



MEMORANDUM

TO: Chris Gerver, Chairman
Woodbury Planning Board Members

FROM: Jonathan Lockman, AICP
Jonathan Midler

SUBJECT: Kaufman Residence ARB
9 Hudson Pointe
SBL: 255-1-2

DATE: July 29, 2021

CC: Maria Rubio, Building Department
Natalie Barber, P.E., Village Engineer
Rick Golden, Esq., Planning Board Attorney
Larry Hartman, for the Applicant

Materials received and reviewed, for this memorandum:

- Revised Survey Plan, 1 sheet, for “Joseph C. Kaufman”, by Engineering & Surveying Properties, stamped by Brian D. Babcock, PE, with latest revision date of 06/15/2021; and
- Exterior 3-D rendering incorporating the proposed addition, undated

Materials reviewed for our previous memorandum, dated May 27, 2021:

- Bound submittal with the following pages:
 - Page 1, Cover Sheet
 - Page 2, An aerial screenshot from Google maps undated, with addition area outlined in red
 - Page 3, Survey Plan, 1 sheet, for “Joseph C. Kaufman”, by Engineering & Surveying Properties, stamped by Brian D. Babcock, PE, with latest revision date of 05/10/2021
 - Page 4, Tax Map with the subject property, 3 Patterson Pass, and 7 Allegheny Cross labelled; undated
 - Page 5, Exterior 3-D rendering incorporating the proposed addition, undated
 - Page 6, Two (2) exterior photos from 7 Allegheny Cross and 3 Patterson Pass, undated
 - Page 7, Diagram of building footprints for all three levels, without interior rooms shown, entitled “Proposed Addition for “Woodbury Villas Lot #23”, by Hartman Design, unstamped, dated 05/19/2021
 - Page 8, sheet A-201, Front elevation of existing home and proposed addition, entitled “Woodbury Villas Lot #23”, by Hartman Design, unstamped, dated 05/19/2021
 - Page 9, Diagram of building footprints for all three levels, without interior rooms shown, entitled “3 Patterson Pass”, by Hartman Design, unstamped, dated 05/19/2021

- Page 10, Diagram of building footprints for both levels, entitled “7 Allegheny Cross,” by Hartman Design, unstamped, dated 05/19/2021
- Page 11, Tables with Dimension Comparisons: 3 Patterson Pass, 7 Allegheny Cross, and 9 Hudson Pointe.

Materials reviewed for our previous memorandum, dated April 30, 2021:

- Planning Board Application, prepared by Larry Hartman – Hartman Design, dated 4/19/2021.
- Exterior 3D rendering incorporating the proposed addition, undated.
- Survey Plan, 1 sheet, for “Joseph C. Kaufman”, by Engineering & Surveying Properties, stamped by Brian D. Babcock, PE, dated 3/3/2021.
- Revised Survey Plan, 1 sheet, for “Joseph C. Kaufman”, by Engineering & Surveying Properties, unstamped by Brian D. Babcock, Licensed Professional Engineer (license no. 050830), dated 4/26/2021.
- Final approved subdivision plans titled “WP3 Final Submission: Project Set”, sheet OP-3, stamped by Steven G. Billheimer, Licensed Professional Engineer (license no. 083091), dated 4/3/2007.
- Architectural Plan Set, 9 sheets, for “Woodbury Villas Lot #23”, by Hartman Design, stamped by Philip Salerno, PE, dated 3/24/2021. The following sheets are included:
 - Cover Sheet
 - A-101, Foundation and Basement Plan
 - A-102, First Floor Plan
 - A-103, Second Floor Plan
 - A-104, Roof Plan and Typical Wall Section
 - A-201, Front and Right Elevation
 - A-202, Left and Rear Elevation
 - SP-01, Specifications
 - SP-02, Specifications

Project Summary

Larry Hartman is applying for Architectural Review and Ridge Preservation Review to the Planning Board for an addition to an existing residence at 9 Hudson Pointe (SBL 255-1-2). The project site is located in the Woodbury Villas neighborhood, west of Dunderberg Road. The property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay district (CCDOD). A public hearing for this application was held and closed on June 2, 2021, with no comments from the public.

Ridge Preservation

1. The site is located at approximately 980 feet in elevation and therefore subject to the Ridge Preservation standards of the Zoning Code §310-13. We offer the following comments with respect to the following subsections of §310-13. B:
 - a. Section 1: On June 2, 2021, the Board discussed that the house is existing on this developed site, and only the front of the house will be visible from designated ridge preservation view corridors. The proposed addition will only be visible to the neighbor to the northeast (right side of the house) and to the “forever green” buffer in the rear of the house. The Board tentatively determined that if a line of trees were planted along the property line with Goldberger, it would mitigate the view of the 80-foot length of the proposed addition, and the addition structure would blend into the hillside to the

maximum practical extent, as seen from all available views. In this newest submission, eleven (11) trees are proposed along this property line. See comment 2 below.

- b. Regarding sections 2 and 3, the Board found the colors for the roof shingles (Harvard slate) and the siding color (natural clay) as meeting these standards. However, at its last meeting on this application on June 2, 2021, the Board did not conclude whether the use of vinyl siding of this color would be acceptable, given that this section of the code requires the construction materials to be made of natural materials. We were asked to research whether the Planning Board in the past had made any prior decisions allowing vinyl siding as the Board did not wish to start a new precedent. The applicant's agent Larry Hartman was asked to provide any minutes or records of past approvals of vinyl siding, and we were asked to do some research. In our review of the records, we found no evidence that the Board ever approved homes without vinyl siding. On May 2, 2012, we found that the Planning Board approved 15 homes to be constructed by Merkley Building Corp with synthetic CertainTeed brand "Main Street" vinyl siding and approved all colors other than "Colonial White." Given this approval from the Planning Board, it is not unreasonable to assume that the Building Inspector subsequently felt enabled to approve vinyl siding for those homes for which he issued building permits, and which were not reviewed by the Planning Board. *The Planning Board should make a determination whether it would approve the applicant's proposal for vinyl siding in natural clay color, given this evidence.*
- c. Section 4: Previously the applicant has added a note to the revised front elevations plan (which is unchanged) stating that "all windows to be non-glare windows." We are not aware of a "non-glare window." *We continue to recommend that the applicant revise the note to read, "Anti-reflection window film will be applied to any low-e windows installed with southerly exposures."*
- d. Section 5: Our previous comment on this section has been resolved.

Architectural Review

2. The project is subject to the Architectural Review process of Chapter 8 of the Woodbury Code, and particularly the standards of §8-5 and §8.8. To evaluate these standards, the Planning Board requires submittal of information on the sizes, heights, and styles of homes adjacent to and/or near the subject property of the applicant. Pursuant to §8.5.A, the Planning Board may deny an application by reason of:

"Excessive similarity, dissimilarity or inappropriateness in relation to itself or to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application, facing upon the same street or within the same or surrounding neighborhood, including neighboring developments, in respect to one or more of the following features: 1) Exterior façade of all building sides, including, but not limited to building materials, mass, roof line, architectural style and authenticity, colors, size, proportion, roof design and height. 2) Size and arrangement of doors, windows, porticoes or other openings or breaks in the façade, including reverse arrangement, 3) Footprint and gross floor area including all or portions of the structure."

The applicant has provided photos and floor plans for comparable homes near the subject property of the applicant. The Planning Board reviewed the sizes, heights, and styles of these

comparable homes and noted that the proposed home with its very large addition would be approximately 12,000 square feet in total gross floor area (including basement level). This would make the expanded home 27% larger than the largest home in its surroundings. However, at its meeting held on June 2, 2021, the Board decided it would not consider the basement area in determining the relative visual impact of the project since it was proposed to be constructed below grade. When eliminating the basement square footage, the expanded home was closer in line to the sizes of homes in its surroundings. Also, the Board tentatively determined that if a line of trees were planted along the property line with Goldberger, it would mitigate the view of the 80-foot length of the proposed addition which could only be seen from that particular property.

- a. The applicant has submitted a revised site plan which now shows a proposed line of eleven (11) evergreen trees, fifteen (15) feet in height, along the Goldberger property line. A species mix of white pine, blue spruce, and Norway maple trees is proposed. *The Board should review and determine if these species will provide adequate screening as seen from the adjoining property, and whether the visual impact of the large 80-foot-long wall of the addition is adequately mitigated.*
- b. We note that the rendering of the proposed landscaping is the wrong species. The rendering shows arborvitae trees. *The applicant should update the renderings with white pine, blue spruce, and Norway maple trees as specified.*
- c. We note that the DEC recommends 8 feet spacing between conifer trees¹, and 9-foot spacing on center is proposed. *The applicant should add an additional tree to the line, and plant them 8-feet on center.*

Other Zoning and Planning Issues

3. Bulk Requirements

- a. As previously recommended, the Planning Board application and the site plan should be updated to reflect the correct zoning. The property is zoned Residential, One-Acre district (R-1A) and is in the Conservation Cluster Development Overlay district (CCDOD).
 - b. Building square footage labels. The site plan was not updated to show the square footage of the existing dwelling. Although a square footage schedule for the house was provided, the site plan should be updated with a square footage label for the existing home.
 - c. Building Height. As requested previously, please update the site plan bulk requirements table to show the proposed building height. We understand that the exact proposed height is shown on the building elevation drawings, but this figure should also appear on the site plan bulk table. The newest bulk requirements table still only indicates that the height is <35 feet, rather than indicating a specific height.
4. We are still concerned that the interior of the addition is not typical of a single-family home, but rather is similar in appearance to a place of assembly and could potentially be used as such. As

¹ <https://www.dec.ny.gov/animals/9395.html>

discussed in the meeting held on June 2, 2021, *we recommend that a condition of approval be added that at this time, the addition would be only for single family uses, and prior to any use of the addition as a place of assembly, application would be made to the Building Department for any applicable Planning Board approvals or building permits and said use would comply with the State Uniform Fire and Building Code.*

SEQRA/Procedure

5. We recommend that the Planning Board classify this action as Type II, requiring no further environmental review under SEQRA, as it is an addition to an existing single-family home on an approved subdivision lot. See 617.5(c)(11).
6. We are not aware of any resources located within 500 feet of this site that would trigger a requirement for GML 239-m review by the Orange County Department of Planning.