

INTRODUCTORY LOCAL LAW 12 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Sections 310-13(B) of the Village Code is hereby repealed and replaced with the following: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, a structure shall be constructed of natural materials (wood, brick or stone) or fiber cement board or fiber cement siding and shall be of a natural color. Natural colors shall be earth-tone or similar neutral colors, such as brown, greens, terra cotta, autumn colors that naturally blend in with the tree cover. The use of white and similar bright colors that do not blend in with the tree cover 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 and roofs shall also be of a natural color. Natural colors shall be earth-tone or neutral colors as described immediately above, in order to blend in with the tree cover.
- 4) No reflective windows or other such 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 that are less than 500 gross square feet.
 4. Deck additions that are less than 10% of the gross existing square footage of the deck.
 5. Residential and non-residential roof-mounted solar panels, extending in height no more than 12 inches from the roof surface.
 6. In-kind replacement of features that do not require more than *de minimis* modification to the structure, such as windows, doors, and garage doors.
 7. Retaining walls that do not require design and approval by a professional engineer.
 8. Signs, other than those subject to Planning Board approval.
 9. 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.
 10. Pergolas.
 11. Outdoor bins.
 12. 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.