



MEMORANDUM

TO: Members, Hurley Planning Board

FROM: Bonnie Franson, AICP CEP, PP

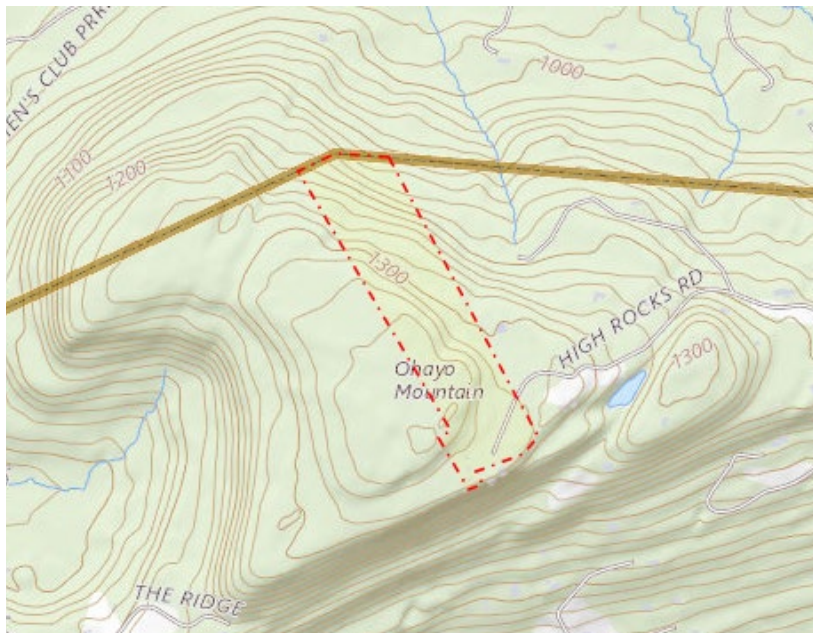
RE: **150 High Rocks Road – Metheny Visual Assessment**
(SBL – 7.2-5-2.100)

DATE: January 23, 2024

CC: Maggie Colan, Planning Board Secretary
John Lyons, Esq./Kim Garrison, Esq.

We are in receipt of the following items:

- Plot Plan, prepared by Barry Price Architecture, consisting of 9 sheets.
- Project Narrative, dated October 31, 2023, prepared by Barry Price Architecture, with various attachments.
- Email Zoning Determination of the Building Inspector, dated November 29, 2023.
- Planning Board Application form, dated November 15, 2023.
- Short EAF Part 1, dated 12/5/23.



Summary

The Applicant, Pat Metheny, proposes alterations to the property located at 150 High Rocks Road, which would include conversion of an existing single-family residence into a recording studio, construction of a new dwelling in the current location of a pool which would extend to connect to an existing garage, and construction of a barn for storage, along with other improvements. The parcel on which the improvements are located is within the A-4 zoning district, and the buildings are situated

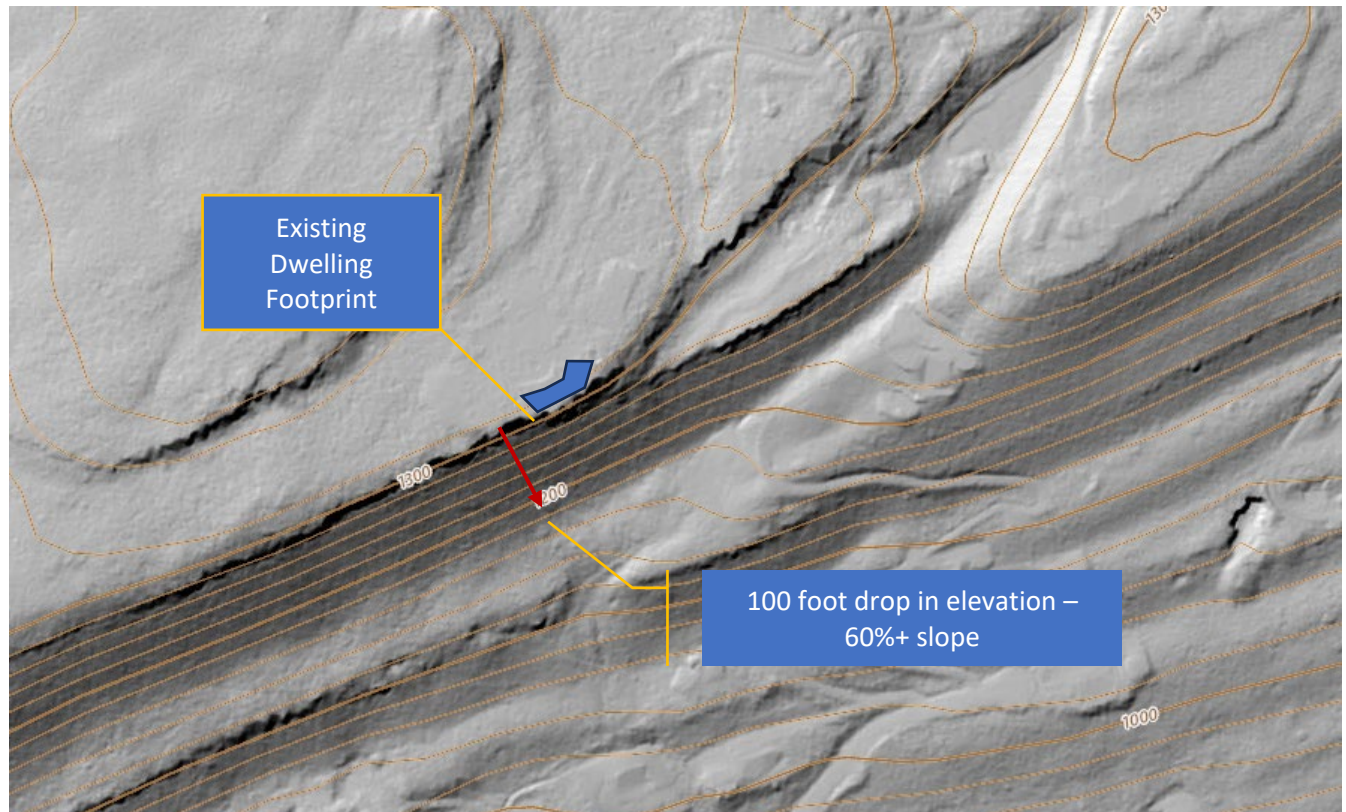


on Ohayo Mountain. The property borders the Town of Woodstock along its northerly boundary. Note that the aerial photo does not correctly show the property boundaries. A tennis court is present on the site, although not shown on the plot plan. The Building Inspector has opined that two of the proposed buildings are subject to visual assessment – the new barn and the new dwelling) including barn to be attached to it). The Building Inspector has determined that the existing structure is not subject to Planning Board review. See our comments below.

General Comments

1. Studio Building. We question whether the studio building also requires Planning Board review. We note the following:
 - The proposed garage’s exterior work will require Planning Board review. The existing residence conversion is also undergoing significant exterior work. Should this similarly be reviewed?
 - The studio has been characterized as a “personal use” studio. The studio could fit the category of a “home occupation”. Additional information would be useful to understand its operation. The Applicant’s Architect has characterized the space as a “home occupation”. The plans (Sheet PB-2.0) reference decommissioning of the kitchen to comply with a “home occupation”. A home occupation would require site plan review.
 - The second floor plans for the converted residence include 4 bedrooms. It is unclear whether the intent is for performers or guests to occupy the upstairs space. It is unclear if the converted residence is also operating in some way as an accessory apartment. Accessory apartments require special use permit approval.
 - In general, it would be useful to discuss the operation and use of the proposed use with the Applicant, to understand how the studio fits within the zoning.
 - If the studio use fits under other uses such as a home occupation or accessory apartment, additional approvals may be required.
2. Visual Assessment submission. As per Section 210-42 of the Town zoning chapter, “the A-4 District includes those areas of the Town in which development may pose the greatest potential for visual impacts. These districts include the Town’s highest elevations on the slopes of Tonshi and **Ohayo Mountain**....the purpose of this section is to provide a procedure to assess the visual impact of proposed development in these areas and to establish standards and guidelines to minimize such impact.”
3. Field visit. The procedures discuss the Planning Board conducting a field visit as part of its assessment. In this instance, it is recommended that the Planning Board conduct a field visit to review whether or not the

dwelling and new construction will be visible from various vantage points. As per the image below, the existing improvements are situated at the edge of an escarpment – the new residence and pool will be as well. Depending on whether there are trees in the foreground, the new residence may be highly visible. The proposed dwelling is being placed about 25 feet from where the steep topography begins. The application should be accompanied by a visual assessment which shows whether the new structures will be visible from surrounding areas.



Visual Assessment

1. Visually, the primary concerns would appear to be the addition of a new dwelling, and reconstruction of a pool next to the existing residence to be converted to a studio.
2. It is unclear which structures exist, and which are proposed. For example, does the fire pit already exist?
3. In general, there needs to be more information provided in terms of what exists presently in the location where the proposed pool and pool deck are located. Are trees being removed? The pool deck includes stairs that will be constructed down the slope to reach a fire pit.
4. It is unclear what grading, if any, will occur to accommodate the improvements and how close the grading is to the edge of the escarpment.
5. The plot plan should show the topographic contours up to at least the property line in front of the existing and new residences. Are all the existing trees within the footprint of improvement shown?
6. What is the PRF fence? Is additional fencing being added along the escarpment?
7. As a general comment, if the tennis court remains, it should be shown.
8. It should be confirmed that all solar panels are on the rooftops of the structures. The panels, given the buildings' location, should shed the least amount of glare. Information on the solar panels should be provided.
9. Is the hammam interior to the new dwelling?

10. As per Sheet PB-2.0, it is unclear which pool is new and which is being added when compared with Sheet PB-1.1.
11. Will any other activities besides storage occur within the barn? The plans illustrate a mezzanine.
12. Are any structures going on top of the vegetated roof deck? What is the box that is shown in the storage area attached to the studio along the southern wall?
13. It is unclear why there are three images of the barn floor plan in PB-2.4. Are these different “levels”, e.g., first floor versus mezzanine?
14. As per PB-4.0, is a covered walkway being constructed from the new dwelling to the studio?
15. In general, what exterior light fixtures are being installed and where?
16. What kind of glass is being used? Will it be mirrored/reflective?
17. While colors are specified, please indicate what materials are being used in the improvements.
18. Are trees being removed for the expanded septic system?
19. Is any landscaping proposed?

SEQR

1. Type of action. As per the SEQR regulations, the action may fall under the Type II (exempt from SEQR) list of actions. These include:
 - construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections...and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;
 - construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;
 - reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

The Planning Board Attorney should opine.

Process

1. It is recommended that the plot plan be updated to address comments.
2. The Planning Board should discuss whether to conduct a field visit.
3. Additional information is necessary to determine the extent to which the improvements will be visible.
4. The Planning Board should discuss whether additional input would be useful from the Building Inspector regarding its potential review of the proposed studio. Depending on the outcome, additional approvals may be required. At this time, unless a site plan is required (which is not required for the Visual Assessment review), a public hearing is not necessary. Depending on whether the application is also subject to site plan and/or special use permit review, a public hearing may be required.