



# Report on Proposed Amendment to Ridgeline Protection Law

SECTION 155-41.1 "RIDGELINE AND STEEP SLOPE PROTECTION"  
OF THE MARLBOROUGH TOWN CODE.

Town of Marlborough  
Conservation Advisory Committee  
February 12, 2024



# A Neutral Entity



## Conservation Advisory Committee

*A Climate Smart Community*

### The Conservation Advisory Committee (CAC)

- Created by the Town Board to advise it on issues affecting the environment and conservation of natural resources
- Neutral entity
- Reports to the Town Board

### Disclaimer

Comments are not intended to favor any individual or any one specific point of view. We have gathered as much information to help create a better code.

# Overview



**Conservation  
Advisory  
Committee**

*A Climate Smart Community*

An enhanced and improved code will serve the entirety of our community:

- Individual landowners
- Planning Board
- Town engineers
- Enforcement agencies and departments

# Amendment

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 ridge line 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.~~

## Public Hearing

- December 11, 2023
- Town Board presents an amendment to Local law 155 -41.1 (F) (4) for a public hearing.
- Suggests amending the wording of two clauses:
  - Length of time to complete a proposed project
  - Removing 50-foot height restriction

# Public Hearing

## Community Response and Hearing Extension

Many comments from diverse members

- Why is this change needed?
- Comprehensive Master Plan dictates protection of the ridgeline.
- The Town Board extended the public hearing as part of our request.



# CAC Meetings

## Special CAC Open Meetings

- January 11 and 20
- Over 30 members of the public attended each of these open meetings.
- Valuable insights and suggestions are appreciated.
- Recordings were made available by the CAC for the Town website.





# Three Areas of Concern

## Comments Focused on:

- Aesthetic concerns
- Environmental concerns
- Comprehensive Master Plan



# Comprehensive Master Plan

## Approved by Three Town Boards in 2002, 2017 and 2022

- Legally Binding document for changes to Town Code for all Town planning, zoning, coding, and enforcement needs
- Must be followed in additional or changed wording of any Town Code, but especially in regard to today's issue

- Expensive to prepare
- Professionally and legally derived
- Extensive public input





# Master Plan Defines Ridgeline

## Development on Ridgelines

- Defines ridgeline as one of Marlborough's most valuable natural resources
- Places it with equal importance to farmlands and agritourism
- Agriculture is the main economic driver.

**TOWN OF MARLBOROUGH  
COMPREHENSIVE PLAN UPDATE**

Adopted April 22, 2002

Town of Marlborough  
Town Council

Thomas Coupart, Supervisor  
Eric Affuso, Councilman  
John Bellucci, Councilman  
Betty Ann Diorio, Councilwoman  
Peter Neckles, Councilman

# Master Plan Defines Ridgeline

## 2002 CMP, pp 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.”
- “Any new construction on hillsides should occur below the tops of ridges such that structures do not appear on the horizon.”

### VI. Resource Protection and Open Space

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. The resources that should be protected and means to protect them are discussed on the following pages. One method of protection is the use of overlay zones. Overlay zones apply additional standards or restrictions to development beyond the requirements of the underlying zoning district, and are tailored to protect particular features within the designated area. Such overlay zones may cut across several different underlying zoning districts. A conservation overlay zone may be designed to, among other things, impose clearing limits on property, require architectural review of construction, or require that development not obstruct views or otherwise conflict with identified scenic resources.

#### Ridgelines

There are a series of ridgelines throughout Marlborough, most notably in the Marlborough Mountains area in the western portion of the Town. The tops of ridges form the horizon where the ground appears to meet the sky. Natural ridgelines are the most pleasing to the eye. 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.

st, construction on steep slopes is difficult and is increased stormwater runoff and erosion, ly between Route 9W and the Hudson River, in portion of the Town and in various areas in of the Town. Specific requirements for typical gated and ordinance standards developed to slopes.

mostly called marshes, swamps, bogs and flats ion. These areas are valuable resources that pen space and water resources. Freshwater nation and aesthetic appreciation. Freshwater gical systems that serve a variety of important.

edwaters; areas from flood and storm damage; g migratory birds, endangered species, and wildlife; ice waters by gradually releasing stored flood drought periods.

# Protect Our Resources

## Natural Protections

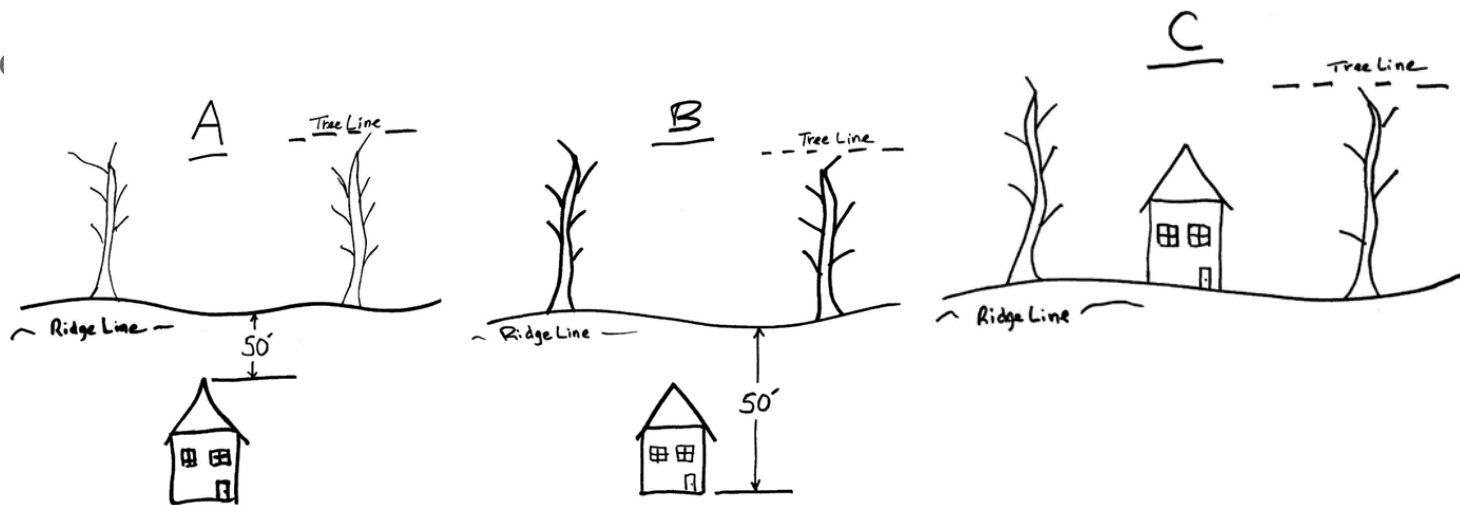
Multiple comments in favor of protecting our water sources, waterways, drainage, soil quality for our farmlands, wildlife, and forested areas



# Treeline vs. Ridgeline

## Visual Impact

First of two drawings submitted by community members depicting the INTENT of the CMP.

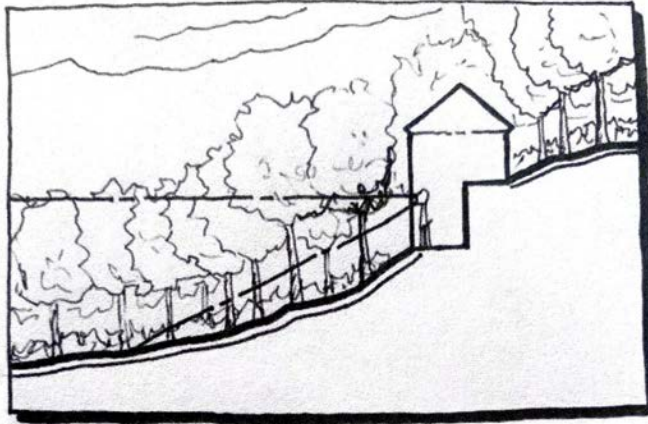


# Over the Treeline

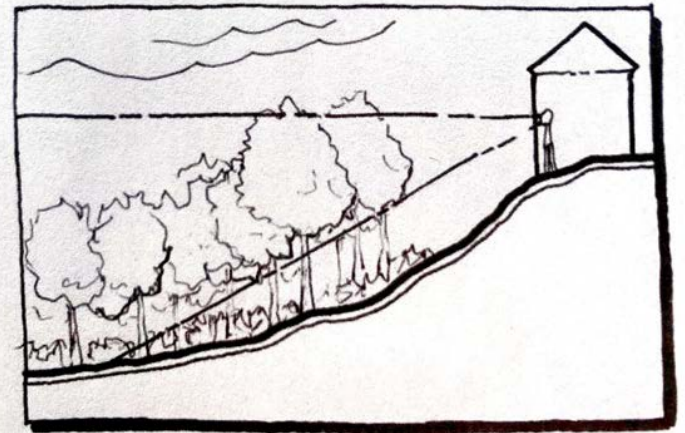
## Viewshed

Second of two drawings submitted by community members depicting the INTENT of the CMP.

This...



Not This...



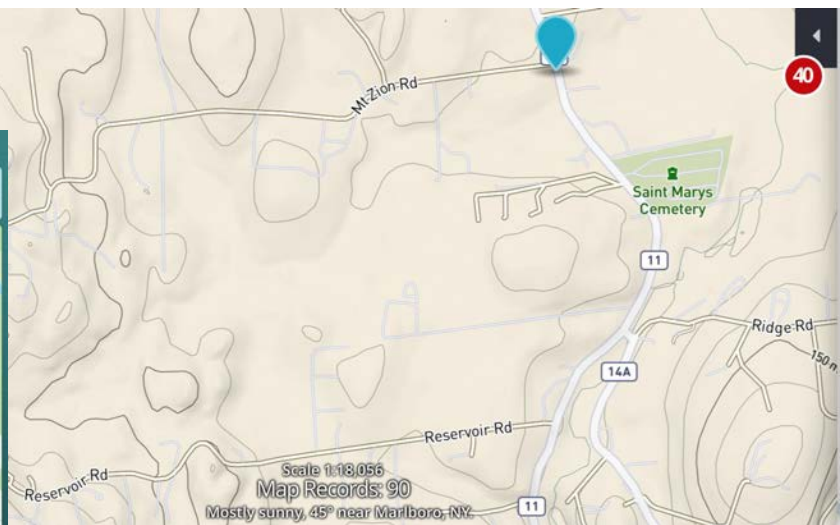
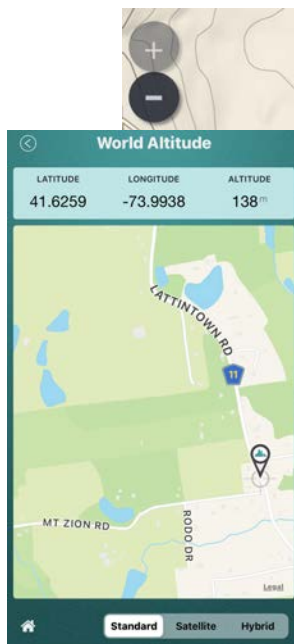
# Precise Baseline Measurement

## Community Member Suggestion

Digital resources that provide an objective, consistent, qualifying measurement



**My Altitude** 4+  
GPS Elevation & Barometer  
Dayana Networks Ltd





# Other Community Approaches

## 7 different approaches

We have submitted adopted references of  
ridgeline protection in other communities.  
Wording from their codes could be integrated  
into this Board's wording.

## Communities

1. Bedford, NY
2. Canandaigua, NY
3. Gardner, NY
4. Hillsdale, NY
5. Monroe, NY
6. Philipstown, NY
7. Eagle Mountain, UT

# Comments from Governmental Agencies

## Agencies

- Town of Marlborough Planning Board
- Ulster County Planning Board
- Ulster County Department of Soil Conservation



# Scenic Hudson

## Re: Ridgeline Protection Law Amendments

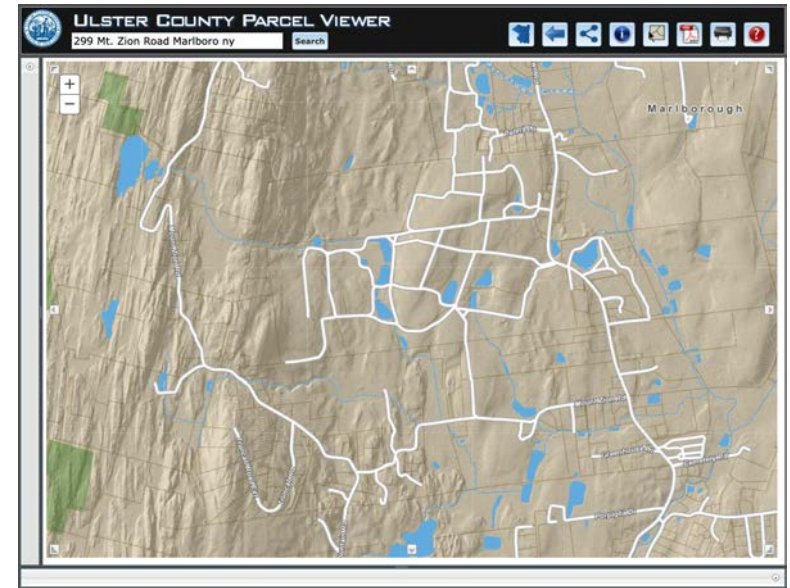
“Removing the specific numerical guideline currently imposed by the law would risk creating further uncertainty in enforcement and potentially weaken the law’s protections.”



# Maps

## Ridgeline Protection and Parcels

We also reviewed several maps. These help us to see how much land and what types of properties are affected by the ridgeline properties themselves





# Financial Impact

## Costs to Taxpayers

Public sentiment repeatedly voiced concern that taxpayers will bear the cost if appropriate measures are not included to protect the ridgeline from clearing and deforestation.



# Financial Impact

## Areas of Concern

Potential results of increased risk of flooding, water damage, and weather events:

- Decrease in land values
- Damage to agriculture
- Costs of litigation
- Reduced agritourism





# Recommendations

## Guidelines for Revising the Town Ridgeline Code

- Present it as an individual amendment.
- Use qualified professionals for unambiguous wording.
- Follow the intent of the CMP.



# Recommendations

## Guidelines for Revising the Town Ridgeline Code (continued)

- Include clear definitions for ridgeline, treeline, structure, buffers, point of measurement.
- Include qualifying & quantifying enforcement standards.
- Follow specificity of other referenced town codes.



# Thank You



**Conservation  
Advisory  
Committee**

*A Climate Smart Community*

## In Conclusion

Our written report will provide much more data and information and has been provided to you. We hope you find it useful.

The CAC thanks the Town Board for the opportunity to present our findings, and the Marlborough community for its input.





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