



10 June 2025

Town of Marlborough
Building Department
21 Milton Turnpike #200
Milton, NY 12547

ATTENTION: Tom Corcoran, Jr. – Code Enforcement Officer

SUBJECT: Santini Parcel Section 102.3, Block 2, Lot 15.300
Ridgeline Protection Area Evaluation
PB #23-16

Dear Mr. Corcoran,

The Town of Marlborough, Town Code Zoning Section 155-41.1, Ridgeline and Steep Slope Protection was adopted by Local Law No. 5 of 2005 and amended in August of 2024 by local law member 3 of 2024. The ridgeline and steep slope protection contains a statement of purpose-(3) “the ridgeline protection area is defined as the area on the map known as Marlborough Ridgeline Protection Map adopted with this code, and any subsequent amendments. The ridgeline in the Town of Marlborough shall be generally viewed as the high points (plural) of the ridge commonly known as the Marlborough Mountain as viewed from the east in a westerly direction. Ridgeline protection map generally identifies all areas above 750-foot elevation based on NAD 1927. Town Code Chapter, 155-41F identifies the ridgeline protection requirements 1 through 6.

This office received under cover letter of KARC Planning Consultants the following:

1. Exhibit A - USGS Marlborough Ridgeline Topography Map.
2. Exhibit B - Line of Sight Proposed Profiles Prepared by Day & Stokosa Engineering , dated 15 February 2025.
3. Exhibit C – Slope Conditions Map Prepared by Control Point Associates, dated 13 September 2025.
4. Exhibit D – A letter prepared by Mark Day, P.E. of Day & Stokosa Engineering, dated 28 January 2025.
5. Exhibit E – A letter from Thomas Corcoran, Jr., dated 20 September 2023.

The subject property located at 229 Mount Zion Road in the Town of Marlborough encompasses approximately 18.7 +/- acres located in the Rural Agricultural Zoning District. The letter identifies the applicant is seeking to construct a new single-family residence located in the Ridgeline Protection Area. The information submitted including topographic information from Control Point Associates Map, referenced above, identifies that a proposed house location is at elevation 1007.5. The highest point on the property identified by spot elevation is 1012.8. This locates the elevation at 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. The KARC memo identifies a higher peak located off site of approximately 1100 feet. The ridgeline preservation statement of purpose No. 3 identified above states the ridgeline of the Town of

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Marlborough shall generally be viewed as the high points (plural) of the ridge. The Ridgeline Protection Area is not anyone single point in the Town of Marlborough. The intent of the ridgeline preservation map is to identify all high points above the 750-foot elevation running generally in a north south vector.

The mapping provided identifies the proposed house location is located along the ridgeline on the subject parcel.

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.

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".

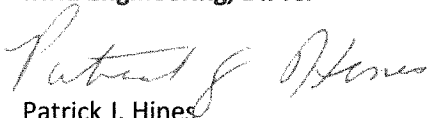
The Day Stokosa letter dated 28 January 2025, identifies approximately 1/3 of the land contains slopes 0 – 15 %. A portion of this area is identified as federal jurisdictional wetlands, other areas on the site could potentially be developed as a suitable home site. Insufficient information has been presented 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 addition, it noted that Ulster County permits the construction of a "Ulster County Fill System" which can be constructed utilizing imported soil.

Based on information submitted and prior field review of the proposed location, this office cannot determine whether other suitable building sites exist on the site, and we believe that the potential site identified on the plans is not in compliance with the applicable portions of the Town Code Section 155-41.1.

Please feel free to contact the undersigned should you have any questions, comments or require any additional information regarding this matter.

Very truly yours,

MHE Engineering, D.P.C.



Patrick J. Hines
Principal
PJH/kmm



Michael W. Weeks, P.E.
Principal