

**INTRODUCTORY LOCAL LAW No. 12 OF 2020
VILLAGE OF WOODBURY**

**A LOCAL LAW AMENDING CHAPTER 8 (“ARCHITECTURAL REVIEW BOARD”)
AND CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”) OF THE
CODE OF THE VILLAGE OF WOODBURY TO 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”) 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”).

Sections 8-1, 8-3, 8-4, 8-5, 8-8 and 8-9 of the Village Code are hereby repealed and replaced with the following:

§ 8-1. Findings; purpose.

The Village Board hereby finds that excessive uniformity or dissimilarity of design, disproportionate size or height, excessive gross floor area (especially to the point of allowing such space to be used for other than the represented purpose), inappropriateness or poor quality of design in the exterior appearance of buildings erected in any neighborhood adversely affects the desirability of the immediate area and neighboring areas for residential and business purposes or other use and, by so doing, impairs the benefits of the occupancy and development of existing and future properties in such areas, impairs the stability and value of both improved and unimproved real property in such areas, prevents the most appropriate development of such areas, produces degeneration of property in such areas with attendant deterioration of conditions affecting the health, safety, comfort and general welfare of the inhabitants thereof, and destroys a proper relationship between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this chapter to prevent these and other harmful effects of such exterior appearances of buildings erected and thus to promote and protect the health, safety, comfort and general welfare of the community, to promote the public convenience and prosperity, to conserve the value of buildings and to encourage the most appropriate use of land within the Village.

§ 8-3. Review of Plans.

The Planning Board, in reviewing subdivisions, planned unit developments, multiple-family dwellings and site plans, 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, 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.

§ 8-4. Review by Planning Board.

The Planning Board, in its role as Architectural Review Board, shall review plans and specifications for the following buildings, and alterations to buildings, as defined in Chapter 310, Zoning, of the Code of the Village of Woodbury:

- A. Buildings and alterations in all subdivision applications.
- B. Buildings and alterations which require a building permit, pursuant to Chapter 310, Zoning, on any lot that (i) was part of a subdivision approved by the Planning Board on or after January 1, 1990, or (ii) is otherwise subject to the Ridge Preservation regulations of Section 310-13.

§ 8-5. Approval, conditional approval or disapproval.

The Planning Board, acting in the role of Architectural Review Board, may approve, conditionally approve subject to special modifications, or disapprove, any application, provided that such determination is based on the appropriateness or inappropriateness of the proposed building or alternation in the following respects:

- A. 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 surrounding neighborhood, in respect to one or more of the following features:
 - (1) Exterior façade, including, but not limited to building materials, mass 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 facade, including reverse arrangement, and gross floor area of all or portions of the structure.

§ 8-8. Considerations in approving or disapproving plans and specifications.

In approving or disapproving plans and specifications for a building or alteration, the Planning Board, acting in its role as Architectural Review Board shall consider the purposes above stated to promote architectural beauty and harmony of building design, to prevent the monotony of residential housing, and to prevent buildings from being improperly designed and located in relation to land contours, lot lines, street lines and use.

§ 8-9. Waiver of requirements.

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

SECTION 3. CHAPTER A314 (“ARCHITECTURAL REVIEW BOARD RULES”).

Chapter A314 hereby repealed and replaced with the following:

§ A314-1. General provisions.

- A. The Architectural Review Board of the Village of Woodbury shall be governed by the provisions of all applicable state statutes, local laws, ordinances and these rules.
- B. The term "Board" as used in these rules shall mean the duly appointed Architectural Review Board of the Village of Woodbury.
- C. The term “neighborhood” as used in these rules shall be the subdivision of land that included that property that is the subject of the application, the surrounding area, and neighboring residential developments.
- D. The Board shall become familiar with all the duly enacted ordinances and laws of the Village under which it may be expected to act as well as with the applicable state statutes.

§ A314-2. Reserved.

§ A314-3. Chairman and Acting Chairman.

The officers of the Board shall consist of a Chairperson and an Acting Chairperson as follows:

- A. Chairperson. The Chairperson shall be designated by the Village Board. The Chairperson shall perform all duties required by law, ordinance and these rules, shall preside at all meetings of the Board, and shall decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board. The Chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
- B. Acting Chairperson. An Acting Chairperson shall be appointed to serve in the absence of the Chairperson, and shall have all the powers of the Chairperson during absence, disability or disqualification.

§ A314-4. Vacancies.

- A. Should any vacancy on the Board occur for any reason, the Secretary shall give immediate notice thereof to the Village Clerk.
- B. Should such a vacancy occur, the Board shall immediately submit its recommendations for new appointments to the Mayor.
- C. Should the office of Chairperson become vacant, the Secretary shall notify the Village Clerk and the Acting Chairperson shall handle the duties of the Chairperson until such time as the Mayor, subject to the approval of the Village Board, shall appoint a new Chairperson.

§ A314-5. Meetings.

- A. Regular meetings. The regular meetings of the Board shall be held 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. *(Intentionally omitted.)*
- C. Special meetings.
 - (1) Special meetings of the Board may be called by the Chairman in accordance with New York State law.
 - (2) The Chairman 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. Cancellations of meetings. Whenever there are no applications or other business at a regular meeting, the Chairman may dispense with such meeting by notice to all members, the Building Department and Village Clerk.

E. Proceedings. The order of business at regular meetings shall be as follows, or as determined by the Chairman:

- (1) Roll call.
- (2) Reading and approval of minutes of preceding meeting.
- (3) Reading of Board's decisions from prior meeting.
- (4) Public hearing.
- (5) Other business.
- (6) 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, those members present shall be entitled to request the Chairman 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 Board unless otherwise specified herein.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a denial of the motion under consideration.
- E. No member of the Board shall vote on any matter requiring a public hearing unless he has attended the public hearing thereon; however, where such member has familiarized himself with such matter by reading the record, he 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 nine 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 Chairman 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. Subsequently and before 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 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) One 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 and lot number, shall be dated and shall 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 Chairman, by letter, within five days of the hearing of his failure to complete his application properly.

§ A314-8. Hearings.

- A. Time. The Board shall schedule a hearing on all applications.
- 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.
 - (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:
 - (1) Roll call.
 - (2) The Chairman shall read the public notice, as well as all correspondence and reports received thereon.
 - (3) The applicant shall present his case.
 - (4) Those in favor or opposed shall present their arguments.
 - (5) If necessary, adjournment of the hearing.
 - (6) Closing of the public hearing and an indication by the Chairman as to when the decision will be announced.
- D. General rules.
 - (1) Any party may appear in person or by agent or by attorney or, where property is under contract, by the contract vendee.

§ A314-9. Decisions.

- A. Time limit. The Board shall render its decision within 62 days of the close of the public hearing.
- B. Form. The final decision by the Board shall be made either by written order or contained within the Board's minutes pertaining to a specific application. Such decision shall state the findings of fact which were the basis for the Board's determination. The decision shall also state any conditions necessary to fulfill the purpose of Chapter 8, establishing an Architectural Review Board.

- C. In approving or disapproving plans and specifications for a building or alteration, the Architectural Review Board shall consider the purposes above stated to promote architectural beauty and harmony of building design; to prevent the monotony of residential housing in rows of buildings which are identical or unduly similar in design or location in relationship to streets, and to prevent buildings from being improperly designed and located in relation to land contours, lot lines and street lines.
- D. Filing. Minutes and decisions of the Board shall be filed as soon as practical after each meeting in the office of the Village Clerk and shall be a public record.
- E. Notice. Copies of the decision shall be forwarded to the applicant by the Building Department.
- F. Certification. A copy of the Board's decision, including all terms and conditions, shall be transmitted to the Code Enforcement Officer, and he shall fully incorporate such terms and conditions of the same in the building permit to be issued to the applicant for such building or alteration.

§ A314-10. Certificates of occupancy.

In case of approval by the Architectural Review Board, the Code Enforcement Officer shall not issue a certificate of occupancy upon completion of the building or alteration unless he finds that such building or alteration is completed in conformance with the plans and specifications approved by the Architectural Review Board.

§ 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 Board of Appeals for a review of the decision within 30 days after the decision has been filed pursuant to § A314-9D of these regulations, or forfeit any rights to challenge said decision.

§ A314-12. Adoption and amendment of rules and regulations.

- A. Adoption. Upon adoption of these rules by the Board, the Secretary shall file a copy of these rules with the Village Clerk, and they shall be a public record.
- B. Amendment. These rules may be amended by an affirmative vote by a majority vote of a quorum of the Board, provided that such amendment be presented in written form at a regular or special meeting preceding the meeting at which the vote is taken.

- C. Filing. All amendments adopted shall be filed in the same manner as provided for the rules in Subsection A of this section.

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.