

Appendix B  
Correspondence





July 6, 2011

Bonnie Franson  
Senior Vice President/Director of Planning  
Tim Miller Associates, Inc.  
10 North St.  
Cold Spring, NY 10516

Re: Dockside at Marlborough

Dear Ms. Franson:

Central Hudson will be able to serve the above-mentioned project located off Dock Rd. in the Town of Marlboro with utilities. However, once the project has town board approval, we will need a project (URD) application along with a load letter for both electric and gas to submit to our Engineering Department. Once our engineering study is done and project costs have been determined, the associated costs will be identified and provided to the project developer.

If you have any questions, please contact me at 845-897-6141.

Sincerely,

A handwritten signature in cursive script that reads "Cathy M. Doyle".

Cathy M. Doyle  
Residential New Business Specialist

25 Central Hudson Way  
Fishkill, NY 12524

(845) 452 • 2000  
www.CHEnergyGroup.com





STATE OF NEW YORK  
DEPARTMENT OF TRANSPORTATION  
REGION EIGHT  
4 BURNETT BOULEVARD  
POUGHKEEPSIE, NEW YORK 12603  
www.nysdot.gov

11/12  
BF

WILLIAM J. GORTON, P.E.  
ACTING REGIONAL DIRECTOR  
April 19, 2011

JOAN McDONALD  
COMMISSIONER

Town of Marlborough Town Board  
Chris Cerone  
1650 Route 9W  
Marlboro, NY 12542

Re: **SEQRA 11-0061, DMK Development  
Off State System, Town of Marlborough  
Ulster County**

Dear Mr. Cerone:

The New York State Department of Transportation consents to the Town of Marlborough Town Board serving as lead agency for the SEQRA review for this project. The New York State Department of Transportation has a specific fee schedule and procedures for the processing of Highway Work Permits for Major Developments.

1. The applicant shall submit a HIGHWAY WORK PERMIT APPLICATION FOR NON-UTILITY WORK (PERM 33). It must be signed by the applicant and the name/address provided in the upper left hand corner. The remaining information will be completed at a later date.
2. The applicant shall submit a PERMIT AGREEMENT FOR HIGHWAY WORK PERMITS DESIGN REVIEW (PERM 51) must be completed by the applicant. The Application No. and PIN will be filled in by the Regional Traffic Engineering & Safety Group. The applicant should be aware that the \$2,000 fee referenced thereon shall be the minimum cost for the Department's review time and is non-refundable. Hereafter, all Department employees assigned the responsibility of reviewing any documents, plans, maps, etc., which are directly related to the subject proposal, shall charge their review time to this project. The applicant will then be billed periodically by the Department for the actual cost of our review and processing of the respective project. Such billings which exceed the minimum \$2,000 initial fee must be paid immediately upon receipt or the Highway Work Permit shall not be issued, or shall be revoked.
3. A check for \$2,000 made out to the New York State Department of Transportation.
4. 7 sets of plans, 1 copy of drainage study/SWPPP on disc, 1 copy of Synchro analysis of affected intersections on disc, 1 copy of the Traffic Impact Study (TIS) on disc. The Traffic Impact Study shall include traffic signal analyses for the nearby signalized intersections.

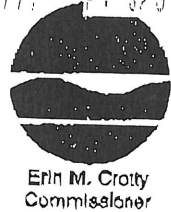
The aforementioned documents should be returned to the undersigned so that the project's review can be authorized.

Very truly yours,

Terence J. Donoghue, P.E.  
Regional Highway Work Permit Coordinator

cc: D. Corrigan, Permit Engineer, Residency 8-6  
Ulster County Planning Board  
Tim Miller, Tim Miller Associates, Inc.





**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**

New York Natural Heritage Program  
625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757  
Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: [www.dec.state.ny](http://www.dec.state.ny)

February 9, 2005

Stephen P. Kunz  
Schmid & Co, Inc  
1201 Cedar Grove Rd  
Media, PA 19063-1044

Dear Mr. Kunz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the possible future use of the 30-acre Graziosi Parcel, site as indicated on the map you provided, located in the Town of Marlborough, Ulster County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

*Betty A. Ketcham*  
Betty A. Ketcham, Information Services  
NY Natural Heritage Program

Encs.

cc: Reg. 3, Wildlife Mgr.

Natural Heritage Program, NYS DEC, 625 Broadway, 5th  
Albany, NY 12233-4757  
(518) 402-8035



~This report contains SENSITIVE information that may not be released to the public without permission from the NY Natural Heritage Program.  
~Refer to the User's Guide for explanations of codes, ranks and fields.  
~Location maps for certain species and communities may not be provided if 1) the species is vulnerable to disturbance, 2) the location and/or extent is not precisely known, and/or 3) the location and/or extent is too large to display.

**VASCULAR PLANTS**

*Pedicularis lanceolata*

Office Use

Swamp Lousewort

NY Legal Status: Threatened

NYS Rank: S2; Imperiled

9933

Federal Listing:

Global Rank: G5; Demonstrably secure

Last Report: 1960-09-16

EO Rank: Historical, no recent information

County: Ulster

Town: Marlborough

Location: Marlborough

Directions:

General Quality  
and Habitat:

*Potamogeton pulcher*

Office Use

Spotted Pondweed

NY Legal Status: Threatened

NYS Rank: S2; Imperiled

5846

Federal Listing:

Global Rank: G5; Demonstrably secure

Last Report: 1896-08-28

EO Rank: Historical, no recent information

County: Ulster

Town: Marlborough

Location: Marlborough

Directions: Marlborough, water margin of a stream.

General Quality  
and Habitat: The water margin of a stream.

2 Records Processed

**MASERS GUIDE TO NY NATURAL HERITAGE DATA**

New York Natural Herit. Program, 625 Broadway, 5<sup>th</sup> Floor, Albany, NY 12242-4757 phone: (518) 402-8935

**NATURAL HERITAGE PROGRAM:** The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analysis, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

**DATA SENSITIVITY:** The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

**EO RANK:** A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

- A-E = Extant: A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D.
- F = Failed to find. Did not locate species during a limited search, but habitat is still there and further field work is justified.
- H = Historical. Historical occurrence without any recent field information.
- X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.
- U = Extant/Historical status uncertain.
- Blank = Not assigned.

**LAST REPORT:** The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

**NY LEGAL STATUS - Animals:**

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species:** any species which meet one of the following criteria:
  - Any native species in imminent danger of extirpation or extinction in New York.
  - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.
- T - Threatened Species:** any species which meet one of the following criteria:
  - Any native species likely to become an endangered species within the foreseeable future in NY.
  - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.
- SC - Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.
- G - Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

**NY LEGAL STATUS - Plants:**

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species:** listed species are those with:
  - 5 or fewer extant sites, or
  - fewer than 1,000 individuals, or
  - restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or
  - species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.
- T - Threatened:** listed species are those with:
  - 6 to fewer than 20 extant sites, or
  - 1,000 to fewer than 3,000 individuals, or
  - restricted to not less than 4 or more than 7 U.S.G.S. 7 and 1/2 minute topographical maps, or
  - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.
- R - Rare:** listed species have:
  - 20 to 35 extant sites, or
  - 3,000 to 5,000 individuals statewide.

continued on back



# REFERRAL RESPONSE



**ULSTER COUNTY PLANNING BOARD**  
General Municipal Law of New York State  
Article 12B  
Sections 239-1 and 239-m

Referral Number **2010203**

**Municipality** Marlborough  
**Referring Agency** Local Governing Body  
**Type of Referral** Amend Zoning Map

**Local File Number**

**Name of Applicant** Marlborough Town Board  
**Name of Project** Dockside at Marlborough  
**Project Location** Dock Road,  
**Description** Re-zone from IDN to R for 137-unit residential development

**UCPB Decision**

**Incomplete**

**See Attachments**

**Referral Officer:**

*Representing the Ulster County Planning Board*

**Date Received** 10/27/2010

**Date Reviewed**

**Form Date** 11/15/2010

**Status** In Process





Chris Cerone, Supervisor  
Town of Marlborough  
PO Box 305  
Milton, NY 12547

## RECOMMENDATION

**REFERRAL NO:** 2010-203  
**DATE REVIEWED:** 11/03/10

**Re: Dockside at Marlborough – Zoning Map Amendment**

The Ulster County Planning Board (UCPB) has reviewed the application for the *Dockside at Marlborough* and offers the following:

### Summary

This is a proposal to re-zone a single parcel from IDN to R to develop a 137-unit residential development. The applicant is proposing to develop an environmental impact statement as part of the background work for this proposal.

Materials received for referral include:

- Correspondence from Van DeWater and Van DeWater, LLP dated 10/26/10
- Correspondence from Rusk, Waldin, Heppner, and Martuscello, LLP dated 5/18/10
- Full environmental assessment form
- Scoping outline
- Capacity and performance evaluation report for the Marlboro Sewer Improvement area

### Recommendations

The UCPB has once area of concern with respect to this proposal: completeness.

### Completeness

The applicant has indicated in their application for rezoning dated, 5/18/10 that they will be going through the process of creating a draft generic environmental impact statement. As such work has yet to be, the UCPB strongly believes that a referral is premature at this time and that a referral will need to be resubmitted when the DGEIS has been produced.

### Incomplete

“Based on the “full statement” requirements contained in General Municipal Law 239-m, as well as the submittal requirements in your local statute, the UCPB has determined that the submitted application is incomplete. Staff would be happy to meet with the municipality and the applicant to discuss this application in more detail as well as to host a gateway meeting as discussed in Referral number





June 16, 2011

To Ms. Bonnie Franson, Tim Miller Associates Inc:

Project: Dockside at Marlborough

In reference to the above-mentioned project, Verizon will supply the necessary communication service if we receive the proper information and payments listed below.

1. One full set of development plans.
2. Mailing addresses for each building when they become available to start to establish the 911 database.
3. Documentation granting all required Right-Of-Way easements at no cost to Verizon.
4. Payment in full in advance of a deposit for all costs of construction pursuant to section 604.5 of the rules of the New York Public Service Commission. In accordance with section 604.5, this deposit will be refunded (with interest) on a pro rata basis as customers sign up for Verizon service.

For planning purposes, the average cost to provide new facilities is typically \$1000-3000 per line. The actual cost will depend on such factors as lot size, the proximity of existing feeder facilities, the existing feeder capacity, terrain and other environmental conditions (e.g., railroads, waterways). Please contact Verizon if you require a more precise estimate of construction costs for your project.

Should you need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy Chiu".

Jimmy Chiu  
Verizon Network Engineering  
20 South Hamilton St  
Poughkeepsie NY, 12601  
Tel 845 451 6329

June 16, 2011



**RUSK  
WADLIN  
HEPPNER &  
MARTUSCELLO, LLP**

*George Rusk, Jr.  
John J. Wadlin\*  
Daniel G. Heppner  
Daniel M. Martuscello  
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Daniel J. Rusk  
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Tel. (845) 236-4411  
Fax (845) 236-3190*

[www.rwhm.com](http://www.rwhm.com)

May 18, 2010

Supervisor Christopher Cerone  
Town of Marlborough  
1650 Route 9W, PO Box 305  
Milton, New York 12547

Councilwoman Lisa Biggins  
Town of Marlborough  
1650 Route 9W, PO Box 305  
Milton, New York 12547

Councilman Eric Affuso  
Town of Marlborough  
1650 Route 9W, PO Box 305  
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✓ Councilman Anthony Pascale  
Town of Marlborough  
1650 Route 9W, PO Box 305  
Milton, New York 12547

Councilman Ed Molinelli  
Town of Marlborough  
1650 Route 9W, PO Box 305  
Milton, New York 12547

**COPY**

RE: DMK Development, LLC and Visionary Development Corp.  
Petition for Zoning Change to Town of Marlborough S-B-L 109.1-3-13 and 109.1-3-14.2

Ladies and Gentlemen:

Our office represents DMK Development ("Applicant"), owner of the following properties:

OWNER	STREET ADDRESS	S - B - L	ACREAGE	CURRENTLY ZONED
DMK Development, LLC	137 Dock Road	109.1-3-13	20.2	Industrial
DMK Development, LLC	Dock Road	109.1-3-14.2	4.63	"R"

Please accept this correspondence as Applicant's Petition pursuant to Town Code Section 155-48 to the Town Board to amend the existing zoning of the aforementioned properties. Applicant requests that the surrounding "R" zoning boundary be extended to encompass the Applicant's property which is currently zone "Industrial". The reason for this request is that the properties are no longer used for the industrial operations they once were (i.e., a sand and gravel quarry), to improve the aesthetics of the Hamlet of Marlboro, to facilitate the objectives of the Town's Master Plan, and to accommodate the intended development of the properties as a planned residential community.

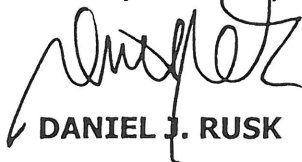
In addition, please also accept this correspondence as Applicant's request for an extension of the existing sewer district, creation of a sewer improvement area, or contract use so as to provide municipal sewer to each of the aforementioned premises. The reasons for this request are the same as those set forth above. A formal petition will be filed, if applicable, depending upon which of the foregoing processes is used.

Submitted herewith for your consideration are an Environmental Assessment Form, Supplemental Narrative to Environmental Assessment Form (which includes a Concept Plan prepared by Maser Consulting), Scoping Outline for a generic Environmental Impact Statement completed by Tim Miller Associates, and a Marlboro Wastewater Treatment Facility Engineering Report prepared by Brinnier and Larios, P.C. Please note that these various reference documents were originally submitted at the time this application was previously made in 2008.

If any additional documentation or information is required in order to entertain this petition, please advise.

Very truly yours,

**RUSK, WADLIN, HEPPNER & MARTUSCELLO, LLP**



**DANIEL J. RUSK**

CC: Dean Graziosi  
Doug Smith