

1.0 EXECUTIVE SUMMARY

Introduction

This Draft Environmental Impact Statement (DEIS) examines the potential environmental impacts associated with the construction and operation of the Dockside at Marlborough, a 137-unit townhouse development to be located in the Town of Marlborough, Ulster County, New York (“the Proposed Action”). The Marlborough Town Board, as Lead Agency, determined that the project may have a significant environmental impact and has required the preparation of this draft generic environmental impact statement (“DGEIS”) in accordance with the regulations implementing the New York State Environmental Quality Review Act (“SEQRA”).

1.1 Brief Description of the Proposed Action

The Applicant, DMK Development, LLC, proposes to construct an attractive 137-unit townhouse development on the north side of Dock Road in the Marlboro hamlet just east of U.S. Route 9W. In order to implement the project, the Applicant has submitted a zone petition to the Marlborough Town Board seeking necessary rezonings to construct the Dockside at Marlborough (see *Rezoning* below). Other necessary approvals are described below.

Project Benefits

The Dockside at Marlborough will allow the Town of Marlborough to realize certain recommendations contained in the Land Use Concept of the 2010 Marlboro Hamlet Master Plan. The subject property is within an area identified by the plan for “hamlet expansion with additional connectivity.” The Dockside development would allow for this expansion to occur. Creation of a townhouse development would offer a housing type in the hamlet which does not presently exist. Townhouses, as a housing type, will be more affordable than conventional, newly constructed, single family detached dwellings.

Dockside will be constructed on, and will reuse a former mine site, limiting disturbances to existing “greenfields”, i.e., natural sites, in the Town. Given the project’s adjacency to Marlboro’s central business district, the residential population that would be introduced from Dockside would patron the commercial uses and services available within the hamlet, helping to add economic vitality to this important area of the Town. In addition, the existing overflow parking area on the project site would be offered to the Town for free, providing a location for a formal municipal parking area to serve the businesses in the hamlet.

The property on the south side of Dock Road is recommended as a “greenway”. No development, other than a small stormwater basin to be located close to the road’s frontage would occur on that property. Thus, the proposed project would be consistent with the Ulster County Open Space Plan as it would leave land adjacent to Lattintown Creek undisturbed and as open space.

Location

The proposed project is be located in the unincorporated area of the Town of Marlborough, Ulster County, New York (refer to Figure 2-1 of the DGEIS). The project site is located along Dock Road within the Marlboro hamlet and east of U.S. Route 9W (also referred to as Route 9W). Previous mining activities on the site has created a flat plateau on the property suitable for development. The project site totals 27.19 acres.

Figure 2-2 of the DGEIS illustrates the properties involved in this proposed action. Tax Lot 109.1-3-14.2 is approximately 5.13 acres and is occupied presently by a two-family dwelling. This parcel maintains frontage on Dock Road and limited frontage on U.S. Route 9W (also referred to as "Route 9W"). A private right-of-way, Hudson Way, enters from Route 9W and provides access to the interior of the property. Tax Lot 109.1-3-13 consists of approximately 19.99 acres and is a vacant, reclaimed sand and gravel mine. A third property located on the south side of Dock Road, Tax Lot 108.4-3-29.1, consists of 2.07 acres of vacant property. This site would remain primarily undisturbed, except for its frontage along Dock Road on which a stormwater management basin would be constructed.

Rezoning

Approximately 7.2 acres of the project site are zoned R-1, Residential. An additional 19.99 acres are zoned I, Industrial. The applicant is requesting to rezone 19.99 acres of I zoned lands, and 5.13 acres of R-1 zoned lands located on the north side of Dock Road, to the R zoning district in order to construct a multiple dwelling development consisting entirely of townhouse dwellings. The applicant has submitted a zone petition requesting the zone change, which requires discretionary approval of the Marlborough Town Board. Subsequent to the rezoning, the applicant will seek special use permit approval from the Planning Board to allow multiple dwellings on the project site, which are allowed in the R district by approval of the Planning Board.

Dockside at Marlborough - Summary Description

Each townhouse will be designed with three (3) bedrooms and a one-car garage. As required by the Town zoning ordinance, the land under each townhome dwelling would be owned by the townhouse owner, i.e., each townhouse will be on a "fee simple" lot. The driveway serving each dwelling can accommodate one vehicle for off-street parking, providing a minimum of two parking spaces per dwelling unit. Additional off-street parking is also provided on-site in three separate locations to meet the parking needs of visitors and guests.

The concept plan presented in Figure 2-3a of the DGEIS illustrates a maximum buildout of 137 townhome units - the dwelling units would be located in buildings with no more than six (6) units per building. A total of twenty-five (25) buildings are shown on the concept plan. Eleven (11) buildings will front to Road D; seven (7) buildings will be located at the top of the slope adjacent to and elevated above Dock Road - these buildings will benefit from the views they will have of the Hudson River. Several buildings will have no more than four (4) dwellings per building. The average market value of a townhouse dwelling will be \$310,000.

The concept plan incorporates recreational facilities to meet the anticipated demands of the new residents at Dockside. A clubhouse and outdoor swimming pool are situated within the loop road located just west of the boulevard entrance. In addition, sidewalks will be incorporated into the design of development and connected to Route 9W to facilitate walking to and from the hamlet.

The project site will be generously landscaped to achieve a number of objectives (see Figure 2-4 of the DGEIS):

- ◆ *Create an attractive entryway into the Dockside development;*

- ◆ *Create a generous year round screen to buffer views from the site to the wastewater treatment plant. Coniferous trees would be planted - dense vegetative screening would also attenuate sounds that may emanate from the plant.*
- ◆ *Attractively landscape the roads and parking areas with street trees and other landscape materials to further reclaim this former mining site. Over time, street trees and other vegetative plantings will help to “green” the limited views of the project site from the Hudson River.*
- ◆ *Generous landscaping will be a project amenity that ensures that the overall site is attractive, a feature that benefits and sustains market values.*

Primary access into Dockside will be from Dock Road. A boulevard entrance would intersect with Dock Road approximately 400 feet east of Dock Road’s intersection with U.S. Route 9W. The boulevard entry would be landscaped to provide an attractive entry point into the residential development. The internal road configuration has been designed to work with the existing topography and minimize grading. At the terminus of Road E near Building 18, an emergency access drive will be constructed through the Town’s existing wastewater treatment facility. The emergency access road would parallel Dock Road for approximately 300 feet on the WWTP property and intersect with the road just to the south of the WWTP property’s entrance. The emergency access road will be stabilized with material sufficient to handle emergency equipment loads. Construction of this accessway is subject to Town Board review and possible approval.

The project will require numerous infrastructure improvements, including the installation of sewer and water lines, to connect the Dockside to the municipal sewer improvement area and water district. All water and sewer lines within easements and the right-of-way will be offered for dedication to the Town.

The site is within Central Hudson Gas and Electric’s service area - electricity would be supplied to the project for heating purposes. The applicant is pursuing extension of natural gas service from a high pressure main located on the project site to serve the development.

1.2 Potential Impacts and Proposed Mitigation Measures

1.2.1 Geology, Soils and Topography

Potential Impacts

In general, on-site geologic and soil conditions do not pose any constraints to building development. The primary limitations are the existing slope conditions which arose from previous activities, i.e., mining. The proposed development has been designed to work with the existing on-site grades to the maximum extent practicable. The project, by design, avoids environmentally sensitive features. Specifically, except for the construction of a stormwater basin on the south side of Dock Road, regulated wetlands and the on-site Lattintown Creek will remain undisturbed.

Of the 27.19-acre site, grading, excavation and filling will occur on 15.35 acres of the total site. Construction will involve cuts that range from 1 to 40 feet below the existing grade and fills that range from 1 to 26 feet above existing grade. The deepest areas of fill will occur in the southcentral portion of the site and the most substantial areas requiring cut are located within the northwestern portion of the site.

Based on calculations provided by the project engineer, approximately 127,500 cubic yards of material will be cut on the site while 137,000 cubic yards of fill is required to construct the foundation of the proposed buildings and the road network. This requires approximately 9,500 cubic yards of material needed to be brought in. The fill includes the material imported for roads and driveways of about 8,000 cubic yards which makes the site statistically balanced (1,500 yards of fill is about 1% of the total fill needed).

As a result of soil disturbance there is an increased potential for siltation to occur in areas downgrade of the site. Soil erosion and sediment control during construction is critical to minimize potential impacts to the Hudson River and the local watershed.

The NYSDEC was contacted to discuss the mining operations at the site and a possible reclamation plan for the property. A formal reclamation plan is not required by the NYSDEC since the site was never formally permitted.

Mitigation Measures

An Erosion Control Plan and Phasing Plan has been prepared to control soil movement from the area of the Project Site that will be disturbed - the Plan is included in the site plan set as Drawing C-3. The Soil Erosion and Sediment Control Plan indicates that the controls are to be used in conjunction with the Stormwater Pollution Prevention Program document (SWPPP) as required for the NYSDEC General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). The SWPPP is provided in Appendix C. Erosion and sediment control measures have been devised consistent with the NYSDEC "Guidelines for Urban Erosion and Sediment Control".

The objectives of the Soil Erosion and Sediment Control Plan are the following:

- Control erosion at its source with temporary control structures;
- Minimize the amount of sediment-laden runoff from areas of disturbance, and control the runoff prior to discharge to off-site areas;
- Deconcentrate and distribute stormwater runoff through structural means before discharge to critical zones such as the Hudson River; and
- Maintain erosion control features in order that they properly function, as designed.

Following construction and disturbance of the 15.35 acres, noted above, soils will be stabilized by the introduction of approximately 7.33 acres of impervious surfaces, vegetation and by the stormwater management devices shown on the site plan. Construction of the permanent stormwater management system will commence as part of the initial earthwork for the project so that the system is functional as early as possible in the construction period.

Limited areas of steep slope on the site will be graded and retaining walls will be used. Nonstructural slopes will be graded to a 2 on 1 slope and will be stabilized with vegetation. Seed mixes recommended for steep slopes include Ernst "Crownvetch Seeding Mix (Naturalized)", or Ernst "Native Steep Slope Mix with Annual Ryegrass", or similar mixture. Once seeded, the slopes will be mulched with straw, hydromulch or fiber mats to protect the seeds and further stabilize the slopes until germination. In certain areas of the site, retaining walls will be used to stabilize post-development slopes. These measures will stabilize on-site slopes.

1.2.2 Surface Water Resources

Potential Impacts

No streams or water bodies are present on the portion of the site north of Dock Road where the residential development is proposed. Two small isolated wetlands have been delineated north of Dock Road and are further described in Section 3.3 Flora and Fauna. According to the FEMA flood Insurance Rate Map (FIRM), the development area is located outside of the 100-year flood zone. An area of 100 year flood zone is mapped south of Dock Road, surrounding Lattintown Creek.

The Dockside at Marlborough will result in excavation and grading for the proposed buildings, roadways and driveways, and the introduction of more impervious surface to the property. The grading necessary for the development will slightly alter stormwater drainage on the site, but overall drainage patterns and the design points (stormwater discharge locations) will remain unchanged. Stormwater management facilities and practices have been designed to reduced and mitigate these potential impacts.

Mitigation Measures

The Project proposes to detain stormwater on-site to ensure that pre-development stormwater quality will be maintained. Stormwater will be detained and treated in stormwater facilities according to the requirements for the NYSDEC General Permit for Stormwater discharges from Construction Activities (GP-0-10-001) and the *NYS Stormwater Management Design Manual (2008)*. The stormwater management basin proposed to be located on the south side of Dock Road will avoid disturbance to any wetland located on that property, and will be outside the 100-year floodplain.

The following stormwater treatment practices were incorporated into the project design:

- Disconnection of rooftop run-off - roof leaders will be discharged via sheet flow prior to entering an existing vegetated buffer and filter strip.
- Infiltration practice - An infiltration basin will be used to detain and treat stormwater from Watershed PR-C2.
- Bioretention Practice - This practice was designed to treat stormwater run-off from Watershed PR-B2.
- Dry Swale (open channel) - This practice was designed to treat run-off from Watershed PR-B3, given its small tributary area.

Proposed stormwater management infrastructure is shown on the full size concept site plan provided with this DGEIS. The Stormwater Pollution Prevention Plan ("SWPPP") for Dockside at Marlborough incorporates the following objectives:

- Reduces the potential for erosion through the installation of stormwater management facilities and implementation of soil erosion control measures (see discussion below).
- Decreases non-point source pollution and degradation of water quality through the use of multiple stormwater treatment practices, including filter strips, vegetated swales, roof-leader treatment, infiltration basins and bioretention filters.

The SWPPP demonstrates conformance with the New York State *Stormwater Management Design Manual* and project compliance with State requirements for the protection of surface water quality as well as storm protection for downstream areas.

The Soil Erosion and Sediment Control plan portion of the SWPPP has been prepared in accordance with all NYSDEC requirements. The Construction Phasing and Erosion Control Plan is provided as Drawing C-4. That plan shows the six (6) construction phases as well as soil and erosion control features that will be installed and maintained during project construction. Each of the six construction phase areas is less than five acres, consistent with NYSDEC requirements.

A stabilized construction entrance is proposed at the location of the primary project entrance at Dock Road. The plan shows the location of silt fencing on the down-slope side of all areas of grading and soil disturbance. Inlet protection will be installed for all catch basins, as the construction of stormwater infrastructure proceeds. The Erosion Control Plan will utilize the sediment trap as a location on the south side of Dock Road at the proposed location of the bioretention basin. With these measures, no significant adverse impacts are anticipated.

1.2.3 Flora and Fauna

Potential Impacts

The proposed area of disturbance (AOD) has been restricted to approximately 15.35 acres of upland habitat on the 27 acre site. The new development proposed for the site is proposed almost entirely within the areas of the former mining activities. These areas would be converted to hard features and would no longer be available for wildlife use. Less than 1.4 acres of woody vegetation would be removed. Wooded vegetative buffers would remain on the north side adjacent to the school property, on the western edge closest to Route 9W and along the south slope. Some encroachment for grading on the south slope would be required, with retaining walls constructed to minimize fill.

Areas where development is proposed would retain limited functions as wildlife habitat for species that are adapted to human presence. Areas that are currently bare earth would be restored and re-vegetated as landscape. It is expected that any animals currently living in the area of proposed disturbance would move to surrounding undeveloped wooded land. There would be maintained elements of connectivity between other open space parcels and the portions of the project site that are not to be developed. These areas would continue to provide contiguous upland habitat and movement corridors for existing wildlife to traverse.

On the south side of Dock Road, the only disturbance proposed is for the stormwater management basin just south of the road. This part of the site has been disturbed by previous activities. The remainder of the Lattintown Creek area would remain undeveloped. Potential sources of impacts to aquatic wildlife and vegetation would include sedimentation during construction, post-development increases in pollutant loading in stormwater and bed and bank erosion in receiving watercourses resulting from increased stormwater discharge velocities. Sedimentation of the receiving water bodies would result in decreased light penetration, nutrient enrichment, increased transport of dissolved or adsorbed pollutants, shielding of pathogens from natural disinfection processes, and clogging of gills or filter-feeding apparatus in aquatic organisms. As noted above, the state listed vegetative species were not observed on the site, and the potential habitat areas are well outside of the area of disturbance. Therefore no impact to such species will occur.

No protected wildlife have been identified or observed on the project site, thus, no impacts to these species are projected. The proposed project would limit future use of the developed portions of the property by many wildlife species, but not by species that can adapt to such conditions.

The current proposed development would not result in the direct disturbance of regulated on-site wetlands and as a result would not impact their identified functions and values. The proposal is designed to avoid wetland impacts entirely, although some activity will occur in close proximity to the seepage area that drains to the Lattintown Creek. Indirect impacts to wetlands could occur from the changes in runoff characteristics from the adjacent areas.

Mitigation Measures

The applicant proposes to develop those areas of the property that have historically been mined, leaving significant areas of open space around the site perimeter. No regulated wetlands or watercourses will be disturbed. The existing trees and vegetation beyond the identified AOD would be preserved by the installation of stakes and fencing which would clearly identify the limits of disturbance and restrict the movement of construction vehicles and activities from these areas. The NYSDEC would not need to issue permits for impacts to State protected wetlands or State-listed threatened and endangered species as none are present on the project site.

A Stormwater Pollution Prevention Plan (SWPPP) and Erosion and Sediment Control plan has been developed as part of the concept plan (Refer to Sections 3.1 and 3.2 of the DGEIS). The SWPPP generally includes the following mitigation measures that serve to minimize potential impacts to vegetation and wildlife resulting from the runoff of silt, sediment, excess nutrients and erosive water flows throughout all phases of the development process:

- Clearing limit lines would be marked prior to commencing the construction activity.
- Erosion and sediment controls would reduce the cumulative impacts of soil deposition on wetlands vegetation and on aquatic animals or other animals that utilize wetland resources for foraging.
- With the implementation of the proposed SWPPP, protection of the downstream water channel and flood plain is a primary means to maintain the existing character of downstream and off-site watersheds.
- Stormwater basin treatment features are designed to remove approximately 80 to 85 percent of the total suspended solids, 40 to 50 percent of the total phosphorus and 35 to 50 percent of the total nitrogen from stormwater captured on the site. These reductions in the levels of specific pollutants would reduce the post-development effects of pollutants on downstream water quality as well as on the vegetation and animals that are present in the downstream watersheds.

As a threshold condition of any future site-specific plan developed for this property, noninvasive native plants would be used in the landscape wherever possible. The major landscaping evergreen and deciduous tree proposed to be installed throughout the project site have been identified by general species and planting location on the Concept Landscape Plan for this project (Figure 2-4). This list would be supplemented with other minor landscape shrubs and

plants that would cumulatively provide a variety of foraging, nesting and shelter benefits for the wildlife that repopulates the portions of the site within the proposed AOD.

Typical landscape plantings would be chosen for their hardiness to the local climate and in the proposed setting of their usage on the site. Plantings would be monitored for up to two years after installation and any dead specimens would be replaced with similar species. Regionally appropriate tree plantings, such as red maples and white pine, are to be incorporated into the landscape to provide habitat benefits for some birds. Some of the regional landscape plants that could be integrated into the plan as it proceeds through the review process are listed in Table 3.3-5 of the DGEIS. In addition to their value as hardy plantings, many native plant species in Table 3.4-6 of the DGEIS have been cited by the Cornell Lab of Ornithology as providing wildlife benefits associated with their use as landscape plantings. The Landscaping Plan will be required to include some of the plants that offer wildlife benefits such as nesting sites and the production of edible seasonal and Winter-persistent fruits.

1.2.4 Traffic and Transportation

Potential Impacts

With construction of Dockside, delays will increase at most studied intersections. However, all intersection lane groups will retain their No Build Condition level of service except the Dock Road approach to U.S. Route 9W which declines from level of service E to F in both the a.m. and p.m. peak hours, despite improvements to Dock Road. This essentially delays the site traffic. The site's access into Dock Road will have a level of service A for all lane groups.

Mitigation Measures

Level of service F at unsignalized approaches to major routes is not uncommon. The Applicant has proposed improving Dock Road at U.S. Route 9W by improving the grade along the Dock Road approach. Also as part of this work, the Applicant will correct any parking or other signs where the road is improved. Highway work permits will be required from the New York State Department of Transportation (NYSDOT) to allow for improvements to Dock Road that occur in the State right-of-way. The increase in traffic volume along Dock Road that results from construction of Dockside will not result in volumes that would warrant a traffic signal. Thus, a traffic signal is not proposed as mitigation.

A path to the lower field of the Elementary School allowing site residents to get to the lower school field is proposed to be constructed by the Applicant. This could reduce auto traffic to the school.

The Applicant will also construct a sidewalk from Dockside to U.S. Route 9W along the existing private road serving the site, Hudson Way. This will encourage residents to walk into the Marlboro hamlet for local convenience needs, e.g., banking, having lunch, rather than use a vehicle. This also provides access to the gravel parking lot used by the Falcon which is being offered by the Applicant to the Town for its use.

The project will have sidewalks throughout connecting units, the gazebo, and club house. A emergency access is also provided to Dock Road.

It is suggested that the intersection of King Street and U.S. Route 9W be boxed consistent with DO NOT BLOCK INTERSECTION markings and signage to formalize the courtesy pattern at

least until such time as a signal can be installed. It is suggested the Town initiate and implement the process with the NYSDOT rather than wait for a development to be constructed or the intersection to be signalized. The Applicant's portion of this mitigation is the concept put forth herein. A portion of the safety and delay benefits are also already occurring due to courtesy of drivers on U.S. Route 9W northbound. This improvement would require a highway work permit from the NYSDOT if not done by the NYSDOT.

1.2.5 Noise

Potential Impacts

Following construction and occupancy, the dockside at Marlborough residential project will result in noise typical of residential development, including the noise from vehicles, and site maintenance. This noise will be varied, sporadic and will have multiple sources across the site. The residential noise is expected to be similar to existing noise levels from other medium density residential development in the Town of Marlborough. The project's operational noise is not expected to result in significant impacts to neighbors and nearby receptors. A typical suburban area will have exterior noise levels in the range of 50-60 dBA. Interior noise levels will be consistent with typical residential interior activities. Noise within structures are attenuated by the building materials used in building construction - these materials must comply with NYS Building Code.

Ambient daytime noise levels would increase in the immediate vicinity of the site during project construction. Noise levels due to construction activities would vary widely, depending on the phase of construction activities. Occasional noise levels at the site property line are projected to range between 65 dBA and 90 dBA, depending on the actual location of construction equipment at any given time. These periods of elevated noise would occur during daytime hours and are typically sporadic during the construction period. At all times, construction equipment will only be operated to conform to the maximum allowable noise levels and during times allowable as per the Town's noise chapter. Noise levels actually experienced on a nearby property would be expected to be lower, accounting for distance from the noise source and other attenuating factors.

Mitigation Measures

Construction activity would be limited to the hours between 7:00 AM and 5:00 PM, Monday through Friday, and 7:00 AM and 5:00 PM, Saturday and Sunday, as allowed by the Town noise chapter. All construction vehicles and equipment will be maintained in proper working condition and operated in a manner that complies with the Town's regulations.

The build condition is not anticipated to result in any long-term significant adverse noise impacts. The proposed activity is residential and consistent with land uses in the project vicinity. No mitigation measures are proposed.

1.2.6 Land Use and Zoning

Potential Impacts

Land Use

The proposed land use, residential, would be compatible with Dockside's surrounds and would otherwise "buffered" from nonresidential uses. The residential land use is anticipated to be compatible with the adjoining school properties to the north of the site. To the west, the project site adjoins a boat storage yard. This yard does not generate noise or involve activities that would be incompatible with residential uses. Further, only two residential buildings would be located near the shared property line with the boat storage yard - the dwellings would be located no less than 140 feet to the property. Lastly, these dwellings are elevated above the grade of the boat yard and not immediately adjacent and at grade to it.

On the south side of Dock Road and south of the site, the properties along Lattintown Creek are presently vacant. For the most part, this land use is expected to continue as much of the land is presently constrained by various environmentally sensitive features, including but not limited to federal- and state-regulated wetlands, the 100-year floodplain associated with Lattintown Creek, and steeply sloping topography down to the creek.

To the west, the property abuts a mix of land uses. The two nearest residential buildings are located no less than 160 feet to the rear property line of the properties fronting to U.S. Route 9W and are separated from these properties by the natural gas easement that traverses the project site from north to south. These residential buildings will be buffered to a large extent by existing woodlands - this buffer specifically buffers the residential development from the billboard and gas station uses. Supplemental landscaping to the rear of the residential buildings, and the grade change, will help buffer the residential development from the remaining mixed residential/office uses. The mix of residential/office uses are also much more compatible with the proposed residential development.

The project site is situated within the Marlboro hamlet which was the subject of a master plan completed in 2010. The project site is located within a "hamlet expansion" area. With regard to land use, the hamlet plan recommends residential development within hamlet expansion areas. The project complies with the land use plan for the hamlet.

Zoning

The project sponsor is requesting a zone map change to rezone the portion of the site located on the north side of Dock Road to the "R" district in order to construct multiple dwellings. In total, 25.12 acres would be rezoned to the "R" district. Among the uses allowed by special permit in the "R" district is: multiple dwellings. As described below, multiple dwellings specifically include "townhouse" dwellings, the housing type that the applicant seeks to construct. It is noted that the applicant does not propose to rezone land on the south side of Dock Road as the only structure that would be constructed on that site is a stormwater basin which would be accessory to the principal multiple dwelling use.

The applicant is also offering to dedicate land to the Town on which the existing gravel overflow parking is situated. This is not a use specifically related to the townhouse development, and it

is anticipated that the applicable parcel of land would be subdivided out from the parent parcel, if the Town Board deems this an acceptable arrangement.

In order to construct the proposed Dockside at Marlborough, the applicant would also seek a special use permit, site plan and subdivision approval from the Marlborough Planning Board.

Multiple dwellings are regulated in accordance with Section 155-30 of the Town zoning ordinance, as amended by Local Law 3 of 2011. Townhouses were specifically added as a type of multiple dwelling allowed in the zoning ordinance. The proposed Dockside dwellings meet the definition set forth above and therefore constitute multiple dwellings regulated in accordance with Section 155-30 of the Town zoning ordinance.

The provisions set forth in Section 155-30 regulating multiple dwellings would apply to the overall site. Except for potential separation distances, Dockside would meet the special use permit standards. With regard to the project's density, the minimum acreage required to construct the 137 dwelling units is 22.83 acres, or 4.36 acres less than the available acreage. Section 155.30.B includes additional design standards that would apply to the proposed dwellings. Subsection (1) requires that no more than eight (8) units be contained in a single structure - this requirement is met as the maximum number of units in a structure is six (6) units.

Subsection (2) requires that the minimum distance between two or more structures on a lot be no less than twice that of a minimum side yard, i.e., 60 feet. The Dockside development proposes that the minimum separation distance between buildings be 30 feet - a variance may be required from the Zoning Board of Appeals depending on how the zoning ordinance is interpreted. The distance between the buildings provides adequate access to the rear of the structures, and is reasonable for the R district. Specifically, application of the minimum side yard requirements for the R district set forth in Schedule I, Lot Yard and Height Regulations, of the Town zoning ordinance would result in a minimum 30-foot separation distance between adjoining structures in the R district. This is the same separation distance provided between buildings within the Dockside development. In the opinion of the applicant, this variation is substantially compliant with the general side yard requirements in the R district.

With regard to off-street parking requirements - 1.5 dwelling units are required for multiple dwellings. The applicant proposes two parking spaces per dwelling unit - one space would be located in the single car garage, and the other parking space is provided in the driveway to each unit exceeding this requirement. Additional off-street parking will also be provided for guests and visitors.

As per Local Law 3 of 2011, there is no limitation on the number of bedrooms that are allowed within an individual townhouse unit. The project, which proposes three bedrooms per dwelling, conforms to this requirement.

As per Section 155-16.H of the zoning ordinance, the retaining wall proposed along Road A near the wastewater treatment plant will require the approval of the Building Inspector or the Town Engineer. The outside face of the retaining wall will be 3 feet from the property line as required by the zoning ordinance.

The applicant would also be required to submit applications to the Planning Board for site and subdivision approval. As part of its review, the Planning Board will consider the development's conformity with a number of standards, regulations and guidelines as set forth in Section

155-31.B(2) related to consistency with the comprehensive plan and drainage requirements, etc.

Lastly, the subdivision plan will be required to adhere to the standards set forth in Chapter 134 of the Town Code. In particular, 134-9, preliminary plats, Subsection H, includes standards that specifically apply to the platting of lots on which multiple dwellings are situated. The project will conform to these requirements. In particular, a homeowners association would be established to maintain the common areas associated with the overall development.

Mitigation Measures

As the Project is anticipated to be compatible with land use plans and adjoining land uses, and will not impact the Town's zoning, no mitigation measures are proposed.

1.2.7 Economic and Demographic Trends

Potential Impacts

Demographics

It is anticipated that Dockside will generate a total of 388 persons, of which 53 persons would be schoolage children. Of the total number of schoolage children, it is estimated that 38 would be enrolled in the public school system. The population, which will be comparable to the Town's existing population and its characteristics, is not anticipated to have a significant impact on the Town's population.

The project would add 137 dwellings to the Town's 2010 owner-occupied housing base of 2,328 dwellings, or would increase owner-occupied housing units to 2,465 dwellings (5.9 percent increase). The proposed project would introduce a dwelling unit type, townhomes, to the housing stock, that would expand housing diversity in the Town and hamlet. The introduction of 137 townhomes will not have a significant adverse impact on the Town's housing stock and will expand housing opportunities.

Fiscal Effect

The market value of the 137 townhome dwellings would total \$42,470,000 and the taxable value would be the same. Table 3.9-3 of the DGEIS provides the annual property tax revenues that will be generated by the development. The Town of Marlborough government would receive \$278,426 annually in general fund and highway revenues. Ulster County would receive \$167,199 annually. The fire district's revenues would total \$31,544 annually. The lighting district would receive \$9,880 in revenues, while the sewer district would receive \$51,900. This is in addition to the revenues that would be received to expand the sewer plant which is described in Section 3.9 of the DEIS.

The Marlboro Central School District would receive \$782,413 annually, and the library would receive \$17,299 annually.

For purposes of the fiscal analysis, municipal costs were attributed to the residential population only to present a worst-case analysis. In 2011, the cost was \$356 per person required to be raised through the property tax levy. The Dockside development is anticipated to introduce 388 persons to the Town's population. The cost to service this population, based on current per

capita expenditures, would be \$138,128. In comparison, the project will generate \$162,268 annually in property tax revenues. Thus, the Dockside development will conservatively result in a tax revenue surplus to the Town general fund.

The proposed project will be served by private roads. The \$116,158 to the Town highway fund will mostly be net revenues to the highway fund. The cost of any improvements, e.g., grading along Dock Road, required to mitigate the development will be paid by the developer.

The total budget for the Marlboro sewer district was \$297,525. Costs include equipment costs, contractual services and debt service. The amount to be raised in property tax revenues is \$133,550. It is unknown what the per capita cost to the sewer district is, as it is unknown what the population is that is being served in this district. Based on the current tax rate, Dockside would generate \$51,900 to the sewer district. The developer of Dockside would be responsible for funding the pro rata share of costs associated with the sewer expansion to serve the project. Thus, it is not anticipated that the project will significantly increase costs to the existing district property owners.

The cost per person for fire service in the Marlboro Fire District is approximately \$91 per person. Again, nonresidential properties also create demand for service in the community, but this worst-case analysis only assigns the cost to the resident population. Dockside will introduce 388 persons to the fire district - the cost to the fire district would be approximately \$35,308. The Dockside development will generate approximately \$31,544 to the fire district annually. Factoring in the costs that would attributable to nonresidential development, the revenues from Dockside would be sufficient to cover the fire district's costs.

Dockside will generate \$9,880 in revenues to the lighting district.

In the Marlboro Central School District, the per capita cost per student in 2010 to be raised by the tax levy was \$18,291. The cost to educate Dockside children, based on current per capita costs, would total \$695,058 annually. The Dockside development will generate property tax revenues in the amount of \$782,413 annually which will cover the cost to be raised through the property tax levy. A surplus of \$87,355 annually would be available to offset other costs to the school district or augment any decreases in miscellaneous revenues received by the district. The project will also generate an additional \$17,299 in property tax revenues that would accrue to the library.

Mitigation Measures

As the proposed project is not anticipated to have a significant impact on Marlborough's population, housing or tax structure, no mitigation measures are proposed.

1.2.8 Community Facilities and Services

Potential Impacts

Educational Facilities

Dockside will be fully occupied in 2017. The project will generate 38 public school students. Based on the district's 2010 enrollment of 2,060 students, the school district's population would increase by 1.9 percent. As the project will be constructed in phases, the students generated by the project would not be absorbed all at once but steadily over several years. At this time,

based on capacity analyses prepared by the school district, it is anticipated that the district overall has sufficient capacity to handle the students that would be generated by Dockside. With the exception of the high school, the district's schools that will accommodate these students have sufficient capacity. It is acknowledged that the high school is at its functional capacity, and that programmatic changes may be required to handle the demands placed on the school from existing projected enrollment in addition to the demand created by the project.

The proposed project will generate property tax revenues to offset the costs to the school district to educate the students introduced by the project. This is discussed in Section 3.7 of the DGEIS.

The Business Administrator also noted that the NYS DOT will be installing a traffic light at the corner of Young Avenue and Route 9W which has implications for traffic flow (discussed in Section 3.4 of the DGEIS). If a sidewalk from the residential development complex to the Marlboro Elementary/Marlboro Intermediate Schools complex is installed, these students may not need to travel by school bus. If a large capacity school bus is necessary, a turn around location will need to be provided with a shelter area for students at one defined pick up location.

Police Protection

The Marlboro police department was contacted to determine what effect, if any, the project would have on police protection services. The 2010 Census population of the Town is 8,808 persons, which makes the department's service ratio one officer per 352 residents. With the additional 388 persons, the ratio would be one officer per 366 persons, or an increase of 14 additional persons per officer. The Police Chief has indicated there is no reason to believe that there would be anything but a normal increase in requests for service from this location. It is his opinion that based on current staffing levels the department will be able to absorb the increase with no adverse effects on the department's ability to provide police service. The proposed development will generate additional property tax revenues that may be used to augment revenues to the police department if the Town Board determines it appropriate - refer to Section 3.7 for a discussion of property tax revenues.

Fire Protection

Based on discussions with a representative of the Marlboro Fire District, it is anticipated that the district can adequately serve the proposed project. Given the site's close proximity to the fire station, the fire department is able to respond quickly in the event of an emergency. The fire chief noted that the fire company can readily service a development where building heights are two stories. However, taller structures, i.e., three or more stories, may require response by a nearby company with a ladder truck. The building design generally proposes a two-story arrangement. However, due to topography, it is possible that several of the buildings may be three stories where the slope requires this arrangement, e.g., garage under arrangement, or a walk-out basement. The residential development will be required to conform to the New York State Fire Code which requires that buildings that are three stories be sprinklered. Any concern with potential building heights would be addressed through this design requirement. The property will generate additional property tax revenues which will offset any increase in costs to service the project - this is discussed in Section 3.7 of the DGEIS.

Ambulance Service

Based on conversations with Mobile Life's administrative staff, the company has adequate resources to service the project. The population that would be introduced is comparable to the Town's existing population, and it is not anticipated that there would be any additional and unique demands placed on ambulance services.

Solid Waste Collection

In order to dispose of the solid waste that would be generated from the residential development, it is anticipated that the homeowners association would contract with a local carting service to collect and dispose of the municipal solid waste generated by the development. The same service would also handle any recycling waste generated by the project.

Mitigation Measures

As the proposed project is not anticipated to have a significant adverse impact on any community service providers, no mitigation measures are proposed. During detailed site plan review, the site plan will be forwarded to the service providers so that the design of Dockside continues to take into consideration comments that may be raised by these community service providers.

1.2.9 Utilities

Potential Impacts

Electric and Gas

The project site is located in the service area of Central Hudson Gas and Electric. The applicant has received a "willingness to serve" letter (see Appendix B - Correspondence). In addition to electric service, the Applicant is pursuing the extension of natural gas service to the project site. The development would be connected to a high pressure gas main that presently traverses the site.

Electric service would be extended to the project site from Dock Road via buried utility connections. All underground utility connections will meet Town Code and industry specifications.

No structures or roads would encroach upon the easement. The plan does provide for a minor crossing of a sidewalk across the easement, which would provide pedestrian access to Route 9W.

Wastewater Treatment

The Dockside at Marlborough project site is located partially within the Town of Marlborough Sewer Improvement Area. The improvement area boundary divides the project site as shown in Figure 2-3a of the DGEIS. As shown on the plan, approximately 38 dwellings and the community clubhouse are located in the improvement area. Currently, the WWTP had an average flow of 112,300 gallons per day (gpd) during the last 12 months of record, and the monthly average flow ranged from 71,000 gpd to 208,000 gpd. If the average daily flow rate of 112,300 is subtracted from the treatment plant design capacity (and SPDES Permit capacity), the plant has an available capacity of approximately 62,700 gpd. However, in the Capacity and

Performance Evaluation completed by the engineering firm Brinnier and Larios, P.C. in May, 2007, the plant available capacity was reported to be 38,280 GPD in 2007 and that capacity was reported to be reserved for approved projects and vacant land within the existing sewer improvement area.

The project engineer has estimated that Dockside will generate an Average Daily Demand of 43,840 gpd for residential sewer demand. Additional sewer demand has been allocated for the proposed clubhouse and pool for a total demand of 45,040 gallons per day. The engineer notes that the probable flow to the plant is estimated to be approximately 34,080 gpd. Approximately 13,360 gpd of wastewater demand will be generated within the sewer improvement area and the remaining 31,680 gpd of demand will be generated by users outside of the current areas. The project engineer has concluded that sufficient capacity at the plant exists for the project uses within the sewer district boundaries, but that additional treatment capacity will be required for project related demand outside of the district boundaries. This conclusion also considers the potential demand by future uses within and outside of the sewer district in the Marlboro hamlet.

Town Board action will be required to upgrade the capacity of the Marlboro Sewer Improvement Area's treatment plant to manage the Project's wastewater. This would require participation by the Project, in some fashion, to generate capital toward this upgrade of public infrastructure. The Town may need to form a new sewer improvement area or sewer district to include the site, or to establish an out-of-service-area agreement between the municipality and the Project. The applicant has formally requested that the Town facilitate sewer service for the project.

It is the Project's understanding that the Town is considering expanding the existing treatment plant to service additional areas within the Town including the Project site. This expansion would include an upgrade in treatment capacity adequate to handle projected wastewater flows from the Project as well as other properties.

Alternatives concerning the creation of necessary municipal wastewater treatment capacity to accommodate the Project include, but are not limited to, the following: (a) creating a new sewer improvement area or sewer district which includes the Dockside parcels and others, (b) creating a new sewer improvement area or sewer district which includes both the Dockside project and the proposed Bayside project located nearby, (c) a reserve capacity contract between the project and the Town of either permanent or temporary nature pending the creation of a new sewer improvement area or sewer district which includes the Project, or (d) interim stop-gap methods of wastewater treatment, such as the establishment of a small modular system on Town property near the existing plant to relieve the existing plant of full impacts of Project's usage pending plant expansion.

The developer of the site would be responsible for constructing the on-site wastewater collection system. The system is shown in Figure 3.9-1 Utility Plan and the full size site plan/subdivision plan accompanying this DEIS. The Engineering Report and Technical Specifications for a Sewer Main Extension to Service Dockside is included as Appendix E. Assuming the project will obtain approval for municipal sewer service, the project would connect to a gravity sewer line located in Dock Road, near the proposed project entrance. The existing sewer line in Dock Road flows by gravity to the wastewater treatment plant.

The sewer collection system will consist of both gravity and sewer force main extended through the property, based upon grades and the project building and roadway layout. The proposed on-site sewage pump station will consist of a concrete wet well which will store wastewater

between pumping cycles of approximately 30 minutes. The pump station will have two pumps capable of pumping 101 gpm. A gas powered electric emergency generator will be installed to provide back-up power to operate the sewer pump station in the event of a power interruption. Wastewater will be pumped to the an existing manhole in Dock Road where it would flow by gravity to the municipal WWTP.

The sewer mains, manholes and pumping station will be constructed to Town of Marlborough and NYSDEC requirements. As part of the DGEIS and site/subdivision plan review process, the proposed sanitary sewer collection system will be reviewed by the Town Engineer and Sewer District Superintendent to assure it conforms to Town specifications. It is not anticipated that there would be any adverse impacts associated with the construction of the wastewater collection system. All sewer infrastructure improvements would be offered for dedication to the Town.

Water Supply

The project site is located in the Marlboro-Milton Water District. According to the project engineer, the system serves more developed portions of the Town in and around the Marlboro hamlet. The source of the Town's water is the Town of Newburgh's Delaware Aqueduct Station 5A. The Delaware Aqueduct is part of the New York City water supply system. An intermunicipal agreement with Newburgh provides the Town of Marlborough contractual rights to purchase up to 1 million gallons per day (mgd) from the Town of Newburgh. The district is currently utilizing approximately 450,000 gpd of this allowed capacity. The Town of Marlborough is currently in discussions with the Town of Newburgh concerning modifications to the agreement in order to share the costs of a new filtration facility being required on the Delaware Aqueduct Supply. The closest municipal water district infrastructure to the project site is an 8-inch water main located in Dock Road bordering the site to the south. Hydrant testing was conducted by the Town at the intersection of Route 9W. According to Charles Muggeo, Water Superintendent, the normal operating pressure at the hydrant was 145 pounds per square inch (psi). The hydrant had an estimated flow of 1,670 gallons per minute (gpm) and a residual pressure of 80 psi.

The total project water demand is estimated to be 55,040 gpd. Given the Town's excess capacity of approximately 550,000 gpd, sufficient capacity is available to meet the needs of the project.

The project engineer has designed a water distribution system which is fully described in the *Engineering Report and Technical Specifications for a Water Main Extension to Serve Dockside* appended to the DGEIS. The water distribution system will include approximately 4,274 linear feet (lf) of 8 inch diameter class 52 double cement lined ductile iron pipe. The 8 inch main proposed to serve the site would connect to the existing 8 inch water main on the south side of Dock Road at two locations. The first location will be opposite the proposed entrance drive and the second location opposite the emergency access. The project engineer proposes a pressure reducing station on the existing 8 inch water main, just upgradient from the proposed Dockside water connection point at Dock Road near the project entrance. The pressure reducing station would reduce pressures to approximately 47.5 psi, resulting in internal project water pressures ranging from 54.7 psi to 75 psi, consistent with the Ten State Standards.

Fire protection for the project was evaluated in the Dockside Water System Engineering Report. At present, it is not known whether the residential buildings will be served with sprinklers. The water distribution system and fire protection water pressure were evaluated for both scenarios,

with or without building sprinklers. Based upon the evaluation, adequate pressures and capacity would be available to meet fire fighting requirements.

All water distribution improvements, including connections and the water mains will be constructed to the Town of Marlborough and the Ulster County Health Department requirements. The improvements will be constructed either in the Town rights-of-way or on the project site. After construction, the water infrastructure improvements will be offered to the Town for dedication.

Mitigation Measures

Based upon the utility analyses, it is not anticipated that the proposed project would have a negative impact on the Town's water or sewer services, or Central Hudson's gas or electric systems. No mitigation measures are proposed.

1.2.10 Aesthetic Resources

Potential Impacts

A visual resource assessment was conducted to determine whether the Project is within the viewshed of any "designated" aesthetic resource and whether there are potential impacts that require measures to mitigate said impacts. This assessment has been conducted in accordance with the New York State Department of Environmental Conservation (NYSDEC) policy and guidance memorandum that specifies a methodology for assessing and mitigating visual impacts. The following locations were identified and reviewed to determine whether the project site would be visible from, or within the viewshed, of these resources.

- Hudson River
- Bowdoin Park, Poughkeepsie
- Christ Episcopal Church (08NR05879)
- Dubois Sarles Octagon House (02NR04926)
- Chapel Hill Bible Church (03NR05096)
- Gomez Mill House (90NR02305)

Hudson River: The project site is not located in a designated Hudson River SASS. Although the project site will be visible from the river, the site is located in a relatively small narrow valley through which Lattintown Creek discharges. The site will be visible primarily from points due east of it. While the project site will be visible from the river, the townhome buildings will not introduce buildings or uses that are in stark contrast to the uses and buildings around it. Dockside will be an extension of the Marlboro hamlet, and the hamlet's buildings are visible around and above the project site.

Bowdoin County Park: The project site will be partially visible during on-leaf conditions, and will be visible during off-leaf conditions. During off leaf conditions, there will be limited coniferous vegetation to screen views of the site from Bowdoin Park. The project site will be located one mile from Bowdoin Park - distance will mitigate visibility of the site as the buildings appear more a part of the landscape with distance. The narrow part of the site is oriented east-west, so the views of the site will not be as expansive compared to viewing the site along its full expanse. The buildings will not be silhouetted against the sky. Dockside is surrounded by existing

developed areas within the Marlboro hamlet that are also visible from the park - the project will not be in stark contrast to its surrounds.

Christ Episcopal Church (08NR05879) - A review of aerial photography indicates that the project site will not be visible from the historic site as a result of intervening vegetation.

Dubois Sarles Octagon House (02NR04926) - The project site is not anticipated to be visible from this National Register site due to intervening vegetation and existing buildings located between the Octagon House and the project site. The project will not be situated within any viewshed that includes this property.

Chapel Hill Bible Church (03NR05096) - Based on a review of aerial photos and line of sight profiles, the project site will not be visible from this location.

Gomez Mill House (90NR02305) - Based on a review of aerial photography and preparation of a line of sight profile, the project site will not be visible from this National Register site.

The concept plan for Dockside is illustrated in Figure 2-3a of the DGEIS. As the applicant is pursuing a rezoning of the site only, details regarding the proposed architectural styles or elements of the buildings are undefined at this time. The design concept, including the layout and proposed housing type, is necessary to feasibly construct a residential development and cover the costs to expand the necessary infrastructure. A sidewalk will be introduced into the development, which will connect to the U.S. Route 9W right-of-way. In addition, the project will incorporate a walking trail at the top of the slope near the site's boundary with the elementary school property. Thus, it will introduce an open space amenity to the site. Front porches can be incorporated into the design of the townhomes, and the garages could be recessed so that the front porch is the dominant element from the streetscape. Small front yard and side yard setbacks are proposed. The buildings are oriented to a system of internal roads in the development. The architecture of the buildings will incorporate design elements that reflect the vernacular architecture of the older residential dwellings in the hamlet area. The buildings will be designed with darker earthtone colors to help blend the buildings into the surrounding landscape.

In order to reclaim the overall site for a residential development, the site will be generously landscaped as shown in a concept landscape plan illustrated in Figure 2-4. This will provide visual interest within the landscape and screen views of the buildings from the river and more distant viewing locations as the vegetation matures. Because of the topographic elevation of the plateau on which the units will be constructed, the buildings' heights will not exceed the highest point of the site along its northerly property boundary. The landscape plan will also aid in screening views of the municipal wastewater treatment plant from the Dockside development. Coniferous trees will be placed between the internal road and the WWTP property line to ensure this objective is met.

The project will require that some improvements be made to Dock Road near its intersection with U.S. Route 9W to improve the existing road grades. The improvements will not impact the existing stone walls located along the road's edge. Dock Road's existing visual character will be maintained.

Mitigation Measures

The project will not have any impact on existing aesthetic resources. The proposed development would incorporate design measures described above to make the project compatible with the traditional vernacular buildings within the hamlet and to lessen its visibility from the river and other viewing points to the east of the site. Adhering to these design standards will eliminate any potential for adverse impacts to scenic resources.

1.3 Issues of Controversy

The Scoping Document requires that any “issues of controversy” be identified. To date, none have been identified.

1.4 Adverse Impacts That Cannot be Avoided

Development of the Project would result in construction-related impacts that cannot be avoided regardless of the mitigation measures considered in Section 3.0 of the DGEIS. These impacts are temporary in nature and associated with the construction phase of the project.

1.5 Summary of Project 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. Section 5.0 of the DEIS includes an evaluation of the following alternatives as required by the Scoping Document:

- No Action Alternative. The site would remain in its present state.
- 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 Alternatives do not meet the objectives of the project sponsor and the site's viability for residential development. Table 5-1 of the DGEIS provides a comparison of certain project characteristics of the proposed action and the alternatives that have been examined.

1.6 Irreversible and Irretrievable Commitment of Resources

Dockside At Marlborough will commit the site to the residential development of 137 townhouses and accessory uses and facilities for the foreseeable future.

The finite resources that will be irretrievably committed include a variety of building materials such as but not limited to: fill, concrete, asphalt, steel, lumber, and paint products.

The operation of construction equipment, and the long-term operation of the new development, will result in consumption of fossil fuels to meet energy demands.

1.7 Growth Inducing Aspects

The project site's environs are served by public water and sewer service. Although certain improvements will be required, the Project in and of itself is not expected to result in the creation of infrastructure that would induce future growth as the improvements necessary to connect Dockside are intended to serve this project site only.

The Dockside at Marlborough development would generate short-term construction and long-term employment and induced demand to support existing retail and commercial services. In the long-term, the new resident population would generate retail demand. It is conservatively estimated that market rate households would spend approximately \$3 million annually. A substantial portion of these expenditures would be made at supermarkets, local convenience stores, apparel stores, restaurants and service businesses such as gas stations and hair salons. The average retail sales per square foot for a "shopping center" is approximately \$256 feet per gross leasable area. Approximately \$3 million annually in expenditures could support up to approximately 11,718 square feet of retail and service space. As the project does not propose commercial space, existing retailers would benefit from this additional demand.

1.8 Use and Conservation of Energy Resources

Energy consumption will occur during construction and occupancy of the proposed residences. During construction, energy will be used to power equipment and construction vehicles. The dwellings will consume energy for space heating, air conditioning, lighting, household appliances and other electrical devices once occupied. Energy will be supplied by extension of Central Hudson Gas and Electric utilities to the site. Central Hudson has provided a "willingness to serve" letter included in Appendix B of the DGEIS. The applicant is pursuing not only electric but extension of natural gas to the site to serve the residences. The 137 dwelling units would be inhabited by households that would place demand on various energy sources. It is estimated that the 137 new households could consume up to 16.85 billion BTU of energy annually.

Dockside at Marlborough will comply with the New York State Energy Conservation Construction Code.

1.9 Permits and Approvals

The following permits and approvals will be required to construct the Dockside at Marlborough. They are as follows:

- Town of Marlborough: **Town Board** - zoning map change; sewer district expansion; use of sewer property for package plant alternative; HOA review
- Planning Board** - site plan approval, subdivision approval, special use permit approval
- Zoning Board of Appeals** - *potential* variance from minimum separation distance for multiple dwellings
- Ulster County: **Planning Department** - GML Review and recommendation
- Health Department** - water main extension; realty subdivision approval
- New York State: **Department of Transportation** - highway work permit for improvements at Dock Road and U.S. Route 9W
- Department of Environmental Conservation** - Stormwater General Permit Authorization, Sewer Main Extension Approval, if alternative package plant pursued SPDES permit approval and Sewage Treatments Works Plan Approval.