

PUBLIC HEARING

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".

TOWN OF MARLBOROUGH TOWN BOARD  
21 MILTON TURNPIKE, MILTON NY  
JANUARY 8, 2024 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Corcoran  
Councilman Molinelli  
Councilman Zambito  
Councilwoman Sessa  
Councilman Cauchi

Colleen Corcoran, Town Clerk

Also Present: MaryEllen Glorie, Resident  
Cindy Lanzetta, Resident  
Mici Simonofsky, Resident/CAC Chair  
Doug Glorie, Resident Farmer  
Dan Heavens, Resident  
Onno Dejong, Resident  
Tyler Pagano, Resident  
Steve Santini, Resident

*Supervisor Corcoran opened the public hearing for comment.*

*MaryEllen Glorie, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

Comments for Marlborough Town Board public hearing re: changes to the ridgeline protection law

January 8, 2024

Good evening.

In 2002 the Marlborough Town Board adopted an update to the Town's comprehensive plan that said, "The natural resources of Marlborough are the Town's most important asset and should be protected." The plan also spoke specifically about the ridgeline of our Marlborough Mountains.\*

The 2005 ridgeline protection law was born out of that plan update, and it had a sound planning foundation. Marlboro's law is not particularly stringent compared to some others. The part of the law that your proposal seeks to delete is the part that matters most. "No structure... shall be located closer than 50 feet in elevation to the ridgeline..." and "There shall be no disturbance within this fifty-foot area except for access driveways...." Simple. Unambiguous. But delete those lines, and our ridgeline essentially has no protection at all.

The Marlborough ridgeline is a significant feature of our town, and it is an important part of Marlboro's identity. The law preserves the natural landform and rural character of the mountaintop and allows our community to preserve its unique beauty and most important natural resource.

The current law's simple restriction for not building closer than 50 feet in elevation to the ridgeline has been in place for 18 years. It's not 500 feet. It's not even 200 or 100 feet like many others. It's just 50 feet. That seems to me to provide a good balance between private property rights and protecting the community's natural beauty and resources.

If you google "ridgeline protection law," you'll get a ton of results. Laws similar to ours are ubiquitous; they exist anywhere there is a ridgeline and the people who live there recognize the value of it. Variations of these laws exist in municipalities from coast to coast; in towns, cities, and counties; in suburban areas, in rural areas, and in tourist meccas.

If, on the other hand, you google “remove ridgeline protection law,” you’ll get no results; at least, I didn’t get any. Even if there is something out there that I missed, it still makes me wonder, why would any community that has gone to the trouble of protecting its ridgeline want to do away with that protection when it means you risk losing something so special?

Our Marlborough ridgeline is an historical physical feature that is a gift to this community every single day. It is irreplaceable. Delete the 50’ foot elevation building restriction from the law, and you’ll let the genie out of the bottle. There are no two ways about it. Pass this proposal, and we will lose the ridgeline, acre by acre. And once lost, there will be no getting it back. Ever.

The ridgeline protection law has done its job. It was passed for the benefit of the citizens of this town. Taking the life out of the law would be shortsighted and do us all a disservice. For the welfare of the community at large, for the many visitors to our community, and for all the future generations of this community, I strongly encourage you to leave the current ridgeline protection law intact and let it continue to do its job for all of us.

Thank you.  
MaryEllen Glorie

\*Regarding the Marlborough Mountains, the 2002 comprehensive plan update said, “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.”

*Cindy Lanzetta, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

How privileged are we to live in the "Tuscany" of the Hudson Valley?! The people of Marlborough have long recognized how special our community is because of its proximity to the Hudson River, on the East, and the Marlboro Mountains to the West. The Marlboro Mountains are a forested area that provide a unique microclimate that helps the growth of the grapes and stone crop fruits that the area is known for. Agriculture and agritourism are Marlborough's economic engine. That is why, even 20 years ago, the Town identified the protection of the Marlboro Mountains to be important enough to protect by the Ridgeline and Steep Slope Law it enacted.

Now the Town Board is proposing to lessen the protection in such a way that it could negatively impact the development on the ridgeline leading to clearing and houses instead of forested viewsheds.

The current law cites residential development below the top ridgeline (50 feet). The new law would eliminate that buffer and could lead to people building directly on the top.

This is not good planning and is contrary to all the Town of Marlborough planning documents.

Since the changes in this law would have a negative effect on the protected Marlboro Mountains Ridgeline the SEQRA documentation should reflect that and require a significant mitigation strategy.

Since protection of the Marlboro Mountains is noted in the Local Waterfront Revitalization Plan, the New York State Department of State is also a party to the SEQRA process and must be notified for comment.

The Ulster County Planning Board has reviewed the proposed changes and is requiring that the Town offer additional protections to the ridgeline law.

The Marlborough Town Planning Board has suggested to the Town Board that a reduced buffer (40 feet) might be a compromise that would still allow for a two story home to remain under the ridgeline view.

The proposed change to the current law would have a significant impact to the community by allowing additional stormwater runoff, fragmenting forestland, and ruining the viewshed which would impact agritourism and the economic vitality it attracts.

When people come to Marlboro and Milton to the "pick your own", the wineries and the restaurants, they are coming because they are attracted to the beauty of our region.

When they step off the boats at Milton or drive up from urban spaces, they are here to enjoy the natural scenery that some of us take for granted. That scenery attracts dollars.

Remember the Joni Mitchell song "Don't it always seem to go - that you don't know what you've got till it's gone..."

We need to do better than this for Marlborough!

*Cindy Langstra  
Public Hearing  
1/8/2024*

*Mici Simonofsky, Resident/CAC Chair, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

**Comments to the Town Board from the Conservation Advisory Committee  
Re: Amendment to Section 155-32K of Zoning Code of Town of Marlborough  
January 8, 2024 Public Hearing**

To: Supervisor Corcoran & Members of the Town Board

Good evening. I am speaking to you at this Public Hearing with comments and questions in regards to the proposed new law for expanding the limits for completion of projects as well as the proposed change to the Ridgeline Protection Law.

I noticed these proposed laws from attending the December Town Board meeting and it occurred to me that the Conservation Advisory Committee should weigh in on the Ridgeline law as part of our responsibility to advise the Board on matters affecting natural resources and the environment. I circulated an email to CAC members and there are a few questions that have resulted from conversations with some of those individuals in regards to the proposed amendment. Councilwoman Sessa responded and sent the CAC an explanation that the

"The update will remove the sentence that stipulates development cannot be closer than 50 ft in elevation to the ridgeline effected. We were advised by the town engineer to remove that line, as we are one of the only towns that have that restriction in place. The code doesn't stipulate 50 ft from the highest point, simply 50 ft generally, and thus can be considered overly restrictive to the land owners."

Her reply is appreciated, but the amended law takes away *all* restrictions as to the accepted level of elevation for new buildings. The CAC would like to understand the urgency for enacting this amendment and request some time to review the Town Engineer's letter of necessity. The beauty of the western boundary of Marlborough cannot be denied. Our Comprehensive Plan explains the reason for adopting the Ridgeline Protection law as written for preserving the use and visual appearance of the ridgeline acreage. This is so important to support our agricultural heritage and agritourism, both industries that are our Town's economic drivers.

In the meantime, I reviewed the Town's Comprehensive Plan, version of 2002, where the importance of ridgeline protection is cited, resulting in the Ridgeline Protection Law. The Master Plan also clearly explains the importance of preserving the vegetation:

"construction on steep slopes is difficult and leads to environmental degradation due to increased stormwater runoff and erosion."

- [www.townofmarlboroughny.org/DocumentCenter/View/466/Town-of-Marlborough-Comprehensive-Plan-2002](http://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

Just this evening, I also located the updated LWRP of 2017 that also reinforces the need to protect our forested area and preserve our natural resources, especially in regard to agricultural lands and industry

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

There are other considerations that I feel are worth reviewing. If building restrictions on the ridgeline are removed, it is conceivable that the entire ridgeline could be dotted with assorted housing types. It would be wise to consider the impacts not only of the aesthetic changes this could create, but also erosion, changes in drainage, and more. Light pollution is another concern the CAC has already brought to the attention of the Town Board that should be considered before enacting this amendment. The amended law also seems to deny the Planning Board 's authority in approving applications when it allows the Town Engineer to also be the determining voice.

At their request I am conveying these comments from CAC members who are not able to attend tonight:

"So I see there will remain a reference to the tree line. One might ask what the definition of treeline is and why that wording remains. How are the engineers defining it? You could also ask what is to stop someone from altering a treeline by harvesting trees in order to comply to whatever the engineer is using as a reference. It seems odd this is remaining. Is it to placate concerned townspeople?"  
Stephen Osborn

"What is the reasoning and the urgency of this amendment? I feel the Board has an obligation to inform the CAC and the public in general about this change in more detail." Jannelle Koszarek

These are some of the concerns brought up. In short, I respectfully request that the public hearing not be closed until the CAC can present comments to the Board based on additional research and information from Town documents.

We did not have the opportunity as a committee to review the changes in the law due to the timing of the announcement of the Public Hearing on December 11 , as well as the holiday interruptions. There was insufficient time to schedule a special meeting. However, I would place it on this week's meeting agenda to begin our review.

I also ask that this letter of comment be included in the minutes of the Public Hearing.

Respectfully submitted,  
Mici Simonofsky, Conservation Advisory Committee Chair pro tem

*Doug Glorie, Resident Farmer, shared drawings of his interpretation of the ridgeline with the Board. He read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

**Comments for Marlborough Town Board public hearing re: changes to the ridgeline protection law**

Good evening,

As councilmen and woman for the town of Marlborough, you represent all of Marlborough's citizens, and it's your job to take actions that reflect the will of the majority. I'm not sure if there are enough people in this room tonight to represent the town. The bottom line is you're supposed to represent everybody.

I did some analysis and there are 7.71 linear miles of Marlborough Mountain ridgeline considering the start at the Orange County border and proceeding north to the town of Lloyd. I realize this is not practical or doable, but technically, if I do the math, you could put a house on each square ridgeline acre, so landowners on the ridge could, if they chose to, erect 193 houses. And based up on your proposal they could all be sitting on top of the ridge. How would that look?

This law change may have to do with individual property rights but changing this law ought to reflect what the townspeople think. What the ridgeline landowners want could be completely different from what townspeople want. This board doesn't just represent the few landowners who own property on the ridgeline. You represent all of the citizens of Marlborough, including the 6,296 registered voters who reside here.

You and I spoke this afternoon, Scott, and you indicated to me that the Board is in favor of eliminating the 50' building restriction. But you should be approaching this from a neutral position. You should not decide one way or the other until you have heard all of the input, both pro and con, from all of the citizens who want to be heard. That's the only fair approach, the only democratic approach, to take.

Since the Board does not appear to be neutral on this issue, I believe the fairest approach may be to conduct a public referendum. We are dealing with a Marlborough Natural Beauty Asset. Let the 6,296 registered voters of Marlborough decide.

Doug Glorie  
01/08/2024

*Dan Heavens, Resident, stated he owns property on Mountain Road and 800 feet of the ridgeline. He stated his opinion that this law seems rushed and he has a water issue already and is concerned about encouraging development on the ridge.*

*Onno Dejong, Resident, stated his opinion that he feels the Board should take more time to look at this law and that it will affect our children and it is more of a negative thing.*

*Tyler Pagano, Resident, stated his opinion that progress means change. His generation and younger may not agree with all that was said and they don't go to town meetings; he suggested that a public referendum may be the best option.*

*Councilman Cauchi asked for clarification as to how they are figuring the 50 foot mark.*

*Supervisor Corcoran explained that there is an application before the Planning Board and there was question about how to interpret the law. The Board doesn't just want to change laws; this Board is for development. They way they are interpreting the law is 50 foot down from elevation; 50 foot from the roofline. They may need to make the law more specific. He explained that he appreciates all the comments and thanked everyone for coming out. All recommendations will be taken into consideration. He allowed a few comments from the audience at this time.*

*Steve Santini, Resident, questioned if the Board will look at the Building Permits issued to the 11 homes on the ridgeline that were built post 2005 when the law was added.*

*Supervisor Corcoran said he can follow up on that.*

*Nancy Nowacek submitted comments to the Town Board which are incorporated into the minutes as follows:*

To the Town Supervisor and Marlboro Town Council,

I'm writing, as a resident of Marlboro, to respond to the suggested changes in the Ridgeline Projection Law. I am against these changes for several reasons:

1. Environmental degradation from increased stormwater runoff and erosion
2. Housing development along the ridgeline would transform the rural character of Marlboro, an important feature for agritourism, that would affect the local economy
3. Increased light pollution can disrupt our local—and unique—ecosystem

*Supervisor Corcoran asked for a motion to keep the public hearing open.*

***Councilman Molinelli made a motion to keep the public hearing open at 7:47 p.m. Motion seconded by Councilman Cauchi.***

**Yea: 5      Nays: 0      Carried**

PUBLIC HEARING-OPEN FROM 01/08/2024

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".

JANUARY 22, 2024 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Corcoran  
Councilman Molinelli  
Councilman Zambito  
Councilwoman Sessa  
Councilman Cauchi

Danielle Cherubini, Deputy Town Clerk

Also Present:

Melissa Quimby, Resident  
Gary Lazaroff, Resident/Town Employee  
Carrie Santini, Resident  
Mici Simonofsky, Resident/CAC Chair  
Doug Glorie, Resident Farmer  
MaryEllen Glorie, Resident  
Cindy Lanzetta, Resident  
Onno Dejong, Resident  
Dan Heavens, Resident

*Melissa Quimby, Resident, thanked the Supervisor for responding to the letter she wrote. She stated that it was indicated that wording may be added to the law to say the roofline must be under the ridgeline to make sure it is understood that structures cannot be put on the ridge. She asked if any wording has changed.*

*Supervisor Corcoran stated that they are not going to change anything until all public comments are received and the Board has an opportunity to discuss the subject.*

*Gary Lazaroff, Resident/Town Employee, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

Supervisor Corcoran and board members

Just to be clear I'm here in no official capacity. Although I'm immersed in town business and our code well beyond my normal work week. I don't make a habit of speaking or even attending board meetings as we see enough of each other but like 95% of the town employees I not only work here but live here in town. I'm afraid I only know about these proposed changes because of my everyday involvement and I'm afraid there are many landowners in town that are in for a rude awakening if they go to apply for a simple building permit and find out the hard way about the ridgeline and slope regulations.

After some of the comments at the last public hearing it has had me wondering as I make my way home everyday, about halfway up Old Indian Rd. as I crest the hill near Finos farm what those against the ridgeline code changes think when they see my house up on the mountain. The one that my great aunt built in 1939. Almost 40 years after my family moved to our farm on the ridge. I wonder how much it bothers them compared to the wind tower that sticks up high above the ridge. The one that keeps my neighbors and myself up at night any time the wind blows. Is that tower more visually appealing than another house or two on the ridge. This so called ridge that maybe doesn't even fit the definition of one. Lets be honest, were not talking about the Catskills or Adirondack high peaks. We are talking about 1000 feet of elevation. That 1000 feet is only relevant because of its proximity to the river. Just four miles for such an elevation change. On our end of the so called ridge it is not narrow as the definition defines but rather one slope that is somewhat steep with a large level area on top. The broad and vague language in the code would leave almost our whole property unbuildable. Even if one home were to be constructed on a 20 acre lot the code would prohibit us from doing so as there would be no way to build 50 feet below its highest point. What I'm getting at is our ground is too flat. Yes, on the ridgeline is too flat to build according to the code. Thats without even touching on the point of being visible from below. Why do we suffer restrictions on standing out on the hillside. Id argue the view is better from the top looking out rather than looking up at it. Why don't we restrict building on our river banks? Where the land is steeper and closer to a natural resource we could potentially harm? Is it because there not visible unless you're on a boat or crossing one of our bridges? Those restrictions would probably stop the bayside development. Even though that's where it belongs on the 9w corridor with municipal sewer and water. Where do we stop with blanket restrictions. I've also heard the argument that we are bringing in tourism via the Milton landing with cruise ships and taking these guests to see our town and rural landscape. Which I am 100% in favor of. But the first thing they see when they get off the boat is our sewer plant followed by Brooklyn bottlings sewer plant..... I don't think they mind seeing my house on the eastern slope. Let me also mention that these restrictions may force a different avenue with our land. Do we build tall barns or maybe greenhouses. As ugly as can be. You would be able to see them from the far reaches of Dutchess county sticking up on the mountain all under the agricultural law that would be perfectly acceptable in our zone. Maybe solar panels. Green energy. So many that every plane that takes off out of Stewart airport and circles over sees the glare. I don't think that's better than a house or two.

Currently we have the fifth generation of my family living on our ridgeline compound. But as of now all the residual land we have is unbuildable for the current and future generations. I'd ask that the ridge code be scaled back tremendously or removed all together. Let the topography determine if development can occur. There are no 1 acre lots scattered across the ridge but mostly large parcels that would face extra scrutiny anyway from the planning board. Don't restrict the landowners that have held these parcels that are perfectly buildable for their future generations. Don't lump a single home build with a large subdivision.

I'd also mention the exploratory well the town was working on not far from my house. If the well had proven viable the ridgeline code would have prevented even a 10 by 10 pump house from being built near the well, not to mention a half million gallon tank. I understand we may be exempt from the code for official use but worth mentioning. I'd also mention that we don't need the water even at our 1000 feet of elevation. Our shallow wells run over when the water table is high. A few new homes aren't going to pull the water out from under us.

I could go on and on as my family has lived and farmed on the so called ridge for well over 100 years. But I'll leave you with this. I just drove home this afternoon from our camp in the tug hill region of

upstate. Overall a very restricted area with tons of forever wild and conservation easements. Our house sits at 1800 feet in elevation. There are no building regulations besides frontage requirements and normal setbacks to build anything you want wherever you want. All at almost twice the elevation we have here in town. One would think it would be a metropolis but similar to our ridge here there are no small lots available and subdivisions are regulated enough already to deter overbuilding the area.

I apologize as I know I've been all over the place in my comments. I've had a few weeks of it being on top of my mind and lots of time to ponder. Whether it's been the long ride back and forth to camp or the many hours I've spent in the last couple weeks going up and down Old Indian Rd, Mt Zion Rd, Mountain Rd and Reservoir Rd plowing.

It's my opinion that our current town board is more for property rights than property restrictions. I'd ask that you follow through with at least the proposed code changes and consider further loosening them. Don't back down.

Thank you.

*Carrie Santini, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

To the Town of Marlborough Town Board,

As a life long resident of the town of Marlborough and an owner of property within the ridge line I have some thoughts and feelings about the protection of our beloved ridgeline. I do understand the need to protect it but at what cost to your residents. I have attended the public hearing on the matter as well as one of the two special meetings held by the CAC and heard the concerns, but believe that our current law does not take property owners and their rights into consideration. The 5<sup>th</sup> and 14<sup>th</sup> Amendments of Our constitution protect our right to own property and to use it as we see fit, if it does not impede on the rights of others. From all that I have heard one of the main concerns for protecting the ridge is to protect the view for others in which case the town should then need to compensate the owners of the land effected as they are taking away the right of use for said property to benefit others. What good is the right to own property if all the rights to use it are taken away. As with emanate domain, if a governing board physically ceases property for the better of the public the land owner needs to be justly compensated, the same should be if the given rights of the property are taken away for the better of the public.

As for the environmental impact of building on the ridge, I do believe that there are better more efficient ways to protect this then telling property owners where they can or cannot build a home on their own property. The town code already has laws in place to control run off, erosion, and property setbacks, it also includes the steep slope regulations to protect the sides of the ridge. All of those are in place to limit what and where one could safely build upon the ridge. If all the codes are being met and a home is going to be with in the tree line what makes it any less safe to build on top of the ridge verse on the side of the ridge. I do not believe that is a fair restriction to say that a home cannot be built atop the ridge if it is meeting all the other property set back laws that are in place. A number that keeps getting brought up is the 7.5 miles of ridge line and how if we lessen the protection of this, we could end up with 100s of house on that 7.5 miles of ridge line. That just simply is not true, as a person who regularly explores the ridge there are very few buildable areas. With the areas that would be buildable on the top of the ridge, many would cause less disturbance than clearing and prepping a site on the side of the ridge. If the steep slope only must be disturbed to put in a driveway the site can be remedied much quicker than if it is disturbed for the full construction process.

Another topic that keeps getting brought up is protecting our ridge for future generations. It was brought up at the public hearing, a majority of the people with an opinion are of the older generation (50+). As a person of the middle generation (25-50) I would technically be one of the future generations. In my opinion people of my generation would like to grow and expand our community and allowing people to build on the ridge would help in doing so. Houses on top of hills with views have higher values, and therefore a higher tax base. Marlboro has one of the higher tax rates in the immediate surrounding areas so, more high value homes would increase the income from taxes allowing for expansion within the towns economic development. Estimating that about 30 people attended the public hearing on this matter and the population of the town is about 8800 you are hearing the opinion of about .3% of the town people. I feel that to get a true opinion of how the people of the town feel about the issue a public referendum would be the best option.

Thank you,

Carrie and Steve Santini

*Mici Simonofsky, Resident/CAC Chair, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

**To the Board**

The Conservation Advisory Committee (CAC) has held two meetings in regard to the Ridgeline Protection Law and at those meeting public members have voiced their comments and questions. The CAC is working on a final report but in the meantime, the CAC is recommending that the Town Board continue to investigate wording that will enhance and strengthen our code.

The Comprehensive Master Plan clearly refers to the ridgeline as one of the Town's strongest assets both visually and economically as its integrity lends to the continued success of our farmlands, the Town's biggest economic driver.

We heard so many members of the public speak to this. And the consensus above all is that the code, as one of the CAC members wrote: "needs to be updated with more succinct language, better definitions, and a clearer explanation of how the Marlborough Mountain Ridgeline Protection overlay zone/map is to be used. "

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.

The CAC would continue to assist the Town Board in this regard if the Board desires. In the meantime, this full account is being developed along with a PowerPoint presentation for delivery at the February 12 meeting.

Once again, I respectfully request that the public hearing remain open until the CAC has presented our findings for your use.

I ask that this request be included in the official minutes of the Public Hearing/Town Board meeting.

Thank you for the opportunity to assist you.

Respectfully submitted,  
Mici Simonofsky

*Doug Glorie, Resident Farmer, shared a visual demonstration of his interpretation of how homes could be placed near the ridgeline. He read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

Greetings all,

I am writing to you as it pertains to the proposed ridgeline law change. I recently attended the January 20, 2024, CAC meeting. I thought it was an informative meeting where various views and facts can be shared.

For the record, I am not opposed to any landowner for erecting a structure on the side of Marlboro Mountain and I am not opposed to the fact that it will likely be visible from points east. I am however sensitive to structures which could be built on or near THE ridgeline. The current code protects this aspect. The code does need a wording change to remove any ambiguity. The board may be leaning towards keeping the 50-foot elevation clause. Assuming that may be true, I would like to offer these comments.

I met with the Building Inspector on January 19. I felt it was likely that Tom would be sharing his insight as to how the law could be worded. The wording needs to be clear so that he can render a defendable decision. First, the term “treeline” should be removed, as it conflicts with “ridgeline”.

The sentence the board wishes to remove is “No structure that is subject of this section shall be located closer than fifty feet in elevation to the ridgeline affected by the application as determined by the Town Engineer.” I asked Tom how he interprets “affected by the application”. He must select a reference point to determine if the 50-foot requirement can be met. If I understood him correctly, Tom uses the applicant's lot line as his basis. He uses the proposed structure's location and compares it to the most westerly elevation of the lot. I mean no disrespect, but this can be too restrictive to the applicant if he/she does not have enough elevation change on their lot. I believe a fairer test is to compare the structures' location to the actual ridgeline. This can be accomplished by using the structure's latitude and longitude attributes. One would need a phone AP (I use “My Altitude”, there may be better ones) showing latitude and longitude and access to The National Geologic Map Database.

I'll use our house as an example. Using my phone, and standing near our foundation, our latitude is 41.617N, 74.019W. I then access the above database. (This is best done on a laptop, as the screen is larger). Use the TOPO VIEW. I enter my address and the topo map of our area appears. I place the cursor on my location as defined by my phone coordinates and it displays my altitude, 818'. Results are displayed in the upper right corner. Be patient as response time may take 45 seconds.

Now I want to compare my house foundation height to the ACTUAL elevation of the THE ridgeline. In our case, this point is 2,000 linear feet away on someone else's property. No one needs to trek over to the ridgeline as it can be done digitally by dragging the cursor to the west. Using the exact same latitude, 41.617, I can establish the highest westerly point on the ridge, in our case, it is 920'. I do the math and we are 102 feet lower than the high point. Considering the current code, we comply with the 50' vertical buffer with 52 feet to spare.

There is no guesswork or interpretation with this approach. The same test can be applied if "top of the roof" strategy is used. More math is needed, and the structure may be allowed to locate a little higher near the ridgeline.

Is this approach foolproof? Basically, yes. However, one could argue, different vantage points along Lattintown Road or Ridge Road, can alter the "view". That is why we include the 50' buffer zone as it provides for some wiggle room.

I am just trying to be of some help and offer these thoughts for your consideration. I am sure there may be other techniques offering similar results, but at least this one is reproducible.

Respectfully submitted,

Doug Glorie

*MaryEllen Glorie, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

Comments for the Town Board public hearing re: changes to the ridgeline protection law

January 22, 2024

Good evening.

After the public hearing on January 8<sup>th</sup>, I spoke with someone who served on a town board for twenty-eight years. I explained the ridgeline protection law to him as well as the discussion about changing it, and I asked him for his thoughts. He was quiet for a few moments, and then he said, "My question would be, 'What's changed?'" I didn't have an answer for him because as far as I know, nothing has changed. The Marlboro Mountains are still in the same place they've always been, residents and visitors are still admiring and appreciating them just as they always have, and the Town's Master Plan still calls for the Marlboro Mountain ridgeline to be protected. So, if nothing's changed, then the law shouldn't be chopped up or weakened. If the law is vague, as has been suggested, then it should be a relatively simple fix to inject clarity into the language, and once completed, the law will be even better than it was before.

There has been discussion of the rights of private property owners, that this law limits their rights, and people should be able to build houses on their property wherever they want. Well, all zoning laws limit property owners' rights to some degree. The 50' elevation ridgeline building restriction is really a setback just like the other setbacks in our zoning code. These considerations all must have been part of the discussion back in 2005 when the ridgeline protection law was first proposed. And with the proposal of the new law, there must have also been a public hearing to gather the citizens' thoughts, opinions, and concerns. There was likely some deep discussion, and then the law was passed. And again, nothing has changed since then.

I understand that the public hearing may be closed tonight. If that is the case, I respectfully request that you "hold the record open" to allow time for people to submit written testimony for your consideration. There is clearly public interest in this topic, and since there does not appear to be any urgency for making changes to the law, perhaps an extension of three weeks would be reasonable, the conclusion of which would coincide with the date of the next Town Board meeting.

Thank you.

MaryEllen Glorie  
Marlboro, NY

*Cindy Lanzetta, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

I would like to speak to the issue of good planning and the law.

I have heard it repeated, on a number of occasions, "You can't tell me what to do with my land".

As a member of the Town and County Planning Boards, I can attest that "Yes, the community can tell you what to do with your land."

We are a country of laws and those laws are instituted for reasonable purposes.

30 years ago, the Town of Marlborough adopted land use laws in their Town Code under Zoning.

If you read Code 155-5 it says:

"This intent of this chapter is to establish a precise and detailed plan for the use of land in the Town of Marlborough based on the Comprehensive Plan, as it may be amended, and other studies and findings. This chapter is enacted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, to protect and promote public health, safety, morals, comfort and convenience and the general welfare of the people."

The purpose is to "Promote orderly development: to protect the character and maintain the stability of residential, business and agricultural areas and to secure and protect open space and recreation areas within the Town and to promote the orderly and beneficial development of the Town."

If you read the adopted Comprehensive Plan of 2002 and the update of 2019 you will see that the zoning code laws have changed, over the years, to encourage development in the areas that offer good transportation, as well as services and infrastructure like water & sewer. The lands west of the hamlets have the preferred use of agriculture and limited rural development. The steep slopes of the Ridgelines are under a special Overlay Zone that has been used to protect them from the serious effects of residential development and that Overlay Zone has been in place for 18 years.

If the Town Board has reason to believe they need to change the present Zoning Protection that the current law prescribes, it cannot lessen the protection. The Comprehensive Plan is very clear on what needs to be achieved for the benefit of the public health, safety and welfare. Therefore, simply striking out a buffer or horizontal setback would not mitigate the possible damage to the Ridgeline Protection.

It is clear that the proposed law change is not defendable and its adoption, as written, would open the Town to an article 78 action.

I would ask the Town Board to separate the linked code changes.  
I would propose that the extended Site Plan Review Law stand on its own for review and adoption.

However more time must be taken to examine the Ridgeline Protection Law and how it can be crafted in a way that best serves the Community and achieves the aims outlined in the Comprehensive Plan.

Cindy Lanzetta

*Onno DeJong, Resident, commented that he read the Master Plan and it is clear. He stated his opinion that the ridgeline is a prospective and it should be clear as to what is to be done. He suggested that if they want to develop the town, do it in an orderly way and also his opinion of what agri-business means.*

*Councilman Cauchi asked if the Master Plan is a law or a guideline.*

*Supervisor Corcoran explained that the Board is listening to all comments. They are trying to figure out the best solution for a good code; what is best for the whole town and all generations.*

*Supervisor Corcoran explained that the Master Plan is a guideline. The Board understands that there are protections pertaining to the ridgeline; the code doesn't say you can't build on the ridge but there are many restrictions. He suggested that the CAC get a document together showing how many houses were built in the 200 years prior to the 2005 Master Plan. His opinion is that the code should include wording to somehow include one story houses and measure from the roofline.*

*Supervisor Corcoran read correspondence from Melissa Quimby that Ms. Quimby mentioned at the beginning of the meeting which is incorporated into the minutes as follows:*

Dear Supervisor Corcoran:

I'm writing to understand more about your proposal to strike the 50-foot building restriction along the full seven miles of the Marlboro Mountains Ridgeline contained within the town of Marlborough. After listening to several people on the matter, including the present and past town board member and my fellow property owners on or near the ridge to understand the pros and cons, I'm frankly confused as to how it is expected to benefit the town.

The ridgeline protection was put into place in 2005 to align with the Comprehensive Plan's focus on preserving our town's natural resources as well as its aesthetics, both of which contribute directly to our economically important agritourism sector. Stripping the forest and building on the literal top of the seven miles of the ridgeline would have a permanent negative impact on both our natural resources and aesthetics, damaging our agritourism and reducing the money it attracts to our town. It would also have a negative impact on neighboring properties. The flats on Mount Zion between the Quimby Farm and Nicklin property still continue to suffer from extreme flooding that can last days. I personally experienced damage to my driveway due to the erosion and increased flooding when a previous lot of land on Mount Zion Road was being developed contrary to the zoning code. I wonder what damages my property could incur should the ridgeline protections be removed, and if I will have to pay for those damages out of pocket or will the town have to fix the damages, passing the cost to all town of Marlborough taxpayers?

Since Mount Zion Road is technically a dead-end west of Mountain Road, what will happen if erosion and flooding caused by ridgeline construction causes parts of the road to wash out (as it already has in another part of Marlborough)? Those residents could conceivably end up unable to access their homes or key services, including emergency services. The cost to the taxpayers, should such a thing happen, would be astronomical.

What is the perceived benefit to striking the 50-foot restriction that would make up for these cons? I have heard one town board member say that he believes that he should be able to do whatever he wants to his own land – but is that *really* his (or your or anyone's) view? Because I feel extremely confident that if I requested your town board to change the code so that I could build a high-rise building or a low-income housing project on my Mount Zion property, you would *not* think, "Hey, it's her property, she can do what she wants."

I look forward to learning the reasoning for your proposal and its expected benefits to the town of Marlborough.

Thank you,  
Melissa Quimby  
Marlboro, NY

*Supervisor Corcoran read correspondence from Scenic Hudson which is incorporated into the minutes as follows:*



**SCENIC HUDSON, INC.**  
85 Civic Center Plaza  
Suite 300  
Poughkeepsie, NY 12601  
Tel: 845 473 4440  
Fax: 845 473 2648  
[ScenicHudson.org](http://ScenicHudson.org)

January 22, 2024

**Via Email**

Scott Corcoran, Supervisor  
And members of the Town Board  
Town of Marlborough  
21 Milton Turnpike, Suite 200  
Milton, NY 12547  
[supervisor@marlboroughny.us](mailto:supervisor@marlboroughny.us)

**Re: Ridgeline Protection Law Amendments**

Dear Supervisor Corcoran and members of the Town Board:

Scenic Hudson is writing to urge the Town Board to maintain the Town of Marlborough's existing ridgeline protections in its Town Code. Similar local laws have been enacted by other municipalities throughout the region and are a common practice for preserving scenic character, limiting construction in areas prone to erosion, and protecting ecologically sensitive habitat areas.

We understand that concerns have been raised because the Local Law contains ambiguous language. Scenic Hudson highly recommends that instead of removing the protections entirely, ambiguities in the current law be resolved to ensure that the scope and intent of the law are clearly understood by both property owners and enforcement officials.

Marlborough's current law is not unusual. Similar elevation buffers are currently imposed by both Amenia<sup>1</sup> and Hillsdale.<sup>2</sup> Other municipalities, including Shawangunk<sup>3</sup> and Austerlitz,<sup>4</sup> require construction to remain below existing treelines or ridgelines, while others, such as New Paltz<sup>5</sup> and Esopus,<sup>6</sup> combine this requirement with an additional prohibition on construction within a horizontal distance of the ridgeline crest. Still others, including Gardiner<sup>7</sup> and Blooming Grove,<sup>8</sup> simply limit the allowed height of buildings in sensitive areas.

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<sup>1</sup> Town of Amenia, NY Code § 121-14.1(F)(4).

<sup>2</sup> Town of Hillsdale, NY Code § 245-31(7)(d).

<sup>3</sup> Town of Shawangunk, NY Zoning Code § 177-5(M)(6)(g).

<sup>4</sup> Town of Austerlitz, NY Code § 195-19(B).

<sup>5</sup> Town of New Paltz, NY Code § 140-137(C)(5).

<sup>6</sup> Town of Esopus, NY Code § 123-22.1(3)(e).

<sup>7</sup> Town of Gardiner, NY § 220-16(E).

<sup>8</sup> Town of Blooming Grove, NY Code § 235-14.4(4)(a)(2).



SCENIC HUDSON, INC.  
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The current law reflects a strong intent to protect Marlborough's ridgelines and steep slopes for "the safety and welfare of the citizens of the town."<sup>9</sup> Removing the specific numerical guideline currently imposed by the law would risk creating further uncertainty in enforcement and potentially weaken the law's protections. Instead, an alternative approach would be to amend the current law to clearly indicate how the 50-foot difference in elevation must be measured. If this provision is referring to the vertical difference between the ground at the crest of the ridgeline and the highest point on any structure, this should be clearly explained.

At any rate, the Town should gather adequate information before taken any action to amend the law, as required by SEQRA. As a change to the uses allowed by Marlborough's zoning code in an area exceeding 25 acres, the proposed amendment would qualify as a Type I action requiring increased scrutiny and public input.<sup>10</sup> Moreover, we urge the Town to review any changes for consistency with Marlborough's Comprehensive Plan<sup>11</sup> and Local Waterfront Revitalization Program, which discusses both the sensitivity of the Town's ridgeline ecosystems<sup>12</sup> and their "economic, environmental, and aesthetic value."<sup>13</sup>

We hope that the Town Board considers these comments prior to making its determination.

Respectfully submitted,

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Johnathan Clark, Esq.  
Advocacy Attorney

<sup>9</sup> See Resolution 103 of 2005, Marlborough, NY, (Oct. 11, 2005).

<sup>10</sup> 6 N.Y.C.R.R. § 617.4(b)(2).

<sup>11</sup> Town of Marlborough, NY, *Comprehensive Plan*, pg. 28, 31 (Dec. 11, 2017).

<sup>12</sup> Town of Marlborough, NY, *Local Waterfront Revitalization Program Comprehensive Plan and Draft Generic Environmental Impact Statement*, pg. 21 (May 11, 2020).

<sup>13</sup> *Id.* at pg. 68.

*Supervisor Corcoran read the following opinions from the Marlborough Planning Board which is incorporated into the minutes as follows:*

2. Amendment of 155.41.1 Steep Slope and Ridgeline Protection

The proposed amendment raised several concerns by the Board. The main concern was what effect this amendment would have on the ridgeline and in preserving the topography of the ridgeline, more commonly referred to as the "Marlborough Mountains." The other concern raised was the purported inconsistency with the Town of Marlborough Comprehensive Plan by allowing structures to be built within fifty (50) feet of the elevation.

"The Planning Board would request that the Town Board provide them with a rationale as to why this code amendment is being proposed.

Through its discussion on this proposed amendment, the Board suggested to reduce the 50-foot setback to 40 feet instead of deleting it altogether. This was based on the maximum height being 35 feet for all zoning districts except for HD and I.

*Cindy Lanzetta explained the lengthy process to create and/or update a Comprehensive Plan. She stated that the zoning in the Town should comply with the vision and recommendations in the Plan and have legal validity if challenged. The first Plan was adopted in 2002 and updated in the years 2017-2019. The state would like them updated every 10 years, however, they are usually done every 20 years. It's a lot of work and costly. She added that New York does not allow public referendum unless taxpayer money is involved.*

*Supervisor Corcoran read the following recommendation from the Ulster County Planning Board which is incorporated into the minutes as follows:*

#### **Ridgeline and Steep Slope Protection**

The Town is proposing to remove the restriction on structures being allowed closer than 50' in elevation to the ridgeline as well as the restriction on disturbance within that 50' area except for driveways when they cannot be located outside of the 50' area.

#### **Required Modifications**

The purpose of the ridgeline and steep-slope protection laws is generally to preserve a municipality's scenic landscape and to limit visual impacts to the greatest extent practical. The proposed law strips away many of those protections. In most, if not all cases, the placement of structures on an unobstructed and disturbed ridgeline will create a potential visual impact. The UCPB therefore recommends that only in those circumstances where a visual impacts analysis including a photo simulation of the proposed structure or structures from multiple locations is completed and no visual impacts are determined, that this section of the statute be waived. If a visual impact would be created, the proposal should be prohibited per the current standards of the zoning statute.

Reviewing Officer

Robert A. Leibowitz, AICP  
Principal Planner

*Dan Heavens, Resident, suggested keeping the public hearing open longer to talk and think about it more.*

*Niki Stureski submitted comments to the Town Board which are incorporated into the minutes as follows:*

To whom it may concern,

I am a town of Marlboro resident and Marlboro mountain homeowner. It has been brought to my attention that ridgeline protection is in danger.

I am not opposed to building our dreams and wish that for everyone. In spite of that, construction laws exist for a reason and no resident should be exempt.

In regards to Ridgeline protection, I have looked into other protections around the country and it seems it is a common protocol.

I did see where exceptions can be made and I do think this could be part of our strict policy with any Ridgeline building. It stated that if an Engineer deems no other locations are viable for building and the

Ridgeline is the only option, then more strict building rules will apply. That way someone won't own land they can't build on, which isn't very fair to them.

Examples of rules if a home **must** be built on the Ridgeline:

Homes can't be more than so many feet(?) high

Homes must be only colors listed (brown, other earth colors)

Lighting must be shielded and not project out or up (I think should be for all homes).

Must also adhere to proper approved land clearing and runoff plans.

I think with Ridgeline building laws and exemption policies that we can possibly preserve the mountain and hopefully make people happy.

Thank you for hearing my thoughts.

Sincerely,  
Niki Stureski

***Councilman Molinelli made a motion at 7:57 p.m. to leave the public hearing open until the next Town Board Meeting on February 12, 2024. Motion seconded by Councilman Zambito.***

***Yeas: 5            Nays: 0            Carried***

PUBLIC HEARING-OPEN FROM 01/08/2024

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".

FEBRUARY 12, 2024 7:00 PM

MINUTES OF MEETING

Present: Supervisor Corcoran  
Councilman Molinelli  
Councilman Zambito  
Councilwoman Sessa  
Councilman Cauchi

Colleen Corcoran, Town Clerk

Also Present: Pat Hines, McGahey, Hauser & Edsall Engineering  
John Scott, Resident  
Ted Millar, Resident  
Jay Agnew, Resident  
Jake Marro, Resident  
Dan Heavens, Resident  
Cindy Lanzetta, Resident  
Patti Gilmartin, Resident

*Supervisor Corcoran stated that the proposed local law is being separated and re-introduced: Ridgeline and Steep Slope Protection will now be one law and Site Plan Review will be the other. The cannabis local law is also being re-introduced. There will be another public hearing for all three; two for the ridgeline.*

*Supervisor Corcoran opened the public hearing for comments. He invited Pat Hines, Town Engineer, from McGahey, Hauser & Edsall who helped write this code to speak on the subject.*

*Pat Hines, McGahey, Hauser & Edsall Engineering, stated that this part of the code was adopted in 2005 in response to development pressures at the higher elevations. He gave a brief history of the code. They did an analysis of the steep slopes and a map was generated. An analysis would be required over 750 feet above sea level. He briefly explained percent slopes; less than 15% there are no restriction and 15% - 25% require a site specific grading plan. He added that there are 6 components to the grading plan. A slope greater than 25% has a no disturbance limit. Section F of the code regarding ridge protection was originally put in to prevent houses and other uses from being sky lined on the ridge from east to west. A site specific plan is required for each project within the ridge because of the variety of ridges and high points. There are exceptions to make a lot not buildable which then would be referred to himself and the Code Enforcement Officer for an analysis. An analysis would need to show the high points on a lot and a 50 foot elevation below the high point with the maximum building height of 35 feet providing a 15 foot buffer.*

*There was a brief discussion about the confusion as to how to determine the ridge you are building on, the high points and the treeline. Mr. Hines said you can't just pick a high point; its site specific. Some examples were given as to what is a possible buildable lot.*

*Supervisor Corcoran stated that the Assessor, Code Enforcement Officer and Engineer are planning to review the properties on the ridge and come up with a plan for the future. There will be more of a burden on the applicant. He also stated that you can currently build on the ridge with the current code, however, it is difficult and you must meet all the requirements.*

*Councilwoman Sessa asked if Mr. Hines could speak about water runoff and drainage on the ridge with the moving of the 50 foot barrier since there have been public comments on that.*

*Pat Hines stated that stormwater management is a challenge. He explained that if you disturb vegetation on more than 1 acre, stormwater regulations kick in that mirror the DEC's. Less than an acre disturbance does not require stormwater management however grading slopes that are 15%-25% will exceed an acre. A 1-5 acre disturbance has a stormwater sediment control component and greater than 5 acres requires water quantity and quality control.*

*Supervisor Corcoran asked Mr. Hines opinion on whether stormwater was an issue with moving the 50 foot rule.*

*Pat Hines stated that he doesn't see as much of a stormwater issue as the aesthetic issue which was the intent of the 2005 code.*

*John Scott, Resident, stated that there are 14 small protected areas and 5 major protected areas along the Hudson River. The list of protected areas was shared with the Board and Clerk and are included in the minute as follows:*

**Protected areas along the Hudson River Valley Highlands**

**Bear Mountain State Park**

**Harriman State Park (Tomkins Cove Area )**

**Hudson Highlands State Park Preserve**

**Palisades Interstate Park (Edgewater NJ to Piermont NY)**

**Storm King State Park**

**Small Local & State Parks, along the Hudson River**

**Blaauvelt State Park Highlands, just west of Tappan Zee Bridge**

**Bristol Beach State Park , West Camp - Ulster county**

**Franny Reese State Park , West of Mid Hudson Bridge - Ulster county**

**George J. Terpening Sr. Memorial Park Malden Ulster County**

**Haverstraw Beach State Park**

**High Tor State Park , Haverstraw**

**Hook Mountain State Park , Rockland County**

**Iona Island, Rockland County**

**Margaret Lewis Norrie State Park , Dutchess County**

**Nyack Beach State Park, Rockland County**

**Rockland Lake State Park, Rockland County**

**Schodack Island State Park (formerly known as Castleton Island State Park)**

**Sojourner Truth State Park, Ulster County**

**Tallman Mountain State Park, Rockland County**

*Mr. Scott added that there is no development on the west shore because of the protections. Technology makes it easy to determine a 50 foot clearance.*

*Ted Millar, Resident, asked why there is urgency to change the law and should Town Board members with property on the ridgeline recuse themselves.*

*Supervisor Corcoran stated that during the Planning Board process a property owners application triggered a review by the Town Board.*

*Councilman Zambito stated that he will not be recusing himself.*

*Jay Agnew, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

Hello everyone my name is Jay Agnew. I live at the top of old Indian Road and am little confused on this issue. I've lived here on the banks of the beautiful Hudson River in Marlborough my whole life. One of the most beautiful river valleys in the world that has many houses along it. I can't wrap my mind around the fact that a few houses on the ridge would be dangerous or ruin the view for the whole town. My family, and I, know, work for and support many of our local businesses. I highly doubt it is a legitimate concern of theirs that the change in landscape would discourage customers.

My view is from the mountain, so, what if I don't want to see new homes in the valley? Will we stop building in Marlborough completely? I was born here on my maternal grandmothers family farm purchased in the 1870s. When I was four, I moved to a property continuously owned and occupied by my family since the bond patent in 1710, which was the second on record in the area. Through the years many acres were sold to farmers, developers, and other people carving out their corner of this beautiful area. What if my ancestors acted like this? The bond patent included over 1000 acres that now belong to my fellow towns people, whom many I consider friends. My parents still live in the home built by my family in 1745. Who are we to say, you pay for your property, you pay your taxes, but you can't carve out your corner of the world, because it will offend someone?

I personally feel the objections to amending or removing the Ridge and steep slope protection act is a personal vendetta against my sister and my brother-in-law, by a select few, who have circled their wagons. If these parties were genuinely concerned, there should be no fight against upping the zoning to 5-10 acres per lot. Most of them won't even see it because they already carved a piece of this same ridge line out for themselves. They act like it's going to look like San Diego. Yet, most would not have the time and/or resources to do what Steven and Carrie are doing. (there's no K in Carrie by the way) This will be a project costing well over \$1 million dollars. Frankly, I would love the extra tax dollars for the town and I would support multiple single family homes on the ridge over the condos that will only contribute to the gridlock on 9-W every single weekday morning and afternoon.

Let's as a community work on the real problems, facing us. When did we stop being able to compromise? The opposing parties have been bombarding us with their narrative without supporting their claims at all. At the very least let the towns people decide as a community, through a public vote, we all could use a break on the taxes we pay, for literally nothing besides mediocre roads in return. The ridge line act is a joke. It's not supported by science or any environmental study, or in my opinion the majority of this town. Any further development should only help with runoff because holding ponds and proper drainage would be part of any project moving forward. At this point the water takes the path of least resistance, the path it's been taking since before any of us were here. We've seen how that works out lately at the three main water crossing of Lattintown Road.

My family farm was recognized as a bicentennial farm in 1976. 8 years ago my aunt, uncle and mother sold that farm and it broke my heart. But I didn't own it, didn't pay the taxes and surely could not afford it, so I didn't get to tell them what to do with it. Maybe a little more development is what we need, and I want to reiterate, I feel my opinion shouldn't be the deciding factor. The town should be able to vote as a whole since it affects everyone of us. Thank you for putting up with me.

*Jake Marro, Resident, read the following comments and shared them with the clerk which are incorporated into the minutes as follows:*

## **Speaking Notes Marlboro Ridge**

My name is Jake Marro, I'm 25 and I was born and raised here, and I live and work here in Marlboro. My fiancée and her family are the farmers of Quimby Farm, which sits at the base of Mt. Zion Road, beneath where this proposed building project would take place. I'm here tonight because on this matter, there have been assertions made about what young people want for their town's future, and I think there's also been some conflation of issues, so I'd like speak about what I, and the other young people I speak with, would like to see done by their town board.

I don't think anyone here wants to tell a land owning citizen of Marlboro what they can or can't do on their land; that's not what this is about. That's not why I'm up here speaking. It's about ensuring that our town continues to protect the Marlboro ridge and it's surrounding environment, it's about staying true to our master plan and preserving the beautiful sights and rich agricultural lands that make our town what it is.

To get rid of the 50 ft provision entirely and hope the rest of the code will continue to protect the ridge just appears irresponsible, borderline malfeasant even, especially when there have been other reasonable options proposed.

The Ulster County Planning Board's suggestion is to review these types of projects on a case-by-case basis and waive the 50 ft provision only if a review proves that no aesthetic impact would occur. I think many would be more comfortable if it were proven that no environmental impact would occur to the farms and homeowners below the ridge, but this is a reasonable path forward that just requires the town and the developer to conduct some proper due diligence.

It's my understanding that the Planning Board offered to compromise on the exact distance of the 50 ft provision, rather than have it thrown out altogether. Again, this seems to be a prudent approach that would balance the interests of the land owner and the community of taxpayers and farmers around them.

With these options readily available to you (our town board members), to toss the 50 ft provision out entirely would be a short-sighted and extreme solution that would actively ignore expert opinion and the interests of our homeowners and farmers below the ridge.

In a time when many of our young people do not believe that their representatives act in their best interest,

in a time when many of our young people believe their representatives to be self-serving, I ask that you take the prudent approach,

proceed with caution here and act on these reasonable options and compromises that you have at your disposal.

In doing so, you can clarify our regulations, strengthen our protection of the ridge and still leave an avenue open for land owners to develop, if the proper due diligence is done. I ask that you don't choose the extreme option here. All I'm really asking that you set the example, show our young people what a bit of good government looks like. We don't get to see much of it, and the way our public discourse has developed on this issue, I fear we won't see it here either.

I certainly hope you all prove me wrong. Thank you.

*Dan Heavens, Resident, stated he and his own property on Mountain Road and 800 feet of the ridgeline where their business Quart Rock Vineyard is. He stated his opinion that the future impact of loosening the law will affect more than just one property and encourage ridgeline development which developers will monetize. He stated what fruits and vegetables are grown on his farm and explained what his concerns were about additional wells and water supply to his crops. He stated the retaining pond on the Truncali subdivision is insufficient without houses. He stated his concerns in the form of questions regarding what happens to water runoff, water quality and supply. They are against any threats to their farm. He stated that conversations have been directed toward what the younger generation may want and he stated his opinion of who that generation is and explained they are watching the older generation and how they behave and suggested to keep that in mind when determining what is best for the Town.*

*Cindy Lanzetta asked who the legal counsel is that is working on the codes.*

*Supervisor Corcoran stated Meghan Clemente.*

*Cindy Lanzetta stated that even though she is on the town and county planning boards, she is not representing the planning board(s).*

*Councilman Zambito stated that he wanted to address Mr. Millar's earlier question and let the public know that he is representing himself as well.*

*Cindy Lanzetta stated that the present law has been in existence for 18 years, she asked Pat Hines why the law is questionable at this time.*

*Pat Hines explained that he doesn't have an answer but the Town is looking at the code because a Planning Board applicant wanted to place a house with the top over the ridge which then started conversations.*

*Cindy Lanzetta asked if during the discussions with the applicant, was it made clear that the present code didn't allow building on the top of the property. She asked if the applicant understood that they wouldn't qualify and if it was fair to say it was made clear that it is unlikely that the applicant wouldn't be able to build at the highest point of their property.*

*Pat Hines stated his opinion that the house would not comply with the present code. He cannot speak for the applicant. He agreed it was a fair statement according to Chapter 155-41.1.'*

*Ms. Lanzetta asked if the Board is changing the law to add additional clarity.*

*Supervisor Corcoran said yes. Not all people are clear on the law. There were multiple interpretations of the law. The applicants engineer had a different interpretation of the law.*

*Fred and Mary Lynn Giametta submitted comments to the Town Board which are incorporated into the minutes as follows:*

WE have lived here for 40 years and love being on Mt. Zion.

The Santini Family have been great friends and neighbors.

Steve Santini is a very hard worker, and a very smart businessman.

We support his efforts to build a beautiful home on our mountain.

Sincerely  
Fred and Mary Lynn  
Giometta  
02-08-24

*Gisela Grunewald submitted comments to the Town Board which are incorporated into the minutes as follows:*

Hello, Supervisor Corcoran,

I am Gisela Grunewald, and I am living on Old Indian Road for the past 20 years.

Marlborough is a beautiful town, and I feel very privileged and happy to be making my home in such a special place.

The issue of changing the law on what can or cannot be built on or near the ridgeline of the Marlboro Mountain, I think, has rightly stirred up discussions within the town.

First, I would like to salute you and your staff for not only encouraging this discussion, but also giving generously of your time to have all the pros and cons of changing the law brought out in the open.

The pros, as I have heard, are seen in increasing development in town, which is seen as a positive for the future and particularly for younger generations.

I agree with the thought in principle, but would relegate “development “to areas only where it does not cause harm (either aesthetically or ecologically).

And here I want to salute you again, because I am seeing plenty of recent development in town, mainly at or around the 9 W corridor, which is fine.

The cons are seen as ecological: uncontrolled runoff, mudslides etc, to which I cannot speak, but I am sure your staff will be able to advise professionally on this issue.

For me the most important and significant con in this issue is the change of look and character of the town if the Marlboro Mountain Ridge became open to development. I am sure that thinking was behind enacting the original protection law in the first place.

In my view a change of the law which would open the ridge to development would frankly be shortsighted and irreversible.

If you look into how some of our neighboring communities such as Gardiner, New Paltz (Shawangunks), Englewood Cliffs (Hudson Palisades) have dealt with the identical issues, you will find that the protection of the natural beauty of the community won out every time over the individual or commercial interests concerned.

So, for me, my appeal to you is: please do not change the existing protection of the Marlboro Mountain Ridge.

With kind regards,  
Gisela Grunewald

*Elsie Nicklin-McKay submitted comments to the Town Board which are incorporated into the minutes as follows:*

Dear Town Board members,

I'm am writing with my concerns about the eminent changes in the Ridgeline Protection Code.

I'm urging the board to take under serious consideration not dropping the current code from Ridgeline Protection, but make clarifications so both the planning board and applicants have succinct direction on what is permitted.

If the law is dropped it will open the floodgates for other developers to clear the ridge and encourage previously approved subdivisions to reapply for updated plats, which would allow crestline development. By way of example, I'm including a portion of the 2002 Truncali subdivision plat, which clearly shows several houses on the top of the ridge.

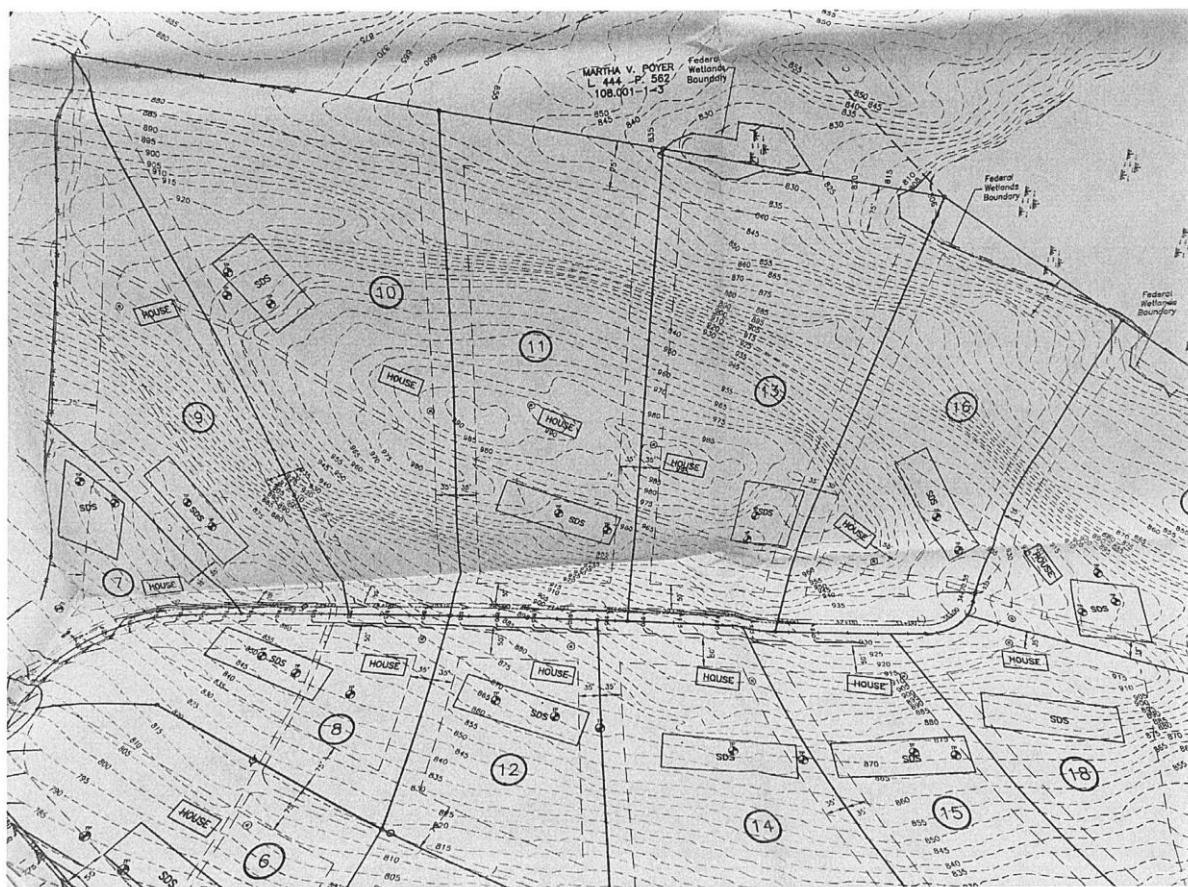
The intent of the Master Plan and the code is to not only protect the viewshed, but to protect the surrounding properties from flooding and run off, and future property owners from incredibly steep driveways, septic systems failures, worries about fire safety and emergency vehicle

access. A letter from the fire chief bore this out when writing, the Santini roadway would need regular maintenance to keep it open for emergency vehicles. How would this be accomplished, are there notes on the plan to insist on regular trimming? Would the buyer be made aware? Who takes responsibility when something unforeseen happens, the Town?

I implore the Town Board to take their time and work with the CAC to rewrite the code clearly, in a way that protects all the residents, future buyer, subdividers and farmers.

Thank you for your attention,

Elsie Nicklin-McKay  
15 Birdsall Ave.  
Marlboro, NY



*Doug Glorie submitted comments to the Town Board which are incorporated into the minutes as follows:*

Comments for the Public Hearing at the Town Board meeting on February 12, 2024:

#### The Ridgeline Debate- A Comparison

The question is, “Do we remove the 50’ elevation buffer at the ridgeline or keep it?” The following is a hypothetical example which demonstrates my point.

John owns a vacant one-acre lot on a town road; his lot measures 150’ wide by 300’ deep. The narrow dimension faces the town road. The planning board has approved his lot as buildable, but the house must be situated toward the rear of the lot due to a formidable rock outcropping located in the front, on the north side. The view, however, would be far superior if John could place his house closer to the road. The view happens to be of the Marlboro Ridge.

John would like to capture the mountain view, so he summons the building inspector to see what could be done. The town has a 40’ minimum side lot setback. John wants to place his house 20’ from his side lot, due to the rock issue. The building inspector says that he cannot approve his requested location as it would violate the code.

John’s neighbor, Sam, owns the lot immediately to the south, so they share a common border. Sam built his house five years earlier, following all codes; the house is located fifty feet from their common border. Sam expects any development on John’s lot to meet code.

John is not satisfied with the building inspector’s answer and pursues other municipal avenues. For reasons not clear to the casual observer, the town decides to eliminate side lot setbacks.

Building codes are put in place to provide for public safety, personal safety, to protect the environment as well as the town’s image and beauty.

Would you elect to eliminate the 40’ setback? It is highly unlikely, and this is no different than removing the Ridgeline vertical buffer. My point is this: The code is in place for a reason. Building codes and law are put in place to provide for a uniform standard for the better good of the community.

Please read this at the February 12 town meeting as I may not be able to attend. If I can be in attendance, I will notify you prior to the meeting and present it myself.

Regards,  
Doug Glorie  
Reservoir Road

*Morgan Rusk submitted comments to the Town Board which are incorporated into the minutes as follows:*

Good evening,

I am writing to express my thoughts regarding the Ridgeline topic. I am in support of building along the ridgeline as long as it is for residential use. I can understand protecting our ridgelines against corporations, but seeing local families expand their lives here should bring joy to our community. We are creating memories and instilling the Marlboro town values by allowing new growth.

I believe that families should be allowed to build along the ridgeline.

Thank you for your consideration,  
Morgan Rusk

*Nicole Beauregard submitted comments to the Town Board which are incorporated into the minutes as follows:*

To the Marlboro town board,

I am a Marlboro town resident. I have been made aware that the ridgeline protection law is at risk.

I am against the law being changed. Our countryside and Mountain views should not be destroyed. We have a responsibility to protect the future of the ridgeline. There is no one individual above this.

Thank you,  
Nicole Beauregard

*Robert and Linda Labrise submitted comments to the Town Board which are incorporated into the minutes as follows:*

"We are against **any weakening** of the Ridgeline Protection Law."  
It would inevitably lead to the destruction of the most valuable asset which is Marlborough's irreplaceable ridgeline."

Robert & Linda Labrise

*Tessa DeBella submitted comments to the Town Board which are incorporated into the minutes as follows:*

Dear Town Board Members,

I am 39 years old and a resident of Marlboro. I grew up here and have decided to raise my children here. I own a business in this town. I work in this town. I love the people of this town. I love where I live. We live in one of the most beautiful places in the world. I oppose changing the current law to allow the development of the Marlboro Mountain Ridge. It would be false to claim that allowing development upon the Marlboro Mountain Ridge is the call of my generation and what the young families of Marlboro want. The young families of Marlboro want to stay in Marlboro. We want affordable housing, affordable childcare, quality education, community engagement, clean air, clean water, and to be able to enjoy the beauty of Marlboro regardless of socioeconomic class. Only the wealthiest will be able to develop on the ridge line if the protection is removed. If the board decides to remove the protection of the ridge line, it will be because of greed. However, if the board decides to keep current protections or expand on those protections, it will be clear that the board works for all the people of Marlboro and not the privileged few. I look forward to sipping a hard cider at Weeds, looking up at the pristine Marlboro Mountain Ridge with my family, knowing we live in the most beautiful place. The Marlboro Mountain Ridge connects us all in wealth of beauty. Thank you for your time.

Tessa DeBella

*Barbara Ann Blackett submitted comments to the Town Board which are incorporated into the minutes as follows:*

Scott,

I know the town needs growth but we also need to protect the beauty of the town please save the Ridgeline you don't know what you have till you lose it and it can never be brought back also give an inch and they will take a mile or more.

Thank you Barbara Ann Blackett 27 West St. Marlboro NY

*Paul Ellis Graham submitted comments to the Town Board which are incorporated into the minutes as follows:*

Here are my thoughts regarding the ridgeline:

Marlborough is a community known for its scenic beauty. Going back generations, many residents and businesses alike who made and still make their homes in Marlborough have done so for this very reason.

Likewise, previous town and planning boards, understood that local laws were necessary in order to protect the land and the right of all those living and doing business here to expect responsible development that will not drastically alter this beautiful place.

Recent removal of trees atop the ridgeline apparently violates an existing ordinance that was put in place to serve the public good.

While the private property rights of a landowner are important, they are not sacrosanct. Controls are in existence so that one person's desire does not negatively impact the rights and privileges of the many.

There was a reason to require that dwellings located near the ridgeline begin no less than 50 feet from the top of it.

In addition, recent changes in climate may also necessitate a revision of current codes as wash-outs become more common.

Going forward, with new development continuing at a rapid pace, the Marlborough Town Board/Planning Board needs to closely examine all building projects within the town and plan for future environmental factors which may (or may not) negatively impact the beautiful place we all call home.

Everyone deserves a chance to be heard. I would recommend that a full discussion of these issues be addressed, after citizen input, by the appropriate governing bodies.

Sincerely,

Paul Ellis-Graham

*Walter Kronner submitted comments to the Town Board which are incorporated into the minutes as follows:*

I have learned of the proposed building of a residence by Mr. Santini on his owned property on Mt Zion rd. I believe that the residence will be a welcome addition to the neighborhood and to the town as a whole. As a life long Marlboro resident, I encourage others who are as invested as myself, to promote the growth of our township in a useful and meaningful way. With the recent influx of home buyers whose sole purpose is to exploit the revenue from overpriced and outbid homes for profit, I have no qualms supporting a family man and local business owner from pursuing his desire to build his own dwelling. In light of the housing being developed directly in our towns center and adjacent to our middle school with price tags that current Marlboro residents could never dream to afford, I again have no aversion to the completion of his single family home.

Respectfully and sincerely,  
Walter Kronner

*Patti Gilmartin stated that she and her husband enjoy the beauty of the mountain every day and she explained her opinion as to why she opposes development and the law.*

*Supervisor Corcoran asked for a motion to close the public hearing on 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”.*

***Councilwoman Sessa made a motion to close the public hearing at 8:16 p.m.. Motion seconded by Councilman Cauchi.***

***Yea: 5            Yea: 0            Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*