the project site is zoned "I" Industrial District and 7.2 acres is zoned “R-1” Residential. The proposed action involves rezoning the two northerly parcels to the “R” zoning district to allow a townhouse development to be realized. If the project site were to remain as zoned presently, a variety of industrial uses could be developed and operated on the easterly portion of the property, consistent with Town’s zoning ordinance. In addition, detached residential uses could be developed in the western-most portion of the site, zoned “R-1”. The applicant has developed an “as-of-right” alternative that includes both industrial and clustered residential uses, consistent with the existing zoning for the subject property. A sketch plan for the “as-of-right” alternative is provided as Figure 5-1.

As discussed in the project description, approximately 19.99 acres of the 27.19 acre project site is zoned Industrial District. Based upon the bulk standards set forth in the zoning ordinance, up to 140,000 square feet of light industrial use could be developed on that portion of the site. The zoning ordinance regulates the minimum front, rear and side yards, as well as a maximum building coverage which could occur (30 percent). According to the ordinance, principal permitted uses include:

*(a) Light mechanical or industrial operations not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluents.*

*(b) Buildings for wholesale business, storage buildings or warehouses, including outside storage of building material and other material in large quantities.*

Light industrial and/or warehouse uses could be developed on the flatter portion of the site. The steeper slopes on the site north of Dock Road limit the overall size of potential uses that may be located here.

The remaining 7.2 acres of the project site is zoned “R-1” Residential District, which allows one-family and two-family detached residential development at the permitted density of one lot per acre. Based upon the Code, up to seven residential units could be supported on that portion of the property zoned residential. For purposes of this analysis, the plan shows a cluster layout that would conserve a portion of the parcel as open space.

As shown in Figure 5-1, the as-of-right alternative plan would provide a single entrance on Dock Road for both the industrial and residential uses. The industrial development would include adequate parking and loading areas, a stormwater management facility and a designated area for a septic system, if required. This alternative would result in environmental impacts, as summarized below.

*Soils and Topography:* The construction of a mixed warehouse/light industrial and residential use would result in grading and excavation of a majority of the project site. Grading would involve approximately 14.0 acres, based upon a preliminary layout prepared by the project engineer. The disturbance may actually be higher, as this conceptual alternative would likely require additional stormwater management infrastructure to address stormwater runoff from the residential portion of the site. A soil erosion control plan and stormwater management plan would be required to mitigate potential soil erosion.

*Stormwater:* Any building development on the site, including a future industrial and residential use will require the detention and treatment of stormwater. Since the site disturbance would involve approximately 14.0 acres, the project would require a NYSDEC SPDES General Permit for Stormwater Activities from Construction Activity (GP-0-10-001). Water quality would be mitigated to the greatest extent practical and peak rate would improve although the actual quantity would increase.

*Flora and Fauna:* The as-of-right alternative would result in site grading, the removal of existing vegetation and the resultant loss of wildlife habitat. This alternative with clustered residential would involve the disturbance of approximately 14.0 acres of existing vegetation.

*Transportation:* The as-of-right alternative has the potential to generate traffic, including truck traffic, depending upon the specific industrial use. According to the traffic manual *Trip Generation*<sup>1</sup>, the land use code of “Light Industrial” would generate approximately 136 trips in the PM peak hour, for a development with 140,000 SF. If the use was limited to a warehouse use, approximately 45 trips would be generated in the PM peak hour. The residential portion of the development would generate approximately 10 trips in the PM peak hour. A light industrial use would result in substantially more traffic than the proposed residential development. With either a light industrial use or a warehouse use, substantially more truck traffic would be introduced to Dock Road and Route 9D, than compared to the proposed project.

*Noise:* The as-of-right alternative has the potential to increase noise generated at the site, depending upon the specific future uses. A light industrial factory or warehouse with large processing, heating and/or cooling equipment may create specific noise issues. Those noise sources cannot be evaluated without further details and site design. The Town Code specifically indicates that permitted uses shall be: “light mechanical or industrial operations not offensive, obnoxious or detrimental to neighboring uses by reason of dust, smoke, vibration, noise, odor or effluents”. In addition, the Town has a Noise Code (Chapter 105), to address noise generated from nonresidential uses.

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<sup>1</sup> *Trip Generation*, Institute of Transportation Engineers, 8th edition, Washington, DC, 2008.

*Land Use and Zoning:* Under the as-of-right alternative, the use would be consistent with existing zoning. Given the location of the property adjacent to the Marlboro Elementary and Intermediate Schools, existing small-scale businesses and residences, an industrial use may not be compatible with nearby and surrounding land uses. The alternative would still result in the elimination of a two-family dwelling.

*Economic and Demographic Impacts:* The as-of-right alternative would add approximately 21 persons to the Town of Marlborough, including approximately 4 students to the school district. The as-of-right alternative, including industrial and/or warehouse uses would generate substantially more taxes to the various taxing jurisdictions than the current vacant property. The amount of taxes generated would be related to the specific future industrial uses.

*Community Facilities:* A future industrial use and residential development on the property would generate a significant increase in municipal property tax revenues, compared to the existing vacant land. These revenues would likely cover the demand that may be placed on municipal services. Community services would include water and sewer service, fire and police protection. Tax revenues from the residential portion of the property would support the estimated 4 new students resulting from the project.

*Utilities:* The as-of-right alternative would require utility services, including municipal water and some sewer service as well as private electrical service. Specific water and sewer use would depend upon the specific future uses - as the warehouse is outside the sewer district, a septic system could be constructed as an alternative. Certain manufacturing processes may result in substantial water and sewer demand. Warehouse uses may utilize little water and sewer capacity.

*Visual Resources:* This alternative would alter the existing views of the project site from Dock Road and nearby public vantage points, including the Hudson River and Bowdoin Park. Since the Town Code has building height restrictions of 35 feet in the I - Industrial District, a taller building would not be constructed although a single large warehouse building may be more visible than the proposed action which would integrate landscaping throughout the site. As discussed in Section 3.10 Aesthetic Resources, the local topography and vegetation would limit most views of the site from the Hudson River, and distance (one mile) would moderate views of the site from Bowdoin Park.

In summary, an as-of-right mixed industrial and residential use for the property would result in an increase in certain impacts such as traffic and noise, when compared to the proposed action.

### **5.3 Mixed Use Project Alternative**

The Scoping Document approved by the Planning Board requested an alternative that includes a "mixed use development with retail and residential uses". The Project Description (Section 2.0) explains that the subject property is currently zoned I - Industrial District and R-1 Residential District. The applicant is seeking a rezoning of the property to the "R" - Residential district.

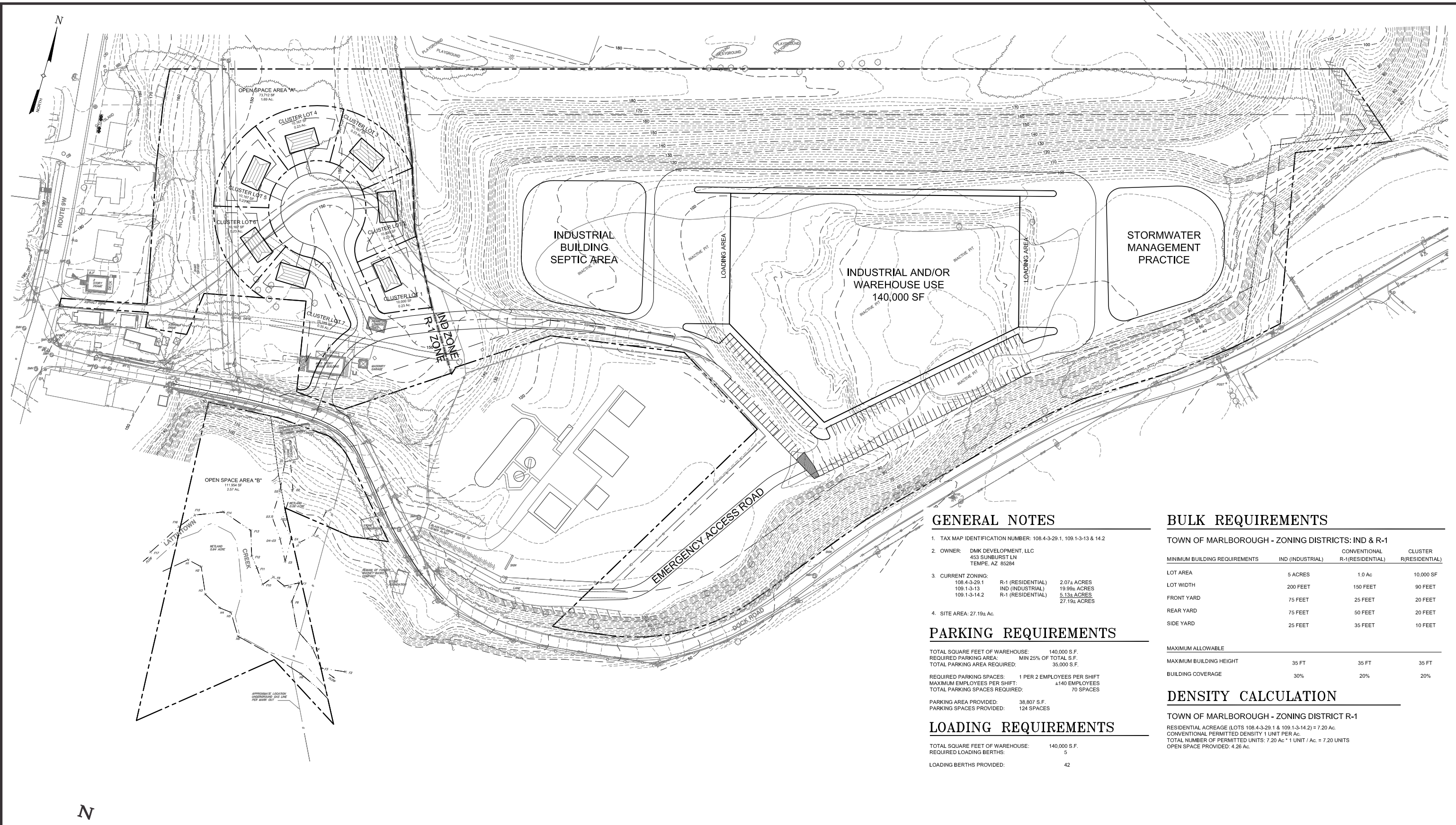
Under the existing zoning, residential and/or retail development is not permitted in the I zoning district. In addition, retail development is not permitted in the R-1 Residential District, either as a principal permitted use or as a special use. Therefore, the mixed use alternative is not feasible under existing zoning.

A mixed use alternative that includes both residential and retail uses would require the site to be rezoned to C-1 Commercial District. The C-1 Commercial District allows a variety of retail businesses and dwelling units over ground floor retail commercial uses, as-of-right. Special uses in the district include multiple dwellings.

A mixed use alternative would require a discretionary action, i.e., rezoning of the property, by the Town Board. This alternative does not meet the objectives of the project sponsor and therefore, is not considered practical or feasible - the project sponsor would not seek a discretionary rezoning for this alternative.

Table 5-1 below summarizes the impacts associated with certain project characteristics as described above.

<b>Table 5-1 Alternative Impact Comparisons</b>			
<b>Area of Concern</b>	<b>Proposed Project</b>	<b>No Action Alternative</b>	<b>As-of-Right Alternative</b>
<b>Developed Area</b>			
Residential Units	137	2	7
Commercial Building Space (SF)	0	0	140,000
Impervious Surfaces (acres)	6.72	0.62	7.30
Total Construction Disturbance (acres)	15.4	0.0	14.0
<b>Community Resources</b>			
Population	388	6	21
School-age Children	38	1	4
<b>Utility Demand</b>			
Sewer Demand (gpd)	45,040	640	13,440*
Water Demand (gpd)	55,040	640	13,440*
<b>Traffic</b>			
Site Vehicular Trip Generation (Total PM Peak Hour Trips)	78	2	136 (Light Industrial) 45 (Warehouse) 10 (Residential)
Source: Tim Miller Associates, Inc and Engineering Properties, PC, 2011. Note: * Industrial water and sewer demand depends upon specific industrial use.			



**GENERAL NOTES**

- TAX MAP IDENTIFICATION NUMBER: 108.4-3-29.1, 109.1-3-13 & 14.2
- OWNER: DMK DEVELOPMENT, LLC  
453 SUNBURST LN  
TEMPE, AZ 85284
- CURRENT ZONING:  

108.4-3-29.1	R-1 (RESIDENTIAL)	2.07± ACRES
109.1-3-13	IND (INDUSTRIAL)	19.99± ACRES
109.1-3-14.2	R-1 (RESIDENTIAL)	5.13± ACRES
		27.19± ACRES
- SITE AREA: 27.19± Ac.

**PARKING REQUIREMENTS**

TOTAL SQUARE FEET OF WAREHOUSE: 140,000 S.F.  
 REQUIRED PARKING AREA: MIN 25% OF TOTAL S.F.  
 TOTAL PARKING AREA REQUIRED: 35,000 S.F.

REQUIRED PARKING SPACES: 1 PER 2 EMPLOYEES PER SHIFT  
 MAXIMUM EMPLOYEES PER SHIFT: ±140 EMPLOYEES  
 TOTAL PARKING SPACES REQUIRED: 70 SPACES

PARKING AREA PROVIDED: 38,807 S.F.  
 PARKING SPACES PROVIDED: 124 SPACES

**LOADING REQUIREMENTS**

TOTAL SQUARE FEET OF WAREHOUSE: 140,000 S.F.  
 REQUIRED LOADING BERTHS: 5  
 LOADING BERTHS PROVIDED: 42

**BULK REQUIREMENTS**

TOWN OF MARLBOROUGH - ZONING DISTRICTS: IND & R-1

MINIMUM BUILDING REQUIREMENTS	IND (INDUSTRIAL)	CONVENTIONAL R-1 (RESIDENTIAL)	CLUSTER R (RESIDENTIAL)
LOT AREA	5 ACRES	1.0 Ac	10,000 SF
LOT WIDTH	200 FEET	150 FEET	90 FEET
FRONT YARD	75 FEET	25 FEET	20 FEET
REAR YARD	75 FEET	50 FEET	20 FEET
SIDE YARD	25 FEET	35 FEET	10 FEET

MAXIMUM ALLOWABLE

MAXIMUM BUILDING HEIGHT	IND (INDUSTRIAL)	CONVENTIONAL R-1 (RESIDENTIAL)	CLUSTER R (RESIDENTIAL)
MAXIMUM BUILDING HEIGHT	35 FT	35 FT	35 FT
BUILDING COVERAGE	30%	20%	20%

**DENSITY CALCULATION**

TOWN OF MARLBOROUGH - ZONING DISTRICT R-1  
 RESIDENTIAL ACREAGE (LOTS 108.4-3-29.1 & 109.1-3-14.2) = 7.20 Ac.  
 CONVENTIONAL PERMITTED DENSITY 1 UNIT PER AC.  
 TOTAL NUMBER OF PERMITTED UNITS: 7.20 Ac \* 1 UNIT / Ac. = 7.20 UNITS  
 OPEN SPACE PROVIDED: 4.26 Ac.

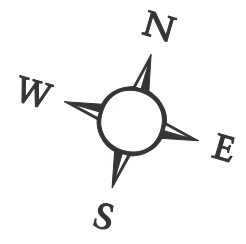


Figure 5-1: As-of-Right Alternative Sketch Plan  
 Dockside at Marlborough  
 Town of Marlborough, Ulster County, New York  
 Map Source: Engineering Properties  
 Drawing Date: 07/11/11, Revised 09/20/22  
 Scale: 1" = 150'