



PLANNING CONSULTANTS, INC.

August 28, 2025

Lenny Conn, Chairman
Town of Marlborough Zoning Board of Appeals
21 Milton Turnpike
Milton, NY 12547

RE: 229 Mount Zion Road (Santini Residence)
Tax ID: 102.3-2-15.300
Single-family Residential Development
Ridgeline Protection Area Interpretation

Dear Chairman Conn and Members of the Zoning Board of Appeals,

Enclosed please find six (6) copies of the following:

1. **Exhibit A** – Denial Letter from Town Engineer Pat Hines dated June 10, 2025
2. **Exhibit B** - Denial Letter from ZEO Tom Corcoran, Jr. dated August 12, 2025
3. **Exhibit C** – USGS Topography Map
4. **Exhibit D** – Line of Sight Profiles prepared by Day Stokosa Engineering dated February 15, 2025
5. **Exhibit E** – Approved Subdivision Map prepared by Control Point dated October 26, 2023
6. **Exhibit F** – Driveway Correspondence from Highway Superintendent and Fire Chief dated July 24, 2023
7. **Exhibit G** – Day Stokosa Engineering letter dated January 28, 2025
8. **Exhibit H** – Slope Conditions Map prepared by Control Point dated September 13, 2024
9. **Exhibit I** – Thomas Corcoran, Jr. letter dated September 20, 2023
10. Application to the Zoning Board of Appeals prepared by KARC Planning Consultants dated August 28, 2025 and attachments:
 - a. Short EAF Part I dated August 28, 2025
 - b. Deed and Tax Bill for 229 Mount Zion Road
 - c. List and Map of Abutting Properties within 500 ft of 229 Mount Zion Road

- d. USGS Topography, Zoning & Tax Maps
 - e. Site Plan Set (C001; C100; C500) prepared by Day Stokosa Engineering dated July 25, 2024
 - f. Architectural Plan Sheets (A200; A201) prepared by Day Stokosa Engineering dated October 27, 2023
11. Application Fee in the amount of \$300.00
12. Escrow Deposit in the amount of \$700.00

We represent the owner of the parcel located at 229 Mount Zion Road in the Town of Marlborough, comprising approximately 18.69 acres within the Rural Agricultural (R-Ag-1) Zoning District. On February 26, 2025, pursuant to Section 155-41.1(F)(4)(a) of the Town of Marlborough Code, we submitted a Building Permit Application for the above reference project.

In response, the Town Engineer, Pat Hines, prepared a letter dated June 10, 2025 (**Exhibit A**) outlining four points explaining his position that the proposed site does not comply with the applicable provisions of Town Code Section 155-41.1. In response to Mr. Hine's letter, the Code Enforcement Officer, Tom Corcoran, issued a response dated August 12, 2025 (**Exhibit B**).

Accordingly, our position is that the application *does* comply with the applicable provisions of Town Code Section 155-41.1 for the following stated reasons:

POINT 1: Mr. Hines states that "a proposed house location is at elevation 1007.5. The highest point on the property identified by spot elevation 1012.8. This locates the elevation of the proposed house 5.3 feet below the highest point on the subject property. KARC Planning Consultants letter states that a building height is proposed at 27 feet."

Response: Section 155-41.1(F)(4) states: *"Applicants for construction on properties to which this section applies shall demonstrate to the Town Engineer and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents, or other fixtures attached to the structure) subject to this section shall extend above the highest elevation of the Marlborough ridgeline, as viewed from the east, as determined by the Town Engineer and the Town Code Enforcement Officer."* Based on USGS mapping (**Exhibit C**), there is a point north of the site with an elevation at or exceeding 1,100 feet. The proposed residence has a base elevation of 1,007.5 feet and a proposed building height of 27 feet, resulting in a maximum elevation of approximately 1,034.5 feet. This places the proposed residence roughly 65.5 feet below the highest point on the Marlborough ridgeline.

POINT 2: Mr. Hines states “The line-of-sight profile drawings prepared by Day & Stokosa Engineering selected 3 points of reference to prepare line of sight drawings. The source of the topographic information in the profiles is not provided. It is noted that the profiles contain “probable point of view obstruction”. All of these are identified via areas as intersecting tree lines identifying reputed 40-foot-high vegetation. It is unclear if the vegetation would provide the screening of the site during leaf off conditions.”

Response: The topographic information in the line-of-sight profiles prepared by Day Stakosa Engineering dated February 15, 2025 (**Exhibit D**) was sourced through GIS mapping. While seasonal variations may affect vegetative screening, the profiles clearly demonstrate that the combination of existing topography and tree cover provides substantial, year-round visual buffering of the site. Accordingly, the analysis as submitted accurately represents anticipated visual conditions and does not warrant further modification.

POINT 3: Code Section 155-41.1F (b) states *“there shall be no disturbance of the tree line area above the highest points of the structure and highest point of the ridgeline”*. During field reviews of the project site on 26 October 2023 with representatives of the applicant, the Town of Marlborough and MHE Engineers extensive regrading of the site was evident with tree clearing having occurred at the home site. Numerous large diameter trees were identified being deposited off the steep slope to the west of the home site. Day & Stokosa letter in the second paragraph identifies *“as you know the owner has constructed a driveway from Mount Zion Road to the west side of the property”*. This property was also cleared in anticipation of the construction of a new single-family home.”

Response: The applicant has installed a fully approved UCDOH-approved septic system at the location shown on the Subdivision Plan prepared by Control Point dated October 26, 2023 previously approved by the Town of Marlborough Planning Board (**Exhibit E**). In addition, the gravel driveway, also depicted on the approved Subdivision Map, was constructed to provide access to the upper portion of the site. The driveway was inspected on July 24, 2023 by Highway Superintendent John Alonge and Fire Chief Erick Masten (**Exhibit F**).

POINT 4: A letter prepared by Day & Stokosa Engineering dated January 28, 2025 identifies approximately 1/3 of the land contains slopes 0 – 15%. A portion of this area is identified as federal jurisdictional wetlands, other areas on the site could potentially be developed as a suitable home site. Insufficient information has been presented in order to determine that compliance with the ridge preservation requirements would render the existing lot unbuildable. This office is not in a position to make that determination on the information submitted by the applicants' three consultants. A subsurface sanitary sewer system has been designed and approved by Ulster County Department of Health along the top of the ridge. Other suitable areas may exist within the 6.45 +/- acres of property identified with slopes of 0 to 15%. In



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addition, it noted that Ulster County permits the construction of a "Ulster County Fill System" which can be constructed utilizing imported soil.

Response: Please see the attached letter prepared by Day Stokosa Engineering dated January 28, 2025, outlining the rationale for the proposed residence location (**Exhibit G**). DSE's letter supports the findings of the Slope Conditions Map for the site prepared by Control Point Associates dated September 13, 2024 (**Exhibit H**). Additionally, in a letter dated September 20, 2023 (**Exhibit I**), ZEO Tom Corcoran, Jr. stated: *"With that said, I conducted an inspection of the site on September 20, 2023, and the location of the home and the septic area, as presented to me, is in an area I find to have a slope of less than 15%. In accordance with Town Code Section 155-41.1(C) – Construction Control Limitations (attached). I find the area shown to me to be an acceptable location for new home construction."*

In conclusion, based on the above responses to Town Engineer Pat Hines and ZEO Corcoran's referral letter, the applicant is seeking an interpretation that the proposed residence does not extend above the highest point in the Marlborough Ridgeline pursuant to section 155-41.1(F)(4) and that the proposed location of the residence is a suitable and acceptable location in adherence to the Ridgeline Protection Law.

Please advise if you require anything further to complete your review. We kindly request that this matter be placed on the next Zoning Board Agenda scheduled for September 12, 2024.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "KLibolt".

Kelly Libolt