

The Woodside Civic Association

June 10, 2004

Chairman Derick Berlage
Montgomery County Planning Board
MNCPPC
8787 Georgia Avenue-2nd Floor
Silver Spring, MD 20910

Dear Chairman Berlage,

Since the fall of 2003, our Civic Association has held numerous informational meetings to fully explore the issue of re-zoning which directly impacts our neighborhood. (Zoning Case #G- 818). From the beginning there have been a wide variety of opinions regarding this project. Because of this, we felt it was imperative to gather as much information as possible about the re-zoning and its implications with the ultimate goal of developing a civic association position. We began in November with a presentation of the plan by the developers to our membership. Additionally, we have had separate meetings with Joel Gallihue, a staff planner and Shariar Etemadi, a traffic analyst of MNCPPC; Gwen Wright of the Historic Preservation Commission and Martin Klauber from the Office of the People's Counsel. In addition to several meetings with outside experts, we held meetings to discuss how individuals within the community felt about the various aspects of the project and how they would affect our neighborhood.

In order to get input from all residents, and not just those that were able to attend evening meetings, we solicited comments via e-mail and compiled them by category. These comments became the substance of a letter we sent to the developer in January 2004. Among our major concerns were overall density of the project, traffic problems stemming from increased development and the massiveness of some of the unit groupings.

Although the developers did respond after several weeks to some of our concerns, the plan they presented to the HPC, (which they presented to our entire membership the night before) in April was virtually the same as the original plan, albeit with a reduction of two units. At this point, the Civic Association was still extremely divided on the plan. However, with input from the HPC, the plan was modified again and more of our concerns were addressed, including additional green space, breaking up of some of the larger groupings and a reduction of two more units. Simultaneous to our civic association meetings, the developer was meeting with a smaller group of Woodside residents whose properties adjoined the new project. They were discussing more

specifics such as the height of the buildings, fencing and landscaping, and drainage.

At our meeting on June 1, 2004, the Civic Association examined the new plan carefully. After much discussion, a majority of members present agreed the following evening to support the attached resolution conditionally, that is, with the addition of 9 binding elements.

As you can see, the Woodside Civic Association devoted much time and attention to this case. No other issue has necessitated so many meetings or engendered so much discussion. Although not everyone in the community supports the re-zoning, there are many elements of this plan that are appreciated, such as the high quality of design and construction, and the developers effort to retain three existing single family homes. We look forward to hearing your comments and observations regarding this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Stamm", with a horizontal line extending to the right.

Susan Stamm
President, Woodside Civic Association
8713 Second Avenue
Silver Spring, MD 20910



WOODSIDE CIVIC ASSOCIATION

8707 SECOND AVENUE; SILVER SPRING, MARYLAND 20910

RESOLUTION ON WOODSIDE COURTS

Zoning Case #: G-818

6/9/04

WHEREAS property in the vicinity of Noyes Drive and First Avenue has been the subject of several development proposals over the past decade, and

WHEREAS the Woodside Civic Association (WCA) opposed a plan to rezone property in this area from R-60 to an RT (townhouse) zone in 1999 during discussions leading up to the revision to the North Silver Spring Sector Plan, due to concern about negative impacts on the neighborhood of such an up zoning; and

WHEREAS a revised project proposal for the rezoning of Lots 1, 2, 3, and 4 north of Noyes Drive alongside Georgia Avenue, and Lot 7, 8, and 9 south of Noyes Drive along Georgia Avenue and parts of lot 10 and lot 11, accessed from the south side of Noyes Drive from R-60 to RT-12.5, has been filed; and

WHEREAS the project plan has been minimally adjusted in response to substantial input from the Association, and

WHEREAS the project received a favorable review by the Historic Preservation Commission (HPC) in May, 2004, and

WHEREAS the Montgomery County Planning Board will review this proposal in June, 2004,

BE IT THEREFORE RESOLVED

That WCA convey to the Planning Board its desire that the project proposal incorporate the positive changes to the overall project proposal identified below, and

The WCA conveys its support for the preservation of three single family homes in the project plan favorably reviewed by the HPC in May, 2004, with one historically-significant house being relocated from Georgia Avenue to Noyes Drive to emphasize the transition to existing single family houses properties alongside the project area on Noyes Drive; and

That WCA support for this project is conditioned on the following binding elements:

1. Reduce unit count to 21 townhouses. WCA appreciates the proposed reduction in the overall maximum number of townhouses from 27 to 23, in order to protect a greater number of trees, provide for more usable open space and play area for the children of residents, provide better buffering, reduce the total paved area and reduce the overall impact of traffic. However, WCA believes the number of townhouse units in this project should be reduced further in order to

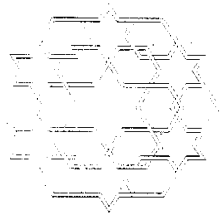
break up the massing of the proposed six unit groupings at the northern and southern perimeters of the property; and

2. Construct all sidewalks shown on the development plan. In addition, the following off-site improvements should be added assuming that the Association and the Developer successfully obtain the support of affected homeowners;
 - a. Extend new sidewalks on both sides of Noyes Drive from the property boundary to the corner of Noyes Drive and First Avenue.
 - b. A sidewalk extending on the north side of Noyes Drive between First and Second Avenues at which point it connects to the existing sidewalk network in the neighborhood.
 - c. A sidewalk on the east side of First Avenue between Noyes and Highland Drives.
 - d. Replacement trees where sidewalk construction requires tree removal or re-grading.
 - e. Curb and gutter improvements for the entire block of Noyes Drive from First Avenue to Georgia Avenue (most of which is in the project area);

If approval of off-site sidewalks cannot be attained from adjacent property owners, then an equivalent dollar amount should be invested in improving the recreational park at the corner of Georgia Avenue and Spring Street.

3. Replat lots for the single-family dwellings to R-60 standards. By removing the lots occupied by single-family dwellings, the project will define Noyes Drive as single family detached in character.
4. Protect the existing specimen Tulip Poplar. The site plan for this project should finalize a landscaping plan for this area that includes areas for informal gathering and play for residents and their children.
5. Reduce the elevation of town homes abutting First Avenue and Noyes Driven existing houses on First Avenue as much as possible so that new homes do not tower over existing residences; and
6. Develop a storm-water management plan to make this project a showcase for Low Impact Development stormwater management methods to reduce runoff that may include swales, grass channels, rain gardens, permeable pavement types, etc.; and
7. Secure approval to construct the following traffic controls at developer expense.
 - a. Upgrade the Noyes and First Avenue traffic controls to a four way stop, consistent with those at most neighborhood intersections;
 - b. add a speed hump mid block on Noyes Drive between Georgia and First Avenues; and

8. Properties in this project are expressly prohibited from applying for a non-resident professional office special exemption in consonance with the approved North and West Silver Spring Master Plan.
9. The WCA have input into the development of the Homeowner Association covenants, bylaws and restrictions, with the end goal of integrating the new development into the Woodside neighborhood.



ק"ק אהבת תורה
Woodside Synagogue Ahavas Torah
9001 Georgia Avenue
Silver Spring, MD 20910

February 19, 2003

Rabbi
 Yitzchak Breitowitz

President
 Richard Sassoon

Vice President for
 Administration
 Chanoch Kanovsky

Vice President for
 Programming
 Adina Gewirtz

Vice President for
 Membership and
 Community Relations
 Alida Friedrich

Treasurer
 Yitzchak Szanzer

Assistant Treasurer
 Nancy Nelkin

Secretary
 Daniel Friedman

Chairman Derick Berlage
 Montgomery County Planning Board
 Montgomery County Department of Park & Planning
 The Maryland-National Capital Park & Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910

RE: Townhouse Rezoning – Georgia Avenue/Noyes Drive Property
 Application Nos. G-817

Dear Mr. Berlage:

I am pleased to join the Board of Trustees of Woodside Synagogue Ahavas Torah in submitting the attached position paper regarding the above-captioned rezoning proposal for townhouse development. We appreciate the opportunity to comment on this proposal.

As the proposal moves through the various stages of the planning and approval process, we look forward to working with the Planning Board to ensure a fair and equitable result that benefits all interested parties.

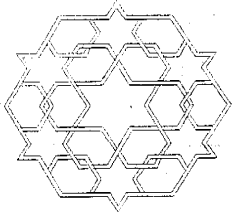
If you have any questions please do not hesitate to contact me by phone at 301-588-7755 or by e-mail at president@wsat.org. Thank you for your attention to this matter.

Sincerely,

Richard Sassoon
 President

Enclosure

cc: Joseph Alfandre, President, The Kentlands Company, Inc.
 Jim Burke, President, Woodside Park Civic Association
 Joel Gallihue, Zoning Analyst, M-NCPPC
 George T. Myers, GTM Architects
 Susan Stamm, President, Woodside Civic Association



2003

בס"ד

ק"ק אהבת תורה

**Woodside Synagogue Ahavas Torah
9001 Georgia Avenue
Silver Spring, MD 20910**

**POSITION PAPER CONCERNING THE PROPOSED DEVELOPMENT
AT GEORGIA AVENUE AND NOYES DRIVE**

Introduction

The Woodside Synagogue Ahavas Torah (WSAT), with approximately 150 member families, has served the spiritual needs of Woodside's Orthodox Jewish community for more than 40 years. Located at the intersection of Noyes Drive and Georgia Avenue directly across the street from the proposed development, WSAT understandably has considerable interest in the proposed project. In addition to the concerns of neighboring civic associations in Woodside and Woodside Park of which many of WSAT's congregants are members, the synagogue has additional issues that must be addressed in any consideration of this project.

The proposed development will significantly increase traffic along Georgia Avenue, creating a unique and significant hazard to WSAT members. *Two WSAT congregants have already died crossing Georgia Avenue in the last several years. Three others have been struck by cars and suffered serious injuries.* Near misses occur with unfortunate regularity, particularly given the number of children and couples with baby carriages that cross Georgia Avenue going to and from services. The existing pedestrian crosswalk has proven insufficient.

WSAT also has concerns regarding impacts during the construction of the site, however, WSAT anticipates that through cooperation with the developer, these concerns can be addressed.

Background

Since its inception in 1963 WSAT has served as an integral part of the Woodside community. WSAT purchased its property at 9001 Georgia Avenue in 1977, and has twice expanded its building to accommodate its continued growth. As part of the general revival of downtown Silver Spring, WSAT has experienced a significant increase in new member families, adding 20 families to its congregation in 2003 alone.

WSAT is an Orthodox synagogue whose congregants do not use cars or electronic devices on the Sabbath (observed on Friday night and Saturday) or major holidays (such as Passover or Yom Kippur). As a result, members of WSAT must live within walking distance of the synagogue. Every Sabbath and on major holidays, large numbers of congregants living in Woodside cross Georgia Avenue at the intersection of Noyes and Georgia, the site of the proposed development. Many of these congregants walk with small children or babies in carriages.

Traffic

Since WSAT congregants all walk to services, approximately half of them cross Georgia Avenue and/or walk on Noyes Drive every Friday night, throughout the day Saturday and on major Jewish

holidays. *In the past several years, five of our congregants have been hit by cars at or near this corner. Two people have died.* Given the increase in traffic flow, the proposed development will make walking on Noyes Drive and crossing Georgia Avenue even more dangerous.

Accordingly, WSAT recommends the following actions to address this risk:

1. **A permanent traffic light at the corner of Georgia and Noyes.** This light could either be operational at all times, or apart from the Sabbath and holidays default to a manual function in order to minimize its impact on traffic flow. While WSAT recognizes that Georgia Avenue is a State road, the developer and the County can jointly begin the process of seeking permission from the State for a traffic light.
2. **Sidewalks extending fully down Noyes Drive and First Avenue in order to properly and safely channel pedestrians through the new development.** At this time, congregants walking from the west side of Georgia to WSAT must walk along the side of the road, due to lack of sidewalks. This arrangement, already a safety concern, cannot persist after construction of the project and the concomitant increase in traffic. Sidewalks are needed to keep pedestrians walking down Noyes to WSAT safe.

Construction

Construction will have a significant impact on WSAT religious services. First, unless the developer takes steps to provide a safe route through or around the development, a significant portion of WSAT's membership will find itself effectively cut off from the synagogue. Second, construction during services will create noise and other environmental concerns that render proper devotion difficult to impossible. WSAT therefore requests that the following be included in the Binding Elements to address these impacts.

1. **Pedestrian walkways and paths along both Noyes Drive and Georgia Avenue that will allow our congregants to safely walk to the corner of Georgia Avenue and Noyes Drive and to safely cross Georgia Avenue at the designated crosswalk.**
2. **Prohibit external construction work during religious services.** WSAT will work to coordinate with the developer so as to minimize burden on scheduling while meeting WSAT's needs.

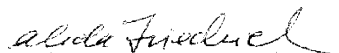
Conclusion

WSAT welcomes any opportunity to discuss these issues in further detail with all interested parties and looks forward to contributing constructively to this process of community dialogue.

Respectfully submitted,



Richard Sassoon
President



Alida Friedrich
Vice President for Membership
and Community Relations

Woodside Citizen Assoc.
Glenn Kreger
8787 Ga. Ave / room 300
Silver Spring Md.
20910

I am aware a Construction Company has purchased the property at 1403 Noyes Drive. Which is next door to me in Woodside? This Co. will be meeting with the Park and Planning Dept on the 13th of February. They will be asking for a building permit to build town houses on Ga. Ave and Noyes Drive. They plan on putting 27 town houses in this area.

Can we stand any more traffic in this area? My daughter and Grandson have to leave for their work and school one hour earlier. With the town house coming in it will take them longer to get where they are going because of the traffic.

Woodside has enough townhouse, halfway house, office buildings and apartments and I don't think we can handle any more.

Instead of building more townhouse we need more sidewalks, and traffic lights.

We have resided in Woodside for the past 30 years at 1407 Noyes Drive. Woodside was designated as a Historical neighborhood with single family homes and that is what we fought for four years ago and it should stay as it was meant to be.

This picturesque neighborhood reflects the views of the younger and older generations.

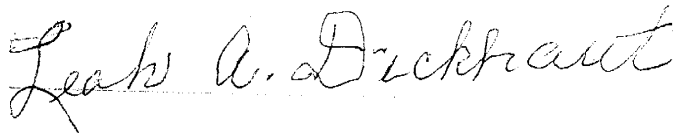
These townhouse will devalue my property in all aspects. But what does it do for you?

I want to close this letter by reiterating that when we bought 30 years ago was for single family homes. We came to this neighborhood because it had an old fashion beauty to it. With the large trees and open space. This is what it was and what it should be kept as.

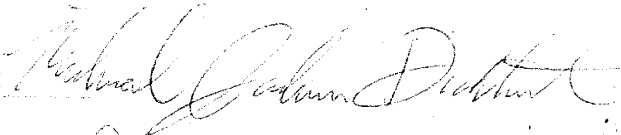
Thank you very much for reading my letter and I hope you consider what I had to say.

Yours Truly

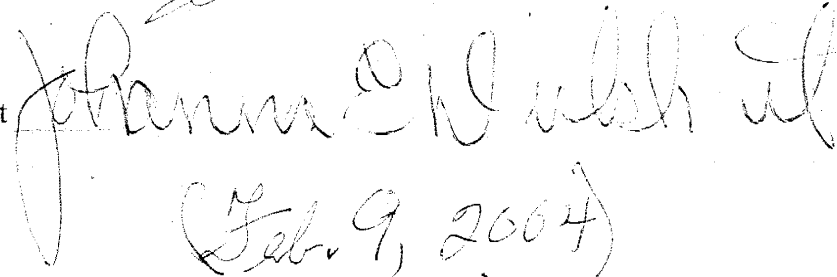
Leah A Dickhaut



Michael J Dickhaut



Johanna E Dickhaut



(Feb. 9, 2004)

**Comments on the Proposed Townhouse Development at Noyes and Georgia:
APPLICATION G-817**

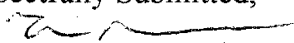
Position

Another set of townhouses should not be developed in Woodside. In our view, the reclassification from the R-60 Zone to RT-12.5 Zone would have an adverse impact on the Woodside Subdivision in terms of traffic, parking, litter, privacy, and noise and light pollution.

The property should be developed in the form of single family homes. The single family homes at First and Grace Church Road, only one block off of Georgia and 16th Street, sold fairly quickly at prices of around \$800,000. The market for single family homes must be investigated before the property is developed. The goal should not be to obtain the highest profit for the developers and invested parties, but for maintaining Woodside as a high quality residential neighborhood.

Consequently, we oppose the reclassification from the R-60 Zone to RT-12.5 Zone.

Respectfully Submitted,


Linda and Elvin Nichols
8905 First Avenue

6/8/04

STATE OF MARYLAND
COUNTY OF MONTGOMERY

BEFORE THE
MONTGOMERY COUNTY PLANNING BOARD

NOYES LANE LLC

)

ZONING CASE NO. G-818

COMMENTS
OF
WOODSIDE COMMUNITY ADJACENT OWNERS
IN SUPPORT OF
WOODSIDE COURTS PROJECT OF NOYES LANE LLC

Pursuant to the applicable notice and comment provisions of the County Zoning Ordinance,¹ the Woodside Community Adjacent Owners² ("Adjacent Owners") hereby submit to the Montgomery County Planning Board ("Planning Board") the following comments relating to the proposed Woodside Courts project ("Project") of Noyes Lane LLC ("Applicant") in the above-referenced proceeding.

The Adjacent Owners appreciate the opportunity to express our comments so that they may be taken into consideration by the Planning Board. We value your efforts on our behalf in reviewing the historic, environmental and numerous other facets to be considered in conjunction with the Project. The Adjacent Owners share your interest in promoting appropriate development in our neighborhood, Silver Spring and the County at large, in keeping with the Master Plan.

¹ Montgomery County Zoning Ordinance, Chapter 59.

² The Adjacent Owner group is an ad hoc group of Woodside neighbors whose properties abut the Project. The group emerged early this year as a grass roots effort driven by common interests and concerns shared by individual adjacent property owners. Historically, the group has consisted of six individuals owning property interests in adjoining properties, although by its very nature, the "membership" of the group is transitory and a polling was not conducted immediately prior to this filing. Although the Adjacent Owner group is not comprised of all owners whose property abuts the Project, the aim of the group has always been to champion the interests of all adjacent and non-adjacent owners in the Woodside Community at large. As a result, the concessions and benefits gained by the group in negotiations with Applicant flow to all residents of the Woodside Community, as opposed to only the Adjacent Owner core group. The Adjacent Owner group therefore contemplates that both adjacent and non-adjacent owners could align

I

BACKGROUND

The Applicant has filed an RT-12.5 rezoning application, subject of the captioned proceeding, in furtherance of the Project. Since the filing of the application, the Adjacent Owners have been actively engaged in every aspect of the process, dating back to early this year, due to the direct impact this Project will have on our properties and our neighborhood.

The Adjacent Owners have conducted arms length negotiations with the Applicant to address our numerous concerns as adjacent property owners and our concerns for the Woodside Community at large, in which we live. The Adjacent Owners have also actively participated in two Historic Preservation Commission meetings, having provided oral testimony and written comments at both meetings, and we have also met with and commented extensively to the Staff of the Planning Board.

The months of effort by the Adjacent Owners have been met by extraordinary good faith efforts by the Applicant to address and balance the concerns expressed by government, and the concerns for our properties and our neighborhood. The Applicant has met with the Adjacent Owners and numerous other neighbors in our community countless times and, in our opinion, have been responsive to all reasonable requests.

II

COMMENTS IN SUPPORT OF THE PROJECT

The result of the extensive efforts to date of the Applicant, government and the Adjacent Owners is the Project schematic development plan, with its binding elements and other binding promises, pending before you today. The plan represents a carefully crafted compromise of many interests- those of the Applicant, the Historic Commission, the Environmental Section, the Planning Board Staff and, last but not least, the Adjacent Owners. The Project plan is fair, equitable and balanced given that it is the result of good

themselves with the group in its future activities, such as providing oral testimony to the Planning Board at

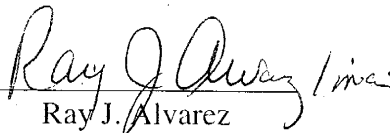
faith negotiations among all of the aforementioned parties and represents a "bargained for" outcome which will address the concerns of historic preservation, the environment, prudent, well-planned development and the Adjacent Owners. The nature of this bargained-for outcome, the result of a meeting of the minds, militates in favor of approving the plan in its current form. The current Master Plan also specifically and fully contemplates the rezoning of the subject properties and the development of housing, such as is proposed by the Applicant.

WHEREFORE, the Adjacent Owners urge the Planning Board to:

- 1.) make the necessary findings required by the Zoning Ordinance to approve, and
- 2.) approve the application of Noyes Lane, LLC, as filed.

Respectfully submitted,

Adjacent Owners

By: 
Ray J. Alvarez
Spokesman

Ray J. Alvarez
8909 First Avenue
Silver Spring (Woodside), MD 20910
(301) 587-8851

its next meeting.