

Minutes of the Virtual Village Board Meeting held on October 28, 2021 at 7:30PM

Present: Timothy Egan, Mayor
Tara Burek, Andrew Giacomazza, Jesus Gomez and Christopher Graziano

Absent: None

Also Present: Kelly Naughton, Attorney for the Village; Robert Weyant, Village Streets Superintendent; Michael Phillips, Water/Wastewater Superintendent; Michael Panella, Building Inspector; Sandra Capriglione, Planning Board; Christopher Burke, Fire Chief; Laurie Tautel, County Legislator

Public Hearings:

a. Introductory Local Law 11 – ARB/Zoning/ARB Rules:

A public hearing was continued from the last meeting to entertain public comments on Introductory Local Law 11 of 2021 which would amend Village Code Chapter 8 (“Architectural Review Board”) and Chapter A314 (“Architectural Review Board Rules”) to revise and clarify the guidelines and standards of the Architectural Review Board. The following additional comments were received:

Mayor Egan stated comments were received by the Planning Board (not in a memo but as redlining the law).

With no further comment received, a motion was offered by Trustee Graziano, seconded by Trustee Burek, to close the public hearing.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
NOES 0

Motion was then offered by Trustee Burek, seconded by Trustee Graziano, to adopt Local Law 12 of 2021 as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Egan	YES
Trustee Burek	YES
Trustee Giacomazza	YES
Trustee Gomez	YES
Trustee Graziano	YES

Trustee Graziano stated, regarding this law and the next one, that the Board has listened to the comments made during the hearing and changes have been made to provide a fairly balanced law. Some changes were made to provide the Planning Board with the discretion to waive public hearing requirements on some application types. Our community is ever changing and he understands not everyone will be happy with the law but the Board needs to balance how approvals of new construction is done moving forward.

b. Introductory Local Law 12 – Ridge Preservation Review:

A public hearing was continued from the last meeting to entertain public comments on Introductory Local Law 12 of 2021 which would amend Village Code Chapter 310 (“Zoning”) to clarify the guidelines and standards of Ridge Preservation Review. The following additional comments were received:

Mayor Egan stated comments were received by the Planning Board (not in a memo but as redlining the law).

With no further comment received, a motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to close the public hearing.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano

NOES 0

Motion was then offered by Trustee Graziano, seconded by Trustee Burek, to adopt Local Law 13 of 2021 as printed at the end of these minutes.

ADOPTED BY ROLL CALL AS FOLLOWS:

Mayor Egan	YES
Trustee Burek	YES
Trustee Giacomazza	YES
Trustee Gomez	YES
Trustee Graziano	YES

Public Comment on Agenda Items Only: *No comments were received.*

Administrative Business:

a. Acceptance of Minutes:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to accept receipt of the minutes of the meeting held October 14, 2021.

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

b. Approval of Abstract:

Motion was offered by Trustee Gomez, seconded by Trustee Giacomazza, to approve Abstract 10 containing vouchers 210806 – 210898 and totaling \$151,631.57.

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

c. Re-Levy of Previous Exempt Properties:

Motion was offered by Trustee Graziano, seconded by Trustee Burek, to adopt the following resolution to re-levy a prorated tax amount due on property(ies) located at various locations that was/were previously eligible for an exemption:

WHEREAS, the owner(s) of property was/were eligible for an exemption on property taxes and upon the sale/death this exemption must be removed; and

WHEREAS, notification was received by the Village Clerk from the Woodbury Assessor that prorated amount(s) need to be re-levied onto the FY2022/2023 taxes for this/these property(ies).

NOW THEREFORE, BE IT

RESOLVED that the Village Board directs the Village Clerk, Village Tax Collector and any other Village official, employee or agent of the Village to take any and all necessary actions to levy and collect the following amounts on the following affected land(s) in the same manner as all other Village Charges and to take any necessary actions to execute and record a lien upon such land:

227-6-1.1	67 Buena Vista Terr CV	\$18.55
223-1-7.1	115 Roselawn Rd HM	\$8.77
221-2-5	8 Jill Rd, HM	\$18.19

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

d. Approve Application for Membership – Fire Department:

Motion was offered by Trustee Gomez, seconded by Trustee Burek, to accept the application received from Briana Wallace and Amanda Roberts for Fire Department membership, pending physicals.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

Old Business:

a. Acceptance of Bids – General Property Maintenance:

Clerk Potvin stated the bid opening was held on October 20, 2021 at 2PM and the public notice was printed in the Times Herald Record on September 28, 2021. Only one bid was received: Reel Good Mowers, \$64/hour. The bidder noted they do not have workers compensation coverage as they have no employees (they are the only employee). Motion was offered by Trustee Giacomazza, seconded by Trustee Graziano, to accept the bid received from Reel Good Mowers for the general mowing and lawn/yard maintenance services in connection with unmaintained properties in the Village that have failed to take action in response to a notice of Village Code violations regarding property maintenance per a period beginning on or around August 15, 2021, as needed.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

New Business:

a. Acceptance of Resignation – E Yan – Zoning Board:

Motion was offered by Trustee Burek, seconded by Trustee Graziano, to accept the resignation of Evan Yan from the Zoning Board of Appeals effective October 15, 2021.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

b. Advertise for Vacancy on Zoning Board:

Motion was offered by Trustee Giacomazza, seconded by Trustee Gomez, to authorize the Village Clerk to advertise for the vacant position on the Zoning Board with a term to expire May 31, 2026.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

EXTRA ITEM – Approval to Attend Conference – Annual Fire Investigation Refresher Training:

Motion was offered by Trustee Burek, seconded by Trustee Gomez, to approve Firefighters Scott Danielson and Dominick Prozzillo to attend an annual training conference in Montour Falls for fire investigation refresher training.

ADOPTED AYES 5 Egan, Burek, Giacomazza, Gomez, Graziano
 NOES 0

EXTRA ITEM – Return to In Person Meetings:

Mayor Egan stated since there have been events held at Village Hall he wants to see if the in-person meetings should return. Trustee Graziano stated he is in favor of having in person meeting and Trustee Gomez stated he is fine with either form. Clerk Potvin asked if this would be for all three Boards and Mayor Egan stated the Planning Board members have concerns about the audio with the masks being worn. Trustee Giacomazza stated there are currently about seventeen people watching the media on social media and Trustee Graziano stated he would be preferred if both formats could be done. Mayor Egan stated that would be ideal, but it would need to have someone manage it. Trustee Giacomazza noted the upcoming meetings are usually short ones due to the holidays. He suggested the issue be discussed further at the next meeting.

Public Comment:

Joshua Schoen asked what is the process that is followed for when roads are replaced. Superintendent Weyant stated there is 10-year road improvement program that is followed, which results in about three- four-miles of road being redone each year. Mr. Schoen asked when Sutherland and Thayer will be done. Superintendent Weyant stated those two roads have drainage issues that need to be addressed before those roads can be ground but they will probably be completed within the next year or two.

Legislatory Tautel thanked the Highway Department for the work they did during the recent storm. She then wished all a Happy Halloween.

Board Member/Department Comment:

Mayor Egan noted that today is National First Responder Day, whether they be paid or volunteer. Police, firefighters, EMTs and Paramedics deserve recognition and thanks for the job they do, so he thanked them for their service on this National Day of Recognition. He then stated he wanted to clarify some comments that were recently made on social media regarding the Fire Recruiter. Earlier this year there was an application process for a fire recruiter funded with a FEMA grant. There was an interview process and a candidate was selected by the Village Board after two rounds of interviews. There are criteria associated with this grant and one of each is to recruit fifteen new members during the two-year grant period. In the last five months, four new applicants have joined the department and over fourteen high schoolers have expressed interest in joining as youth corps members. Kate has done more for recruitment in the past five months than he has seen since he was first elected to the Board in 2009. He is very confident she will not only meet but exceed the goal expressed by FEMA. He then announced that earlier this week the Village received a grant from Assemblyman Schmitt for \$50,000 that is for improvements to pedestrian safety in the form of crosswalks, improved signage such as lighted signs at crosswalks, flashing stop signs and other safety measures. These improvements will assist in the Village's efforts in providing and maintaining health, welfare and safety of the residents. He thanked Superintendent Weyant for helping put together the list of items for this grant and Assemblyman Schmitt for his efforts in bringing NYS tax dollars back to Woodbury. He then thanked everyone for attending the meeting this evening.

Trustee Graziano thanked all for attending the meeting. He also thanked the Highway Department for all they did during the recent storm. He thanked the owners of the Dugout Ice Cream stand for the years of being part of the community and wished them the best in their future endeavors. He then stated our community needs to start being kinder to each other. He feels it is time to let go of the past, the hate, and move forward. We need to ensure that Woodbury remain sustainable in the future and we can do so by getting along and compromising. He challenged all to work harder to be better people, as he tries to do every day.

Trustee Gomez thanked all for attending the meeting, which is the last one before the election. He then stated the individuals that he supports for election. He also thanked the Highway Department for the great job they did during the recent storm.

Trustee Burek thanked everyone for attending the meeting this evening. She noted in July she made comments that she feels need to be shared again. She noted we are all passionate people who want our voices heard and she suggests we find a more constructive way. Our community needs a

change to heal and try to work together for the sake of the benefit of the betterment of our home. She never sought out to hurt or disparage another human being deliberately. She was taught that differences should be celebrated and used as examples to learn from to be a better person because through self-awareness and awareness of those around you is how you build a better you and by extension a better community. Patience, tolerance and respect for one another is how you make a community flourish. Being a Board member has changed her perspective and she realizes the differences she may have had in the past with whomever in the community is truly the lease of the issues in Woodbury. None of those differences that she thought were huge are not important to her today. She has learned that in the end there will be bigger issues other than ourselves that need attention and care. As leaders, they owe it to the residents to focus on those issues. She noted we are facing unprecedented water crises, much needed infrastructure upgrades to our water facilities due to overdevelopment and the danger it poses to our environment and natural resources. We also have a critical shortage of volunteer first responders. There are all issues which are so large in magnitude that they need to be a top priority.

Trustee Giacomazza thanked all for attending the meeting this evening and he thanked the Highway Department for all they did this week. He then stated that first responders are very important and essential to the world we live in. He urged all to take a moment to thank a first responder when you see one because without them this community would be a different place.

Clerk Potvin reminded all about the curfew imposed by the Police Department for Halloween and urged all to vote.

Superintendent Weyant thanked Assemblyman Schmitt for the grant.

Chief Burke thanked the Highway Department for all they did during the storm.

Adjournment:

With no further business to discuss or comments received, a motion was offered by Trustee Burek, seconded by Trustee Graziano, to adjourn the meeting at 8:05PM.

ADOPTED	AYES	5	Egan, Burek, Giacomazza, Gomez, Graziano
	NOES	0	

Desiree Potvin, Village Clerk

Attorney/Client Session with Village Attorney

LOCAL LAW 12 OF 2021

A LOCAL LAW AMENDING CHAPTER 8 (“ARCHITECTURAL REVIEW BOARD”), CHAPTER 310 (“ZONING”) AND CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”) OF THE CODE OF THE VILLAGE OF WOODBURY TO REVISE AND CLARIFY THE GUIDELINES AND STANDARDS OF THE ARCHITECTURAL REVIEW BOARD

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1 PURPOSE

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Chapter 8 (“Architectural Review Board”), Chapter 310 (“Zoning”) and Chapter A314 (“Architectural Review Board Rules”) of the Village of Woodbury Code with respect to the guidelines, standards and procedures that the Architectural Review Board applies and follows. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2 CHAPTER 8 (“ARCHITECTURAL REVIEW BOARD”)

Section 8-3 of the Village Code are hereby repealed and replaced with the following:

§ 8-3. [Reserved.]

Section 8-4 of the Village Code are hereby repealed and replaced with the following:

§ 8-4. Review by Planning Board.

- A. The Planning Board, in reviewing subdivisions, planned unit developments, multiple-family dwellings, site plans, special use permits, and all other applications needing Architectural Review Board approval shall require the developer or owner of the project to submit its plans for development of the land, including the type and detail of buildings to be constructed or altered, the location of the buildings on the proposed site and the type and details of architecture. Acting in its role as Architectural Review Board, the Planning Board shall review the plans of the development, attend an on-site inspection, and analyze the design, architecture, and size of all buildings.
- B. The Planning Board, in its role as Architectural Review Board, shall also review plans and specifications for the following buildings, and alterations to buildings not previously approved (*e.g.*, options, alternates) that change its outside physical dimension in any respect, as defined in Chapter 310, Zoning, of the Code of the Village of Woodbury:
 1. Buildings and alterations which require a building permit, pursuant to Chapter 310, Zoning, on any lot that:
 - a. Was part of a subdivision approved by the Planning Board on or after January 1, 1990; or
 - b. Is otherwise subject to the ridge preservation regulations of § 310-13.
- C. Notwithstanding the above, the following shall not require review by the Architectural Review Board:
 1. Pools, in ground, above ground, and temporary.
 2. Detached sheds or other residential accessory structures, including but not limited to pool houses, less than 500 gross square feet.

3. New decks, and additions to decks resulting in, less than 500 gross square feet total deck area.
4. Residential and non-residential roof-mounted solar panels, extending in height no more than 12 inches from the roof surface.
5. In-kind replacement of features that do not require more than *de minimis* modification to the structure, such as windows, doors, and garage doors.
6. Retaining walls that are less than 6 feet in height.
7. Signs, other than those subject to Planning Board approval.
8. Radio, television and microwave antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.
9. Pergolas.
10. Outdoor bins.
11. Residential fixed awnings.

Section 8-5 of the Village Code are hereby amended to include “as previously approved” at the end of Subsection B.

Section 8-7 of the Village Code are hereby repealed and replaced with the following:

§ 8-7. Certificate of occupancy.

The Code Enforcement Officer shall not issue a building permit for, or certificate of occupancy upon completion of, any building or alteration unless he/she finds that such building or alteration is in conformance with the plans and specifications approved by the Planning Board.

Section 8-9 of the Village Code are hereby repealed and replaced with the following:

§ 8-9. Waiver of requirements.

The Planning Board, in its role as Architectural Review Board, may waive or vary any requirements of this chapter regarding similarity of buildings where the layout of the neighborhood, lot patterns, topography, natural features used and the siting of individual structures is such to avoid monotony of appearance despite similarity of buildings.

SECTION 3 CHAPTER 310 (“ZONING”)

Section 310-39.5(E)(3) is hereby repealed and replaced with the following language:

- E. Rooftop-mounted and building-mounted solar collectors. Rooftop-mounted and building-mounted solar collectors are permitted in all zoning districts in the Village, subject to the following conditions. When installation is proposed on a lot that is subject to the provisions of the ridge preservation regulation (§ 310-13), it will be subject to Subsection E(3)(f) below:
 - a) No site plan approval shall be required for the installation of a small-scale rooftop-mounted or building-mounted solar photovoltaic system or solar-thermal system. The Applicant shall utilize the Village’s solar permit application in order to accomplish the stated purposes of the Village Board.
 - b) The Planning Board shall review proposals on lots that are subject to ridge preservation in accordance with § 310-13.
 - c) Site plan approval shall be required for the installation of any large-scale rooftop-mounted or building-mounted solar photovoltaic system or solar-thermal system.

- d) Building permits shall be required for installation of all small- and large-scale rooftop-mounted and building-mounted solar photovoltaic systems and solar-thermal systems.
- e) Any height limitations of the Village Code shall be applicable to solar collectors, provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve and that such structures do not obstruct solar access to neighboring properties.
- f) Placement of solar collectors shall be allowed, provided that panels do not extend horizontally past the roofline.

Section 310-39.5(E)(5)(a) is hereby repealed and replaced with the following language:

- a) Site plan approval shall be required for the installation of any small-scale ground-mounted or freestanding solar collectors.

Section 310-45(E) and (F) are hereby repealed and replaced with the following language:

- E. Procedure. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site plan.
 - 1. Waiver. Upon findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the Board may vary or waive the provision of such information, as outlined in § 310-45I, provided that such variance or waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of this chapter or the Official Map or Comprehensive Plan.
 - 2. Final submissions. At least 15 days in advance of the Planning Board meeting at which a site plan, or an amendment of it, is to be presented, 15 copies of the information enumerated herein must be submitted to the Secretary of the Planning Board along with a letter of application. The Code Enforcement Officer shall verify that the application is complete before it is ready for review by the Planning Board.
 - 3. Public hearing. Where a completed application for review and approval of site plans or where an application for a special permit has been filed, the Planning Board shall fix a time, after the Planning Board has been provided with all information, data and studies it has requested, for the public hearing of such matter and give public notice thereof by publication in the official Village newspaper of such hearing at least five days prior to the date thereof and shall decide the same within 62 days after such hearing, unless:
 - a. In connection with an application pursuant to § 310-13 (“Ridge Preservation”), the Board has waived the requirement for a public hearing upon a determination that there is no apparent significant impact to the surrounding neighbors or neighborhood, given the mass and/or architectural features of the proposed project. The Planning Board shall decide the application within 62 days of the date of such waiver.
 - b. In connection with proposed amendments to a site plan and/or special permit: the Planning Board has waived the requirement for a public hearing upon a determination that such proposed amendment is consistent with the terms of any applicable special permit approval (or if no special permit is required) and does not represent a substantial change from the approved site plan. The

Planning Board shall decide the application within 62 days of the date of such waiver.

4. Decision. The decision of the Planning Board shall be filed in the office of the Village Clerk as soon as practicable and a copy mailed to the applicant. By mutual consent, the time may be extended within which the decision is to be rendered by the Planning Board.
- F. Expiration of site plan approval. Final site plan approval shall expire one year from the date it is granted unless the applicant shall secure a building permit, site work permit and/or begin on-site work. The Planning Board may extend site plan approval for one additional period of one year if such extension is warranted by the particular circumstances. If on-site work ceases for a period of more than six months, then the applicant shall be required to secure a renewal of the site plan approval from the Planning Board. In the event that final site plan approval expires, then the applicant shall be required to file a new application. If a governmental agency has imposed a moratorium that prevents the developer from either starting construction or continuing construction on the project, then the year or that portion of the year remaining as required by this section shall be suspended until the moratorium is removed.

SECTION 4 CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”)

Section A314-3 is hereby amended to include the following language at the end of Subsection A: “unless that duty is delegated to others owing to the Chairperson’s unavailability to timely sign a decision or his/her absence or recusal from the deliberations or significant part thereof.”

Section A314-4 is hereby amended to include “, if any,” in Subsection B between “recommendations” and “for new appointments...”

Section A314-5 and A314-6 are hereby repealed and replaced with the following:

§A314-5 Meetings

- A. Regular meetings. The regular meetings of the Board shall be held as needed and coordinated to coincide to meet at the same time as the Planning Board meetings on the first and third Wednesdays of each month at 7:30 p.m. in the Woodbury Village Hall, Highland Mills, New York, or as otherwise set by motion of the Board.
- B. (Reserved)
- C. Special meetings
 1. Special meetings of the Board may be called by the Chairperson in accordance with New York State law.
 2. The Chairperson shall call a special meeting within 10 days of receipt of a written request from any three members of the Board, which request shall specify the matters to be considered at such special meeting.
- D. Proceedings. The order of business at regular meetings shall be as follows, or as determined by the Chairperson:
 1. Reading and approval of minutes of preceding meeting.
 2. Public hearings.
 3. Other business.
 4. Adjournment.

§A314-6. Voting

- A. A quorum shall consist of a majority of the members of the Board.
- B. No hearing or meeting of the Board shall be held nor any action taken in the absence of a quorum; however, a majority of those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date. All subsequent hearings shall be readvertised in accordance with the requirements of the applicable law.
- C. Decisions on any matter before the Board shall require the affirmative vote of a majority of the entire Board, regardless of absences, vacancies or recusals.
- D. No member of the Board shall vote on any matter requiring a public hearing unless such member has attended the public hearing thereon. However, where such member has familiarized themselves with such matter by reading the record, they shall be qualified to vote.

§A314-7. Procedures

- A. Filing of applications.
 - 1. All applicants shall file an application with the Building Department. Such application shall be made on the form provided for that purpose. The Building Department shall be responsible for providing any applicant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application is considered filed.
 - 2. There shall be furnished to the Building Department 15 copies of the application, plans and specifications containing the required information and data at least 10 days prior to the scheduled hearing. No hearing shall be scheduled unless the above papers are furnished to the Building Department, unless otherwise authorized by the Board. If a completed record is not so furnished within the time prescribed herein, then the Chairperson may refuse to list the application on an agenda until the application is completed.
 - 3. Upon receipt thereof, the Building Department shall distribute the application, plans and specifications to the Board members and consultants of the Board.
- B. Site inspection. Prior to a proposed hearing, the Board members shall, if necessary, arrange to visit the site in order to physically acclimate themselves with the situation.
- C. Supporting papers. The application shall be supported by the following:
 - 1. A plot or plan for each lot, with the location of house and driveway shown.
 - 2. The front, rear and both side elevations of the proposed building showing existing grade lines at the foundation walls and proposed finished grades. Exterior materials and colors must be indicated on the elevations. All grades shall be indicated by reference to the average street grade in front of the lot, unless elevations are shown on the subdivision map, in which case the grade shall be referenced to such elevations.
 - 3. If applicable, the copy of the preliminary or final subdivision map with five-foot contours, including the plot for which the application is made and the street giving access thereto. Each paper shall be drawn in ink or be a photocopy, shall show the name and address of the developer or owner, section, block and lot

number, be dated and include space for indication of approval or disapproval by the Board.

4. An artist's rendering or photograph of the structure to be constructed on a given lot, required at the discretion of the Board.
 5. A check made payable to the Village of Woodbury in an amount as set forth in Chapter 143, Fees.
 6. Any other information deemed necessary for the Board to make an appropriate determination on the application.
- D. Waivers. The Board may waive or allow deferred submission of some of the information required in Subsection C above, as it deems appropriate.
- E. Notice to applicant. The applicant shall be notified by the Building Department of any failure to complete the application properly.

§ A314-8. Hearings.

- A. No decision by the Board to approve or deny an application shall be made until after either a public hearing has been held or the Board has waived the public hearing upon a determination that there is no apparent significant impact to the surrounding neighbors or neighborhood, given the mass and/or architectural features of the proposed project and that a public hearing is not necessary in the public interest.
- B. Notice.
 1. Notice of all hearings shall be given at least five days prior to the date thereof by publication in the official Village newspaper. Such notices of the hearings shall be mailed to all parties and all adjacent property owners within 300 feet of each boundary line of the subject property.
 2. Such notice shall state the location of the building or lot and the date, time and place of the hearing.
- C. Proceedings. The order of business at a hearing shall be as follows, or as determined by the Chairperson:
 1. The Chairperson shall read the relevant parts of the public notice, and may make reference to any correspondence or reports received thereon.
 2. The applicant shall present a description of the application and set forth any rational and support for the application.
 3. Those in favor or opposed may present their arguments.
 4. If necessary, adjournment of the hearing, or closing of the public hearing.
- D. General rules. Any party may appear in person or by agent or by attorney or, where property is under contract, by the contract vendee.

Section A314-9(A) is hereby amended to include “, provided it has sufficient information from the Applicant or others to do so” at the end of the sentence, and add a second sentence as follows: If a public hearing is waived, the written decision shall be rendered within 62 days of the granting of such waiver.

Section A314-11 is hereby repealed and replaced with the following language:

§ A314-11. Appeals.

Time limit. Where an applicant disagrees with a decision rendered by the Board, he or she must file an application with the Village Zoning Board of Appeals for a review of the

decision within 60 days after the decision has been filed pursuant to § A314-9D of these regulations or forfeit any rights to challenge said decision. The Zoning Board of Appeals shall not review the appeal *de novo* but shall determine whether or not the Architectural Review Board acted in an arbitrary and capricious manner in making its decision. If the Zoning Board of Appeals determines that the Architectural Review Board acted rationally and not in an arbitrary and capricious manner its decision will be upheld.

SECTION 5 SUPERSEDING PROVISION

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 6 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 7 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

LOCAL LAW 13 OF 2021

A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE VILLAGE OF WOODBURY TO CLARIFY THE GUIDELINES AND STANDARDS OF RIDGE PRESERVATION REVIEW

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York, as follows:

SECTION 1 PURPOSE

The Board of Trustees of the Village of Woodbury finds that it is reasonable and appropriate to update and amend Section 310-13 (“Ridge Preservation”) of the Village of Woodbury Code with respect to the guidelines, standards and procedures that the Architectural Review Board should apply and follow for structures and development within the designated ridge preservation area within the Village. This local law is determined to be an exercise of the police powers of the Village to protect the public health safety and general welfare of its residents.

SECTION 2 SECTION 310-13 (“RIDGE PRESERVATION”).

Sections 310-13(B) of the Village Code is hereby repealed and replaced with the following:

- B. Restrictions and standards for structures, any part of which is in an area having a natural elevation above mean sea level of 600 feet, and tree or vegetation clearing, or filling or grading above such elevation.
 - 1) Any such structure, to the maximum practical extent, shall not be visible from any designated ridge preservation view corridor, as defined herein, or such structure shall blend into the hillside.
 - 2) In order to satisfactorily blend the structure into the natural environment and mitigate visual impacts, the exterior walls of a structure shall be clad in wood, brick, stone, stucco, vinyl, fiber cement board or fiber cement siding and shall be non-reflective, non-glossy earth tone or similar neutral colors. Aluminum cladding and Exterior Insulation and Finish System (EIFS) cladding are not permitted. Earth tone or similar neutral colors are colors such as brown, green, grey, terra cotta, and muted autumn colors that, in the opinion of the Planning Board, appropriately and naturally blend in with the tree cover. The use of white and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board are not acceptable. The Planning Board shall have the discretion to permit the use of non-natural building materials in connection with applications where existing originally approved and constructed structures consist of non-natural materials, and the application is for an addition that is substantially less in mass and/or appearance than the principal structure.
 - 3) Roof slopes of such structures shall follow the natural contour of the land where possible. Glossy metal or polyvinyl chloride (PVC) roofing materials are not acceptable. Patinaed copper is acceptable as are non-glossy painted metal panel roofs. Shingles composed of asphalt or asphalt composite are acceptable, as well as wood, clay, or slate shingles or tiles. Roofing materials shall also be of earth tone or similar neutral color that, in the opinion of the Planning Board, appropriately and naturally blend in with the tree cover, and may include dark greys and black. White and similar bright colors that do not blend in with the tree cover in the opinion of the Planning Board are not acceptable.

- 4) No reflective windows (which include windows coated with anti-reflective window film) or other reflective surfaces shall be used on any building.
- 5) To the greatest extent practical, every attempt shall be made to limit the amount of cutting and removal of trees so as to maintain natural site vegetation, especially on those properties which may be visible from the ridge preservation view corridor. Any healthy tree with an eight-inch-or-greater caliper at breast height shall not be removed unless such removal is essential to the location of the structure, or the safety of the structure as determined by the Code Enforcement Officer.
- 6) Any proposal for construction, or clearing, filling or grading, in such areas shall be approved by the Planning Board acting as Architectural Review Board in accordance with the procedures set forth in Chapters 8 and A314. This subsection includes the construction of new structures or renovations of, or additions to, existing structures that alter the physical dimensions of such structures. Any submission to the ARB shall include an illustration indicating the location of said structure and a sketch superimposed on a photograph.
- 7) The Architectural Review Board may waive or adjust the requirements of all or part of this ridge preservation section upon an applicant presenting clear and convincing evidence that:
 - a) The structures or affected land areas will not be visible from a designated view corridor. If such evidence is dependent upon existing or new landscaping or natural buffers, the Planning Board, acting as Architectural Review Board, may require an easement of record be filed with the County Clerk to preserve such landscaping or buffers; and/or
 - b) Owing to prior land development by others, the purpose and policy of this ridge preservation section cannot be substantially achieved by conformance with these regulations.
- 8) Notwithstanding anything to the contrary in this section, the following projects shall not require review by the Architectural Review Board pursuant to this section:
 1. Pools, in ground, above ground, and temporary.
 2. Detached sheds or other residential accessory structures less than 500 gross square feet, including but not limited to pool houses.
 3. New decks, and additions to decks resulting in, less than 500 gross square feet total deck area.
 4. Residential and non-residential roof-mounted solar panels, extending in height no more than 12 inches from the roof surface.
 5. In-kind replacement of features that do not require more than *de minimis* modification to the structure, such as windows, doors, and garage doors.
 6. Retaining walls that are less than 6 feet in height.
 7. Signs, other than those subject to Planning Board approval.
 8. Radio, television and microwave antennas, except for such antennas installed on the roof of a building and extending not more than 15 feet above the highest level of the roof of such building.
 9. Pergolas.
 10. Outdoor bins.
 11. Residential fixed awnings.

Sections 310-13(C)(2) of the Village Code is hereby amended to add “to site structures” at the end of the phrase.

SECTION 3. SUPERSEDING PROVISION

To the extent that any State or local laws, including, but not limited to Village Law §§ 7-702, 7-704, 7-706, and 7-708, and Village Code Chapters 310 and A314, fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the procedures followed for its adoption, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4 SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5 EFFECTIVE DATE

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.