

APPLICATION OF GELA GROUP, LLC, AND EMANUEL A. CAUCHI, AS OWNERS, AND HSC MILTON, LLC., AS APPLICANT, FOR SITE PLAN APPROVAL AND LOT LINE REVISION

TOWN OF MARLBOROUGH PLANNING BOARD

SEQRA NEGATIVE DECLARATION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, GELA GROUP, LLC, and EMANUEL A. CAUCHI, as the property owners, and HSC MILTON, LLC., as applicant, applied to the Town of Marlborough Planning Board for site plan approval and a lot line revision for a project known as DOLLAR GENERAL for property at NYS Route 9W in the Town of Marlborough, New York, Tax Parcel SBL 103.001-2-74 and 103.001-2-73 (herein, the “Property”) for construction of a 9,100± square foot retail store with related site improvements and a lot line adjustment of 0.7 acres between the two parcels (the “Action”); and

WHEREAS, EMANUEL A. CAUCHI is a member of the Town of Marlborough Planning Board, is one of the applicants, and is also a Managing Member of GELA GROUP, LLC., and he duly recused himself from participation in the review of the application; and

WHEREAS, the Town of Marlborough Planning Board has classified this Action as an Unlisted Action pursuant to 6 NYCRR § 617.6 of the Regulations; and

WHEREAS, the Town of Marlborough Planning Board duly circulated its Notice of Intent to serve as lead agency and no other agency objected to such lead agency designation: and

WHEREAS, the name and address of the lead agency is: Town of Marlborough Planning Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Chris Brand, Town of Marlborough Planning Board Chairman, with a telephone number at (845)795-6167, Ext 118; and

WHEREAS, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: SEQRA and its implementing regulations set forth in 6 NYCRR Part 617 (“Regulations”); and

WHEREAS, the applicant prepared and submitted a Short Environmental Assessment Form (SEAF), Part 1, and the Town of Marlborough Planning Board has provided entries for the SEAF, Part 2 and Part 3; and

WHEREAS, the Town of Marlborough Planning Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no potential significant environmental impacts associated with the Action;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marlborough Planning Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems. The Action involves construction of a 9,100± square foot retail store with related site improvements and a lot line adjustment of 0.7 acres between two adjoining parcels. The store will be used as a Dollar General Store. The use is a permitted use in the zoning district and is compatible with surrounding uses. The site is served by a municipal water system and the proposed sanitary sewage disposal system is subject to approval from the Ulster County Health Department.

The Action will not generate significant traffic impacts. Traffic reports and volume figures were submitted and updated to include traffic which would be generated by the currently proposed Hudson Valley Wine Village Development in the adjoining Town of Lloyd. Approval is needed from the NYS Department of Transportation for the access drive. There is a possibility that NYSDOT will require a left turn lane (southbound) into the site and the applicant has set aside the land needed for such a lane. The Ulster County Planning Board's Recommendation of February 3, 2021 recommended review of a shared driveway location to serve both parcels, but the Planning Board decided not to require such a location. However, future cross-access areas were added to the plan.

A Stormwater Pollution Prevention Plan (“SWPPP”) was provided to address issues related to potential erosion, flooding, leaching and drainage. The SWPPP is subject to approval by NYSDOT and the Town. Coverage under Town of Marlborough and NYSDEC Stormwater Permits is required.

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources, except as herein described. No wetlands or buffers were identified on the Property and no threatened or endangered species will be impacted.

3. The Action does not involve the impairment of any designated critical environmental area.

4. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted. The use is a permitted use in an area of similar uses.

5. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character. No such resources were identified on the Property.

The Ulster County Planning Board’s Recommendation of February 3, 2021 required lighting modifications so that levels would not exceed the Illuminating Engineering Society Outdoor Site/International Dark-Sky Association’s Area Recommended Illuminance Levels. Initially, the plans exceeded this standard, but the plans were revised to lower illumination levels to meet this standard.

6. The Action will not result in a major change in the use of either the quantity or type of energy.

7. The Action will not create a hazard to human health.

8. The Action will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources or in its capacity to support existing uses.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action. The use involved is a permitted use in an area with similar uses.

10. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. The action does not involve two or more actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

BE IT FURTHER RESOLVED, that the Town of Marlborough Planning Board has examined the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other possible simultaneous actions and subsequent actions which may be reasonably anticipated to result from the Action, and has determined that the Action will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

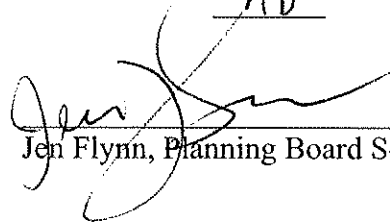
BE IT FURTHER RESOLVED, that the Town of Marlborough Planning Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Planning Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

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The foregoing Resolution was voted upon with all members voting as follows:

Chairman Brand	<input checked="" type="checkbox"/>
Member Troncillito	<input checked="" type="checkbox"/>
Member Garofalo	<input checked="" type="checkbox"/>
Member Lanzetta	<input checked="" type="checkbox"/>
Member Lofaro	<input checked="" type="checkbox"/>
Member Cauchi	<input type="checkbox"/> (Recused)
Member Clarke	<u>Ab</u>



Jen Flynn, Planning Board Secretary

Dated: Milton, New York
March 15, 2021

Contact Person:
Jen Flynn, Planning Board Secretary
Town of Marlborough
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P.O. Box 305
Milton, NY 12547
845-795-6167

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