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### Report on Proposed Amendment

Thank you for the opportunity to present our comments to you and the public. A full written report in pdf format has been given to you as well. We hope this presentation summarizes information we researched and received from many sources and from interested members of our community.

Both versions will be made available for the Town website and the public is encouraged to review them.

For those who don't know, the Ridgeline in discussion is clearly defined in Town Code 155-41.1A(3): "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".

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### A Neutral Partner

We want to emphasize that the CAC is a neutral entity. We serve as a partner to the Town Board and none of our comments are intended to favor any individual or any one specific point of view. Rather, we have gathered as much information as possible in the few weeks we have had to help the Town Board create a better code. That is our job.

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### Overview

We are confident in telling the Board that:

***An enhanced and improved code will serve the entirety of our community:  
Individual landowners, living both on and under the Ridgeline,  
the Planning Board,  
our Town Engineers,  
and all enforcement agencies and departments.***

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##### **Amendment**

On December 11, the Town Board presented an amendment to Local law 155 for a public hearing. Two clauses in that code are suggested to be amended. The CAC placed our attention on the removal of the 50 foot height restriction on the Ridgeline which would impact our natural resources.

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##### **Public Hearing**

As is the law, the Town Board opened a public hearing on January 8 when many comments from diverse members of the community were heard. Several people asked why this change was needed. Many pointed out that our Comprehensive Master Plan dictates protection of the Ridgeline. The Town Board extended the public hearing as part of our request to give the CAC additional time to prepare comments.

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##### **CAC Meetings**

All of the CAC meetings are open meetings. But we met to center on this subject on January 11 and again on January 20 when the public was specifically invited. Both were well attended. The insights and suggestions of our residents are valuable to the Board's understanding of the public thought. They are much appreciated.

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##### **Three Areas of Concern**

The public remarks have been recorded and have been made available by the CAC for the Town website. In addition, our written report includes various written comments we received.

All centered on three areas in regards to conservation issues.

***Aesthetic Concerns***

***Environmental Concerns***

***Comprehensive Master Plan***

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### Comprehensive Master Plan

*The CAC carefully reviewed the 2002, 2017 and 2022 versions of the Master Plan. These plans were very expensive to prepare, utilized professional and legal advice, and had extensive public input . They are the legally adopted standard to be used for all planning, zoning, coding, and enforcement needs of the Town. They were confirmed and agreed to three times by three different Town Boards.* It is the Master Plan that must be followed in any additional or changed wording of any Town Code. This is especially important to today's issue.

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### Master Plan Defines Ridgeline

All 3 versions of the Master Plan clearly define the Ridgeline as being one of Marlborough's most valuable natural resources. They place the Ridgeline with equal importance to our farmlands and agritourism, always the main economic drivers for the Town. That is why the original Master Plan states on pp 52-53

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### Master Plan Defines Ridgeline

"When development occurs on ridgelines, an unnatural element is introduced which interrupts the horizon and is unaesthetic."

"Any new construction on hillsides should occur below the tops of ridges such that structures do not appear on the horizon."

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### Protect Our Resources

Also on p 52 it states: "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. "

Public comments in favor of protecting our water sources, waterways, drainage, soil quality for our farmlands, wildlife, and forestry issues were voiced as well as the importance of the value of the aesthetics of a continuous uninterrupted ridgeline.

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### **Treeline vs Ridgeline**

Residents respectfully shared their views but helpful visuals were volunteered as well. This one illustrates the difference between treeline and ridgeline, perhaps the two words presenting the confusion in the present code. Example “B” shows the intent of the Master Plan and reflects our present wording.

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### **Over the Treeline**

The second graphic compares a structure that sits below the treeline on the left and on top of the ridgeline on the right. A structure extending higher than the ridgeline is clearly not the intent of the CMP.

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### **Precise Baseline Measurement**

Equally important was an explanation and a suggestion of a potential code improvement that would give a qualifying measurement to be used for the baseline measurement for structures. There is an easily available app called MY ALTITUDE that could be used as a planning and an enforcement tool. The gentleman found it in the National Geological Maps Database.

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### **OTHER COMMUNITY APPROACHES**

We have submitted references of 7 different approaches that other communities have adopted as ridgeline protection. Wording from their codes could be integrated into improved code wording for our Town

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### **Comments From Governmental Agencies**

CAC members reviewed comments from the  
Town of Marlborough Planning Board  
The Ulster County Planning Board  
Ulster County Department of Soil Conservation

Those documents are included in our written report.

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### **Scenic Hudson**

We viewed Comments from Scenic Hudson. Perhaps their strongest statement is “Removing the specific numerical guideline currently imposed by the law would risk creating further uncertainty in enforcement and potentially weaken the law’s protections.”

This is clearly not the Board’s intention—you have stated you want clarity in any new wording.

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### **Maps**

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

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### **Financial Impact**

The CAC is focused on issues concerning our natural resources and we have centered on environmental issues. However, the Ridgeline IS one of our natural resources as stated in the Master Plan.

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.

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### **Financial Impact**

Potential litigation costs to taxpayers was a topic of discussion brought up by many. It would be wrong not to consider potential financial consequences for the taxpayer.

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## Recommendations

The CAC is recommending that the Town Board discard the wording of the Ridgeline Protection Code as proposed at the Public Hearing and continue to investigate wording that will enhance and strengthen our code. We suggest that

- ***The Board should propose two separate amendments to consider for adoption***
- ***In regards to the Ridgeline Protection Code, The Board should discard the present amendment as worded altogether and create an improved, non-ambiguous code with the guidance of our Town Engineer, Town Attorney(s), and qualified professionals***
- ***Wording should follow the intent of the CMP***

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### Recommendations

- ***The Code should include clear definitions for ridgeline, treeline, structure, buffers, and especially include a point of measurement***
- ***Qualifying and/or quantifying language for enforcement standards should be included***
- ***Please Consider neighboring communities' ridgeline protection laws for specificity and language to use within our own 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.

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### Thank you

Thank you for your attention. Our written report will provide much more data and information and has been provided to you.

We hope you find our work useful.

We also thank the Marlborough community for sharing their comments with us and participating in this process.

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