

TOWN OF MARLBOROUGH
CONSERVATION ADVISORY COMMITTEE

Comments to Zoning Board of Appeals
November 13, 2025

Re: Santini Residence 229 Mt. Zion Road, Marlboro, NY

To all ZBA members of the Town of Marlborough:

The job of the Conservation Advisory Committee (CAC) is to advise the town and its member boards on items relating to our town's natural resources and environmental issues. As part of that mission, the CAC did considerable work in regards to the Ridgeline Protection Code. Although the revision was adopted for the purpose of clarification, it seems that the applicant is now wanting to apply a different standard in order to achieve his goal of building on the very top of the ridge.

I speak tonight as the Chair of the CAC. Our 58 page final report to the Town Board for the revision of Code 155 is attached as a link for your reference, but our comments tonight hopefully will address the specific issue you are tasked to decide and will assist you in making a decision that will continue to offer ridgeline protections as is legally dictated by our Comprehensive Master Plan.

A detailed explanation of the Master Plan was given to the CAC and a copy of the document is referenced as an attached link. We believe you will also find it useful as your decisions must support Town Code and adopted town policies that protect our natural resources. Those sources are included below and can be read at your own discretion.

The Town's Comprehensive Plan, version of 2002, cites the importance of ridgeline protection . It was so important that the town codified the Ridgeline Protection Law. The Master Plan clearly explains the importance of preserving the vegetation.

- www.townofmarlboroughny.org/DocumentCenter/View/466/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.

In the updated Local Waterfront Revitalization Plan (LWRP) of 2017, the need to protect our forested area and preserve our natural resources, especially in regard to agricultural lands and industry, is also reinforced

- <https://townofmarlboroughny.org/DocumentCenter/View/1634h>
See, among others, pp7-8 and 28

The CAC continues our defense of the ridgeline, one of our town's natural resources, by reminding the ZBA members that our Town Code Chapter 75 specifically addresses Clearing and Grading and describes the purpose of the chapter being to protect the public health, safety and welfare of the residents of the Town by providing for the proper use of land and regulating site preparation, construction activities and other activities impacting the land.

It is not known to the CAC if the applicant obtained the necessary permits to clear the acreage on the top of the ridgeline that is obvious to the naked eye (photo attached). If there was no permit from the building inspector then it is quite possible that the clearing already performed on the top of the ridgeline was a violation of Town Code. If the ZBA approves the request for this matter, it will be giving permission to continue to ignore this part of town law.

There are other considerations that we feel are worth reviewing. If building restrictions on the ridgeline are removed for this request, a precedent is set and it is conceivable that the entire ridgeline could be dotted with assorted housing types in the future, permanently changing the bucolic character of our community. It would be wise to consider the impacts not only of the aesthetic changes this could create, but also the magnification of erosion, changes in drainage, and more, that could affect the town's infrastructure and the economic benefits we enjoy by having a thriving agricultural landscape.

The CAC stands firm for this public hearing that the intention of the Ridgeline Protection Law be sustained. The code was written to ensure that an uninterrupted line of treetops will be maintained as the westernmost vista looking

from east to west. In addition to the aesthetics of a uniform horizon line, protecting the steep slopes and landforms below, along with the flora and fauna that reside there, is essential to the quality and character of our town.

We trust that the attached documents will assist you in your determinations. We also ask that this statement and the links attached will be included in the minutes of this Public Hearing.

We question whether or not the public's curiosity will be satisfied at tonight's meeting, or will there be additional data that results from the input of others. This past Monday, the Town Board approved to provide legal services to the ZBA specifically on this matter. The public should be able to comment on any recommendations that might ensue from this new hire. That being the case, we ask that the public hearing remain open for the public to become informed of any new data they might want to comment on.

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Respectfully submitted,
Mici Simonofsky, Chair
Town of Marlborough Conservation Advisory Committee

CAC Final Ridgeline Feb 12 2024

Explanation of adoption of Ridgeline Protection Codes

<https://docs.google.com/document/d/1ZeWbr4l4ScGdrBuDlp4RsHhSSJjPm9po/edit?usp=sharing&ouid=118439463623887534757&rtpof=true&sd=true>

CAC letter to Town Board, Public Hearing Jan 8, 2024

<https://docs.google.com/document/d/1I8WQHxK0pTH6cBxkXMPK-3rPxz8hyxa6vQo7EmFqHeA/edit?usp=sharing>



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Photo taken January 31, 2024 from Ridgeview Lane in Marlboro of the denuded
ridgeline