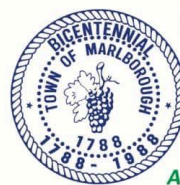


# Report Related to Proposed Amendment to Town Ridgeline Protection LAW

Town of Marlborough Conservation Advisory Committee  
February 12, 2024



**Conservation  
Advisory  
Committee**

*A Climate Smart Community*

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# CAC Comments Related to Proposed Amendment to Town Ridgeline Protection LAW

December 11, 2023

H). Resolution # 120 To introduce a local law of the year 2024

Supervisor Corcoran proposes the following:

Local Law No. \_\_\_\_ of 2024, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING VARIOUS PROVISIONS OF CHAPTER 155 "ZONING" OF THE MARLBOROUGH TOWN CODE AS FOLLOWS: AMENDING SECTION 155-31 "SITE PLAN REVIEW", AND SECTION 155-41.1 "RIDGELINE AND STEEP SLOPE PROTECTION".

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Section 155-31(K) of the Town Code of the Town of Marlborough is amended as follows [deletions are stricken and additions are underscored]:

K. Expiration of approval. Site plan review and approval shall be void if construction is not started within one year and completed within ~~two~~four years of the date of the final site plan approval. Each of these respective periods of expiration may be extended in the Planning Board's discretion for up to ~~two~~three additional periods of one year each. The Planning Board's authority to extend the respective periods of expiration shall apply to any project which requested such an extension, in writing, filed with the Town no later than on or after January 1, 2008.

Section 2. Section 155-41.1(F)(4) of the Marlborough Town Code is amended to read as follows [deletions are stricken and additions are underscored]:

(4) Applicants for construction on properties to which this section applies shall demonstrate to the reviewing board or Town Engineer, as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. ~~No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer.~~

(a) If, in the Town Engineer's opinion, such requirements would render an existing lot unbuildable, the Town Engineer may recommend the issuance of, and the Building Department may issue, a construction permit for an existing lot of record which does not meet the requirements of this section upon his determination that no suitable conforming location is available.

~~(b) There shall be no disturbance within this fifty foot area except for access driveways when said driveway cannot be reasonably located outside the fifty foot area.~~

# Introduction

Dear Supervisor Corcoran and Members of the Town Board:

Thank you for the opportunity for the CAC to review the wording of the proposed amendment to the Ridgeline Protection Law. I appreciate all of the work our Committee has done to gather data from the documents provided to us by the Town Board, Planning Board members, as well as County and outside government agencies.

Given the short timeframe we have been given to prepare this, I commend the CAC members for their quick replies to offer perspectives and outside resources so that we could provide the Board with meaningful comments. We trust that this will assist you in preparing an updated code that will continue to offer ridgeline protections as is legally dictated by our Comprehensive Master Plan. I also thank the number of residents who attended our CAC meetings.

***The consensus of all who have engaged in our discussions is that a properly worded enhancement to the Code would prevent ambiguity of terms for future applicants desiring to build on the Ridgeline, and would provide improved guidance for planning and enforcement.***

Our research indicates that we should take into full consideration all of the topography of the ridgeline area when making any changes to this Code. Members have spent many hours sharing information they have found.

Given the importance and impact of removing the wording that protects the integrity of the Ridgeline, we are confident that the Board members will fully read our report and use the comments and resources already gathered for any updated wording of the code. The public is also urged to read the report in its entirety.

## History

This law was introduced at the Town Board meeting on December 11, 2023, when the Public Hearing was announced. It occurred to me that the Conservation Advisory Committee should be made aware of it, and members began to review the situation. At the Public Hearing, having many comments but not enough time for the CAC to present a summary of their findings, I requested that the Public Hearing remain open. We appreciate the extended time, and we used it to gather more public comments at our open meetings. We also looked at other Town codes to compare our wording with theirs. This was done in an effort to fulfill Supervisor Corcoran's request to swiftly give our report.

## Description

The Ridgeline of Marlboro Mountain is approximately 7.5 miles long, with Marlborough to the east and Plattekill to the west. Our Comprehensive Master Plan (CMP) makes specific reference to the Ridgeline and the importance of preserving it.

Town Code 155-41.1A(3) defines the Ridgeline: “The ridgeline protection area is defined as the area on the map known as the "Town of Marlborough Ridgeline Protection Map," adopted with this code, and any subsequent amendments. The ridgeline of the Town of Marlborough shall be generally viewed as the high points of the ridge commonly known as the "Marlborough Mountains" as viewed from the east in a westerly direction.”

The Town map of the Ridgeline Overlay zone was provided at our special January 20 meeting when the CAC reviewed it. It is also included in this report.

The area is zoned Rural-Agricultural.

## Comprehensive Master Plan

We reviewed our Town’s Comprehensive Master Plan to understand more about the need for a Ridgeline Protection Code.

[The Town of Marlborough 2002 Comprehensive Plan](#) states:

“The natural resources of Marlborough are the Town’s most important asset and should be protected. Natural resources provide the foundation to support life, including the provision of drinking water, soils for crop production, and vegetation for clean air and climate modification. Natural resources are significant for the local economy. The unique combination of natural conditions that occur locally (soils, climate, slopes) are ideal for the production of orchard crops and are the reason why the apple industry became established in Marlborough. In addition to being important to the local economy, the natural resources of Marlborough provide an aesthetic landscape which is an asset to the community. ” p 52

Also, on pages 52-53: ***“When development occurs on ridgelines, an unnatural element is introduced which interrupts the horizon and is unaesthetic. When trees on a ridgeline are removed to make way for homes or other structures, the impact on the natural landscape is even more dramatic. It is recommended that a conservation overlay district be implemented in appropriate areas in order to better protect ridgelines and viewsheds in the Town. Any new construction on hillsides should occur below the tops of ridges such that structures do not appear on the horizon.”***

[In the 2017 CMP update](#), reference is made to fragmentation:

“The Problem of Resource Fragmentation - When we build out across the landscape, we fragment working farmland and wildlife habitats with our building footprints, lawns, roads and driveways. The problem is not one house or one development but in the cumulative impact over time. Fragmentation of farmland introduces a potential conflict between farm operations and residential uses and reduces efficiencies of farm operations. Wildlife habitat fragmentation results from the direct loss of habitat coupled with the breaking up of one large habitat “patch” and isolating it into two or more separate pieces which creates barriers for dispersal of seed and wildlife travel.” p. 26

***Through readings and public comment, we have learned that these Plans are the result of years of research, thought, and great expense to the taxpayers. They are also the result of legal adoption by three different Town Boards and the source by which our zoning and building codes are guided and enforced.***

See [Town Code section 155-5](#)

Per the 2002 CMP, “A large proportion of the Town of Marlborough lies within a State-designated agricultural district.” (referenced there is an attached map in Appendix M, p.23, but no Appendix was seen in that document)

[The 2022 Local Waterfront Revitalization Plan](#) (LWRP) also affirms the steep slope protection: ***“These low mountains provide a watershed divide and are also headwaters to most of the streams that flow west to east through the town and outlet to the Hudson. Areas of steep slopes are sensitive to erosion when the natural vegetation is disturbed. Special consideration must be made when developing on slopes of a 15% grade or higher. Development should be avoided on slopes in excess of 25%. Steep slopes in Marlborough occur primarily between Route 9W and the Hudson River, in the western portion of the town in the Marlborough Mountains, and in various areas in the north central and south central portion of the town.”*** p 23

## Land Use Guidance From Ulster County Planning Board

[Ulster County Planning Board reference document LAND USE REFERRAL GUIDE](#), p 17, gives direction: “Protecting and preserving the County’s environmental resources is at the core of preventing sprawl. By identifying and protecting these resources, development can be directed to places that are already urbanized and have the infrastructure to support new development. ***Development should be designed to fit the character of the surrounding area with the natural topography and other features of the landscape. Important vistas should be protected by minimizing the visual impacts associated with development including such uses as cellular telecommunication facilities, and consideration of lighting and landscaping, Protecting natural and scenic resources. It is not just a matter of aesthetic, cultural and ecological value. These resources have economic value: as tourist destinations, as farmland and as “green infrastructure”, saving on the costs of infrastructure needed to convey and treat water.***”

## Public Comments with Personal Information Redacted

Here are the summarized comments received at the CAC meeting held at the Marlboro Free Library on January 11.



## CAC meeting January 11, 2024

The meeting was attended mostly by residents who live in the ridgeline vicinity. Thirty-one people attended, including Town Board liaisons Sessa, Cauchi, and Zambito and eight CAC members. In big part, the comments centered on the personal component of preserving the visual and aesthetic view of the ridgeline. The second focus centered on the practical and legal reasons for not removing our present safeguards to the Ridgeline code. A video recording of the meeting was posted on the Town Website for your reference. These are the main points:

- Agriculture and Agritourism are our Town's economic drivers. The beauty of our orchards and landscape draw new homeowners as well. The public wants to maintain this quality.
- Of equal importance were the many comments made about the practical necessity of preserving the ridgeline, once again referring to the CMP and the need to consider the topography and soil types necessary for productive farmland.
- Other comments reminded us that there are aquifers in the highlands of the Mountain. Development on the ridge could interfere with the quality of water already depended on by landowners and residents living below.
- There were several references to the Truncali development and ensuing drainage issues created from land clearing and changing land contours during that time period, some 20 years ago. The public reminded us that some of these issues remain a problem to landowners today. An Article 78 filed in regards to this development was extremely costly to the Marlborough taxpayers.
- **Definitions:** The perspectives of commenters emphasized the need for clear definitions of the ridgeline, treeline, structures, buffers, and beginning point of measurement to be included in the code.
- **Buffers:** It was also suggested that a more precise description of the acceptable placement of a structure and specifying the points of measurement would give much more clarity to the code. With the exception of only a few who voiced an opinion, those who did voice their concerns urged the Board to include some description of an acceptable height of the structure from a prescribed beginning point and declare a set number of feet below the ridgeline to be included in the code.
- **Diagrams:** Please take note of two sets of diagrams offered by the public that are included for your review on pp. 33 & 36. Both sets illustrate the need for proper definitions while adhering to our CMP guidelines for protections and development. The CAC agrees that these diagrams are a useful tool and help to illustrate present and possible Ridgeline Protection.

***It is the opinion of the CAC that any wording reflects the intention of the CMP and these diagrams. We also stress that definitions of ridgeline, treeline, buffer and baseline of measurement be included as part of the code.***

## CAC Special Meeting January 20, 2024

The CAC held a special meeting devoted to the Ridgeline Protection Law. Thirty-one people attended, including Town Board liaisons Sessa, Cauchi, and Zambito and eight CAC members. For 45 minutes, multiple comments from the public were heard:

This portion of the meeting was recorded and made available on the Town website. To summarize:

- The CMP was brought up multiple times as the reference for the Town Board to rely on in making changes to the code
- Councilmembers Sessa and Zambito replied to a question from the audience as to why this change was being made at this time. Again, it was said that the code was unclear about where the 50 ft was measured from and that the Town Engineer suggested removing the two lines referring to 50 feet from the code to the Town Board.
- Councilman Zambito replied that the Planning Board passed the issue to the Town Board, and he questioned landowners' rights to build on their property. He mentioned Scenic Hudson could buy ridgeline property for conservation purposes but then questioned how that would affect Marlborough's tax base and if tax monies would need to be refunded to property owners.
- Councilmember Cauchi, speaking for himself, thought a two-tiered approach might satisfy landowners' rights and still provide some ridgeline protection.
- One public member provided a demonstration of where measurement should begin to determine how the 50 feet should be measured. He referred to his own property, which is in the overlay district. He used an app available from the National Geological Maps Database, MY ALTITUDE—[My Altitude for iOS](#), [My Altitude for Android](#)—to take measurements of latitude and longitude in relation to his home and the ridgeline to determine the height of his home and its distance below the ridgeline. He suggested using a similar method and explanation in the town code. This would give guidance to the landowner, Planning Board, architects, engineers, and Code Enforcement personnel on appropriate placement once the prescribed distance from the ridgeline is decided.

## Other Comments from the Public

Multiple written public comments were received via email or written delivery. Where needed, names and contact information have been redacted, but these comments are included for your use. Copies of the written comments can be found in the [Public Comments](#) section.

# Ridgeline Codes for Comparison

Council Member Sessa volunteered references she found relating to ridgeline protections from other municipalities. CAC members and the public also contributed references. Their web page links are included in the appendices. Many of the codes have specific wording that would give the developer and the enforcer clearer guidance. We feel as a group that more specific wording would protect the Town, the landowner, and most importantly, the Ridgeline. For example, the Hillsdale, NY code includes a definition within the code, cites 40 feet below the crest line (our code says both treeline and ridgeline. Forty feet is a compromise already suggested by Marlborough's Planning Board), and still gives guidance on chimneys and rooftop structures. Councilmember Sessa's referrals are included. Other links from other suggested codes are itemized.

## Hillsdale, NY

Per the Ridgeline Protection Laws, Hillsdale, NY: "Will be at least 40 feet below the Crest Line of any ridge and will not disturb the continuity of the tree line when viewed from any publicly accessible road. As used herein, "Crest Line " means the tops of trees as seen from any publicly accessible road or, if there are no trees, the natural ground elevation of the land. The only portions of a structure that may project higher than 40 feet below the crest line shall be a chimney, satellite dish, antenna, or cupola, which shall not be higher than 30 feet below the crest line"

[Town of Hillsdale, NY. Ridgeline Regulation](#)

## Bedford, NY

Ridgeline Overlay-District.pdf Bedford, NY View and Vista Preservation. "The Planning Board may require that, to the maximum extent practicable, any structure, improvement or other feature of the project not be visible from any public property, roads open to the public or any other area within the Town of Bedford used or accessible by the public.

[Town of Bedford, NY Steep Slopes and Ridgelines](#)

## Canandaigua, NY

Canandaigua " If the roofline will become visible above the horizon along a Ridgeline as viewed from a Common Public View Area the maximum building height shall be 25 feet as measured from the average finished grade. If the site contains mature vegetation that can screen the roof line of the building, the maximum building height can be increased to the maximum allowable building height for the underlying zoning district.

[Town of Canandaigua, NY. Viewshed and Ridgeline Protection Areas](#)

## Monroe, NY

Monroe, NY Location below the ridgeline. "All structures shall be sited so that the roof or the top of the structure is located below the ridgeline unless the structure is fully screened by existing vegetation and appropriate restrictions are placed on the lot to ensure that said vegetation is not removed. In no instance shall a structure pierce the skyline as seen from any public road. Vegetation shall be retained or planted to ensure this requirement is met. The Planning Board may impose conditions or otherwise limit the maximum height of any structure to achieve the objectives of this section"

[Town of Monroe, NY Environmental and Design Standards](#)

CAC members also received or researched codes.

## Gardiner, NY

Gardiner, NY- gives their Planning Board explicit guidelines

[Town of Gardiner, NY, Resort Development Floating District \(RDF\)](#)

## Philipstown, NY

[Town of Philipstown, NY Zoning](#)

## Eagle Mountain, UT

[City of Eagle Mountain, UT. Ridgeline Protection Standards](#)

## Town of Marlborough Planning Board Comments

To follow through on an application before them involving a Ridgeline development, the Marlborough Planning Board supplied comments to the Town Board for their consideration. The CAC's understanding is that this application is pending at this time and quite possibly is the impetus for this proposed amendment.

A better outline of the need for clarification of the law might be better understood by reviewing these Planning B minutes, pp 21-42, which can be read using this link:

[Town of Marlborough, NY, Planning Board, Regular Meeting Minutes, October 16, 2023](#)

The Planning Board's Comments on the suggested revision follows:

[Town Marlborough, NY, Planning Board Recommendations](#)

## **Town of Marlborough Planning Board**

### **In the Matter of a Zoning Text Amendment for various portions of Chapter 155, "Zoning"**

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#### **REFERRAL FROM THE PLANNING BOARD**

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##### **Background**

The Town Board of the Town of Marlborough proposed the following amendments to the Town of Marlborough Zoning Code in accordance with Section 155-48 of the Town Code.

- An amendment of section 155-31 of the Town of Marlborough Zoning Code as it pertains to the regulations that govern extensions of Site Plan approvals. The proposed text amendment consists of a change of the time period for the completion of construction from two to four years and a change in the number of extensions allowed from two to three.
- An amendment of section 155-41.1 of the Town of Marlborough Zoning Code as it pertains to the regulations surrounding ridgeline and steep slope protection. The proposed amendment consists of the removal of the prohibition on building closer than 50 feet in elevation to the ridgeline.
- An amendment of Section 155-1 adding definitions for "Cannabis", "Cannabis Establishment", "Cannabis On-site Consumption Establishment", "Cannabis Products", and "Cannabis Retail Dispensary".
- An amendment of Section 155-12 pertaining to the use of cannabis establishments in the HD District.
- An addition of Section 155-32.5 "Cannabis/Marijuana Retail Sales and Lounges".

These amendments were heard by the Town Board of the Town of Marlborough on December 11, 2023, and was subsequently referred to the Planning Board for its Review and Recommendation on that date pursuant to Town Code 155-49.

The Town of Marlborough Planning Board (the "Planning Board") heard the aforementioned amendments during a discussion of the Board at their regular meeting held on Monday December 18, 2023. These amendments were also referred to the Ulster County Planning Board in accordance with Town Law.

The Board reviewed and issued opinions on the proposed amendments separately, and as such there will be three separate opinion sections reflecting each proposed amendment as follows:

1. 155-31 Site Plan Review
2. 155-41.1 Steep Slope and Ridgeline Protection

3. 155-1; 155-12 and 155-32.5 Cannabis/Marijuana Retail Sales and Lounges

**Opinions of the Planning Board**

1. Amendment of 155-31 Site Plan Review

One of the main concerns raised by the board was how extensions and the completion date are calculated and whether it could result in an applicant potentially having 12 years to complete their project. Stating within this regard that this would be an excessive amount of time to complete a project in the opinion of the Planning Board.

Overall, generally, the Board was in favor of this amendment with a request for clarity as it pertains to the calculation of the time periods, and would suggest that the Town Board impose a maximum of seven years for completion within Section 155-31.

2. Amendment of 155.41.1 Steep Slope and Ridgeline Protection

The proposed amendment raised several concerns by the Board. The main concern was what effect this amendment would have on the ridgeline and in preserving the topography of the ridgeline, more commonly referred to as the “Marlborough Mountains.” The other concern raised was the purported inconsistency with the Town of Marlborough Comprehensive Plan by allowing structures to be built within fifty (50) feet of the elevation.

The Planning Board would request that the Town Board provide them with a rationale as to why this code amendment is being proposed.

Through its discussion on this proposed amendment, the Board suggested to reduce the 50-foot setback to 40 feet instead of deleting it altogether. This was based on the maximum height being 35 feet for all zoning districts except for HD and I.

3. Amendments to 155-1 and 155-12 and the addition of 155-32.5 Cannabis/Marijuana Retail Sales and Lounges

The Board and its Consultants had a few concerns surrounding these proposed changes. The main concern related to Cannabis Establishments being limited to the HD Zoning District. Uses allowed in the HD Zoning District are also permitted in the BC Business Corridor Overlay District, and as such, cannabis establishments would be permitted there as well.

The Board also suggested several changes be made to the areas where cannabis establishments be located, specifying the addition of “buildings owned or operated by the school district” to 155-32.5(C)(6)(b) so as to include any buildings which are currently now and may be in the future owned or operated by the school district.

**Recommendation**

In light of their discussion from December 18, 2023 and the questions and concerns raised at that meeting, the recommendation of the Town of Marlborough Planning Board is as follows for each of the respective proposed local laws:

With regard to the proposed amendment to 155-31 of the Town of Marlborough Zoning Code pertaining to Site Plan Review, the Planning Board is generally in favor of this amendment though as stated previously would request that some clarity be provided for the calculation of the time periods and extensions as well as a suggestion to cap the years for completion at seven.

With regard to the proposed amendment to 155-41.1 of the Town of Marlborough Zoning Code pertaining to Steep Slope and Ridgeline Protection, the Board provided the alternative suggestion of reducing the 50-foot setback to 40 feet.

With regard to the proposed amendments relating to Cannabis/Marijuana Retail Sales and Lounges, the Board had some minor suggestions to add in a reference to include "buildings owned and operated by the school district" among those locations where Cannabis Establishments are prohibited within 500 feet. The Town Engineer also added a concern regarding the connection between the HD and BC Overlay Zone, and the use being permitted in both zoning districts.

A handwritten signature in black ink, appearing to read "Chris Brand", written over a horizontal line.

Chris Brand, Planning Board Chairman

Dated: Milton, New York  
January 8, 2024

# Ulster County Planning Board Recommendations

As a matter of course, the proposed amendment was sent to the Ulster County Planning Board for their review. That report is attached. They focused on the visual impact to the ridgeline and that a code should “preserve a municipality’s scenic landscape and to limit visual impacts to the greatest extent practical. The proposed law strips away many of those protections.” The full recommendation is included.

## ***REFERRAL RESPONSE***



### **ULSTER COUNTY PLANNING BOARD**

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

**Referral Number** **2024012**

**Municipality** Marlborough  
**Referring Agency** Local Governing Body  
**Type of Referral** Zoning Statute Amendment

**Local File Number**

**Name of Applicant** Town of Marlborough  
**Name of Project** Miscellaneous Zoning Updates  
**Project Location** Townwide  
**Description** Miscellaneous Zoning Updates

### **UCPB Decision**

### **Required Modifications**

**See Attachments** ☒

**Referral Officer**

A handwritten signature in blue ink, appearing to read "R. H. = L. J.", is written over a horizontal line.

Representing the Ulster County Planning Board

**Date Received** 12/12/2023  
**Date Reviewed** 1/3/2024  
**Form Date** 1/4/2024  
**Status** Reviewed



# Ulster County Planning Board



Dennis Doyle, Director

Scott Corcoran, Supervisor  
Town of Marlborough  
P.O. Box 305  
Milton, NY 12547

## RECOMMENDATION

REFERRAL NO: 2024-012  
DATE REVIEWED: 01/03/2024

### Re: Miscellaneous Zoning Updates - Zoning Statute Amendment

#### Summary

The Town is proposing to update its zoning law in two unrelated areas. The first is regarding the expiration of site plan review approvals and the second is regarding steep slope protection regulations.

#### Materials Submitted for Review:

- Referral Form
- Draft Local Law/Resolution
- Full EAF
- Coversheet

#### Recommendations

##### Expiration of Site Plan Review Approvals

The proposed law increases the expiration time for completed review from two to four years, though an approved site plan must be begun still within the first year. The proposal also expands the planning board's discretion by allowing for three additional one-year extensions rather than two as currently written in the law.

##### Required Modification

Rather than give all projects four years, the Ulster County Planning Board (UCPB) recommends granting the Planning Board discretion to determine the completion time frame or better yet, setting thresholds within the law (square footage, area of disturbance, SEQRA impacts, etc.) whereby the four-year completion time frame would be triggered and give applicants and the public a greater sense of transparency in the review process. Not all projects necessitate a four-year completion window.

##### Ridgeline and Steep Slope Protection

The Town is proposing to remove the restriction on structures being allowed closer than 50' in elevation to the ridgeline as well as the restriction on disturbance within that 50' area except for driveways when they cannot be located outside of the 50' area.

##### Required Modifications

The purpose of the ridgeline and steep-slope protection laws is generally to preserve a municipality's scenic landscape and to limit visual impacts to the greatest extent practical. The proposed law strips away many of those protections. In most, if not all cases, the placement of structures on an unobstructed and disturbed ridgeline will create a potential visual impact. The UCPB therefore

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Fax: 845-340-3429

Email Address: [riei@co.ulster.ny.us](mailto:riei@co.ulster.ny.us)  
Web: [ulstercountyny.gov/planning/ucpb](http://ulstercountyny.gov/planning/ucpb)

# FINAL ACTION REPORT FORM

Per GML 239-m and -n FINAL ACTION REPORTS ARE  
REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS  
AFTER FILING

Complete the local agency final action box, add the local file  
number, include any required submittals, and sign the form



Name of Project: Miscellaneous Zoning Updates

Referral Number: 2024012

UCPB Decision: Required Modifications

## Local Agency Final Action:

☐ Approve ☐ Disapprove

Member Vote: Yes: ☐ No: ☐

- ☐ County Planning Board Decision -  
Reviewed no County Impact
- ☐ Concurs with County Planning Board  
Modifications or Disapproval
- ☐ Contrary to County Planning Board  
Modifications or Disapproval (see  
required submittals if checked)

☐ Required Submittals Attached

☐ Resolution Attached

Local Officer: \_\_\_\_\_

Date: \_\_\_\_\_

## Required Submittals:

Within thirty days after final action, the referring body must file a  
report of the final action it has taken with the UCPB. A referring body  
that acts contrary to a recommendation of modifications or  
disapproval of a proposed action shall set forth the reasons for the  
contrary action in such report attached to this form.

Local File Number: \_\_\_\_\_

Municipality: Marlborough

Referring Agency: Local Governing Body

Type of Referral: Zoning Statute Amendment

Name of Applicant: Town of Marlborough

Project Location: Townwide

Description: Miscellaneous Zoning Updates

## ~ For Ulster County Planning Board Use Only ~

## Local Board Decision:

Original Date Received: 12/12/2023

Original Review Date: 1/3/2024

Final Action Date Received:

Status: Reviewed

## Return Form to:

Referral Officer  
Ulster County Planning Board  
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

***On a side note, in regard to the first portion of the proposed amendment, Section 155-31 (K), which the CAC did not focus on, the UCPB suggested changes that would give more discretion to our Town Planning Board in extending project completion dates. We would agree with their suggestion from a land conservation viewpoint. We support the premise that disturbed land created by any development should be stabilized as soon as possible but question if a total of 7 years might give rise to abandoned projects if the economy of the time makes development unaffordable for the developer. Unfinished projects can be an eyesore and devalue properties, affecting our tax base.***

## Scenic Hudson Comments

Scenic Hudson also made their comments known to the Town Board. Part of their two-page letter includes: "The current law reflects a strong intent to protect Marlborough's ridgelines and steep slopes for 'the safety and welfare of the citizens of the town.' Removing the specific numerical guideline currently imposed by the law would risk creating further uncertainty in enforcement and potentially weaken the law's protections. Instead, an alternative approach would be to amend the current law to clearly indicate how the 50-foot difference in elevation must be measured. If this provision is referring to the vertical difference between the ground at the crest of the ridgeline and the highest point on any structure, this should be clearly explained." (Continued on next page)



SCENIC HUDSON, INC.  
85 Civic Center Plaza  
Suite 300  
Poughkeepsie, NY 12601  
Tel: 845 473 4440  
Fax: 845 473 2648  
ScenicHudson.org

January 22, 2024

**Via Email**

Scott Corcoran, Supervisor  
And members of the Town Board  
Town of Board of Marlborough  
21 Milton Turnpike, Suite 200  
Milton, NY 12547  
supervisor@marlboroughny.us

**Re: Ridgeline Protection Law Amendments**

Dear Supervisor Corcoran and members of the Town Board:

Scenic Hudson is writing to urge the Town Board to maintain the Town of Marlborough's existing ridgeline protections in its Town Code. Similar local laws have been enacted by other municipalities throughout the region and are a common practice for preserving scenic character, limiting construction in areas prone to erosion, and protecting ecologically sensitive habitat areas.

We understand that concerns have been raised because the Local Law contains ambiguous language. Scenic Hudson highly recommends that instead of removing the protections entirely, ambiguities in the current law be resolved to ensure that the scope and intent of the law are clearly understood by both property owners and enforcement officials.

Marlborough's current law is not unusual. Similar elevation buffers are currently imposed by both Amenia<sup>1</sup> and Hillsdale.<sup>2</sup> Other municipalities, including Shawangunk<sup>3</sup> and Austerlitz,<sup>4</sup> require construction to remain below existing treelines or ridgelines, while others, such as New Paltz<sup>5</sup> and Esopus,<sup>6</sup> combine this requirement with an additional prohibition on construction within a horizontal distance of the ridgeline crest. Still others, including Gardiner<sup>7</sup> and Blooming Grove,<sup>8</sup> simply limit the allowed height of buildings in sensitive areas.

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<sup>1</sup> Town of Amenia, NY Code § 121-14.1(F)(4).

<sup>2</sup> Town of Hillsdale, NY Code § 245-31(7)(d).

<sup>3</sup> Town of Shawangunk, NY Zoning Code § 177-5(M)(6)(g).

<sup>4</sup> Town of Austerlitz, NY Code § 195-19(B).

<sup>5</sup> Town of New Paltz, NY Code § 140-137(C)(5).

<sup>6</sup> Town of Esopus, NY Code § 123-22.1(3)(e).

<sup>7</sup> Town of Gardiner, NY § 220-16(E).

<sup>8</sup> Town of Blooming Grove, NY Code § 235-14.4(4)(a)(2).



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The current law reflects a strong intent to protect Marlborough's ridgelines and steep slopes for "the safety and welfare of the citizens of the town."<sup>9</sup> Removing the specific numerical guideline currently imposed by the law would risk creating further uncertainty in enforcement and potentially weaken the law's protections. Instead, an alternative approach would be to amend the current law to clearly indicate how the 50-foot difference in elevation must be measured. If this provision is referring to the vertical difference between the ground at the crest of the ridgeline and the highest point on any structure, this should be clearly explained.

At any rate, the Town should gather adequate information before taken any action to amend the law, as required by SEQRA. As a change to the uses allowed by Marlborough's zoning code in an area exceeding 25 acres, the proposed amendment would qualify as a Type I action requiring increased scrutiny and public input.<sup>10</sup> Moreover, we urge the Town to review any changes for consistency with Marlborough's Comprehensive Plan<sup>11</sup> and Local Waterfront Revitalization Program, which discusses both the sensitivity of the Town's ridgeline ecosystems<sup>12</sup> and their "economic, environmental, and aesthetic value."<sup>13</sup>

We hope that the Town Board considers these comments prior to making its determination.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Johnathan Clark", is written over a horizontal line.

Johnathan Clark, Esq.  
Advocacy Attorney

---

<sup>9</sup> See Resolution 103 of 2005, Marlborough, NY, (Oct. 11, 2005).

<sup>10</sup> 6 N.Y.C.R.R. § 617.4(b)(2).

<sup>11</sup> Town of Marlborough, NY, *Comprehensive Plan*, pg. 28, 31 (Dec. 11, 2017).

<sup>12</sup> Town of Marlborough, NY, *Local Waterfront Revitalization Program Comprehensive Plan and Draft Generic Environmental Impact Statement*, pg. 21 (May 11, 2020).

<sup>13</sup> *Id.* at pg. 68.

## Questions Related to Law

At the CAC January 11 meeting, members of the public pointed out how expensive it was to the Town to address the legal battles over the proposed Truncali subdivision. Those speakers conveyed that the Town should be aware of the damage done by the clearing of that land, some of which lies on the ridge and most on a steep slope. Changes in drainage created problems for residents below those property lines that remain today.

***Public members urged the Board to be mindful so as not to repeat the same mistake with this code. They want to protect the taxpayers from potential litigation costs.***

## Agricultural Rights

Jake Wedemeyer, Executive Director, Ulster County Soil and Water Conservation District, was contacted for documentation in regard to the conservation of our natural resources. He was quick to recommend that any change in the code should first consider consequences to natural waterways, soil erosion, wildlife habitat, and change to agricultural lands. He explained that the creation of impervious surfaces increases peak flow from heavy precipitation and land development at higher ground elevations. He stated that there needs to be a stable outlet for drainage. He provided references to the Right to Farm Laws and Agriculture rights codified by both State and local laws. He specifically questioned if an Agricultural Assessment Review was needed and, if so, was done.

***The CAC hopes that the actions described in these references are considered in the rewording of the code.***

- [ARTICLE 25-AA Agricultural Districts](#)
- [Agricultural Districts](#)
- <https://agriculture.ny.gov/agm-section-305-b-agricultural-data-statement>

## Marlborough's code on steep slopes

The amendment to the code is presented out of context with the entire Steep Slope Chapter. A full reading of the statute affords the reader a deeper understanding of the intent of the law, and all should be encouraged to read it in its totality.

[Town of Marlborough, NY Administration and Enforcement](#)

## Costs

The question of the impact on taxable parcels of buildable and non-buildable lands was brought up. In addition to the costs of potential litigation if an Article 78 action was brought on the Town,

costs to road and infrastructure repair were also brought up by the public. Past clearing of land on and near the top of the Ridgeline with the Truncali subdivision has changed runoff patterns and caused flooding. Further clearing is likely to add to that and cause increased damage as climate change brings more intense weather events. If insurers deem the area to be high risk, residents on the ridge could see an increase in insurance premiums or may be unable to get insurance. There is precedent for this in California, where State Farm is no longer issuing new homeowners policies statewide, citing "rapidly growing catastrophe exposure."\* Damage to individual properties opens the Town to legal action, such as the proceedings in progress regarding the collapse of Old Indian Trail in Milton. Responding to such actions and being ordered to pay damages costs the Town and taxpayers money. More clearing and development are sure to increase the risk of liability and payout of damages. Future development and changes to the Town Code should be considered carefully to prevent this.

[\\*State Farm decision to stop issuing homeowners insurance in California may drive up premiums - CBS San Francisco](#)

***The costs of road repair due to water runoff were mentioned by the residents who traverse Mt. Zion Road daily. The CAC expresses our opinion to the Town Board that all costs for producing and defending any code must be considered before its adoption.***

## Forestry

The 2017 CMP update reminds us:

"The forested hills descending from the Marlborough Mountain range are part of a globally significant forest patch that extends into the Town of Plattekill. Globally significant forest patches range in size from 15,000 to 600,000 acres and represent the largest, most intact forests. The size and natural condition of these forests support ecological processes, natural communities, and populations of forest-interior plant and animal species. Smaller patches of forest are located in the southeastern and northwestern portions of town. Forests of this size, at least 200 acres in size, are considered the minimum threshold for intact forest ecosystems capable of supporting forest-interior bird species. Maintaining these unfragmented forest areas should be a consideration for any future natural resource conservation endeavor. " pp 28-29

## Wildlife

Disruption of naturally occurring woodlands and waterways disrupts the habitats of all creatures dependent on them, forcing them to search for new areas for food or shelter. We see this with deer especially, but bears have been noted within both hamlets in recent years as well. Birds and freshwater fish must also be considered.

# Remaining Questions

The following questions were raised at the regular CAC meeting on February 8:

1. It was reported that the Town Engineer suggested clarifying the Code. As part of his responsibility, could we have his comments and suggestions for the Board and public to share?
2. Was an Agricultural Assessment Review done?
3. How would the assessment of properties both on and below the ridgeline be impacted?
4. What actions can the CAC take to assist you in regard to this code?
5. Are there any other areas where the CAC could assist the Board?

# Recommendations

Without understanding the reasoning for the abrupt change to the Ridgeline Protection Code and the urgency being applied to it, the CAC is recommending that the Town Board discard the wording as proposed at the Public Hearing and continue to investigate wording that will enhance and strengthen our code. A strengthened code will place safeguards and directions for the protection of the Ridgeline while giving applicants, landowners, the Town Planning Board, and enforcement officers the guidelines to follow to ensure proper development and land use outlined in our Comprehensive Master Plan and its updates.

# Summary

- ***The Board should separate the two clauses to become two separate amendments to consider for adoption.***
- ***In regard to the Ridgeline Protection Code, The Board should discard the present amendment as worded and create an improved, non-ambiguous code with the guidance of our Town Engineer, Town Attorney(s), and qualified professionals.***
- ***The wording should follow the intent of the CMP.***
- ***The code should include clear definitions for ridgeline, treeline, structure, buffers, and point of measurement.***
- ***Qualifying and/or quantifying language for enforcement standards should be included.***
- ***Consider neighboring communities' ridgeline protection laws for specificity and language within our own code.***



The CAC would continue to assist the Town Board in this regard if the Board desires. In the meantime, this full account of our findings is included for your use.

Thank you for the opportunity to assist you.

Respectfully submitted,

Mici Simonofsky,  
CAC Chair pro tem

# References

## Supporting Documents

- [Town of Marlborough Town Code 155](#)
- [Town of Marlborough. NY Administration and Enforcement](#)
- [Copy of Notice of Public Hearing with wording of Proposed Amendment](#)
- [Comprehensive Master Plan 2002 with page references](#)
- [CMP update 2017 with page references](#)
- [LWRP adopted 2022 with page references](#)
- [Ulster County Planning Board reference document LAND USE REFERRAL GUIDE](#)

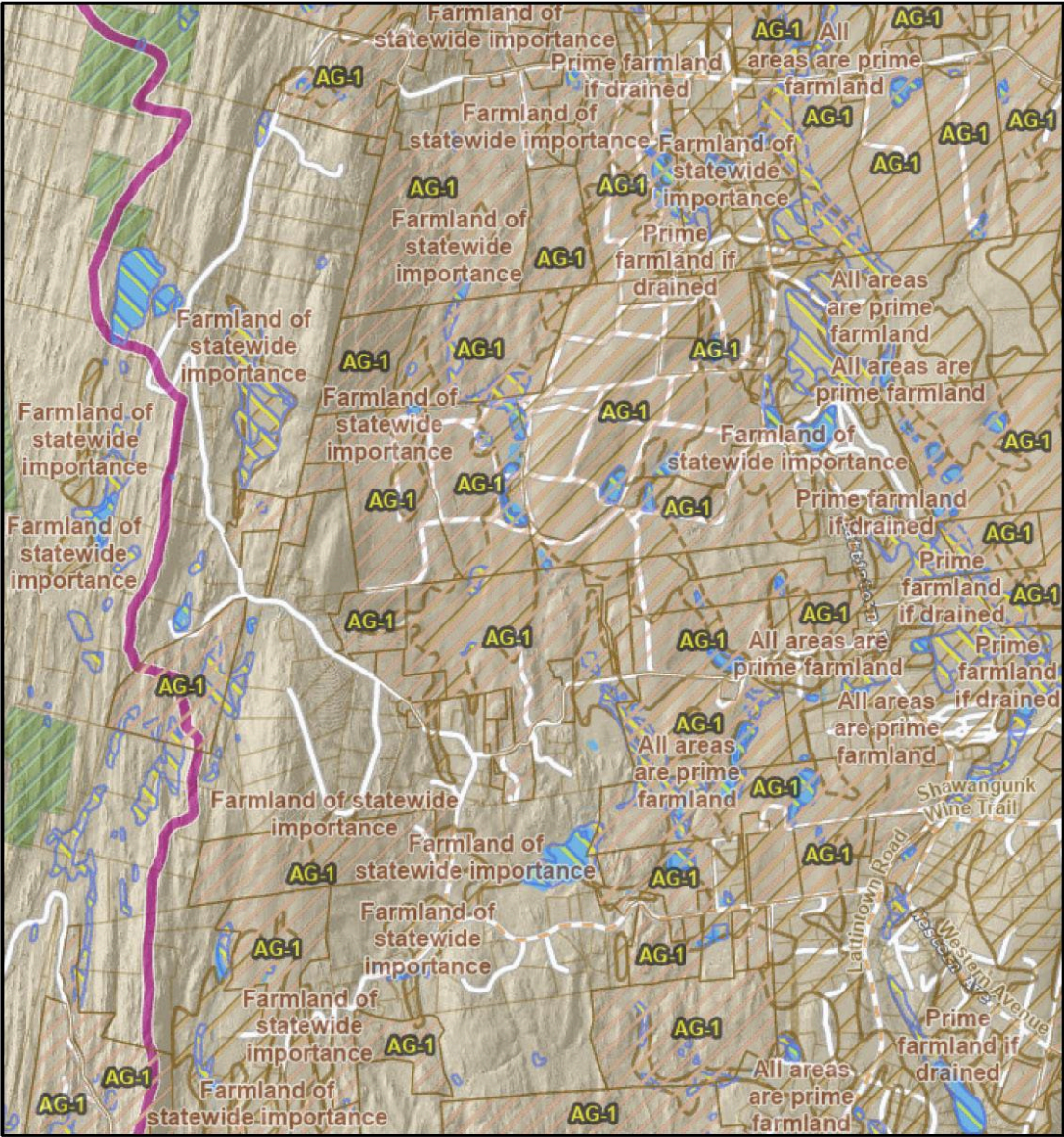
## Recommendations of Government and Other Agencies

- Town of Marlborough Planning Board Comments (see pp 12-14)
- Ulster County Planning Board Comments (see pp 16-18)
- Ulster County Department of Soil Conservation: [NYSenate.govAgricultural Districts](#)
- Scenic Hudson Comments (see pp 20-21)

## Visuals









- [Video Jan 8 Public Hearing](#)
- [Video CAC Jan 11 meeting](#)
- [Video CAC Jan 22 meeting](#)
- [Illustration](#): Building below the ridgeline vs. on it
- [Illustration](#): The current and proposed codes
- [Town of Marlborough Ridgeline Overlay Map](#)
- [Waterway and Agricultural Map](#) generated via [Ulster County Parcel Viewer](#)

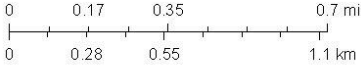
Ulster County Parcel Viewer



February 9, 2024

1:27,360

- |   |  |
|---|--|
|  Recreation_Areas          |  Watershed_NHD_HUC10    |
|  Trails                    |  Wetlands_NWI_USFWS2005 |
|  <all other values>        |  Agricultural Districts |
|  Prime_And_Important_Soils |  1                      |





# Town of Marlborough Ridgeline Protection Map July 2005



**Map Legend**

- Ridgeline Protection Area
- Contour Lines
- Parcel Boundaries

**Slope Breakdowns**

Value

- 0-15%
- 15-25%
- > 25%

Polygon #1  
Acres 612.52

Total Ridgeline Protection Area  
Acres: 2105.12

Polygon #2  
Acres 1492.60



Scale 1:24,000 Feet

Produced by C. Albrechtsen  
Date: July 2005  
Data Sources: UCRPTSA, Parcel Data  
Town DEM, Contour Lines  
Projection: UTM  
Datum: NAD27  
Zone: 18  
Units: Feet

## Ridgeline Protection Codes for Review

**Marlborough Town Code 155** [Town of Marlborough, NY Administration and Enforcement](#)

## Suggested Ridgeline Protection Laws for comparison

- **Hillsdale, NY:** - this is a very comprehensive Town code [Local Law 6 2007 – Ridgeline Overlay District | Hillsdale](#)
- **Bedford, NY:** [Town of Bedford, NY Steep Slopes and Ridgelines](#)
- **Canandaigua, NY:** <http://www.townofcanandaigua.org/Documents/files/2018-01>
- **Monroe, NY:** [Town of Monroe, NY Environmental and Design Standards](#)
- **Gardner, NY:** - writes specific protections with documented reasoning: [Town of Gardiner, NY. § 220-18 Resort Development Floating District \(RFD\)](#)
- **Philipstown, NY:** - has cites specific measurement values and authorities to the Planning Board. [Town of Philipstown, NY Supplementary Regulations](#)
- **Eagle Mountain:** [Chapter 17.62 RIDGELINE PROTECTION STANDARDS](#)

# Public Comments

## Links to Documents From Members of the Public:

- [Zoning & Steep Slopes](#)
- [Ridgeline Protection Q&A](#)
- [Ridgeline Protection Background](#)

## Emailed Public Comments

Dear Supervisor Corcoran:

I'm writing to understand more about your proposal to strike the 50-foot building restriction along the full seven miles of the Marlboro Mountains Ridgeline contained within the town of Marlborough. After listening to several people on the matter, including the present and past town board members and my fellow property owners on or near the ridge to understand the pros and cons, I'm frankly confused as to how it is expected to benefit the town.

The ridgeline protection was put into place in 2005 to align with the Comprehensive Plan's focus on preserving our town's natural resources as well as its aesthetics, both of which contribute directly to our economically important agritourism sector. Stripping the forest and building on the literal top of the seven miles of the ridgeline would have a permanent negative impact on both our natural resources and aesthetics, damaging our agritourism and reducing the money it attracts to our town. It would also have a negative impact on neighboring properties. The flats on Mount Zion between the Quimby Farm and Nicklin property still continue to suffer from extreme flooding that can last days. I personally experienced damage to my driveway due to the erosion and increased flooding when a previous lot of land on Mount Zion Road was being developed contrary to the zoning code. I wonder what damages my property could incur should the ridgeline protections be removed, and if I will have to pay for those damages out of pocket or will the town have to fix the damages, passing the cost to all town of Marlborough taxpayers?

Since Mount Zion Road is technically a dead-end west of Mountain Road, what will happen if erosion and flooding caused by ridgeline construction causes parts of the road to wash out (as it already has in another part of Marlborough)? Those residents could conceivably end up unable to access their homes or key services, including emergency services. The cost to the taxpayers, should such a thing happen, would be astronomical.

What is the perceived benefit to striking the 50-foot restriction that would make up for these cons? I have heard one town board member say that he believes that he should be able to do whatever he wants to his own land – but is that really his (or your or anyone's) view? Because I feel extremely confident that if I requested your town board to change the code so that I could

build a high-rise building or a low-income housing project on my Mount Zion property, you would not think, “Hey, it’s her property, she can do what she wants.”

I look forward to learning the reasoning for your proposal and its expected benefits to the town of Marlborough.

## Public Hearing Reports

### CAC Reports to Public Hearings

January 8, 2024

To: Supervisor Corcoran & Members of the Town Board

Good evening. I am speaking to you at this Public Hearing with comments and questions in regards to the proposed new law for expanding the limits for completion of projects as well as the proposed change to the Ridgeline Protection Law.

I noticed these proposed laws from attending the December Town Board meeting and it occurred to me that the Conservation Advisory Committee should weigh in on the Ridgeline law as part of our responsibility to advise the Board on matters affecting natural resources and the environment. I circulated an email to CAC members and there are a few questions that have resulted from conversations with some of those individuals in regards to the proposed amendment. Councilwoman Sessa responded and sent the CAC an explanation that the

“ The update will remove the sentence that stipulates development cannot be closer than 50 ft in elevation to the ridgeline effected. We were advised by the town engineer to remove that line, as we are one of the only towns that have that restriction in place. The code doesn't stipulate 50 ft from the highest point, simply 50 ft generally, and thus can be considered overly restrictive to the land owners. “

Her reply is appreciated, but the amended law takes away all restrictions as to the accepted level of elevation for new buildings. The CAC would like to understand the urgency for enacting this amendment and request some time to review the Town Engineer’s letter of necessity. The beauty of the western boundary of Marlborough cannot be denied. Our Comprehensive Plan explains the reason for adopting the Ridgeline Protection law as written for preserving the use and visual appearance of the ridgeline acreage. This is so important to support our agricultural heritage and agritourism, both industries that are our Town’s economic drivers.

In the meantime, I reviewed the Town’s Comprehensive Plan, version of 2002, where the importance of ridgeline protection is cited, resulting in the Ridgeline Protection Law. The Master Plan also clearly explains the importance of preserving the vegetation:

“ construction on steep slopes is difficult and leads to environmental degradation due to increased stormwater runoff and erosion.”



- [Town of Marlborough Comprehensive Plan, 2002](#)

See page 33 and pp 52-53 for specific references to define and protect steep slopes and the ridgeline

Just this evening, I also located the updated CMP of 2017 that also reinforces the need to protect our forested area and preserve our natural resources, especially in regard to agricultural lands and industry

- [Town of Marlborough, NY Comprehensive Plan, November 2017](#)

See, among others, pp 7-8 and 28

There are other considerations that I feel are worth reviewing. If building restrictions on the ridgeline are removed, it is conceivable that the entire ridgeline could be dotted with assorted housing types. It would be wise to consider the impacts not only of the aesthetic changes this could create, but also erosion, changes in drainage, and more. Light pollution is another concern the CAC has already brought to the attention of the Town Board that should be considered before enacting this amendment. The amended law also seems to deny the Planning Board 's authority in approving applications when it allows the Town Engineer to also be the determining voice.

At their request I am conveying these comments from CAC members who are not able to attend tonight:

“So I see there will remain a reference to the tree line. One might ask what the definition of treeline is and why that wording remains. How are the engineers defining it? You could also ask what is to stop someone from altering a treeline by harvesting trees in order to comply to whatever the engineer is using as a reference. It seems odd this is remaining. Is it to placate concerned townspeople?”—*Stephen Osborn*

“What is the reasoning and the urgency of this amendment? I feel the Board has an obligation to inform the CAC and the public in general about this change in more detail.”—*Jannelle Koszarek*

These are some of the concerns brought up. In short, I respectfully request that the public hearing not be closed until the CAC can present comments to the Board based on additional research and information from Town documents.

We did not have the opportunity as a committee to review the changes in the law due to the timing of the announcement of the Public Hearing on December 11, as well as the holiday interruptions. There was insufficient time to schedule a special meeting. However, I would place it on this week's meeting agenda to begin our review.

I also ask that this letter of comment be included in the minutes of the Public Hearing.

Respectfully submitted,



Mici Simonofsky, Conservation Advisory Committee Chair pro tem

January 22, 2024

To the Board:

The Conservation Advisory Committee (CAC) has held two meetings in regard to the Ridgeline Protection Law and at those meeting public members have voiced their comments and questions. The CAC is working on a final report but in the meantime, the CAC is recommending that the Town Board continue to investigate wording that will enhance and strengthen our code.

The Comprehensive Master Plan clearly refers to the ridgeline as one of the Town's strongest assets both visually and economically as its integrity lends to the continued success of our farmlands, the Town's biggest economic driver.

We heard so many members of the public speak to this. And the consensus above all is that the code, as one of the CAC members wrote:" needs to be updated with more succinct language, better definitions, and a clearer explanation of how the Marlborough Mountain Ridgeline Protection overlay zone/map is to be used. "

A strengthened code will place safeguards and directions for the protection of the Ridgeline while giving applicants, landowners, the Town Planning Board, and enforcement officers the guidelines to follow to ensure proper development and land use outlined in our Comprehensive Master Plan and its updates.

The CAC would continue to assist the Town Board in this regard if the Board desires. In the meantime, this full account is being developed along with a PowerPoint presentation for delivery at the February 12 meeting.

Once again I respectfully request that the public hearing remain open until the CAC has presented our findings for your use.

I ask that this request be included in the official minutes of the Public Hearing/Town Board meeting.

Thank you for the opportunity to assist you.

Respectfully submitted,

Mici Simonofsky

## Town Board Related emails

Supervisor Corcoran

# 1 Jan 10, 2024

On Wed, Jan 10, 2024 at 12:40 PM Mici Simonofsky <mici4marlborough@gmail.com> wrote:

Hello Scott.

Sherida shared with me that you would like to know if the CAC will be prepared to send you comments in time for your Jan 22 meeting. I will try to accomplish this. Would you send me via email (or I could pick up copies) of the Planning Board recommendations or comments to the Town Board in regards to the code change? Councilwoman Sessa referred to communication from Mr. Hines to the Town Board advising changing the code. I am unclear if he prescribed eliminating the 50 feet portion or if this was a suggestion only. If there are engineering guidelines that can enforce any appropriate changes, that is what we, the CAC, should be providing to our citizens to support the Board's considerations. Would you also provide me with a copy of all correspondence between you and Mr. Hines whether they be letter, email, or other communication. This will help us understand the intention of changing the Code.

Ulster County Planning Board comments are also requested.

As a result of the comments at the public hearing, my takeaway is that some additional definitions to the code might be more helpful than eliminating the footage requirements, or that the PB's thoughts of changing it to 40 feet might be appropriate. Either way, our comments will be directed to assisting your Board in strengthening the present code in a way that will satisfy landowners, taxpayers, and civic volunteers. Our common goal is enhancement of all Town resources and providing a sound foundation for future growth in a responsible manner.

To my CAC members, I will be sharing this documentation with you as soon as I receive it so that our discussions can be easily had and our comments quickly decided.

Many thanks to all. Mici

Jan 10 2024,

Mici,

I have not received the Ulster County remarks as of yet or the Planning Board recommendations. Once I do I can get you them. As far as Pat Hines I did it all through phone conversations with him and our attorney. I'm OK with keeping the public meeting open for a limited time, but I also do not want this extended past the end of the month or the latest the first meeting of next month. If the CAC has ideas to make the code more clearer or questions or comments that is great, but I do not expect them to re-write the code. As far as the 50 foot elevation, I believe that does need to be changed. I'm not looking for the roof top to be above

the ridge line. If you have a two story structure it would not be more than 35 feet but if you have a one story structure it possibly could be 20 feet. I'm trying to give the property owner flexibility but at the same time trying to protect the ridge line.

I have copied Councilmember Sessa on this response as she has volunteered to take the lead on it. She also will be having conversations with Pat Hines as well.

Thank You

Scott Corcoran, Supervisor

#2 Jan 12, 2024

Response to an email from public commenter

On Friday, January 12, 2024, 12:23 PM, Supervisor Scott Corcoran <supervisor@marlboroughny.us> wrote:

I appreciate the feedback. After a follow up call with our Town engineer, Pat Hines, Attachment B was the intent of the code. The structure's foundation (at grade level) cannot be built within 50 vertical feet of the ridge line. This was to give a 15 foot buffer from the ridge line to the top of the roof line.

The issue with the law is its confusion with these two statements "that the proposed buildings or structures will not extend above the predominant treeline" and "No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline" This is where we need to clean up the law and make it more clear on what the intent is.

Once we get all feedback from the public, the County, the Planning Board and the Town Board I'm sure we can come up with a code that is much more easily interpreted by all.

Thank You

#3 Jan 12, 2024

Mici,

I'm glad to hear that the meeting went well. Councilwoman Sessa has giving me a brief update as well on the meeting. I am meeting with Sherida today to further discuss the main topics of concern that came out of your meeting. I have asked councilwoman Sessa to take the lead on this and Councilman Zambito will also be working with Sherida. They both will be representing the Town Board as you hold these CAC meetings. If you have any follow up questions or need for information please just reach out to them.

The Town Hall meeting room is a good location to have a follow up meeting. I will let the clerk's office know it's OK and you can schedule the date. I appreciate you and the CAC working on helping us create a better code that is more defined and more clear for everyone to understand.

I would though like this completed by the first meeting of the month. I will ask the Board to extend the public hearing until February 12th. I do not want to go past that date. The Board then will have time to look at all the public comments and suggestions and make a well informed decision on how to proceed.

Thank you Scott

# 4 Jan 17, 2024

Scott Corcoran, Supervisor, January 17, 2024, at 10:30:19 AM EST

To: XXXXX

Subject: Re: Letter regarding the protection of the Marlboro Mountain Ridgeline

I appreciate your email and comments on the ridgeline code change proposal. The reason for the change is to give an applicant some flexibility to build on their property and to clarify the code which has two contradictory statements in it. Nothing else in the code is being changed and as you know people can build on the ridgeline as long as they meet the code requirements. One of the most stringent requirements is they can not build on a slope of more than 15% - 25%. This limits building on the ridgeline more than anything else. It also helps to prevent the flooding issues that tend to happen on a 25% or higher slope.

We want to clarify if it is the treeline or the ridgeline itself. By removing the 50 feet in elevation we are trying to give flexibility to the property owner but at the same time keep their roofline under the rideline. Basically a two story house is 35 feet so they have 15 feet flexibility to move up the ridge but not above it. A single story home is about 15 feet so this gives them flexibility to move up the ridge 35 feet but not above it. We are still keeping the ridgeline protection but giving property owners some flexibility.

Here is the section of the code that we are looking to update and clarify. The treeline section and the 50 feet in elevation as read makes this section of the code unclear to some applicants and we want to make it more clear. We may add wording to say the roof line must be under the ridgeline to make sure they understand structures can not be put on top of the ridge.

Section 155-41.1 (F) (4)

Applicants for construction on properties to which this section applies shall demonstrate to the reviewing board or Town Engineer, as the case may be, that the proposed buildings or structures will not extend above the predominant treeline. No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline affected by the application, as determined by the Town Engineer.

Thank You again for your letter and comments.

Scott Corcoran, Supervisor  
Town of Marlborough

On Wed, Jan 17, 2024 at 9:30 AM xxx wrote:

Dear Supervisor Corcoran;

Attached please find my letter to you that I would like you to read at the next town board meeting. I look forward to your response either via email or at the meeting.

Thank you for your time,  
XXXXX

Dear Supervisor Corcoran:

I'm writing to understand more about your proposal to strike the 50-foot building restriction along the full seven miles of the Marlboro Mountains Ridgeline contained within the town of Marlborough. After listening to several people on the matter, including the present and past town board member and my fellow property owners on or near the ridge to understand the pros and cons, I'm frankly confused as to how it is expected to benefit the town.

The ridgeline protection was put into place in 2005 to align with the Comprehensive Plan's focus on preserving our town's natural resources as well as its aesthetics, both of which contribute directly to our economically important agritourism sector. Stripping the forest and building on the literal top of the seven miles of the ridgeline would have a permanent negative impact on both our natural resources and aesthetics, damaging our agritourism and reducing the money it attracts to our town. It would also have a negative impact on neighboring properties. The flats on Mount Zion between the Quimby Farm and Nicklin property still continue to suffer from extreme flooding that can last days. I personally experienced damage to my driveway due to the erosion and increased flooding when a previous lot of land on Mount Zion Road was being developed contrary to the zoning code. I wonder what damages my property could incur should the ridgeline protections be removed, and if I will have to pay for those damages out of pocket or will the town have to fix the damages, passing the cost to all town of Marlborough taxpayers?

Since Mount Zion Road is technically a dead-end west of Mountain Road, what will happen if erosion and flooding caused by ridgeline construction causes parts of the road to wash out (as it already has in another part of Marlborough)? Those residents could conceivably end up unable to access their homes or key services, including emergency services. The cost to the taxpayers, should such a thing happen, would be astronomical.

What is the perceived benefit to striking the 50-foot restriction that would make up for these cons? I have heard one town board member say that he believes that he should be able to do whatever he wants to his own land – but is that really his (or your or anyone's) view? Because I feel extremely confident that if I requested your town board to change the code so that I could build a high-rise building or a low-income housing project on my Mount Zion property, you would not think, "Hey, it's her property, she can do what she wants."

I look forward to learning the reasoning for your proposal and its expected benefits to the town of Marlborough.

Thank you,  
XXXXX

# 4 Feb 8, 2024

XXXXX,

I appreciate you sending us your comments on the ridgeline code update. I will enter this into the record and read your letter at our meeting during public comments.

Thank You

Scott Corcoran, Supervisor  
Town of Marlborough  
Office (845)795-5100 Ext. 2  
Cell (845)309-3719  
[21 Milton Turnpike](#)  
PO Box 305  
Milton, NY 12547

On Thu, Feb 8, 2024 at 3:59 PM XXXXXXXXX wrote:

Dear Town Board members,

I'm am writing with my concerns about the eminent changes in the Ridgeline Protection Code.

I'm urging the board to take under serious consideration not dropping the current code from Ridgeline Protection, but make clarifications so both the planning board and applicants have succinct direction on what is permitted.

If the law is dropped it will open the floodgates for other developers to clear the ridge and encourage previously approved subdivisions to reapply for updated plats, which would allow crestline development. By way of example, I'm including a portion of the 2002 Truncali subdivision plat, which clearly shows several house on the top of the ridge.

The intent of the Master Plan and the code is to not only protect the veiws, but to protect the surrounding properties from flooding and run off, and future property owners from incredibly steep driveways, septic systems failures, worries about fire safety and emergency vehicle

access. A letter from the fire chief bore this out when writing, the Santini roadway would need regular maintenance to keep it open for emergency vehicles. How would this be accomplished, are there notes on the plan to insist on regular trimming? Would the buyer be made aware? Who takes responsibility when something unforeseen happens, the Town?

I implore the Town Board to take their time and work with the CAC to rewrite the code clearly, in a way that protects all the residents, future buyer, subdividers and farmers.

Thank you for your attention,

XXXXXX



Councilmember Sessa

# 1 Dec 19, 2023

Dec 19, 2023 at 9:39 PM Mici Simonofsky <mici4marlborough@gmail.com> wrote:

Hello Manny, Sherida and Cindy.

I have been following the Southern Ulster Times' reports on Town and Planning Board meetings as well as having attended the meetings myself and I note that there will be a public hearing to amend the ridgeline protection law on January 8.

I am interested in this law but I am bringing this to the attention of the CAC members as well because it occurred to me that this situation is one that the CAC should, at the very least, be aware of. It is part of our duties to advise the Town Board on issues relating to the protection of the environment.

As I am understanding this, the change in Town Law that as it is being introduced will change the ridgeline protections already in place. I am asking you to comment on this to advise me/us if I am correct in my assumptions. If so, if there is any documentation you can refer me to so that I/we can have the full understanding of the situation and give us direction on how to comment on it.

Sherida and Manny, as Board members I would appreciate your explanation on the changes and why they are necessary.

Cindy, Because you have been on the Planning Board and also served as Deputy Town Supervisor, I believe you have a much broader understanding of the situation and can give me appropriate guidance as well.

The CAC will not meet again until January 11, but if it appears that we should do some research to prepare for commenting. I would like to get started on that now given the present time frame.

I appreciate everyone's attention to this, especially because it comes during the holiday festivities.

So Happy Holidays to all!

Mici

Dec 20, 2023

Hi Mici,

Thanks for reaching out, and we are always open to hearing comments from the CAC either during the Public Hearing or separately. The Ridgeline code as of now states that development must stay below the predominant treeline, and that is not changing. The update will remove the sentence that stipulates development cannot be closer than 50 ft in elevation to the ridgeline effected. We were advised by the town engineer to remove that line, as we are one of the only towns that have that restriction in place. The code doesn't stipulate 50 ft from the highest point, simply 50 ft generally, and thus can be considered overly restrictive to the land owners. That said, I am happy to hear from the CAC prior to voting and will take your comments under advisement. Jan 12, 2024 at 2:22 AM Mici Simonofsky <[mici4marlborough@gmail.com](mailto:mici4marlborough@gmail.com)> wrote:

# 2 Jan 12, 2024

(This was cc'd to Ms Sessa)

Thursday's CAC meeting was well attended by CAC members as well as an audience of about 30 residents. It was a very respectful and meaningful meeting. Despite early difficulties setting up a recorded zoom, we managed to have a 70 minute meeting and courteous open-minded conversation. Most of the audience consisted of residents from Mt. Zion and ridgeline homes. I was happy that the conversation revolved around this community of neighbors who showed up to find out more about the amendment to the Code. Some gave examples of how the Truncali development had detrimental effects they are still feeling or observing on Mt. Zion and do not want additional hardships. The Board would do well to learn from those very expensive happenings. But some also want to make sure their personal rights remain secure. I think it's safe to say that everyone shares a respect for the ridgeline, each in their own way, otherwise they wouldn't be there to defend it.



It was obvious from the onset that the CAC would not have sufficient time within the context of the meeting to develop a document of comments. I was surprised that so many people wanted to be heard. The consensus of the comments however, did revolve around the need to strengthen the code with definitions, among other things, and being respectful and mindful of the Comprehensive Master Plan's direction and intentions..

The CAC needs to have another meeting to solidify our comments. Based on the response of the audience, they want to be included in another open meeting. I would like to set that up and would need permission to use a meeting space that would accommodate up to 50 people. Could the Train Station or Town Hall be made available for such a meeting and if so should I arrange a date with the Clerk's office? I can report that I seriously doubt we will have anything ready for the Board by Jan 22. But it is my hope that another meaningful discussion with the players and the applicant you have referred to can help smooth out public response as well as suggested inclusions that will make your job much easier.

I am wondering if Sherida would share the documents she located with ridgeline codes with me. Manny also showed some illustrations that I would like to share with the CAC I am willing to meet separately with both or either as needed, and would appreciate any counsel from them as I proceed. I am grateful for their input and support.

I am also grateful for the professional skillset I am afforded by my CAC members. I am confident that we can provide a useful report of our findings and I thank them for their continued interest and volunteerism. We are unified in our goal of protecting the ridgeline, protecting the Town, and supporting our residents' rights.

Thank you Scott.  
Mici

Jan 12, 2024

Hi Mici,

Thank you for presiding over last night's meeting. I thought you did an excellent job in keeping the conversation productive and respectful. Here's the document of other Town codes I had taken a look at. I stuck within NY. But, I'm sure there are still many more out there and can keep looking - I know Howard mentioned Gardiner's and I hadn't seen that one. So we can definitely add to this.

Sherida Sessa (Reply unclued codes from four other communities, included elsewhere in this report)

# 3 Feb 2, 2024

On Fri, Feb 2, 2024 at 10:58 AM Mici Simonofsky <mici4marlborough@gmail.com> wrote:

Hi Sherida,

I'm gathering documentation to include in our report. In your email you referred to the Town Engineer's recommendation to remove the 50 ft from our code. Would you forward the email or correspondence from the engineer to the Board advising you of changing the code and any recommendations for wording? I'm working hard on the report to get it to the Board prior to the Feb 12 meeting. Please let me know if there is any aspect you feel should be emphasized or included. I appreciate your input. Mici

Feb 6, 2024

Hi Mici,

I don't have anything in writing from Pat. His recommendations were verbal to Scott. Let me know if you need anything else. We're looking forward to reviewing your report.

Sherida

Councilmember Zambito

# 1 From: dzambito@marlboroughny.us

Mon, Jan 22 at 9:56 AM

Good morning, XXXX.

I appreciate you taking the time and effort to educate all of us to better understand and hopefully come to a resolution. Please be assured that the board is working towards a solution that will hopefully be acceptable to both sides of this issue.

Thank you.

Dave Zambito

E-mailed & Facebook Public Comments, redacted names and email addresses

#1 Dec 20, 2023

Mici, FYI, believes that approximately 10-12 years ago there was a ridgeline issue when the folks (possibly named XXXXXX) in the huge log home at the right side end/top of Mt. Zion Rd. wanted to install a windmill. I remember them going to numerous town board meetings back when I attended them faithfully.

#2 Dec 20, 2023

Hi Mici,

This law dates back to 2005, when the administration, under Supervisor Tom Coupart instituted the Ridgeline & Steep Slopes law - [Town of Marlborough, NY Administration and Enforcement](#) - as an action recommended in the Town of Marlborough Comprehensive Master Plan of 2002 -

#### [Town of Marlborough Comprehensive Master Plan, 2002](#)

You will see that the law has been in place for many years now and has done a good job of protecting the scenic viewshed that has been identified as an economic benefit to the community, as well as protecting stormwater runoff, which, after a bad storm like we just experienced, has become even more important than it was 20 years ago!

The change proposed to the law would take away the protection of a 50' buffer from the ridgeline. Though the proposed change says any new building would need to be below the "predominant treeline" there is no protection for ridgelines that may have already been cleared of vegetation or don't have existing vegetation.

I do not know the necessity or intent to make this change in the law. The law is supposed to accomplish the intent of the Comprehensive Plan (that was the product of much public input and professional advice, as well as voted on to be adopted in 2002, as the guide for community planning) of protecting the steep slopes, forests and viewshed of the Marlborough Mountains.

Perhaps the Board members can help us understand why this change is being made at this time?

### #3 Dec 20, 2023

There are several Towns that have instituted 40-50' buffers to protect ridgelines. I can get you information on that. Why has the Town decided to do this change at this time?

As noted before, this has been on the books and not noted as overly restrictive in 20 years.

The Code does say that buildings shall be situated 50 feet below the ridgeline (that would be the highest visible point) because that would ensure that, in a typical residence, the roofline would be below the top of the ridge.

The Town of Marlborough is unique to have the Marlborough Mountains. They provide a special microclimate that helps with the fruit and grape production. They also provide a beauty that attracts tourists to the many pick your owns and wineries. The forested areas help slow the amount of stormwater from climate change. These Mountains are defiantly worth protecting.

If the Board would like to work together on developing changes in the code that would not jeopardize the intent of the Comprehensive Plan, I'm sure we can do better than what is being proposed.

### #4 Jan 3, 2024

How privileged are we to live in the "Tuscany" of the Hudson Valley?! The people of Marlborough have long recognized how special our community is because of its proximity to the

Hudson River, on the East, and the Marlboro Mountains to the West. The Marlboro Mountains are a forested area that provide a unique microclimate that helps the growth of the grapes and stone crop fruits that the area is known for. Agriculture and agritourism are Marlborough's economic engine. That is why, even 20 years ago, the Town identified the protection of the Marlboro Mountains to be important enough to protect by the Ridgeline and Steep Slope Law it enacted.

Now the Town Board is proposing to lessen the protection in such a way that it could negatively impact the development on the ridgeline leading to clearing and houses instead of forested viewsheds.

The current law sites residential development below the top ridgeline (50 feet). The new law would eliminate that buffer and could lead to people building directly on the top.

This is not good planning and is contrary to all the Town of Marlborough planning documents.

I have attached a visual that gives you an idea of what the choices would look like - a buffer verses none.

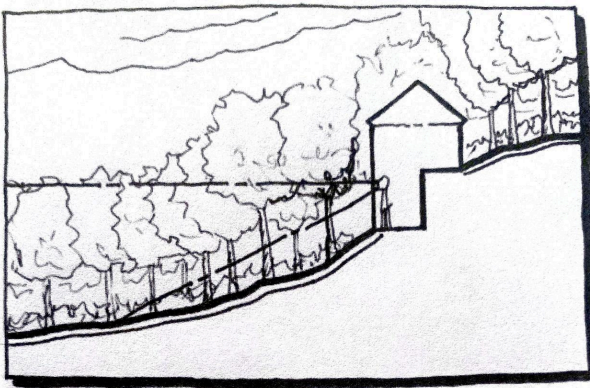
The Town Planning Board has suggested to the Town Board that a reduced buffer (40 feet) might be a compromise that would still allow for a two story home to remain under the ridgeline view.

We hope that you will come to the Public Hearing on the 8th and voice your concern over the proposed change.

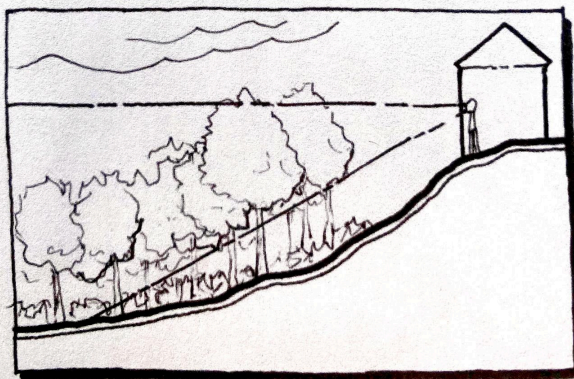
I will be there and, if anyone would like to ask me a question, I can be reached at 845-236-XXXX.

Thank you,

**This...**



**Not This...**



## # 5 Jan 8, 2024

Some possible talking points from Wikipedia regarding the natural recovery of the ridge from 200 years of human impact.

### History

Though occupied and utilized by people for thousands of years, the Marlboro Mountains, which have historically provided timber, game, and agricultural land, were more intensely exploited for their resources in the past two centuries than at any other time in human history. Today, due to a decline in agriculture and logging in the mountains, some of the ridges have begun reverting to a more natural state. An information board erected by the Scenic Hudson Land Trust at the ridge-top parking area of the Shaupeneak Ridge Cooperative Recreation Area summarizes the history of human impact on the mountains, with emphasis on the Shaupeneak Ridge:

MARLBORO MOUNTAINS: SHAPED BY PEOPLE. Humans too have worked on the Marlboro Mountains. Long ago they logged most of the mountain's hemlock trees to tan leather. They planted fields and orchards whose outlines can still be traced through stone walls running deep through the forest. In fact, Shaupeneak Ridge was once a populated area known as Poppletown. Today, cell towers atop the ridge add a new and controversial human presence to the landscape. Yet despite many intrusions, Shaupeneak's busy natural workshop has staged a remarkable comeback. Today it is closer to its natural condition than at any time during the last 200 years.

—Scenic Hudson Land Trust

In addition to their consumable resources, the mountains have provided quiet solitude and escape. It is in the Marlboro Mountains that naturalist and essayist John Burroughs, with the aid of his son Julian, constructed Slabsides, a cabin retreat which he used in the summer.

## #6 Jan 8, 2024

"So I see there will remain a reference to tree line. One might ask what the definition of treeline is and why that wording remains. How are the engineers defining it? You could also ask what is to stop someone from altering a treeline by harvesting trees in order to comply to whatever the engineer is using as a reference. It seems odd this is remaining. Is it to placate concerned townspeople? Emphasize that they should not pass a law where the main term of the law "predominant treeline" isn't defined or is easily modified in practice." There is an aquifer up on the ridge. The town fully investigated it.

## # 7 Jan 10, 2024

Here is the web sites we discussed: [NYS Open Legislation | NYSenate.gov ARTICLE 25-AA Agricultural Districts Agriculture & Markets \(AGM\) CHAPTER 69](#)

Jake Wedemeyer, CCA, CPESC  
Executive Director  
Ulster County Soil and Water Conservation District  
5 Park Lane  
Highland, NY 12528  
(845) 883-7162, ext. 3  
[ucswcd.org](http://ucswcd.org)

# 8 Jan 9, 2024

So I see there will remain a reference to tree line. One might ask what the definition of treeline is and why that wording remains. How are the engineers defining it? You could also ask what is to stop someone from altering a treeline by harvesting trees in order to comply to whatever the engineer is using as a reference. It seems odd this is remaining. Is it to placate concerned townspeople? Emphasize that they should not pass a law where the main term of the law "predominant treeline" isn't defined or is easily modified in practice.

# 9 Jan 12, 2024

On Fri, Jan 12, 2024 at 10:46

Greetings,

I found last night's meeting at the Marlboro library to be very productive. We were able to discuss and debate the effects of the proposed changes to Marlborough's ridge line law. For clarity purposes, it should be noted that current law does not prohibit one from erecting a structure on the side of the Marlborough Mountains and it does not say a structure cannot be visible on the side of the mountain; it says one cannot erect a structure within 50 vertical feet of the ridge line. The proposed change to the law would permit one to erect a structure ON the ridge.

I have included three attachments which should aid in depicting what we are debating. The issue with the current law is that it can be interpreted two ways as shown in attachments A and B. We just need to select the words to describe A or B. Attachment A depicts no part of a structure can come within 50 vertical feet of the ridge line. Attachment B depicts that a structure's foundation cannot be built within 50 vertical feet of the ridge line. Attachment C depicts what one would see if the 50 foot vertical requirement is removed.

On Friday, January 12, 2024, 12:23 PM, Supervisor Scott Corcoran  
<[supervisor@marlboroughny.us](mailto:supervisor@marlboroughny.us)> wrote:

I appreciate the feedback. After a follow up call with our Town engineer, Pat Hines, Attachment B was the intent of the code. The structure's foundation (at grade level) cannot be built within 50 vertical feet of the ridge line. This was to give a 15 foot buffer from the ridge line to the top of the roof line.

The issue with the law is its confusion with these two statements "that the proposed buildings or structures will not extend above the predominant treeline" and "No structure that is the subject of this section shall be located closer than 50 feet in elevation to the ridgeline" This is where we need to clean up the law and make it more clear on what the intent is.

# 10 Jan 11, 2024

[Town of Canandaigua, NY, Project Team - Ridgeline \(Viewshed\)](#)

# 11 Jan 16, 2024

I think another good resource is the Town of Gardiner's code where they have created a Shawangunk Ridge Protection District - I think it is

[Town of Gardiner NY, §220-18, Resort Development Floating District \(RDF\)](#)

# 12 Jan 11, 2024

Hillsdale Code

[Local Law 6 2007 – Ridgeline Overlay District | Hillsdale](#)

#13 Jan 11, 2024

Bedford Code

[Town of Bedford, NY Steep Slopes and Ridgelines](#)

#14 Jan 11, 2024

Greetings,

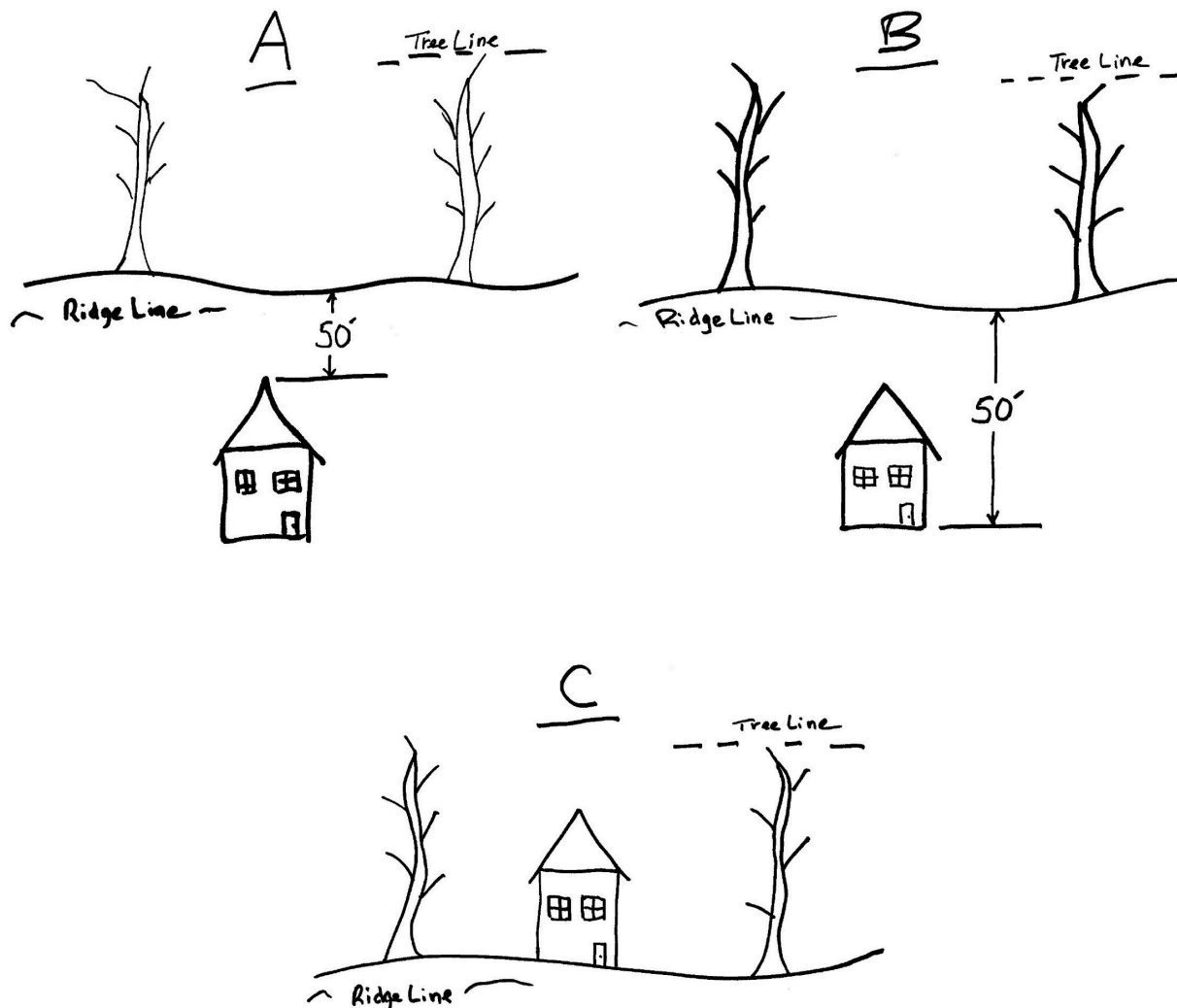
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I have included three attachments which should aid in depicting what we are debating. The issue with the current law is that it can be interpreted two ways as shown in attachments A and B. We just need to select the words to describe A or B. Attachment A depicts no part of a structure can come within 50 vertical feet of the ridge line. Attachment B depicts that a structure's foundation cannot be built within 50 vertical feet of the ridge line.

Attachment C depicts what one would see if the 50 foot vertical requirement is removed.



Respectfully submitted by,



#15 Jan 14, 2024

I really appreciate that you are asking these questions about the CAC. I'm replying in blue.

Also, to let you know, this is bcc'd to the CAC members and Town Board liaisons. I didn't include their email addresses but you addressed this for group opinion and now they are aware of your interest.

As I wrote my replies I actually thought of a few things I have learned that might be of real interest to you. One of our members designs passive buildings. This is a building technique designed to build a house so efficient it basically runs on electricity generated by solar energy alone. Rental houses being built in Germany using these building standards aren't even installing electric meters because the electric costs are so minimal they are easily covered in the rent. The building design and insulation techniques keep the internal temperature constant eliminating the need for high heating and cooling costs. Heat pumps are used of course but the

solar supplies the electricity. The statistics show that it is initially more costly for the insulation and building costs, but those are returned with a 5 year payback due to reduced electricity and fuel or gas costs for heating. Since you're building a house and you might want to look into it. And there is grant money and incentives available to pay for some of the building costs. If you are interested let me know and I will give you his contact info.

In terms of the CAC, we learn things like this and help to explain to others so people are aware of how to save money and at the same time, it helps the environment.

The second group of questions you posed are interesting and I'm not sure why you have asked them but I did my best to address them as an individual resident, not as a CAC member.

From my perspective, I am a nurse whose goal in life has always been to help people and make them feel better. When I was on the Board my goal was to help people and make my Town a little bit better. On the CAC, my goal continues to be to help people *and* the Town be a little bit better with a pocketbook that is a little bit fuller. I never went to college and my knowledge of the environment relies on what I've picked up from reading and living around a lot of people who understand protecting farmland and using the land to make a living. So the CAC experience has opened lots of ways for me to learn new things during my retirement years, meet new people, and get a lot of new perspectives. While I'm learning new things I am happy to share my skills, my energy, and my love of Marlborough to improve it in any way I can.

Based on the example your parents have set, I believe you and I share that common goal. I am grateful that you are open to discussions with me and I hope I addressed some of your concerns.

By the way, I called a special meeting of the CAC and requested the use of Town Hall. The earliest it is available (and me too) is Saturday, January 20. I'm opening the meeting to public comment from 2-2:30 and then the CAC members will have group discussion on creating our report to the Board. That part of the meeting is open to the public to view as well. We did record our last meeting and sent it to be posted on the Town website. I think Danielle posted it today but I haven't checked the website myself to confirm that with you..

Stay in touch. My best regards to your Mom and Dad.

Mici

#16 Jan 12, 2024

On Friday, January 12, 2024 at 04:44:57 PM EST, XXXXXXXXXXi wrote:

Questions

How does your cac group get the knowledge to bring back to the community

We are all volunteers. Some of us use our own educational background and experience to share environmental knowledge and views at the meetings, and we each do a lot of googling to get more information for the task at hand. We also ask for and receive

information from County and State sources that are in print or on the web and are available to the general public.

Is this cac group backed by any ny agency's

The CAC is not backed by any agency as I understand your question. It is a Town advisory board appointed by the Town Board. But there are many State agencies that share information with us to help us do our present job. We are participating in a program created by the State called Climate Smart Community which is statewide. Towns and cities can voluntarily participate. The goal is to find ways to save energy and reduce the carbon footprint. NYSERDA, a state agency, is working with towns and giving large grants to them to help convert to energy saving machines, equipment and such. There are also other state agencies who offer assistance to the CAC. In that way, the CAC is supported by several NY agencies and related bureaus. The Town has backed the Climate Smart Community initiative at no cost. We are volunteers and whatever success we have can contribute to successes, big or small, for the Town.

What is the demographic of people on the board of cac

We all live in Marlborough.

When was the cac group formed and for what reason

The CAC was formed by a Town Board resolution. I don't remember the exact year but I think it was 2007. It is an advisory Board designed to assist the Town Board in matters of environmental concern. The Town Board requests us to do research or studies to help them in determining different actions to take. For example, the last project we worked on before COVID was to do an inventory of street lights in the lighting districts with the goal of replacing the halogen bulbs with LEDs. With the lighting inventory, they negotiated with Central Hudson to change out the bulbs and that resulted in reduced costs to run the streetlights and saved those of us who live in the lighting districts tax money.

Is there month meetings for the cac

We meet once a month at the Marlboro Library community room. I try to keep it on the same day of the month, but it is dependent on availability of the community room. Right now we are meeting on the second Thursday of the month. Meeting dates are posted on the Town website

Is there minutes for each meeting if yes where are the minutes to be found is it public info of the cac above question

Yes go to the Town website under committees, Conservation Advisory Committee

Are there qualifications for roles in this cac group

Interest in environmental issues, willing to help.

How is this cac group funded

All volunteer.

Does the cac group have assets and a bank cac

No

How does one become a member of the cac

Come to a meeting, see if you find something of interest that you are willing to help with and help!

Does this cac group have insurance or bonds associated with it

No

Are the cac members paid or hold any shares or any other offices

No pay or shares. There are two Town Board members who serve as liaisons to the CAC

Questions about the town

Do you know what is the most traveled road in Marlboro

My guess is 9W with a second guess of Lattintown Road. You can't get to Weeds without Lattintown Road. What is the most traveled road?

Does your group know what the town codes to be able to lead people in a public form with out out side guidance?

I don't understand this question. That sounds like the police could answer laws about public gatherings.

In your groups opinion what would be more devastating to the town loose of businesses of 50% or loss of tourism by 50%?

I'm only speaking for myself. Those are pretty connected. Some of our businesses rely on tourism like Buttermilk Inn and the pick your owns. If we lost tourism our businesses would definitely see a decline in their bottom lines. Our local businesses rely mostly on local loyalty, but our farms are dependent to a very large degree on tourism. And seasonal tourism has always been the economic boost that has kept local stores and gas stations going.

When tourists come to Marlboro and Milton what routes do you feel they take a a main road in that goes threw Marlboro?

Since they are usually coming to the wineries and farms, they must use 9W, Milton Turnpike, Western Ave, Lattintown Road, and Highland Ave as the main routes to cover. Did I miss any?

What are 10 of the biggest signatures places or things that would bring tourists to our community?

Wineries - I think we have 6 now

Pick your owns

The Falcon

The Sports Dome

The Walkway Over the Hudson

Buttermilk Inn at the Falls

Do you feel marlboro have changed in the last ten year? If so please explain

We have lost so many of the greatest generation and with that we have lost a lot of availability to their wisdom and knowledge. Many people of your generation left for better jobs and bigger experiences. That's a loss because they understand the history of the Town. So, population wise, the type of people who live here has created a big change. And that brings in new ideas and perspectives. I think the family dynamic has changed a lot.

Do you feel our towns residences have changed and do you think that our town has pushed more elders to move out and for what reason?

I don't think the Town has pushed our elders out. I think there are many factors that cause people to move, Income, housing costs, jobs, and being with family cause people to find new and affordable experiences.

Does your group ever feel that the town has over governed a situation?

I would have to ask them.

# 16 Jan 17, 2024

Dear Supervisor Corcoran: I'm writing to understand more about your proposal to strike the 50-foot building restriction along the full seven miles of the Marlboro Mountains Ridgeline contained within the town of Marlborough. After listening to several people on the matter, including the present and past town board member and my fellow property owners on or near the ridge to understand the pros and cons, I'm frankly confused as to how it is expected to benefit the town.

The ridgeline protection was put into place in 2005 to align with the Comprehensive Plan's focus on preserving our town's natural resources as well as its aesthetics, both of which contribute directly to our economically important agritourism sector. Stripping the forest and building on the literal top of the seven miles of the ridgeline would have a permanent negative impact on both our natural resources and aesthetics, damaging our agritourism and reducing the money it attracts to our town. It would also have a negative impact on neighboring properties. The flats on Mount Zion between the Quimby Farm and Nicklin property still continue to suffer from extreme flooding that can last days. I personally experienced damage to my driveway due to the erosion and increased flooding when a previous lot of land on Mount Zion Road was being developed contrary to the zoning code. I wonder what damages my property could incur should the ridgeline protections be removed, and if I will have to pay for those damages out of pocket or will the town have to fix the damages, passing the cost to all town of Marlborough taxpayers?

Since Mount Zion Road is technically a dead-end west of Mountain Road, what will happen if erosion and flooding caused by ridgeline construction causes parts of the road to wash out (as it already has in another part of Marlborough)? Those residents could conceivably end up unable to access their homes or key services, including emergency services. The cost to the taxpayers, should such a thing happen, would be astronomical.

What is the perceived benefit to striking the 50-foot restriction that would make up for these cons? I have heard one town board member say that he believes that he should be able to do whatever he wants to his own land – but is that really his (or your or anyone's) view? Because I feel extremely confident that if I requested your town board to change the code so that I could build a high-rise building or a low-income housing project on my Mount Zion property, you would not think, "Hey, it's her property, she can do what she wants."

I look forward to learning the reasoning for your proposal and its expected benefits to the town of Marlborough.

Thank you, XXXXX, Marlboro, NY

#17 Jan 22, 2024

No matter what, I think it's clear that the code needs to be updated with more succinct language, better definitions, and a clearer explanation of how the Marlborough Mountain Ridgeline Protection overlay zone/map is to be used. The town board could decide to make no changes to the code at this time and close the public hearing and put together a committee to review the current code and come up with recommendation for changes. That would give us more time.

#18 Jan 22, 2024

I get being pro-development but that's the wrong place to start.

The Truncali subdivision has been sitting there for over 20 years since it was approved. Why haven't any houses been built there. Too remote? I don't know the answer. But the clearing that occurred on that property before the subdivision was approved is criminal. It still looks like a war

zone – a piece of property that was a thriving fruit farm for nearly 100 years before Mr. Miller and then the Herzog's and then Mr. Truncali, and now real estate developers got their hands on it. Scott has to understand that this is very difficult land to build on – very sensitive to disturbances which was borne out with the Truncali development experience. Maybe he's not familiar with the history. We need to enlighten him.

#19 Jan 26, 2024

I am a town of Marlboro resident and Marlboro mountain homeowner. It has been brought to my attention that ridgeline protection is in danger.

I am not opposed to building our dreams and wish that for everyone. In spite of that, construction laws exist for a reason and no resident should be exempt.

In regards to Ridgeline protection, I have looked into other protections around the country and it seems it is a common protocol.

I did see where exceptions can be made and I do think this could be part of our strict policy with any Ridgeline building. It stated that if an Engineer deems no other locations are viable for building and the Ridgeline is the only option, then more strict building rules will apply. That way someone won't own land they can't build on, which isn't very fair to them.

Examples of rules if a home **must** be built on the Ridgeline:

- Homes can't be more than so many feet(?) high
- Homes must be only colors listed (brown, other earth colors)
- Lighting must be shielded and not project out or up (I think should be for all homes).
- Must also adhere to proper approved land clearing and runoff plans.

I think with Ridgeline building laws and exemption policies that we can possibly preserve the mountain and hopefully make people happy.

Thank you for hearing my thoughts.

# 20 Feb 6, 2024

Dear Town Board Members, I am 39 years old and a resident of Marlboro. I grew up here and have decided to raise my children here. I own a business in this town. I work in this town. I love the people of this town. I love where I live. We live in one of the most beautiful places in the world. I oppose changing the current law to allow the development of the Marlboro Mountain Ridge. It would be false to claim that allowing development upon the Marlboro Mountain Ridge is the call of my generation and what the young families of Marlboro want. The young families of Marlboro want to stay in Marlboro. We want affordable housing, affordable childcare, quality education, community engagement, clean air, clean water, and to be able to enjoy the beauty of Marlboro regardless of socioeconomic class. Only the wealthiest will be able to develop on the



ridge line if the protection is removed. If the board decides to remove the protection of the ridge line, it will be because of greed. However, if the board decides to keep current protections or expand on those protections, it will be clear that the board works for all the people of Marlboro and not the privileged few. I look forward to sipping a hard cider at Weeds, looking up at the pristine Marlboro Mountain Ridge with my family, knowing we live in the most beautiful place. The Marlboro Mountain Ridge connects us all in wealth of beauty. Thank you for your time.

## # 21 Feb 6, 2024

It is clear that the code needs to be updated (in a major way) and I think the board needs to assign a committee to do the updates within a specific period of time – using the other town codes you have put in your report as guidelines. This is how we rewrote the ethics code so many years ago.

Have you heard any more from current town board members on their rationale for going from 50 ft. to 0 ft, or have they given up on trying to defend that.

Regarding the specific subdivision that brought this issue to the forefront – I don't see how the planning board approved the subdivision (I know James and Cindy vigorously opposed it) – regardless of the ridgeline requirement unless it is all less than 15% slope. As I read the Ridgeline protection code - no disturbance of land should have been done without a grading, driveway, and drainage plan.

This was one of the problems of the Truncali subdivision. Major excavation was done before final approval was given. So now we are left with an entirely scarred side hill of 80 acres or so – with an ugly black-topped driveway running through it – that just sits there. I'm afraid the same will happen to the area the applicant has cleared further up the road at 219-229, Mt Zion Road.

## # 22 Feb 6, 2024

Many town residents are under the impression that the town board is about to remove a code that will allow any of the landowners on the Marlboro mountain ridge to build any structure anywhere they want. This is the word on the street!

Unfortunately, these residents are up in arms due to lack of information. Our town board has not made public any of their views on this topic.

## # 23 Feb 6, 2024

I would like to speak to the issue of good planning and the law.

I have heard it repeated, on a number of occasions, "You can't tell me what to do with my land".

As a member of the Town and County Planning Boards, I can attest that

"Yes, the community can tell you what to do with your land."

We are a country of laws and those laws are instituted for reasonable purposes.

30 years ago, the Town of Marlborough adopted land use laws in their Town Code under Zoning.

If you read Code 155-5 it says:

“This intent of this chapter is to establish a precise and detailed plan for the use of land in the Town of Marlborough based on the Comprehensive Plan, as it may be amended, and other studies and findings. This chapter is enacted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, to protect and promote public health, safety, morals, comfort and convenience and the general welfare of the people.”

The purpose is to “Promote orderly development: to protect the character and maintain the stability of residential, business and agricultural areas and to secure and protect open space and recreation areas within the Town and to promote the orderly and beneficial development of the Town.

If you read the adopted Comprehensive Plan of 2002 and the update of 2019 you will see that the zoning code laws have changed, over the years, to encourage development in the areas that offer good transportation, as well as services and infrastructure like water & sewer. The lands west of the hamlets have the preferred use of agriculture and limited rural development. The steep slopes of the Ridgelines are under a special Overlay Zone that has been used to protect them from the serious effects of residential development and that Overlay Zone has been in place for 18 years.

If the Town Board has reason to believe they need to change the present Zoning Protection that the current law prescribes, it cannot lessen the protection. The Comprehensive Plan is very clear on what needs to be achieved for the benefit of the public health, safety and welfare. Therefore, simply striking out a buffer or horizontal setback would not mitigate the possible damage to the Ridgeline Protection.

It is clear that the proposed law change is not defensible and its adoption, as written, would open the Town to an article 78 action.

I would ask the Town Board to separate the linked code changes.

I would propose that the extended Site Plan Review Law stand on its own for review and adoption.

However more time must be taken to examine the Ridgeline Protection Law and how it can be crafted in a way that best serves the Community and achieves the aims outlined in the Comprehensive Plan.

# 24 Feb 7, 2024

Comments for the Public Hearing at the Town Board meeting on February 12, 2024:

The Ridgeline Debate- A Comparison

The question is, "Do we remove the 50' elevation buffer at the ridgeline or keep it?" The following is a hypothetical example which demonstrates my point.

John owns a vacant one-acre lot on a town road; his lot measures 150' wide by 300' deep. The narrow dimension faces the town road. The planning board has approved his lot as buildable, but the house must be situated toward the rear of the lot due to a formidable rock outcropping located in the front, on the north side. The view, however, would be far superior if John could place his house closer to the road. The view happens to be of the Marlboro Ridge.

John would like to capture the mountain view, so he summons the building inspector to see what could be done. The town has a 40' minimum side lot setback. John wants to place his house 20' from his side lot, due to the rock issue. The building inspector says that he cannot approve his requested location as it would violate the code.

John's neighbor, Sam, owns the lot immediately to the south, so they share a common border. Sam built his house five years earlier, following all codes; the house is located fifty feet from their common border. Sam expects any development on John's lot to meet code.

John is not satisfied with the building inspector's answer and pursues other municipal avenues. For reasons not clear to the casual observer, the town decides to eliminate side lot setbacks.

Building codes are put in place to provide for public safety, personal safety, to protect the environment as well as the town's image and beauty.

Would you elect to eliminate the 40' setback? It is highly unlikely, and this is no different than removing the Ridgeline vertical buffer. My point is this: The code is in place for a reason. Building codes and law are put in place to provide for a uniform standard for the better good of the community.

Please read this at the February 12 town meeting as I may not be able to attend. If I can be in attendance, I will notify you prior to the meeting and present it myself.

# 25 Feb 8, 2024

At the public Saturday afternoon meeting for discussion of the ridge line issue, a present town board member announced he owns property within this area. As the board member as a vested interest, it will be impossible for him to cast an unbiased vote on the ruling.

Will he take the honorable path and recuse himself from voting on this?

## Facebook Messages

Please note that not all comments posted on Facebook could be retrieved but these two were direct messages to the CAC Chair Pro Tem and are included in the Report

# 1 Jan 23, 2024

Good morning Mici. I listened to all the comments with an open mind last night and I felt everyone had at least some validity to their comments. I had a thought..... would it be possible to allow those who have owned their land over a longer period of time to build on the ridge or maybe per the current Ridgeline code? Maybe go back at least past the Truncali sale on Mt Zion so those people cannot reopen the development. This way the long time landholders can built and it would only involve a few structures. It would prevent developers or newcomers from purchasing Ridgeline properties and ruining the said hills.

# 2 Feb 4, 2024

“Turning the town into a tourist attraction instead of a place to be proud to call home”

What make a house ugly and what makes houses even more uglier on top of a Mtn. There is already laws in place to make sure things are built to code location of a house shouldn't be chosen by one's that don't pay your bills and taxes if set backs from adjoining property are met and u have proper amount of land to do so. America is Home of the free and home of the brave. Stand up for what's yours!

Please share your feelings about being able to build a home on a plot of land that is already board of health approved, site ready, utilities existing, and being house ready! Instead of having to take additional trees down to make for a difrent area that they say may be buildable!!

Reply: Your comments are appreciated and will be included with my final report to the Board on Monday. I know you will understand that I must be neutral to all parties and cannot post this to my personal facebook page. As long as I can figure out how to “cut and paste” this to a totally different application you will see it in the report. Thank you XXXXX. Mici

### PLEASE NOTE:

**To the Public: Every attempt has been made to include all of the public comments. If any have been omitted in error, please contact the CAC through the Town Supervisor's office and an amendment to this report will be offered. Your comments are appreciated.**