

**APPLICATION OF STEVEN SANTINI  
APPEALING DECISION OF CEO AND SEEKING INTERPRETATION OF  
MARLBOROUGH ZONING CODE § 155-41.1(F)(4)**



**RESOLUTION OF INTERPRETATION  
BY THE TOWN OF MARLBOROUGH ZONING BOARD OF APPEALS**

**JANUARY 8, 2026**

**Regarding:** 229 Mount Zion Road (Santini Residence). Tax ID: 102.3-2-15.300 owned by Caroline Santini and Steven Santini (hereinafter, "the Property").

**WHEREAS**, on August 28, 2025, KARC Planning Consultants, Inc. ("KARC") submitted an appeal on behalf of the owner, Steven Santini ("the Applicant"), appealing the August 12, 2025, Determination ("CEO Determination") of the Town Code Enforcement Officer, Tom Corcoran ("CEO"), (the "Appeal") (a copy of the CEO Determination is attached as Exhibit A); and

**WHEREAS**, the CEO Determination denied the application for a building permit for a one-family home on the Property because the CEO determined the potential site identified in the plans is not in compliance with the applicable portions of Chapter 155 of the Town of Marlborough Town Code ("Zoning Law") § 155-41.1 (Ridgeline and steep slopes protection), specifically subsection(F)(4), which states:

Applicants for construction on properties to which this section applies shall demonstrate to the Town Engineer and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough ridgeline, as viewed from the east as determined by the Town Engineer and the Town Code Enforcement Officer.

and

**WHEREAS**, the CEO's Determination is supported by the Town Engineer's letter dated June 10, 2025, ("Town Engineer Letter") a copy of which is annexed hereto as Exhibit B; and

**WHEREAS**, pursuant to Zoning Law § 155-44(C), "[i]n the exercise of its functions upon such appeals or upon exceptions, the Zoning Board of Appeals may, in conformity with the provisions of [Town Code Chapter 155], reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from or may make such order, requirement, decision or determination in accordance with the provisions hereof; and

**WHEREAS**, pursuant to 6 NYCRR § 617.5(c)(37), interpretation of an existing code, rule or regulation is a Type II action under the State Environmental Quality Review Act; and

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) has reviewed all materials received from the Applicant; and

**WHEREAS**, the Appeal was placed on the Workshop Agenda of the Zoning Board of Appeals on September 11, 2025, and October 9, 2025; and

**WHEREAS**, the Zoning Board of Appeals opened a duly noticed public hearing on the Appeal on November 18, 2025, and held it open until January 8, 2026, such that the public hearing was open on November 13, 2025, December 11, 2025, and January 8, 2026; and

**WHEREAS**, the Zoning Board of Appeals has received and considered written and oral comments from the public on the Appeal.

**NOW THEREFORE BE IT RESOLVED**, that the Zoning Board of Appeals adopts the following findings:

1. The applicant has appealed the CEO Determination and requested an interpretation of Zoning Law § 155-41.1(F)(4) which states:

Applicants for construction on properties to which this section applies shall demonstrate to the Town Engineer and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough ridgeline, as viewed from the east as determined by the Town Engineer and the Town Code Enforcement Officer.
2. An application for a building permit was submitted for the Property, 229 Mount Zion Road (Santini Residence), Tax ID: 102.3-2-15.300, owned by Caroline Santini and Steven Santini.
3. In the CEO Determination, dated August 12, 2025, the CEO denied the application for a building permit. (Ex. A).
4. The CEO Determination is supported by the analysis in the Town Engineer Letter dated June 10, 2025. (Ex. B).
5. The proposed residential structure is in the Town of Marlborough Ridgeline Protection Area as shown on the map entitled Marlborough Ridgeline Protection Map, a copy of which is attached hereto as Exhibit C, and the provisions of § 155-41.1 of the Zoning Law apply to the Property and proposed construction.
6. The Property elevation at the site for the construction of the residence is 1007.5 feet.
7. The proposed building height is 27 feet.
8. Adding the building height to the elevation of the Property (1007.5 feet plus 27 feet) yields an elevation for the proposed structure of 1034.5 feet.

9. The highest elevation on the Property is 1012.8 feet.
10. The elevation of the proposed residential structure would exceed the highest elevation on the Property by 21.7 feet.
11. Based on this, the CEO determined that the building permit should be denied because the application was not in compliance with Zoning Law §155-41.1(F)(4).
12. This necessarily means that, for the purposes of Zoning Law §155-41.1(F)(4), the CEO determined that “the highest elevation of the Marlborough ridgeline, as viewed from the east” above which no structure can extend is the highest elevation of the Marlborough ridgeline that is within the boundaries of the parcel on which the structure will sit.
13. KARC submitted the Appeal of the CEO Determination to this Zoning Board of Appeals on behalf of the Applicant.
14. The Applicant has requested that the ZBA annul the CEO Determination and make a interpret of Zoning Law § 155-41.1(F)(4) to mean that “the highest elevation of the Marlborough ridgeline, as viewed from the east” above which no structure can extend is highest elevation of the entire length of the Marlborough ridgeline as opposed to just the ridgeline with the Property boundaries.
15. In arguing that the proposed structure complies with Zoning Law § 155-41.1(F)(4), the Applicant noted that “Based on USGS mapping [Ex. C to the Appeal]), there is a point north of the [Property] with an elevation at or exceeding 1,100 feet. The proposed residence has a base elevation of 1,007.5 feet and a proposed building height of 27 feet, resulting in a maximum elevation of approximately 1,034.5 feet. This places the proposed residence roughly 65.5 feet below the highest point on the Marlborough ridgeline.” (August 28, 2025, letter of KARC Planning Consultants, Inc. on behalf of the applicant.).
16. The point of reference along the Marlborough ridgeline used by the applicant is 0.8<sup>+-</sup> miles or 4,300<sup>+-</sup> linear feet from the proposed location of the residential structure. (December 29, 2025, letter of Control Point Associates Inc. PC on behalf of the applicant, Ex. I to Appeal).
17. The length in miles of the entire Town of Marlborough ridgeline is 6<sup>+-</sup> miles. (December 29, 2025, letter of Control Point Associates Inc. PC on behalf of the applicant, Ex. I to Appeal).
18. The ZBA must determine the actual meaning of the phrase “highest elevation of the Marlborough ridgeline, as viewed from the east” as used in Zoning Law § 155-41.1(F)(4).
19. When interpreting the Town’s Zoning Law, the ZBA is to give effect to the Town Board’s legislative intent when it adopted the section of the Code being interpreted.

20. The ZBA has reviewed minutes of the Town Board meetings in which changes to this law from its prior iteration were discussed at length.

**BE IT FURTHER RESOLVED**, that the ZBA makes the following determination:

The plain language of the Zoning Law references the “Marlborough ridgeline”. Section 155-41.1(F)(4) states,

Applicants for construction on properties to which this section applies shall demonstrate to the Town Engineer and the Town Code Enforcement Officer that no proposed building or structure . . . (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough ridgeline, as viewed from the east as determined by the Town Engineer and the Town Code Enforcement Officer.

Section 155-41.1(F)(4)(f) of the Zoning Law defines the “Ridgeline” as the “highest elevations of land running north and south across the Marlborough Ridgeline Protection Map.” The Marlborough Ridgeline Protection Map encompasses the entire Town of Marlborough and depicts the ridgeline protection areas. (Ex. C) Contour lines and parcel boundaries are delineated on the map as well. (*Id.*)

If the definition of “Ridgeline” is inserted into § 155-41.1(F)(4) in place of the word “ridgeline”, it becomes clear that the limiting language “as viewed from the east” is why there is a need for interpretation.

One interpretation of the limitation “as viewed from the east” is that if one is looking at the structure from the east, the structure cannot extend above the highest elevation of the ridgeline directly behind that structure. This would mean that a structure that does not extend above the highest elevation of the ridgeline directly behind it but does extend above the highest elevation of other parts of the ridgeline on the parcel or anywhere along the ridgeline could be constructed. It would be easier to adopt this interpretation if the relevant section said “as viewed from due east” which it does not.

A different interpretation of the limitation “as viewed from the east” is that if one is looking at the structure, from the east, the structure cannot extend above the highest elevation at any point on the entire 6<sup>+</sup>/<sub>-</sub> miles of the Marlborough ridgeline. This would mean that a structure that does not extend above the highest elevation of the ridgeline along any point of the ridgeline on the parcel where it sits but does extend above a point on the ridgeline off the parcel, even if it is miles away, cannot be built.

To adopt this interpretation would mean that a parcel owner could be required to build farther below the ridgeline on his or her parcel to avoid being above the ridgeline to build below the highest elevation of the ridgeline on another parcel that could be miles away, even if the proposed elevation of the structure did not extend above the ridgeline on the parcel on which it is being constructed.

The Town Engineer, when measuring, used the highest elevation on the Property rather than the highest elevation behind the house. (June 10, 2025, letter of Town Engineer).

Therefore, the Town Engineer's reading of §155-41(F)(4), with which the CEO concurred, is that a structure can extend above parts of the highest elevation of the ridgeline located behind it so long as it does not extend above the highest elevation of ridgeline on that parcel.

The applicant proposes using a different interpretation, which would permit a structure to extend above all or parts of the ridgeline within the boundaries of a parcel so long as it does not extend above the highest elevation anywhere along the entire 6<sup>+</sup>/ mile length of the Marlborough ridgeline. If this interpretation were adopted, that would mean that a structure could extend above any part of the ridgeline as long as it does not extend above the single highest point of elevation on the entire ridgeline.

#### *Contextual Analysis*

Given these differing interpretations, this Board determines that it should look beyond the wording of subsection F alone to the context of the whole section of the Zoning Law intended to protect the ridgeline, § 155-41.1.

#### Section 155-41.1(F)(5)

Section 155-41.1(F)(5) which states, “Development should be sited behind or below visual barriers such as trees, ridgelines and other topographic features. The height and location of development shall not alter the views of, and from, the natural ridgeline” impacts the siting of development. This subsection was not changed in the recent amendment to § 155-41.1. It does not limit itself to the highest point of the ridgeline nor does it limit itself to the highest point of the ridgeline as viewed from the east. Rather, it refers to the entirety of the ridgeline.

In addition, § 155-41.1(F)(5) states that development should be “sited below visual barriers such as . . . ridgelines.” This means that the development should be sited below the ridgeline, such that it cannot be seen above the ridgeline. The ridgeline should be a visual barrier, that is the ridgeline, rather than the development, is what should be seen.

Section 155-41.1(F)(5) also states that no development should “alter views of . . . the natural ridgeline.” This suggests that the view of the ridgeline should only be natural features, that no development should extend above the ridgeline.

#### Section 155-41.1(F)(4)(b)

Section 155-41.1(F)(4)(b) states, “There shall be no disturbance of the tree line area above the highest points of the structure and the highest point of the Ridgeline.” Basic sentence structure suggests that when referring to points above something and using the conjunctive “and” that the last point mentioned is the highest point being referred to.

### Section 155-41.1(F)(4)(c)

Section 155-41.1(F)(4)(c) requires applicants to provide the Building Department with a topographic survey of the lot showing topography within 200 feet of the proposed building areas and showing elevations with 2-foot intervals.” This suggests that the Town Engineer and CEO would not be required to look beyond two hundred feet of the proposed building area as shown on the required map when looking to the highest elevation of the ridgeline. Therefore, it would seem if there were a lower ridgeline outside the 200 feet, it need not be considered, and that if there is a lower ridgeline within 200 feet but off the parcel it could be considered.

#### *Legislative History*

The ZBA has examined the legislative history of the recent amendment to § 155-41.1 so as to avoid an interpretation that would frustrate the Town Board’s purpose in adopting the amendment.

Town of Marlborough Local Law #3 of 2024 was adopted on August 26, 2024, and became effective upon filing with the New York State Secretary of State on August 30, 2024, and was meant, in part to clarify § 155-41(F). The Town Board held several meetings and public hearings at which iterations of Local Law #3 were discussed by the Town Board and at which members of the public made comments: 12/11/23 [regular meeting]; 01/08/24 [public hearing]; 01/22/24 [public hearing]; 02/12/24 [public hearing], 02/26/24 [public hearing]; 02/26/24 [regular meeting]; 03/25/24 [regular meeting]; 04/08/24 [regular meeting]; 04/22/24 [public hearing]; 05/13/24 [regular meeting]; 08/12/24 [regular meeting]; 08/26/24 [regular meeting].

A review of the Town Board minutes shows that the prior version of the Zoning Law was amended, in part, to clarify language related to what was meant by the phrase, “closer than 50 feet in elevation to the ridgeline affected by the application.”

The following items from the minutes of the Town Board meetings as well as the actual resolution of adoption bear noting when determining the intent of the Town Board.

The Town Engineer who made the initial evaluation of the present application and its compliance with the Town Code (as required by § 155-41.1) assisted the Town Board in drafting the law and therefore would presumably have an understanding of the Town’s Board intent and the meaning of the language used in the adopted amendment.

The Town Board Resolution adopting the amendment contained responses to comments from the Ulster County Planning Board, one of which makes it clear that there was to be no construction visible above the Ridgeline:

The first comment is that the draft amendment removes the restriction on structures allowed closer than 50’ in elevation to the ridgeline and the restrictions on disturbance within that 50’ area, except for driveways that cannot be located outside the 50’ area. The purpose of this change was to provide limited opportunities for parcel owners to develop their properties

with residential structures, *no part of which may be visible above the Ridgeline.* [emphasis added].

(August 25, 2024, Town Board minutes at 26-27).

The Resolution also states, “Providing owners with limited, reasonable development opportunities and mitigating visual impacts of such development are consistent with the goals of the Town’s Comprehensive Plan.” (*Id.* at 27). Both this and the previous statement contained in the Resolution acknowledge that Town Board intended to grant reasonable development opportunities to landowners on the ridge. This is consistent with the Town Supervisor’s statement at the January 8, 2024, public hearing when he stated, “this Board is for development.” (January 8, 2024, Town Board Minutes at 9.)

At the February 2, 2024, Public Hearing on a prior version of the local law considered by the Town Board, there was a discussion regarding determining the “ridge you are building on,” and Town Engineer Pat Hines explained.

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 [sic] site specific.*

(February 2, 2024 Public Hearing Minutes at 27 [emphasis added]).

At the meeting in which the amendment was adopted, Councilwoman Sessa stated the following:

She explained how there were, and are differing opinions and confusion. The confusion in the existing code around how 50' was to be measured. The Town engineer ultimately clarified the intention that it is from the base. Confusion around the terms “the ridgeline affected by the code”. The engineer, Planning Board and Code Enforcement officer all interpreted that differently. The Board spent months discussing these changes including meeting with [Town Engineer] Pat Hines, meeting with each other, meeting with the CAC, holding public forums and listening to everyone’s comments. She feels that the Board was transparent and not looking to stir up controversy; there was a clear need to look at the code and clarify the gray areas. The code being presented at this meeting clarifies the two issues in question. A code that now requires a topographical map, *that keeps buildings under the ridgeline*, that has added more protections for the viewshed by prescribing colors and lighting to be used to minimize visual impact (she gave her opinion that the color of the structure does more damage to the viewshed than the placement), that now allows a 1-story structure to be built with slightly more flexibility *while still staying under the ridgeline*. The new code is still preserving the integrity of the ridgeline, *no structure will extend above the ridgeline*.

(August 26, 2024 Town Board Minutes as 10).

All of Councilwoman Sessa's comments make clear that her understanding of the amendment she voted to adopt would not allow construction above the ridgeline.

None of the other Town Council Members contradicted her statements.

The legislative history of Local Law No. 3 of 2024 shows a clear intent to protect the ridgeline at the location of proposed development by preventing skyline penetration and preserving the natural views of and from the ridgeline.

The legislative history also shows an intent to allow reasonable development of parcels located in the Ridgeline Protection Area.

#### *Conclusion*

The Zoning Board of Appeals finds that interpreting "the highest elevation of the Marlborough ridgeline as viewed from the east" in reference to the highest peak across the entire 6<sup>4/5</sup> miles of the ridgeline, as suggested by the applicant, would contradict the legislative purpose, undermine ridgeline protection, nullify the siting and visibility provisions, and lead to unreasonable and unintended results.

Accordingly, the Zoning Board of Appeals interprets "the highest elevation of the Marlborough ridgeline as viewed from the east" in § 155-41.1(F)(4) to mean the highest elevation of the mapped ridgeline segment located within the boundaries of the parcel on which an applicant seeks to construct a structure, as shown on the Town's official Ridgeline Protection Map (Ex. C). It does not refer to the highest point of the entire Marlborough ridge system.

This interpretation is consistent with the statutory definition of Ridgeline, harmonizes all provisions of § 155-41.1, reflects the legislative intent, and avoids interpretations that would undermine § 155-41.1 while still allowing for reasonable development of parcels located in the Ridgeline Protection Area.

Based on this interpretation, the Zoning Board of Appeals determines that proposed structure at 229 Mount Zion Road must be evaluated against the highest point of ridgeline elevation with the boundaries of the Applicant's Property. Under this standard, the proposed structure would extend above the highest elevation of the Marlborough ridgeline within the boundaries of the Property and does not comply with § 155-41.1(F)(4).

**BE IT FURTHER RESOLVED**, that, based on the foregoing reasoning, the Zoning Board of Appeals hereby affirms the CEO Determination.

**BE IT FURTHER RESOLVED**, that, the Secretary is directed to file a copy of this resolution and determination with the Town Clerk within 5 days.

The foregoing resolution was voted on by the Town of Marlborough Zoning Board of Appeals with members voting as follows:

|                     | <b>Aye</b> | <b>Nay</b> | <b>Abstain</b> | <b>Absent</b> |
|---------------------|------------|------------|----------------|---------------|
| Lenny Conn, Chair   | ✓          |            |                |               |
| Lawrence Bartolotti | ✓          |            |                |               |
| Jeff Mekeel         | ✓          |            |                |               |
| Nicholas Cracolici  | ✓          |            |                |               |
| Andrew Nikola       | ✓          |            |                |               |



Jen Flynn, Secretary  
Zoning Board of Appeals

Dated: January 8, 2026  
Milton, NY

## **EXHIBIT A**

# TOWN OF MARLBOROUGH

PO Box 305 Milton NY 12547

TELEPHONE NO. 795-2406 : FAX NO. 795-6171

## DEPARTMENT OF BUILDINGS

**THOMAS CORCORAN JR.**

BUILDING INSPECTOR

CODE ENFORCER

FIRE INSPECTOR

**Date: August 12, 2025**

**Re: One Family Home Building Permit Rejection Letter**

**Name: Steven Santini**  
229 Mt. Zion Road  
Marlboro, NY 12542

**S.B.L.: 102.3-2-15.300**

**This letter is to verify that the building department has reviewed the building permit application for a one family home within the Ridgeline and has concluded:**

**\_\_\_\_ XXX \_\_\_\_ : The application is rejected for the following reasons:**

**Based on the attached Town Engineer Letter of rejection and statement " the potential site identified on the plans is not in compliance with the applicable portions of the Town Code Section 155-41.1 " and the building department mandate to follow Town Code section 155-41.1 (F)(4) - Ridgeline Protection Requirements:**

*Applicants for construction on properties to which this section applies shall demonstrate to the Town Engineer and the Town Code Enforcement Officer that no proposed building or structure (inclusive of chimneys, vents or other fixtures attached to the structure) that is subject to this section shall extend above the highest elevation of the Marlborough ridgeline, as viewed from the east as determined by the Town Engineer and the Town Code Enforcement Officer.*

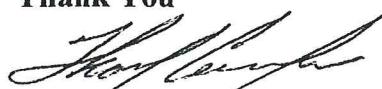
**The building permit application for a new one-family home is rejected and referred to the Town of Marlborough Zoning Board of Appeals.**

For further reference to the Town Code - Town Code Section 155-41.1(F)(1)- Ridgeline Protection Requirements also states:

*Applicability, review of plans; compliance. The requirements, guidelines and controls promulgated under this section shall be applicable to site plan and subdivision applications and building permits of new buildings. The Planning Board or Zoning Board of Appeals, as the case may be, shall review all plans submitted under this section as part of any application for site plan, subdivision or variance approval.*

Any Further questions or concerns please do not hesitate to contact me.

**Thank You**



**Thomas J. Corcoran Jr.**  
Building Inspector  
Code Enforcement Officer

## **EXHIBIT B**



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

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | [mheny@mhepc.com](mailto:mheny@mhepc.com)

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | [mhepa@mhepc.com](mailto:mhepa@mhepc.com)

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*

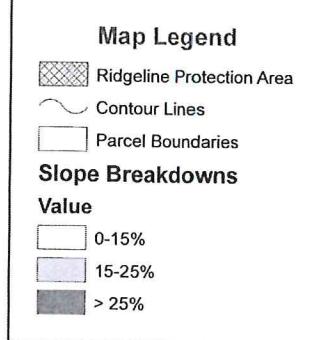
Patrick J. Hines  
Principal  
PJH/kmm

*Michael W. Weeks*

Michael W. Weeks, P.E.  
Principal

## **EXHIBIT C**

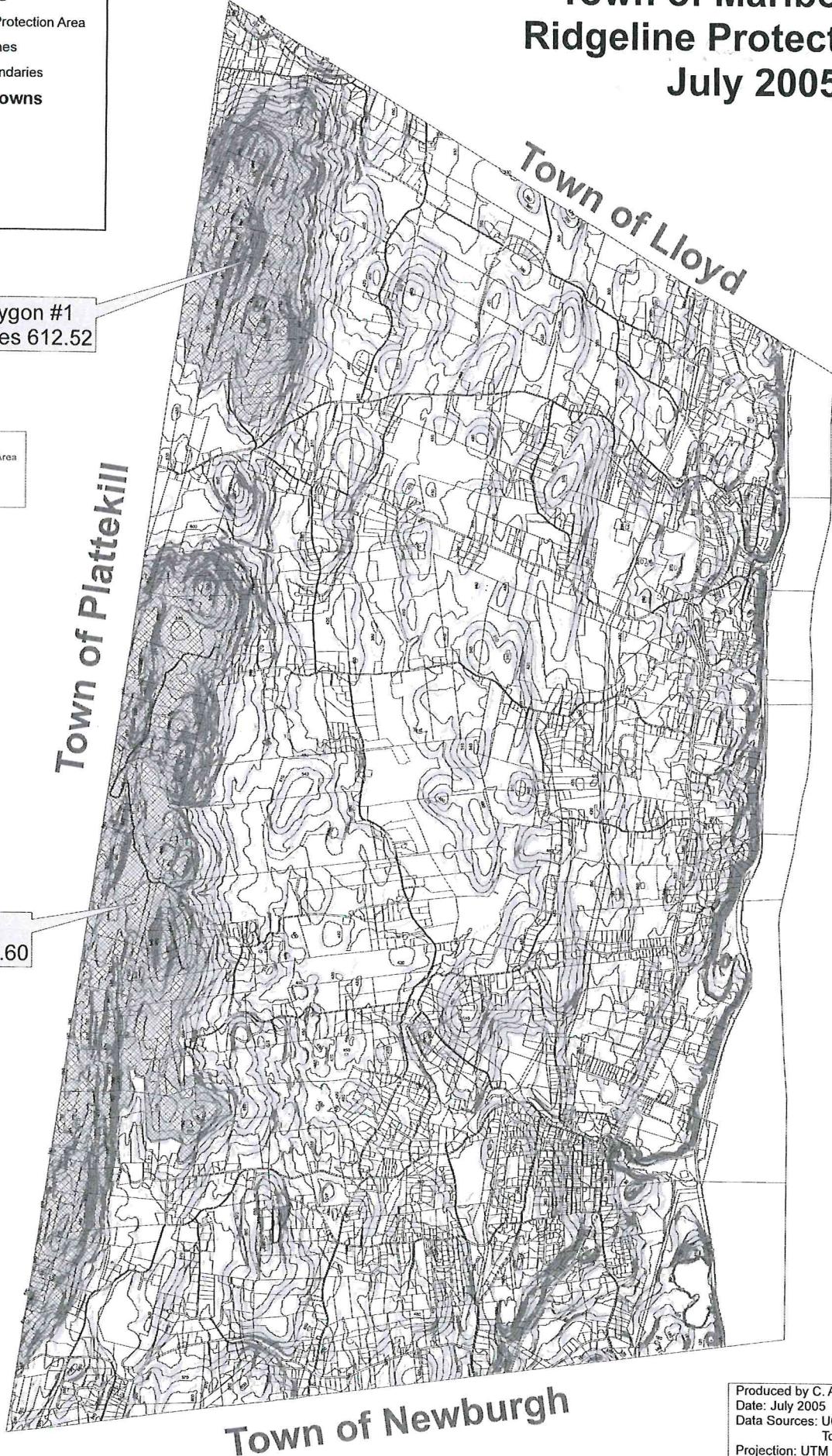
# Town of Marlborough Ridgeline Protection Map July 2005



Polygon #1  
Acres 612.52

Total Ridgeline Protection Area  
Acres: 2105.12

Polygon #2  
Acres 1492.60



Scale 1:24,000 Feet

Produced by C. Albrechtsen  
Date: July 2005  
Data Sources: UCRPTSA, Parcel Data  
Town DEM, Contour Lines  
Projection: UTM  
Datum: NAD27  
Zone: 18  
Units: Feet